

IN THE MATTER OF
NATIONAL TRAINING INSTITUTE, INC., AND JOHN C.
FELBER, ARTHUR W. GROTH, AND LOUISE D. FELBER

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

Docket 3304. Complaint, Jan. 17, 1938—Decision, Oct. 9, 1939

Where a corporation and three individuals, who constituted its only officers and directors and holders of its stock, and were in active management and control thereof, engaged in selling, by correspondence, courses of home study instruction intended for persons expecting to take examinations to be conducted by the United States Civil Service Commission, and in sending their lesson material to respective purchasers in various other States, in active competition with numerous others also engaged in sale of courses of instruction of same general nature, and, as thus engaged, in advertising (in which their business as aforesaid was not disclosed) in newspapers and periodicals of general circulation, that free particulars would be given concerning jobs with the United States starting at \$1,200 to \$2,000 a year, and in circulars sent to prospects whose names they had obtained and to unnamed box holders on rural free delivery routes, that they would show addressees how they could get on the civil service pay roll and that the Government needed 50,000 to 80,000 new employees yearly with opening salaries as aforesaid—

- (a) Represented, through salesmen or solicitors employed directly by them or by sales organization of said corporation, to prospective students whom it contacted as above set forth, that they represented the United States Civil Service Commission, and that said corporation was authorized to enroll students and train them for Government positions, and represented, through inclusion or use of word "National" in corporate name employed, that they were connected with the United States Government;
- (b) Represented to prospective students thus contacted that when the course of instruction sold by said corporation was completed by student he would be given an examination and, if he passed such examination, he would then be placed at once in the Government service, and that such corporation would have inside information concerning Government examinations and positions and would know in advance what the questions would be in the examinations to be held by commission in question; and
- (c) Represented that only a limited number of students would be selected by corporation in question in any particular community, and that said commission favored students of the school conducted by such corporation;

Facts being they had no jobs at their disposal and could not in any way influence or control appointments to positions in the classified civil service of the United States, nor be of assistance to prospective appointees to such positions, other than instructing them so that they might be better prepared to take examinations to have their names placed upon eligibility rolls, and school in question, like similar ones, had no information regarding civil service examinations or appointments to positions in the classified civil service, except such as is given to public at large;

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With tendency to cause members of public, through aforesaid and other false, misleading, and deceptive claims and representations of similar import, to believe that such salesmen or solicitors and school conducted by said corporation were in fact connected with the Government, and with result that many members of public were induced to purchase or subscribe for courses of instruction offered by them in erroneous belief that such claims and representations were true, and with effect that patronage, by reason of said claims and representations and inclusion of word "National" as aforesaid, was diverted unfairly to them from their competitors:

Held, That such claims and representations, made as above set out, were all to the injury of the public and competitors, and constituted unfair methods of competition.

Before *Mr. William C. Reeves* and *Mr. Miles J. Furnas*, trial examiners.

Mr. Harry D. Michael and *Mr. William L. Pencke* 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 National Training Institute, Inc., a corporation, and John C. Felber, Arthur W. Groth, and Louise D. Felber, individually and as officers of said corporation, all hereinafter referred to as respondents, have been and are 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. Respondent, National Training Institute, Inc., is a corporation organized, existing, and doing business under and by virtue of the laws of the State of Illinois, with its office and principal place of business at 20 East Jackson Boulevard in the city of Chicago in said State. Respondent, John C. Felber, is the president of said corporation, said Arthur W. Groth is its vice president, and said Louise D. Feller is secretary-treasurer thereof. Their office addresses are the same as that of said corporate respondent. Said individual respondents are, and have been, in active charge of the business of said corporate respondent and control and direct its acts, practices, and policies.

PAR. 2. Respondent, National Training Institute, Inc., is now, and has been since on or about July 12, 1935, engaged in the sale and distribution in commerce between and among the various States of

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the United States of courses of study and instruction 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 mail. Said respondent corporation, in the course and conduct of said business, during the time aforesaid, caused and does now cause, its said courses of study and instruction to be transported from its said place of business in Chicago to, into and through States of the United States other than Illinois to the various purchasers thereof in such other States.

PAR. 3. During the time above mentioned, other individuals, firms, and corporations in various States of the United States have been and are 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 intended for 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 corporation has been, during the time aforesaid, 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. Said respondents, directly or through representatives and agents designated and appointed by respondent corporation under and by the supervision and direction of its said officers, have made many misrepresentations to prospective students in soliciting the sale of and in selling said courses of study and instruction, among which are the following:

1. That the sales representatives of respondent corporation, engaged in soliciting students, are in the employ of, or otherwise represent or are connected with, the United States Government.

2. That respondent corporation is an agency of or representative of or connected with the United States Government or the United States Civil Service Commission.

3. That a civil service examination for the position desired or considered by the prospective student solicited will be held at a definite time or within a certain period of time stated or within a reasonably short time or that it will be held at a certain place at or within one of the periods of time previously stated.

4. That classified civil service positions under the United States Government for which training is offered are open and available at the time solicitations of students are made.

5. That a Government appointment is assured or guaranteed to the prospective student solicited to take said courses.

6. That respondent corporation will notify its students of dates and places of civil service examinations and that it makes a regular practice of doing so.

7. That the prospective student solicited has been especially selected to take the courses offered because of his standing in the community, his character or qualifications or for other special reasons.

8. That a civil service position can only be secured by taking the course or courses offered by respondent corporation.

9. That the respondent corporation trains its students for the work of the civil service positions for which such students enroll for training, rather than merely for the examinations therefor.

10. That respondent corporation will obtain civil service positions for its students after the training offered is completed.

11. That respondent corporation will recommend its students for civil service positions after its courses are completed, that it does so, and that such recommendations are of material value in securing Government positions.

12. That many of the students of respondent corporation are obtained through recommendations of other students.

13. That the price for which courses are offered is lower than the regular price or that the price thereof is about to be advanced.

14. That respondent corporation has connections in Washington by means of which it secures advance information of civil service examinations, information on coming appointments and other useful inside information.

15. That the salesman, who secures the enrollment of a student, or other representative of respondent corporation, will give personal instruction or assistance in the course of the training.

16. That the money paid by the student who enrolls is only for security or as a bond or to cover actual expenses of giving the training.

17. That the age limits for civil service appointments are other than those that prevail in the classified service.

18. That a limited number of applicants are being selected for the training offered.

Respondent corporation and its officers, the individual respondents herein, have contributed to the misleading representations of salesmen as aforesaid and encouraged the same by use of the word "National" in the name of said school, which said word, used in connection with the offering of instruction for civil service examina-

tions, and also in connection with the misrepresentations of Government connection as herein set out, has the tendency and capacity to cause prospective students to believe that respondent corporation is part of or connected with or representative of the United States Government. Respondents have further contributed to the use of said misrepresentations by the sales talk furnished by them to salesmen, as well as by various statements in its printed and advertising matter and by other means.

In truth and in fact, neither respondent corporation, its officers nor salesmen have any connection whatever with the United States Government or with the United States Civil Service Commission as employees or representatives thereof. Neither respondents nor said salesmen have advance knowledge of the times and places of civil service examinations, and representations made in soliciting students to the effect that examinations will be held at a particular time or place have been made without any foundation in fact. Classified civil service positions in reference to which respondents have offered training have not been open and available in the instances and at the times such representations to that effect have been made. Respondent corporation cannot guarantee Government appointments nor does the taking of said courses assure such appointments. Respondent corporation does not notify its students as a regular thing of dates and places of civil service examinations. No special selection is made of students to take the training offered by said school nor is the number accepted limited as to locality or otherwise. It is not necessary to take a course offered by respondent school in order to secure a civil service position. The training offered by said school is not such as to qualify students thereof for filling civil service positions or to constitute basic training therefor, but is only preparatory for the examinations held in connection therewith. Respondent corporation does not obtain Government positions for its students or recommend its students for them, nor does its recommendation have any material effect in deciding on the matter even if given. Respondent corporation's students are obtained by active solicitation and not in any material degree as a result of the recommendations of students already enrolled. Where prices higher than the regular price at which said courses are sold have been quoted by salesmen as being about to be put into effect or as being already in effect, such quoted prices have been fictitious and without bona fide intentions of being put into effect. Respondent corporation has no connections in Washington through which it secures or can secure advance information as to civil service examinations, coming appointments or other

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inside information that is not available to the general public. No personal instruction is given or furnished by said school or by its representatives. Money paid by students is for the purchase of said courses and such transactions are purely commercial. Applicants solicited and accepted for training by said school are not limited in number but all available prospects, generally speaking, are solicited and accepted.

PAR. 5. Respondent corporation, through its representatives and otherwise, in the sale of said courses as aforesaid, also makes many other representations which are misleading in that they incorrectly state the facts involved, or fail to state pertinent facts in relation thereto, or because they have no basis in fact. Among such misleading representations are those that exaggerate the number of appointments made in the United States classified civil service by means of general statements of total number of Government appointments within a certain period without disclosing the number included therein that are not in the classified civil service; those that exaggerate the length of tenure of office of persons in the classified civil service, the steadiness of employment, raises, pensions, and salaries.

PAR. 6. Respondent corporation, in the sale of its said courses as aforesaid, also makes misleading representations to the effect that Government positions under the classified civil service are open or will be open, when, in fact, only substitute employees are given initial appointments in the classifications about which such representations are made.

PAR. 7. Respondent corporation, in the sale of its said courses as aforesaid, further makes misleading representations as to the kind of positions available under the classified civil service by designating various of its courses by names and designations that do not represent classifications currently used by the United States Civil Service Commission in conducting its examinations or in making appointments as a result thereof. Among such misleading designations so used by respondent corporation are the following: "immigrant clerk," "motor carrier," "general clerk," "departmental clerk," and "oil inspector."

PAR. 8. Respondent corporation, in the sale of its said courses as aforesaid, through use of a so-called "Money-Back Agreement," as well as by direct representations of salesmen, represents to students and prospective students that money paid for instruction will be refunded in the event Government positions are not obtained by its students or if they fail to pass the examinations for which they

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have prepared. Said "Money-Back Agreement," formerly in use, reads as follows:

Money-Back Agreement

The "National Training Institute" agrees to repay every cent paid by you if you fail to pass the examination for which your course has prepared you. If you pass the examination and are not offered an appointment before your name is dropped from the list for those eligible for appointment the National Training Institute agrees to repay every cent paid by you on the following conditions: You must have studied with us for at least six consecutive weeks prior to the examination, followed our instructions carefully in studying the lessons, that all exercises have been checked and graded by the National Training Institute, and made your payments promptly as agreed upon. If you prefer, instead of taking the refund, we will continue to prepare you without any additional charge for your course of training, until you do receive an appointment. It is agreed that courses must be completed before refund is made.

The agreement more recently used by respondent corporation, as aforesaid, reads as follows:

Money-Back Agreement

The "National Training Institute" agrees to repay every cent paid by you if you fail to pass the examinations for which your courses have prepared you on the following conditions: You must have notified the National Training Institute by registered mail of the grade obtained; you must have followed our instructions carefully and studied with us for at least six consecutive weeks prior to the examination; all exercises must have been checked and graded by the National Training Institute; your payments must have been made promptly as agreed upon. If you prefer, we will continue to prepare you without any additional charge for your courses of training, until you do pass the examinations. It is agreed that courses must be completed before refund is made.

The implication of the agreement first above quoted is that a civil service examination for which the student prepares will be held within a reasonable time after such student completes the course offered by respondent corporation and that he will be given a refund of the money paid for such course if he fails to pass. It further implies that such student will receive a Government appointment within a reasonable time after taking said course in the event he passes the examination and that his right to a refund will be determined within such time.

The implication of the second agreement above quoted is that examinations for which students have prepared will be held within a reasonable time and that it may be determined within such time whether a refund is due thereunder.

In truth and in fact said agreements are, for all practical purposes, meaningless and inoperative in a large majority of cases and

are misleading for the reason that at certain times and in regard to certain examinations for which respondent corporation offers courses no examinations are held for long periods of time, and as to other examinations none are likely to be held in the locality for which students preparing therefor are eligible. Moreover, even if an examination should be held and a student placed on the eligible list, the chances of appointment are remote or, if eventually made, it is usually only after a long waiting period due to the fact that in many of the classifications used in making appointments to the classified civil service, for which respondent corporation offers instruction, great numbers of eligibles are available for comparatively few appointments. The second agreement above quoted is further inoperative and misleading as a refund agreement since a student to whom such agreement applies must pass all examinations for which he has contracted to prepare, before he can determine whether he is eligible for a refund. This is brought about by contracts being negotiated by agents of respondent corporation wherein more than one position is named for which instruction is to be given in preparation for examinations.

PAR. 9. The use by respondents 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 purchasers and prospective purchasers thereof into the erroneous and mistaken belief that such representations as set out in paragraphs 4, 5, 6, 7, and 8 hereof are true, and induces them to purchase such courses of study and instruction on account thereof. Thereby trade is unfairly diverted to respondent corporation from competitors engaged in the sale in commerce between and among the various States of the United States and in the District of Columbia of correspondence courses intended for preparing students thereof for civil service examinations as well as from those so engaged in such sale in other lines of study.

There are among the competitors of respondent corporations those who, in the sale of their respective courses of instruction, do not similarly or in any manner, misrepresent their courses of study and instruction or matters pertaining thereto. As a result of respondents' said practices as herein set forth, substantial injury has been and is now being done by respondents to competition in commerce between and among the various States of the United States.

PAR. 10. The above acts and things done by respondents are all to the injury and prejudice of the public and of competitors of respondent-

ent corporation, and constitute unfair methods of competition 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 the Federal Trade Commission Act, the Federal Trade Commission on January 17, 1938 issued its complaint in this proceeding and caused same to be served upon the respondents National Training Institute, Inc., a corporation, and John C. Felber, Arthur W. Groth, and Louise D. Felber, individually and as officers of said corporation, charging them 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 a joint answer thereto by said respondents, testimony and other evidence in support of the allegations in the complaint were introduced by Harry D. Michael and William L. Pencke, attorneys for the Commission, and in opposition to the allegations of the complaint by John C. Felber, one of the respondents herein, before William C. Reeves and Miles J. Furnas, examiners for the Commission theretofore duly designated by it, and the said testimony was reduced to writing and filed in the office of the Commission together with numerous pieces of documentary evidence received as exhibits. Thereafter said proceeding regularly came on for final hearing before the Commission on the said complaint, the answer thereto, the testimony and other evidence and the brief of counsel for the Commission in support of the complaint. Respondents waived the filing of briefs and oral argument, and the Commission having duly considered the matter and being now fully advised in the premises, finds that this proceeding is in the public interest and makes this its findings as to the facts and its conclusion drawn therefrom.

FINDINGS AS TO THE FACTS

PARAGRAPH 1. The respondent National Training Institute, Inc., is a corporation organized in July 1935 under the laws of the State of Illinois with principal place of business at 20 East Jackson Boulevard, Chicago, Ill. For more than 2 years after its organization, said corporation was engaged in the business of the sale and distribution of courses of home study instruction intended for persons who expected to take examination to be conducted by the Civil Service Commission of the United States for the purpose of providing lists of persons eligible for appointment to positions in several of the

branches of the classified civil service of the United States. The courses of instruction sold by respondent were in printed form and have been given by said respondent by correspondence and were sold to persons residing in various States of the United States, and the lesson material included in such courses of instruction was sent by said respondent by the United States mail from Chicago, in the State of Illinois, through and into various other States of the United States, to the respective purchasers thereof. In the conduct of its said business said respondent has been in active competition with numerous persons and partnerships and other corporations also engaged in the sale of courses of instruction of the same general nature as those sold by said respondent, in commerce among several of the States of the United States. The respondent John C. Felber is the president of the respondent National Training Institute, Inc.; the respondent Arthur W. Groth is its vice president; and the respondent Louise D. Felber is its secretary and treasurer. These individual respondents are the only officers and directors of the respondent National Training Institute, Inc. and are the holders of all the shares of its capital stock issued and outstanding and have been in the active management and control of the business carried on by said respondent National Training Institute, Inc.

PAR. 2. As a means of contacting prospective purchasers of the courses of instruction offered for sale by the respondent National Training Institute, Inc., it has caused advertisements to be published in newspapers and other periodicals of general circulation in various States of the United States, in which advertisements announcement was made that free particulars would be given by respondent concerning jobs with the United States starting at \$1,260 to \$2,000 per year. Said respondent also has resorted to the practice of mailing to prospects whose names it had obtained, and to unnamed box holders on rural free delivery routes, circular letters each with a business reply card attached addressed to said respondent. In these circulars the request was made that each of the addressees detach the reply card and fill out, sign, and mail same, the postage thereon to be paid by respondent. These circulars contained printed matter among which was a statement that said respondent would show the addressees how they could get on the civil service pay roll of the United States; that the Government needed 50,000 to 86,000 new employees yearly with opening salaries of \$1,260 to \$2,000 per year. Distribution of these circulars was also made for respondents from door to door by advertising agencies. Neither these advertisements nor the circulars so used made any reference to the fact that the said respondent was in the business of selling courses of instruction. When

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responses to such advertisements and circulars were received by said respondent, it then mailed its advertising matter to each of the persons so responding and had a salesman call on each of such persons for the purpose of selling the courses of instruction offered for sale by said respondent.

PAR. 3. The salesmen or solicitors who called on members of the public and endeavored to induce them to purchase the courses of instruction offered for sale by the respondent National Training Institute, Inc., were either employed direct by said respondent or through the sales organization which it had created; these salesmen or solicitors as a means of inducing members of the public to purchase or subscribe for such courses of instruction made numerous false, misleading, and deceptive claims and representations concerning the courses of instruction offered for sale by said respondent and the benefits that might be derived by subscribers to such courses, among which were claims and representations to the effect that such salesmen or solicitors represented the United States Civil Service Commission; that the respondent National Training Institute, Inc. was authorized by the Civil Service Commission to enroll students and to train them for Government positions; that when the course of instruction sold by said respondent was completed by a student, such student would be given an examination, and if he passed such an examination he then would be placed at once in the Government service; that said respondent would have "inside" information concerning Government examinations and jobs, and would know in advance what the questions would be in the examinations to be held by the United States Civil Service Commission; that only a limited number of students would be selected by said respondent in any particular community; that the Civil Service Commission of the United States favored students of the school conducted by said respondent. The use by such salesmen or solicitors of said claims and representations and other false, misleading, and deceptive claims and representations of similar import, caused numerous members of the public to believe that such salesmen or solicitors and the school conducted by said respondent were in fact connected with the United States Government, and many of such members of the public were induced to purchase or subscribe for the courses of instruction offered for sale by said respondent in the erroneous belief that such claims and representations were true. Also the inclusion of the word "National" in the corporate name of said respondent was misleading and deceptive and had a tendency to cause members of the public to believe that said respondent was in some way connected with the United States Government and as a result of said claims and representa-

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tions and by the inclusion of the word "National" in the corporate name of said respondent, patronage has been diverted unfairly to respondent from its competitors.

PAR. 4. The respondents have no jobs at their disposal and cannot in any way influence or control appointments to positions in the classified civil service of the United States, and can be of no assistance to prospective appointees to such positions except by instructing them so that they might be better prepared to take the necessary examinations to have their names placed upon the eligibility rolls. The school conducted by respondents and similar schools do not have any advance information regarding civil service examination or appointments to positions in the classified civil service of the United States, except such information as is given to the public at large.

CONCLUSION

The claims and representations made by the respondents as hereinbefore set out, are all to the injury of the public and to competitors of respondents, and constitute unfair methods of competition in commerce within the intent and meaning of the provisions of the Federal Trade Commission Act.

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents, testimony, and other evidence taken before Miles J. Furnas and William C. Reeves, examiners of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, brief filed by William L. Pencke, counsel for the Commission, brief and oral argument having been waived by the respondents, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act.

It is ordered, That the respondents, National Training Institute, Inc., a corporation, its officers, and John C. Felber, Arthur W. Groth, and Louise D. Felber, and its and their respective representatives, agents, and employees, directly or through any corporate or other device in connection with the offering for sale, sale, or distribution of courses of study or instruction for civil service positions, in commerce as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing that the respondents have any connection whatsoever with the United States Government or any agency thereof, or

that respondents are able to secure any advance information with respect to appointments to civil service positions which is not available to the general public.

2. Representing that civil service examinations are held at stated periods or at short intervals.

3. Representing that civil service positions are always available and that the appointment of the purchasers of respondents' said courses of instruction to such positions is assured or guaranteed by the respondents.

4. Representing that prospective students are selected by the respondents because of the superior qualifications and the standing in the community of such students.

5. Representing that respondents recommend their students for civil service positions and that such recommendations are of value to students seeking such positions.

6. Representing that the price of the respective courses of instruction is lower than the regular or usual price thereof, or that the price of such courses of instruction is about to be advanced unless and until such is the fact.

7. Representing, through the use of the word "National" or any similar word or words in the corporate or trade name, or in any other manner, that respondents have any connection with the United States Government or any agency thereof.

8. Representing, through the use of any contract form or any money-back agreement, or in any other manner, that a position with the United States Government is guaranteed to purchasers of said courses of instruction.

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

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IN THE MATTER OF

WARD M. JONES AND JOHN H. JONES, DOING BUSINESS
AS WARD MANUFACTURING COMPANYCOMPLAINT, FINDINGS, AND ORDER IN REGARD TO THE ALLEGED VIOLATION
OF SEC. 5 OF AN ACT OF CONGRESS APPROVED SEPT. 26, 1914

Docket 3509. Complaint, July 26, 1938—Decision, Oct. 10, 1939

Where two partners engaged in manufacture, sale, and distribution of their "Hydro-Flue" device or attachment for use in lieu of stove pipes in gas ranges, in competition with others engaged in sale and shipment in interstate commerce of similar appliances and who truthfully represent their products in their advertising and otherwise; in soliciting sale of and selling their said product—

- (a) Represented, through advertising circulars or letters which they furnished, that their said "Hydro-Flue" device for gas ranges was the only device or attachment which was a satisfactory substitution for stove pipes on such ranges; and
- (b) Represented that there was "absolutely no hazard" with the use of such "Hydro-Flue" to replace stove pipe on a gas range;

Facts being it was not the only satisfactory attachment on the market, but there were competitive products which were designed, sold, and used for same purpose, no device would effectively remove carbon monoxide fumes from products of combustion emitted by gas-burning appliances, and their said device was not safe substitute for stove pipes and did not constitute safeguard against danger of carbon monoxide when used on gas-burning appliances;

With effect of misleading and deceiving purchasing public into buying such "Hydro-Flue" device in the erroneous belief that such representations were true, and that there were no other devices on the market which were satisfactory and would serve same purpose, and that such attachment constituted safeguard against danger of carbon monoxide, involving no hazards, and safe substitute for stove pipes as aforesaid, and of thereby diverting trade unfairly to them from competitors whose ability to compete successfully with them was lessened and injured by methods aforesaid:
Held, That such acts and practices, under the circumstances set forth, were all to the injury and prejudice of the public and competitors, and constituted unfair methods of competition.

Before *Mr. Miles J. Furnas*, trial examiner.