

IN THE MATTER OF

EDWARD L. JENKINS AND MILDRED JENKINS, TRADING
AS ANTISEPTO PRODUCTS COMPANY, ANTISEPTO
PRODUCTS, EDUCATIONAL PRODUCTS COMPANY,
SANITOL PRODUCTS COMPANY, XL PRODUCTS COM-
PANY AND XL PRODUCTSCOMPLAINT, FINDINGS, AND ORDER IN REGARD TO THE ALLEGED VIOLATION
OF SEC. 5 OF AN ACT OF CONGRESS APPROVED SEPT. 26, 1914*Docket 3867. Complaint, Aug. 7, 1939—Decision, Nov. 7, 1939*

Where two individuals engaged in sale and distribution of certain medicinal preparations for women, and of a certain so-called gland medicine for men, to purchasers in other States and in the District of Columbia; in advertisements which they disseminated through the mails, through insertions in newspapers and periodicals of general circulation, and through circulars and other printed or written matter distributing in commerce among the various States, and which included quotations, or purported quotations from testimonials, and were intended and likely to induce purchase of their said preparations—

- (a) Represented that their said medicinal products, known and designated as "Guaranteed Antisepto Anti-Delay Compound Regular" and "Guaranteed Antisepto Anti-Delay Compound Super Strength," were cures or remedies for delayed menstruation and competent and effective treatments therefor, and would accomplish the desired results without delay;

Facts being said preparations were not cures or remedies for said condition and did not constitute competent or effective treatments therefor, would not accomplish the results claimed for them as aforesaid, and were not safe and harmless, but contained aloes, extract cotton root bark, extract black hellebore, oil of savin, and extract ergot, in quantities sufficient to cause serious and irreparable injury to health if used under conditions prescribed in said advertisements or under such conditions as are customary or usual;

- (b) Represented that their said medicinal preparations known and designated as "Guaranteed Prosaïd Gland Medicine Double XX" and "Guaranteed Prosaïd Gland Medicine Triple XXX" were cures or remedies for prostate gland weakness and competent and effective treatments therefor, and would restore the prostate gland to normal activity;

Facts being said "Double XX" preparation sold and distributed was not a cure or remedy for said conditions, did not constitute competent or effective treatment therefor, and would not accomplish results claimed or restore the gland to normal activity, and was not safe and harmless, in that it contained certain drugs in quantities sufficient to cause serious and irreparable injury to health if used under conditions prescribed in said advertisements or under such conditions as are customary or usual, and said "Triple XXX" medicine was likewise neither cure nor remedy for such weakness nor competent or effective treatment therefor, and would not accomplish results claimed or restore such gland to normal activity, and

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was not safe and harmless in that it contained certain drugs in quantities sufficient to cause serious and irreparable injury to health if used under conditions prescribed in said advertisements or under such conditions as are customary or usual; and

- (c) Failed to reveal, in advertisements disseminated as aforesaid, that use of preparations in question under conditions prescribed therein, or under such conditions as are customary or usual, might result in serious and irreparable injury to health;

With effect of misleading and deceiving substantial portion of purchasing public into erroneous and mistaken belief that such statements, representations, and advertisements were true, and of inducing portion of such public, because of such belief, to purchase its said medicinal preparations with injurious drugs therein contained:

Held, That such acts and practices, under the conditions set forth, were all to the prejudice and injury of the public and constituted unfair and deceptive acts and practices in commerce.

Mr. R. P. Bellinger for the Commission.

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act, and by virtue of the authority vested in it by said act, the Federal Trade Commission, having reason to believe that Edward L. Jenkins and Mildred Jenkins, individuals, trading as Antisepto Products Co., Antisepto Products, Educational Products Co., Sanitol Products Co., XL Products Co., and XL Products, hereinafter referred to as respondents, have violated the provisions of the said act, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest, hereby issues its complaint, stating its charges in that respect as follows:

PARAGRAPH 1. Respondents, Edward L. Jenkins and Mildred Jenkins, are individuals trading as Antisepto Products Co., Antisepto Products, Educational Products Co., Sanitol Products Co., XL Products Co., and XL Products, with their office and principal place of business at 3335 Belle Plaine Avenue, Chicago, Ill., from which address said respondents transact business under the above trade names.

PAR. 2. The respondents are now, and for more than 1 year last past have been engaged in the sale and distribution of certain medicinal preparations known as Guaranteed Antisepto Anti-Delay Compound Regular, Guaranteed Antisepto Anti-Delay Compound Super Strength, Guaranteed Prosaïd Gland Medicine Double XX and Guaranteed Prosaïd Gland Medicine Triple XXX. In the course and conduct of their business the respondents cause said medicinal preparations when sold to be transported from their place of business in the State of Illinois to the purchasers thereof located in other

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States of the United States and in the District of Columbia. At all times mentioned herein respondents have maintained a course of trade in said medicinal preparations sold and distributed by them in commerce between and among the various States of the United States and in the District of Columbia.

PAR. 3. In the course and conduct of the aforesaid business, the respondents have disseminated, and are now disseminating, and have caused, and are now causing the dissemination of false advertisements concerning their said medicinal preparations by United States mails, by insertions in newspapers and periodicals having a general circulation and also in circulars and other printed or written matter, all of which are distributed in commerce among and between the various States of the United States, and by other means in commerce, as commerce is defined in the Federal Trade Commission Act, for the purpose of inducing, and which are likely to induce, directly or indirectly, the purchase of their said medicinal preparations; and have disseminated, and are now disseminating, and have caused, and are now causing, the dissemination of false advertisements concerning their said medicinal preparations, by various means, for the purpose of inducing and which are likely to induce, directly or indirectly, the purchase of their said medicinal preparations in commerce, as commerce is defined in the Federal Trade Commission Act. Among and typical of the false representations contained in the advertisement disseminated and caused to be disseminated, as aforesaid, are the following:

WOMEN!
DELAYED?

MRS. G. B. SAYS:—

Has never failed me yet.

MRS. W. S. SAYS:—

A blessing to married women.

If you worry because of overdue discouraging, unnatural or suppressed periods—if you have tried everything with no results—why not try Guaranteed Antisepto Anti-Delay Compound? Try this wonderful treatment for a period of 3 days and if you do not receive the desired results—return the unused compound and your money is cheerfully refunded. REGULAR \$2.00—SUPER STRENGTH \$3.50. If C. O. D. postage extra. Don't wait. Mail your order today—sure.

Even long overdue cases often started in 3 days

ANTISEPTO PRODUCTS, 3335 Belle Plaine Ave.,
Dept. P-11, Chicago, Ill.

GLAND-WEAKNESS
Test At Our Risk!

Men now can help nature to restore the prostrate to normal activity with our Guaranteed Prosaïd Gland Medicine. When Bodily Debility is shown thru

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gland weakness, and you begin to feel 'old and worn out', then immediately give nature this potent assistance.

From S. T. Miss.,

One box did me so much good.

Double XX, \$1. Triple XXX, \$2. C. O. D. postage extra. If not satisfied after using 3 days return the unused portion and receive your refund. Send for PROSAID at once, to

X-L PRODUCTS,

3335 Belle Plaine, Dept. N-21, Chicago, Ill.

PAR. 4. By the use of the representations hereinabove set forth and other representations similar thereto not specifically set out, the respondents represent that their medicinal preparations known and designated as Guaranteed Antisepto Anti-Delay Compound Regular and Guaranteed Antisepto Anti-Delay Compound Super Strength are cures or remedies for delayed menstruation and competent and effective treatments therefor, and will accomplish the desired results without delay.

Said respondents also represent, as hereinabove set forth and by other representations similar thereto not specifically set out herein, that their medicinal preparations known and designated as Guaranteed Prosaïd Gland Medicine Double XX and Guaranteed Prosaïd Gland Medicine Triple XXX are cures or remedies for prostate gland weakness and competent and effective treatments therefor, and that said preparations will restore the prostate gland to normal activity.

PAR. 5. In truth, and in fact the medicinal preparations sold and distributed by the respondents as aforesaid known as Guaranteed Antisepto Anti-Delay Compound Regular and Guaranteed Antisepto Anti-Delay Compound Super Strength are not cures or remedies for delayed menstruation and do not constitute competent or effective treatments therefor. Said preparations will not accomplish the results claimed for them by the respondents. Furthermore, said preparations are not safe and harmless in that said preparations contain aloes, extract cotton root bark, extract black hellebore, oil of savin, and extract ergot.

The aforesaid drugs are present in said medicinal preparations in quantities sufficient to cause serious and irreparable injury to health if used under the conditions prescribed in said advertisements or under such conditions as are customary or usual. Such use of said medicinal preparations may result in gastrointestinal disturbances, such as catharsis, nausea, and vomiting, with pelvic congestion of the uterus leading to excessive uterine hemorrhage, and in those cases where either of these preparations is used to interfere with the normal course of pregnancy, may result in uterine

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infection with extension to other pelvic and abdominal structures, and even to the blood stream, causing the condition known as septicemia or blood poisoning. The use of said preparations might also produce a very severe circulatory condition by the constriction of the blood vessels and contraction of the involuntary muscles, often with poisonous effects on the human system and tending to cause abortion in some instances and may result in severe toxic conditions, such as hemorrhagic diarrhea, and in some instances producing a gangrenous condition in the lower limbs or other serious or irreparable injury to health.

PAR. 6. The said medicinal preparation sold and distributed by the respondents as aforesaid, known as Guaranteed Prosaïd Gland Medicine Double XX, is not a cure or remedy for prostate gland weakness and does not constitute a competent or effective treatment therefor. Said preparation will not accomplish the results claimed by the respondents and will not restore the prostate gland to normal activity. Furthermore, said preparation is not safe and harmless in that said preparation contains powdered extract of hyoscyamus and yohimbine hydrochloride.

The aforesaid drugs are present in said medicinal preparation in quantities sufficient to cause serious and irreparable injury to health if used under the conditions prescribed in the advertisement or under such conditions as are customary or usual, and may result in hyoscyamus poisoning, producing delirium, headaches, and brain disorders in those individuals susceptible thereto, and may cause irritation and injury to the urinary tract and serious nephritis may be one of the after effects.

PAR. 7. The said medicinal preparation sold and distributed by the respondents as aforesaid, known as Guaranteed Prosaïd Gland Medicine Triple XXX, is not a cure or remedy for prostate gland weakness and does not constitute a competent or effective treatment therefor. Said preparation will not accomplish the results claimed by respondents and will not restore the prostate gland to normal activity. Furthermore, said preparation is not safe and harmless in that said preparation contains chromium sulphate and powdered extract of pichi.

The aforesaid drugs are present in said medicinal preparation in quantities sufficient to cause serious and irreparable injury to health if used under the conditions prescribed in said advertisements or under such conditions as are customary or usual, and may result in an irritation of the genitourinary tract and might cause damage to the kidneys and other structures when inflammatory conditions exist.

PAR. 8. In addition to the representations hereinabove set forth, the respondents are also engaged in the dissemination of false ad-

vertisements in the manner above set forth in that said advertisements so disseminated fail to reveal that the use of said preparations, under the conditions prescribed in said advertisements or under such conditions as are customary or usual, may result in serious and irreparable injury to health.

PAR. 9. The use by the respondents of the foregoing false, deceptive, and misleading statements and representations with respect to their preparations, disseminated as aforesaid, has had and now has, the capacity and tendency to, and does, mislead and deceive a substantial portion of the purchasing public into the erroneous and mistaken belief that such statements, representations, and advertisements are true and induce a portion of the purchasing public, because of such erroneous and mistaken belief, to purchase respondents' medicinal preparations containing injurious drugs.

PAR. 10. The aforesaid acts and practices of the respondents as herein alleged, are all to the prejudice and injury of the public and constitute unfair and deceptive acts and practices in commerce within the intent and meaning of the Federal Trade Commission Act.

REPORT, FINDINGS AS TO THE FACTS, AND ORDER

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission on August 7, 1939, issued and on August 9, 1939, served its complaint in this proceeding upon the respondents, Edward L. Jenkins, and Mildred Jenkins, individuals, trading as Antisepto Products Co., Antisepto Products, Educational Products Co., Sanitol Products Co., XL Products Co., and XL Products, charging them with the use of unfair and deceptive acts and practices in commerce in violation of the provisions of said act. After the issuance of said complaint and the filing of respondents' answer, the Commission, by order entered herein, granted respondents' motion for permission to withdraw said answer and to substitute therefor an answer admitting all the material allegations of fact set forth in said complaint, and waiving all intervening procedure and further hearing as to said facts, which substitute answer was duly filed in the office of the Commission. Thereafter, this proceeding regularly came on for final hearing before the Commission on the said complaint and substitute answer, and the Commission, having duly considered the matter 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. Respondents, Edward L. Jenkins and Mildred Jenkins, are individuals trading as Antisepto Products Co., Antisepto Products, Educational Products Co., Sanitol Products Co., XL Products Co., and XL Products, with their office and principal place of business at 3335 Belle Plaine Avenue, Chicago, Ill., from which address said respondents transact business under the above trade names.

PAR. 2. The respondents are now, and for more than 1 year last past have been engaged in the sale and distribution of certain medicinal preparations known as Guaranteed Antisepto Anti-Delay Compound Regular, Guaranteed Antisepto Anti-Delay Compound Super Strength, Guaranteed Prosaïd Gland Medicine Double XX and Guaranteed Prosaïd Gland Medicine Triple XXX. In the course and conduct of their business the respondents cause said medicinal preparations when sold to be transported from their place of business in the State of Illinois to the purchasers thereof located in other States of the United States and in the District of Columbia. At all times mentioned herein respondents have maintained a course of trade in said medicinal preparations sold and distributed by them in commerce between and among the various States of the United States and in the District of Columbia.

PAR. 3. In the course and conduct of the aforesaid business, the respondents have disseminated, and are now disseminating, and have caused, and are now causing the dissemination of false advertisements concerning their said medicinal preparations by United States mails, by insertions in newspapers and periodicals having a general circulation and also in circulars and other printed or written matter, all of which are distributed in commerce among and between the various States of the United States, and by other means in commerce, as commerce is defined in the Federal Trade Commission Act, for the purpose of inducing, and which are likely to induce, directly or indirectly, the purchase of their said medicinal preparations; and have disseminated, and are now disseminating and have caused, and are now causing, the dissemination of false advertisements concerning their said medicinal preparations, by various means, for the purpose of inducing and which are likely to induce, directly or indirectly, the purchase of their said medicinal preparations in commerce, as commerce is defined in the Federal Trade Commission Act. Among and typical of the false representations contained

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in the advertisements disseminated and caused to be disseminated, as aforesaid, are the following:

WOMEN!**DELAYED?**

MRS. G. B. SAYS:—

Has never failed me yet.

MRS. W. S. SAYS:—

A blessing to married women.

If you worry because of overdue, discouraging unnatural or suppressed periods—if you have tried everything with no results—why not try Guaranteed Antisepto Anti-Delay Compound? Try this wonderful treatment for a period of 3 days and if you do not receive the desired results—return the unused compound and your money is cheerfully refunded. Regular \$2.00—**SUPER STRENGTH \$3.50**. If C. O. D. postage extra. Don't wait. Mail your order today—sure.

Even long overdue cases often started in 3 days
ANTISEPTO PRODUCTS, 3335 Belle Plaine Ave.,
 Dept. P-11, Chicago, Ill.

GLAND-WEAKNESS

Test At our Risk!

Men now can help nature to restore the prostate to normal activity with our Guaranteed Prosaïd Gland Medicine. When Bodily Debility is shown thru gland weakness, and you begin to feel 'old and worn out' then immediately give nature this potent assistance.

From S. T. Miss.,

One box did me so much good.

Double XX, \$1. Triple XXX, \$2. C. O. D. postage extra. If not satisfied after using 3 days return the unused portion and receive your refund. Send for PROSAID at once, to

X-L PRODUCTS, 3335 Belle Plaine, Dept. N-21, Chicago, Ill.

PAR. 4. By the use of the representations hereinabove set forth and other representations similar thereto not specifically set out, the respondents represent that their medicinal preparations known and designated as Guaranteed Antosepto Anti-Delay Compound Regular and Guaranteed Antosepto Anti-Delay Compound Super Strength are cures or remedies for delayed menstruation and competent and effective treatments therefor, and will accomplish the desired results without delay.

Said respondents also represent, as hereinabove set forth and by other representations similar thereto not specifically set out herein, that their medicinal preparations known and designated as Guaranteed Prosaïd Gland Medicine Double XX and Guaranteed Prosaïd Gland Medicine Triple XXX are cures or remedies for prostate gland weakness and competent and effective treatments therefor, and that said preparations will restore the prostate gland to normal activity.

PAR. 5. In truth and in fact the medicinal preparations sold and distributed by the respondents as aforesaid known as Guaranteed Antisepto Anti-Delay Compound Regular and Guaranteed Antisepto Anti-Delay Compound Super Strength are not cures or remedies for delayed menstruation and do not constitute competent or effective treatments therefor. Said preparations will not accomplish the results claimed for them by the respondents. Furthermore, said preparations are not safe and harmless in that said preparations contain aloes, extract cotton root bark, extract black hellebore, oil of savin, and extract ergot.

The aforesaid drugs are present in said medicinal preparations in quantities sufficient to cause serious and irreparable injury to health if used under the conditions prescribed in said advertisements or under such conditions as are customary or usual. Such use of said medicinal preparations may result in gastrointestinal disturbances, such as catharsis, nausea, and vomiting, with pelvic congestion of the uterus leading to excessive uterine hemorrhage, and in those cases where either of these preparations is used to interfere with the normal course of pregnancy may result in uterine infection with extension to other pelvic and abdominal structures, and even to the blood stream, causing the condition known as septicemia or blood poisoning. The use of said preparations might also produce a very severe circulatory condition by the constriction of the blood vessels and contraction of the involuntary muscles, often with poisonous effects on the human system and tending to cause abortion in some instances and may result in severe toxic conditions, such as hemorrhagic diarrhea, and in some instances producing a gangrenous condition in the lower limbs or other serious or irreparable injury to health.

PAR. 6. The said medicinal preparation sold and distributed by the respondents as aforesaid, known as Guaranteed Prosaïd Gland Medicine Double XX, is not a cure or remedy for prostate gland weakness and does not constitute a competent or effective treatment therefor. Said preparation will not accomplish the results claimed by the respondents and will not restore the prostate gland to normal activity. Furthermore, said preparation is not safe and harmless in that said preparation contains powdered extract of hyoscyamus and yohimbine hydrochloride.

The aforesaid drugs are present in said medicinal preparation in quantities sufficient to cause serious and irreparable injury to health if used under the conditions prescribed in the advertisement or under such conditions as are customary or usual, and may result in hyoscyamus poisoning, producing delirium, headaches, and brain dis-

orders in those individuals susceptible thereto, and may cause irritation and injury to the urinary tract and serious nephritis may be one of the after effects.

PAR. 7. The said medicinal preparation sold and distributed by the respondent as aforesaid, known as Guaranteed Prosaïd Gland Medicine Triple XXX, is not a cure or remedy for prostate gland weakness and does not constitute a competent or effective treatment therefor. Said preparation will not accomplish the results claimed by respondents and will not restore the prostate gland to normal activity. Furthermore, said preparation is not safe and harmless in that said preparation contains chromium sulphate and powdered extract of pichi.

The aforesaid drugs are present in said medicinal preparation in quantities sufficient to cause serious and irreparable injury to health if used under the conditions prescribed in said advertisements or under such conditions as are customary or usual, and may result in an irritation of the genitourinary tract and might cause damage to the kidneys and other structures when inflammatory conditions exist.

PAR. 8. In addition to the representations hereinabove set forth, the respondents are also engaged in the dissemination of false advertisements in the manner above set forth in that said advertisements so disseminated fail to reveal that the use of said preparations, under the conditions prescribed in said advertisements or under such conditions as are customary or usual, may result in serious and irreparable injury to health.

PAR. 9. The use by the respondents of the foregoing false, deceptive, and misleading statements and representations with respect to their preparations, disseminated as aforesaid, has had and now has, the capacity and tendency to, and does, mislead and deceive a substantial portion of the purchasing public into the erroneous and mistaken belief that such statements, representations, and advertisements are true and induce a portion of the purchasing public, because of such erroneous and mistaken belief, to purchase respondents' medicinal preparations containing injurious drugs.

CONCLUSION

The aforesaid acts and practices of the respondents as herein found, are all to the prejudice and injury of the public and constitute unfair and deceptive acts and practices in commerce within the intent and meaning of the Federal Trade Commission Act.

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ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, and the answer of respondents, in which answer respondents admit all the material allegations of fact set forth in said complaint, and state that they waive all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act.

It is ordered, That the respondents, Edward L. Jenkins and Mildred Jenkins, individuals, trading as Antisepto Products Co., Antisepto Products, Educational Products Co., Sanitol Products Co., XL Products Co., and XL Products, or trading under any other name or names, their agents, servants, representatives, and employees, directly or through any corporate or other device, do forthwith cease and desist from:

Disseminating or causing to be disseminated any advertisements by means of the United States mails or in commerce, as "commerce" is defined in the Federal Trade Commission Act, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of medicinal preparations known as Guaranteed Antisepto Anti-Delay Compound Regular, Guaranteed Antisepto Anti-Delay Compound Super Strength, Guaranteed Prosaïd Gland Medicine Double XX and Guaranteed Prosaïd Gland Medicine Triple XXX, or any other medicinal preparations composed of substantially similar ingredients or possessing substantially similar therapeutic properties, whether sold under the same name or under any other name or names, or disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said medicinal preparations, which advertisements represent, directly or through implication:

1. That the use of said preparations known as Guaranteed Antisepto Anti-Delay Compound Regular or Guaranteed Antisepto Anti-Delay Compound Super Strength, or any other medicinal preparations composed of substantially similar ingredients or possessing substantially similar therapeutic properties, whether sold under the same name or under any other name or names, is a competent, safe or scientific treatment for delayed menstruation and that their use will have no ill effects upon the human body, or which advertise-

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ments fail to reveal that the use of such preparations may result in serious and irreparable injury to the health of the user.

2. That the use of said preparations known as Guaranteed Prosaïd Gland Medicine Double XX or Guaranteed Prosaïd Gland Medicine Triple XXX, or any other medicinal preparations composed of substantially similar ingredients or possessing substantially similar therapeutic properties, whether sold under the same name or under any other name or names, is a cure or remedy for, or has any therapeutic value in the treatment of, prostate gland weakness or inactivity, or which advertisements fail to reveal that the use of such preparations may result in serious and irreparable injury to the health of the user.

It is further ordered, That the respondents shall, within 10 days after service upon them of this order, file with the Commission an interim report in writing, stating whether they intend to comply with this order, and if so, the manner and form in which they intend to comply; and that, within 60 days after the service upon them of this order, said respondents shall 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
MARLIN FIREARMS COMPANY

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

Docket 3871. Complaint, Aug. 17, 1939—Decision, Nov. 7, 1939

Where a corporation engaged, under corporate name long associated with manufacture of high quality firearms, in sale and distribution of razor blades and other products—

Represented, directly and indirectly, through such statements as “* * * Marlin, world-famous for its firearms, has produced a really fine blade to sell at little more than 1¢ a blade * * * made with the same care that has made Marlin guns tops in quality for 67 years,” “Marlin, world-famous firearms manufacturer, has found a way to produce a truly fine razor blade * * *,” etc., that such so-called “Marlin” blades were made by it and manufacturer of “Marlin” firearms, facts being products in question, sold by it under its trade-mark and designated by it as aforesaid, were made by another company whose output in part it purchased, and it did not own or control manufacturing plant in which such blades were manufactured;

With effect of misleading and deceiving substantial portion of purchasing public, on the part of which, as of consuming public and dealers, there had long been preference for dealing direct with manufacturer as thereby securing lower prices, elimination of middlemen's profits, superior products and other advantages, and also on the part of which there would be preference for blades manufactured by such firearms manufacturer as supposedly better equipped, by reason of its reputation, to make high-grade product, into erroneous and mistaken belief that such statements, representations and advertisements were true, and that said blades were made by it, and into purchase thereof because of such belief:

Held, That such acts and practices, under the circumstances set forth, were all to the prejudice and injury of the public and constituted unfair and deceptive acts and practices in commerce.

Mr. J. W. Brookfield, Jr. for the Commission.

Mr. Edward J. Brennan, of New Haven, Conn., for respondent.

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act, and by virtue of the authority vested in it by said act, the Federal Trade Commission, having reason to believe that Marlin Firearms Co., a corporation, hereinafter referred to as respondent, has violated the provisions of the said act, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest, hereby issues its complaint, stating its charges in that respect as follows: