

Order

IN THE MATTER OF
BEAR MILL MANUFACTURING COMPANY, INC.

MODIFIED CEASE AND DESIST ORDER

Docket 2578. Order, Mar. 25, 1940

Modified order, pursuant to provisions of Section 5 (i) of Federal Trade Commission Act, in proceeding in question, in which original order issued on April 5, 1937, 24 F. T. C. 912, and in which Circuit Court of Appeals for the Second Circuit, on July 5, 1938, in *Bear Mill Manufacturing Company, Inc. v. Federal Trade Commission*, 98 F. (2d) 67, 27 F. T. C. 1685, rendered its opinion and on July 26, 1938, issued its order modifying Commission order aforesaid in certain particulars and affirming same in certain other particulars—

Requiring respondent, its officers, representatives, agents and employees, in connection with sale and distribution of cotton and rayon fabrics in interstate commerce, or in the District of Columbia, to forthwith cease and desist from representing through use of words "mills" or "manufacturing," as part of its corporate or trade name, or in any other way that it manufactures the product sold by it, until and unless it owns and operates, etc., as below provided, mill or factory in which such products are made and subject to permitted use of its corporate name, as below set forth, when words "Converters, Not Manufacturers of Textiles" are appended thereto and used in connection therewith.

MODIFIED ORDER TO CEASE AND DESIST

This proceeding coming on for further hearing before the Federal Trade Commission and it appearing that on April 5, 1937 the Commission made its findings as to the facts herein and concluded therefrom that respondent had violated the provisions of section 5 of the Federal Trade Commission Act and issued and subsequently served its order to cease and desist; and it further appearing that on July 5, 1938, the United States Circuit Court of Appeals for the Second Circuit rendered its opinion and on July 26, 1938 issued its order modifying the aforesaid order of the Commission in certain particulars and affirming said order in other particulars.

Now, therefore, Pursuant to the provisions of subsection (i) of section 5 of the Federal Trade Commission Act, the Commission issues this its modified order to cease and desist in conformity with the said Court order:

It is ordered, That the respondent, Bear Mill Manufacturing Co., Inc., its officers, representatives, agents, and employees, in connection with the sale and distribution of cotton and rayon fabrics, in interstate commerce or in the District of Columbia, do forthwith cease and desist from:

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30 F. T. C.

Representing, directly or by implication, through the use of the words "mills" or "manufacturing," along or in conjunction with other words, as part of its corporate or trade name, or in any other manner, or through any other means or device, that it manufactures the product which it sells until and unless it actually owns and operates or directly and absolutely controls the mill or factory wherein such products are made; *provided, however*, Respondent may continue to use its corporate name, Bear Mill Manufacturing Company, Inc., on its stationery, folders, labels, cartons and advertising when the words "Converters, Not Manufacturers of Textiles," are appended thereto and used in connection therewith.

It is further ordered, That the respondent shall, within 30 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.

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IN THE MATTER OF
HELEN ARDELLE, INC.

MODIFIED CEASE AND DESIST ORDER

Docket 2775. Order, Mar. 25, 1940

Modified order, pursuant to provisions of Section 5 (i) of Federal Trade Commission Act, in proceeding in question, in which original order issued on June 30, 1937, 25 F. T. C. 361, and in which Circuit Court of Appeals for the Ninth Circuit, on Feb. 14, 1939, in *Helen Ardelles, Inc., et al. v. Federal Trade Commission*, 101 F. (2d) 713, 28 F. T. C. 1804, rendered its opinion and issued its decree modifying order in question in certain particulars and affirming same in other particulars—

Requiring respondent, its officers, representatives, agents, and employees, in connection with the offer for sale and distribution in interstate commerce of candy, to forthwith cease and desist from selling and distributing to jobbers and wholesalers for resale to retailers, or to retailers direct, candy so packed and assembled that sales thereof to the general public are to be made by means of a lottery, gaming device, or gift enterprise, or supplying to, or placing in the hands of wholesalers, jobbers or retailers, assortments of candy, contents of which are arranged to constitute a lottery, gaming device, or gift enterprise in the sale or distribution of such candy to the public, or packing or assembling in the same assortment for sale to the public at retail, boxes of candy, together with a device commonly called a "punchboard," which is for use, or which may be or is designed to be used, in distributing or selling said candy to the public at retail, or furnishing to retail and wholesale dealers and jobbers punchboards, with assortments of candy or separately, bearing statements informing the purchasing public that the candy is being sold by lot or chance, or in accordance with a sales plan which constitutes a lottery, gaming device, or gift enterprise as below set forth.

MODIFIED ORDER TO CEASE AND DESIST

This proceeding coming on for further hearing before the Federal Trade Commission and it appearing that on June 30, 1937, the Commission made its findings as to the facts herein and concluded therefrom that respondent has violated the provisions of section 5 of the Federal Trade Commission Act and issued and subsequently served its order to cease and desist; and it further appearing that on February 14, 1939, the United States Circuit Court of Appeals for the Ninth Circuit rendered its opinion and issued its decree modifying the aforesaid order of the Commission in certain particulars and affirming said order in other particulars.

Now, therefore, Pursuant to the provisions of subsection (i) of section 5 of the Federal Trade Commission Act, the Commission