

Order

IN THE MATTER OF

C. R. ANTHONY COMPANY, BURRELL-BERGER, INC., MISS PLAZA, INC., SAMUEL R. PARNES, INC., AND GORGEOUS FROCKS, INC.

MODIFIED CEASE AND DESIST ORDER

Docket 3834. Order, Apr. 30, 1940

Order modifying prior order of September 12, 1939, 29 F. T. C. 922, 928, so as to require the four corporate respondent sellers of merchandise, and their officers, etc., in connection with sale, etc., of any merchandise or commodities in interstate commerce, to forthwith cease and desist from paying or granting, etc., to respondent C. R. Anthony Co., directly or indirectly, as below specified, any fee or commission, or brokerage or allowance in lieu thereof, upon purchases made by said last-named respondent in its own or any other name, and to require said C. R. Anthony Co., its officers, etc., in connection with purchase by it of merchandise, etc., as above set forth, to cease and desist from receiving or accepting any fee or commission as brokerage, or any allowance in lieu thereof, in its own name, in that of the Anco Co., or in any other name.

Mr. Frank Hier for the Commission.

Cantrell, Savage & McCloud, of Oklahoma City, Okla., for C. R. Anthony Co.

Mr. Meyer Halpern, of New York City, for Burrell-Berger, Inc.

Mr. Samuel M. Reiss, of New York City, for Miss Plaza, Inc.

Mr. Maxwell Parnes, of New York City, for Samuel R. Parnes, Inc.

Goldberg & Hatterer, of New York City, for Gorgeous Frocks, Inc.

MODIFIED ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the motion of W. T. Kelley, chief counsel, to modify the order to cease and desist heretofore issued on September 12, 1939, in this cause, and all respondents having failed to show cause within 10 days from the service of a true copy of said motion upon them by registered mail at their principal offices and places of business why said motion should not be granted and said order to cease and desist not be modified as prayed for:

It is ordered, That respondents Burrell-Berger, Inc., Miss Plaza, Inc., Samuel R. Parnes, Inc., Gorgeous Frocks, Inc., and their officers, representatives, agents, and employees, in connection with the sale and distribution of any merchandise or commodities in interstate commerce, do forthwith cease and desist from paying or granting or causing or permitting to be paid or granted to the C. R. Anthony Co., directly or under the name of The Anco Co., or in or under any other

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name, its agents, representatives, or any intermediary acting in fact for or in behalf of or subject to the direct or indirect control of the C. R. Anthony Co., any fee or commission as brokerage or any allowance in lieu thereof, upon purchases made by the respondent, C. R. Anthony Co., in its own or any other name.

It is further ordered, That respondent, C. R. Anthony Co., its officers, representatives, agents, and employees, in connection with the purchase by it of merchandise or commodities in interstate commerce do forthwith cease and desist from receiving or accepting any fee or commission as brokerage or any allowance in lieu thereof in its own name, in the name of The Anco Co., or in any other name.

It is further ordered, That the respondents, and each of them, 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.

Syllabus

IN THE MATTER OF
CONRAD SCHICKERLING, TRADING AS CONRAD
SCHICKERLING RESEARCH LABORATORY

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

Docket 4042. Complaint, Feb. 28, 1940—Decision, Apr. 30, 1940

Where an individual engaged in sale and distribution of various types of incandescent lamps for use with photography, to purchasers in various other States and in the District of Columbia, in substantial competition with others engaged in sale and distribution, in commerce as aforesaid, of such lamps adapted to and used for same general purposes—

- (a) Represented, in advertisements of said products in newspapers, periodicals and other publications in general circulation among the various States, and in circulars, price lists and other printed or written matter distributed among purchasers and prospective purchasers, that his "Mushroom Bulb Photo Flood Lamp," or "Full Sun Spectrum Photo Flood Krypton Lamp," was 8 amperes and had output of 38,000 lumens, and contained a coil filament or cooling coil between wire and filament peculiar to said particular device and not found in the ordinary lamp, facts being said lamp was not 8 amperes, but substantially less, had a lumen output substantially less than that set forth, and did not contain coil filament or cooling coil between wire and filament, peculiar to device in question, but only such a coil as is used in practically all lamps of said general nature;
- (b) Represented, as aforesaid, that said lamp was more effective in blackening a negative than other lamps used for the same purpose, and had a 10-hour peak performance, was covered by United States patent rights belonging to him and contained rare gases not ordinarily contained in other lamps of same type, and that said lamp contained crypton gas and had average life of 20 hours at 115 volts, and contained, or had, or brought about, color balance, facts being it did not have an improved color balance, or color balance of any kind whatsoever, was not more effective in blackening a negative than other lamps used for said purpose, had a peak performance of substantially less than 10 hours, was not covered by patent as aforesaid, contained no rare gases not ordinarily used in such devices of same type, but contained ordinary argon nitrogen gases used in majority of other lamps of same kind or type, did not contain crypton gas, except for small amount found in all argon gas, and average life of said bulb was substantially less than 20 hours at 115 volts;
- (c) Represented that his said "Photo Enlarging Lamp" contained coil filament or cooling coil between wire and filament, and that such a device or arrangement was peculiar to his lamp and not be found in ordinary lamp, and that his said lamp contained crypton gas, facts being it did not contain such a cool coil or cooling coil, which, found in practically all lamps of such general nature, would not be peculiar to his said device, and it did not contain crypton gas except for small amount found in all argon gas, used in most other lamps of same type;
- (d) Represented that his "'1,000 Flash' Photo-Flash-Flood-Lamp" had Dufay color correction, and that he might rightfully use such correction with or