

IN THE MATTER OF
WILLIAM W. KELSO, TRADING AS NORTHWESTERN
PRODUCTS COMPANY AND NORTHWESTERN HEALTH
CLINIC

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

Docket 4066. Complaint, Mar. 18, 1940—Decision, June 26, 1940

Where an individual engaged in sale and distribution of medicinal preparation designated "Periodic Relief Pills" and recommended as remedy for delayed menstruation, to purchasers in various other States and in the District of Columbia; in advertisements of his said product which he disseminated and caused to be disseminated through the mails, by insertions in newspapers and periodicals of general circulation, and in circulars and other printed or written matter distributed among and between the various States, and by other means in commerce, and which were intended and likely to induce purchase of said product—

- (a) Represented, directly and indirectly, that said preparation was a cure or remedy for delayed menstruation and constituted a competent and effective treatment therefor, and possessed therapeutic value with respect thereto, and that it was safe and harmless, facts being it was not a cure or remedy for such condition, did not constitute competent or effective treatment therefor or possess any therapeutic value with respect thereto, and said preparation was not safe and harmless, in that it contained extract cotton root bark, extract black hellebore, aloes, oil savin, and ergotin in quantities sufficient to cause serious and irreparable injury to health if taken under conditions prescribed in said advertisements or under such conditions as are customary or usual, and use thereof might result in gastro-intestinal disturbances, and, where used to interfere with normal course of pregnancy, might result in uterine infection and even lead to condition known as septicemia or blood poisoning, and use thereof might produce severe circulatory condition, often with poisonous effects upon the human system, and tending to cause abortion in some instances, and might result in severe toxic conditions leading possibly either to loss of limbs or other serious and irreparable injury to health; and
- (b) Failed to reveal, in advertisements disseminated by him as aforesaid, that the use of said preparation under the conditions prescribed in said advertisements or under such conditions as are customary or usual might result in serious or irreparable injury to health of user;

With effect of misleading and deceiving substantial portion of purchasing public into erroneous and mistaken belief that such false and misleading representations were true, and into purchase of substantial quantity of his said product:

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

Mr. William L. Taggart 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 William W. Kelso, individually, and trading as Northwestern Products Co., and as Northwestern Health Clinic, 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:

PARAGRAPH 1. Respondent, William W. Kelso, is an individual trading as Northwestern Products Co., and Northwestern Health Clinic, with his office and principal place of business located at 611½ Union Street, Seattle, Wash. Respondent is now and for more than 1 year last past has been engaged in the sale and distribution of a medicinal preparation designated "Periodic Relief Pills," recommended as a remedy for delayed menstruation.

In the course and conduct of his business the respondent causes his said preparation, when sold, to be transported from his place of business in the State of Washington to the purchasers thereof located in various other States of the United States and in the District of Columbia. Respondent maintains, and at all times mentioned herein has maintained, a course of trade in his said product in commerce among and between the various States of the United States and in the District of Columbia.

PAR. 2. In the course and conduct of his business, the respondent has disseminated, and is now disseminating, and has caused and is now causing the dissemination of, false advertisements concerning his said product 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 said product; and has disseminated, and is now disseminating, and has caused and is now causing the dissemination of, false advertisements concerning said product by various means for the purpose of inducing, and which are likely to induce, directly or indirectly, the purchase of said product in commerce, as "commerce" is defined in the Federal Trade Commission Act. Among and typical of the false statements and representations contained in said advertisements disseminated and

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caused to be disseminated as aforesaid, with respect to said product, are the following:

LADIES WITH DELAYED PERIODS: Don't worry or be uncertain when Nature fails you. You can obtain in the privacy of your home our Time-Tried "PERIODIC BELIEF PILLS." Harmless, Reliable and Efficient. Women report the pill form more CONVENIENT TO TAKE with no pain or ill after effects. Relieves most unnatural, stubborn Delayed periods immediately with no interference with Home or Social duties. Special Treatment, \$2.00 Postpaid, in plain sealed wrapper. THERE IS NO SUBSTITUTE FOR SAFETY. Order today and be convinced. NORTH-WESTERN PRODUCTS COMPANY, P. O. BOX 874, SEATTLE, WASH.

PAR. 3. Through the use of the representations hereinabove set forth, and others of similar import not specifically set out herein, all of which purport to be descriptive of the remedial, curative, and therapeutic properties of his said preparation, respondent has represented, and does now represent, directly and indirectly, that said preparation is a cure or remedy for delayed menstruation; that said preparation constitutes a competent and effective treatment for delayed menstruation and possesses therapeutic value with respect thereto, and that said preparation is safe and harmless.

PAR. 4. The foregoing representations are grossly exaggerated, false, and misleading. In truth and in fact, respondent's preparation is not a cure or remedy for delayed menstruation, nor does it constitute a competent or effective treatment therefor or possess any therapeutic value with respect thereto. Moreover, said preparation is not safe and harmless, in that it contains extract cotton root bark, extract black hellebore, aloes, oil savin, and ergotin in quantities sufficient to cause serious and irreparable injury to health if taken under the conditions prescribed in said advertisements or under such conditions as are customary or usual.

The use of said preparation under the conditions prescribed in said advertisements or under such conditions as are customary or usual may result in gastro-intestinal disturbances such as catharsis, nausea, and vomiting with pelvic congestion, congestion of the uterus leading to excessive uterine hemorrhage, and in those cases where said preparation 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 preparation may also produce a severe circulatory condition by the constriction of the blood vessels and contraction of the involuntary muscles, often with poisonous effects upon 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, resulting possibly either in loss of limbs or in other serious and irreparable injury to health.

PAR. 5. In addition to the representations herein set forth the respondent is also engaged in the dissemination of false advertisements in that said advertisements fail to reveal that the use of said preparation under the conditions prescribed in said advertisements or under such conditions as are customary or usual may result in serious or irreparable injury to the health of the user.

PAR. 6. The use by the respondent of the foregoing false and misleading representations with respect to his said product has the tendency and capacity to, and does, mislead and deceive a substantial portion of the purchasing public into the erroneous and mistaken belief that such false and misleading representations are true, and into the purchase of a substantial quantity of respondent's product.

PAR. 7. The aforesaid acts and practices of the respondent 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 March 18, 1940, issued, and on March 23, 1940, served, its complaint in this proceeding upon William W. Kelso, individually, and trading as Northwestern Products Co., and as Northwestern Health Clinic, charging him with the use of unfair and deceptive acts and practices in commerce in violation of the provisions of said act. On April 15, 1940, the respondent filed his answer in which answer he admitted all the material allegations of fact set forth in said complaint and waived all intervening procedure and further hearing as to said facts. Thereafter the proceeding regularly came on for final hearing before the Commission on the said complaint and the answer thereto, 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. Respondent, William W. Kelso, is an individual trading as Northwestern Products Co., and Northwestern Health Clinic, with his office and principal place of business located at 611½

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Union Street, Seattle, Wash. Respondent is now and for more than 1 year last past has been engaged in the sale and distribution of a medicinal preparation designated "Periodic Relief Pills," recommended as a remedy for delayed menstruation.

In the course and conduct of his business the respondent causes his said preparation, when sold, to be transported from his place of business in the State of Washington to the purchasers thereof located in various other States of the United States, and in the District of Columbia. Respondent maintains, and at all times mentioned herein has maintained, a course of trade in his said product in commerce among and between the various States of the United States and in the District of Columbia.

PAR. 2. In the course and conduct of his business, the respondent has disseminated, and is now disseminating, and has caused and is now causing the dissemination of, false advertisements concerning his said product 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 said product; and has disseminated, and is now disseminating, and has caused and is now causing the dissemination of, false advertisements concerning said product by various means for the purpose of inducing, and which are likely to induce, directly or indirectly, the purchase of said product in commerce, as "commerce" is defined in the Federal Trade Commission Act. Among and typical of the false statements and representations contained in said advertisements disseminated and caused to be disseminated as aforesaid, with respect to said product, are the following:

LADIES WITH DELAYED PERIODS: Don't worry or be uncertain when Nature fails you. You can obtain in the privacy of your home our Time-Tried "PERIODIC RELIEF PILLS." Harmless, Reliable and Efficient. Women report the pill form more CONVENIENT TO TAKE with no pain or ill after effects. Relieves most unnatural, stubborn Delayed periods immediately with no interference with Home or Social duties. Special Treatment, \$2.00 Postpaid, in plain sealed wrapper. THERE IS NO SUBSTITUTE FOR SAFETY. Order today and be convinced. NORTHWESTERN PRODUCTS COMPANY, P. O. BOX 674, SEATTLE, WASH.

PAR. 3. Through the use of the representations hereinabove set forth, and others of similar import not specifically set out herein, all of which purport to be descriptive of the remedial, curative, and therapeutic properties of his said preparation, respondent has represented, and does now represent, directly and indirectly, that said

preparation is a cure or remedy for delayed menstruation; that said preparation constitutes a competent and effective treatment for delayed menstruation and possesses therapeutic value with respect thereto, and that said preparation is safe and harmless.

PAR. 4. The foregoing representations are grossly exaggerated, false and misleading. In truth and in fact, respondent's preparation is not a cure or remedy for delayed menstruation, nor does it constitute a competent or effective treatment therefor or possess any therapeutic value with respect thereto. Moreover, said preparation is not safe and harmless, in that it contains extract cotton root bark, extract black hellebore, aloes, oil savin, and ergotin in quantities sufficient to cause serious and irreparable injury to health if taken under the conditions prescribed in said advertisements or under such conditions as are customary or usual.

The use of said preparation under the conditions prescribed in said advertisements or under such conditions as are customary or usual may result in gastro-intestinal disturbances such as catharsis, nausea, and vomiting with pelvic congestion, congestion of the uterus leading to excessive uterine hemorrhage, and in those cases where said preparation 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 preparation may also produce a severe circulatory condition by the constriction of the blood vessels and contraction of the involuntary muscles, often with poisonous effects upon 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, resulting possibly either in loss of limbs or in other serious and irreparable injury to health.

PAR. 5. In addition to the representations herein set forth the respondent is also engaged in the dissemination of false advertisements in that said advertisements fail to reveal that the use of said preparation under the conditions prescribed in said advertisements or under such conditions as are customary or usual may result in serious or irreparable injury to the health of the user.

PAR. 6. The use by the respondent of the foregoing false and misleading representations with respect to his said product has the tendency and capacity to, and does, mislead and deceive a substantial portion of the purchasing public into the erroneous and mistaken belief that such false and misleading representations are true, and into the purchase of a substantial quantity of respondent's product.

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CONCLUSION

The aforesaid acts and practices of respondent 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.

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 the respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint and states that he waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act.

It is ordered, That the respondent, William W. Kelso, individually and trading as Northwestern Products Co. and as Northwestern Health Clinic, or trading under any other name or names, his agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of his medicinal preparation designated "Periodic Relief Pills," or any other medicinal preparation composed of substantially similar ingredients or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement (a) by means of the United States mails, or (b) by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisements represent, directly or through inference, that said preparation is a cure or remedy for delayed menstruation or constitutes a competent or effective treatment therefor; or which advertisements fail to reveal that the use of said preparation may result in serious and irreparable injury to the health of the user.

2. 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 preparation, which advertisements contain any of the representations prohibited in paragraph 1 hereof, or which fail to reveal that the use of said preparation may result in serious and irreparable injury to the health of the user.

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It is further ordered, That the respondent shall, within 10 days after service upon him of this order, file with the Commission an interim report in writing, stating whether he intends to comply with this order and, if so, the manner and form in which he intends to comply; and that within 60 days after the service upon him of this order said respondent shall file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

IN THE MATTER OF
POPULAR PUBLICATIONS, INC.

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

Docket 4077. Complaint, Mar. 30, 1940—Decision, June 26, 1940

Where a corporation engaged in sale and distribution of its "Birthstone Rings" jewelry, to purchasers in various other States and in the District of Columbia; in advertising circulars, letters, newspaper advertisements, and otherwise—

Represented that the stones contained in the rings sold by it as lucky birthstone rings were the real, or certain precious or semiprecious, stones, as understood by common acceptance, from word "birthstone," as identified with each month, and including such stones as garnet, amethyst, jasper or bloodstone (aquamarine), diamond or sapphire, emerald, agate, turquoise, carnelian, chrysolite, beryl, topaz, and ruby, through such statements, in advertisements referred to, as "YOUR BIRTHSTONE IS YOUR LUCKY CHARM," and "Garnet, for January, Amethyst for February, Aquamarine for March, and so all through the year, each month has its special birthstone," facts being representations and implications disseminated by it as above set forth were false and stones in the rings sold by it as "Lucky Birthstone Rings" were not the stones they were represented as being, but imitations thereof;

With effect, through use of aforesaid false and misleading statements and representations, disseminated as above set forth, of misleading and deceiving substantial portion of purchasing public into erroneous and mistaken belief that such false statements and representations were true, and of inducing substantial portion of said public, because of such belief, to purchase its said products:

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

Mr. Jesse D. Kash for the Commission.

Swiger, King & Chambers, of New York City, 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 Popular Publications, Inc., a corporation, hereinafter referred to as respondent, has violated the provisions of 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. The respondent, Popular Publications, Inc., is a corporation organized, existing, and doing business under and by virtue

of the laws of the State of New York, with its office and principal place of business at 205 East Forty-second Street, in the city of New York, State of New York.

PAR. 2. In the course and conduct of its business respondent is now, and has been for more than 1 year last past, engaged in the sale and distribution of certain jewelry designated "birthstone rings."

By common acceptance, a certain precious stone or semi-precious stone (in some cases alternative stones), is identified with each month of the year as the birthstone of that month, such stones being garnet, amethyst, jasper or bloodstone (aquamarine), diamond or sapphire, emerald, agate, turquoise, carnelian, chrysolite, beryl, topaz, and ruby.

Respondent causes its jewelry, when sold by it to be transported from its aforesaid place of business in the State of New York to the purchasers thereof located in various other States of the United States and in the District of Columbia.

PAR. 3. Respondent maintains, and at all times mentioned herein has maintained, a course of trade in said jewelry among and between the various States of the United States and in the District of Columbia.

PAR. 4. In the course and conduct of its aforesaid business and for the purpose of inducing the purchase of said birthstone rings, respondent by means of advertising circulars, letters, newspaper advertisements, and by other means, has made false and misleading representations concerning its said product.

Among and typical of the representations contained in said false advertisements so used and disseminated as aforesaid, are the following:

YOUR BIRTHSTONE IS YOUR LUCKY CHARM.

Garnet for January, Amethyst for February, Aquamarine for March, and so all through the year, each month has its special birthstone.

PAR. 5. Through the use of the representations hereinabove set forth and others similar thereto not specifically set out herein, respondent represents that the stones contained in the rings sold by it as lucky birthstone rings are respectively the real stones named in paragraph 2 hereof.

PAR. 6. The aforesaid representations and implications used and disseminated by the respondent in the matter above described are false. In truth and in fact the stones in the rings sold by the respondent as "Lucky Birthstone Rings" are not the stones they are represented to be but are imitations of same.

PAR. 7. The use by the respondent of the aforesaid false and misleading statements and representations disseminated as aforesaid, has had, and now has, the tendency and capacity to, and does, mislead and deceive a substantial portion of the purchasing public into the erroneous and mistaken belief that such false statements and representa-

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tions are true, and to induce a substantial portion of the purchasing public, because of such erroneous and mistaken belief, to purchase respondent's said product.

PAR. 8. The aforesaid acts and practices of respondent, 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 March 30, 1940, issued, and on April 1, 1940, served its complaint in this proceeding upon respondent, Popular Publications, Inc., a corporation, charging it with the use of unfair and deceptive acts and practices in commerce in violation of the provisions of said act. On May 23, 1940, the respondent filed its answer, in which answer it admitted all the material allegations of fact set forth in said complaint and waived all intervening procedure and further hearing as to said facts. Thereafter, the proceeding regularly came on for final hearing before the Commission on said complaint, and the answer thereto, 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. The respondent Popular Publications, Inc., is a corporation organized, existing, and doing business under and by virtue of the laws of the State of New York, with its office and principal place of business at 205 East Forty-second Street, in the city of New York, State of New York.

PAR. 2. Respondent is now, and has been for more than 1 year last past, engaged in the sale and distribution of certain jewelry designated "Birthstone Rings."

By common acceptance a certain precious stone or semiprecious stone (in some cases alternative stones), is identified with each month of the year as the birthstone of that month, such stones being garnet, amethyst, jasper or bloodstone (aquamarine), diamond or sapphire, emerald, agate, turquoise, carnelian, chrysolite, beryl, topaz, and ruby.

Respondent causes its jewelry when sold by it to be transported from its aforesaid place of business in the State of New York to the purchasers thereof located in various other States of the United States and in the District of Columbia.

PAR. 3. Respondent maintains, and at all times mentioned herein has maintained, a course of trade in said jewelry among and between the various States of the United States and in the District of Columbia.

PAR. 4. In the course and conduct of its aforesaid business and for the purpose of inducing the purchase of said birthstone rings, respondent, by means of advertising circulars, letters, newspaper advertisements, and by other means, has made false and misleading representations concerning its said product. Among and typical of the representations contained in said false advertisements so used and disseminated as aforesaid are the following:

YOUR BIRTHSTONE IS YOUR LUCKY CHARM

Garnet for January, Amethyst for February, Aquamarine for March, and so all through the year, each month has its special birthstone.

PAR. 5. Through the use of the representations hereinabove set forth and others similar thereto not specifically set out herein, respondent represents that the stones contained in the rings sold by it as lucky birthstone rings are respectively the real stones named in paragraph 2 hereof.

PAR. 6. The aforesaid representations and implications used and disseminated by the respondent in the manner above described are false. In truth and in fact the stones in the rings sold by the respondent as "Lucky Birthstone Rings" are not the stones they are represented to be but are imitations of same.

PAR. 7. The use by the respondent of the aforesaid false and misleading statements and representations disseminated, as aforesaid, has had and now has the tendency and capacity to, and does, mislead and deceive a substantial portion of the purchasing public into the erroneous and mistaken belief that such false statements and representations are true and to induce a substantial portion of the purchasing public, because of such erroneous and mistaken belief, to purchase respondent's said products.

CONCLUSION

The aforesaid acts and practices of the respondent as herein set forth are all to the prejudice of the public and constitute unfair and deceptive acts and practices in commerce within the intent and meaning 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 and the answer of respondent, in which answer respondent admits all the material

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allegations of fact set forth in said complaint, and states that it waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that respondent has violated the provisions of the Federal Trade Commission Act.

It is ordered, That the respondent, Popular Publications, Inc., a corporation, its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of rings in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Representing, directly or by implication that the rings offered for sale and sold by respondent are set with precious or semiprecious stones identified as the birthstones for the respective months of the year.

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
OAK LANE CANDY COMPANY

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

Docket 4099. Complaint, Apr. 23, 1940—Decision, June 26, 1940

Where a corporation engaged in sale and distribution of certain assortments of candy and peanuts, which were so packed and assembled as to involve use of a game of chance, gift enterprise, or lottery scheme when sold and distributed to consumers, and included (1) number of pieces of candy and push card for use in sale and distribution thereof under a plan in accordance with which chance selection of certain numbers from card entitled penny purchaser to 20, 10, 5, 3, or 2 pieces of candy as case might be, and under which last purchaser in each of first 3 sections into which card was divided was entitled to and received 5 pieces, and purchaser pushing last number on card was entitled and received 15 pieces, and those securing other numbers were entitled to and received 1 piece only, and (2) various other assortments of said product, together with punchboards and push cards and involving methods or sales plans like or similar to that above described and varying therefrom in detail only—

Sold said assortments to dealers, and to retailers, by whom as direct and indirect purchasers thereof, they were exposed and sold to purchasing public in accordance with aforesaid sales plan, under which persons selecting many of the numbers designated, as above indicated, received pieces of candy which had retail values greatly in excess of amounts to be paid therefor, and under which such additional pieces were distributed to persons selecting such designated numbers wholly by lot or chance, and thereby supplied to and placed in the hands of others means of conducting lotteries in the sale of its products in accordance with sales plans or methods as above set forth, contrary to the established public policy of the United States Government, and in violation of criminal law, and in competition with many who are unwilling to adopt and use said or any sales plans or methods involving game of chance or sale of a chance to win something by chance, or any other sales plan or method contrary to public policy and refrain therefrom;

With result that many dealers in, and ultimate purchasers of, said products were attracted by its said sales plan or method and manner of packing such products and by element of chance involved in sale thereof as above described and were thereby induced to purchase said products so packed and sold by it in preference to like or similar ones offered or sold by said competitors, who do not use same or equivalent methods, and with result, through use of such methods and because of said game of chance, of diverting unfairly trade to it from its said competitors who do not use same or equivalent methods, to the substantial injury of competition in commerce: