

IN THE MATTER OF

B. SOLOMON, TRADING AS APEX LAMP WORKS

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

Docket 3629. Complaint, Oct. 11, 1938—Decision, Jan. 15, 1941

Where an individual engaged in manufacture of her "Ampliflector" lamp shade or reflector, and in interstate sale and distribution thereof in substantial competition with others engaged in sale and distribution, in commerce as aforesaid, of similar products intended for use in connection with illumination, and including many who truthfully advertise and represent the merits and efficiency thereof; in advertising her said "Ampliflector" in newspapers and magazines of general circulation, and through booklets, folders, pamphlets, circular letters, and other forms of advertising literature distributed in part directly to members of purchasing public in the various States, and furnished in part to customers located throughout the United States for distribution among the purchasing public—

- (a) Represented that said reflector was a new and amazing light discovery which cut light bills from 25 percent to 50 percent, and would pay for itself quickly out of actual savings, and that it constituted an advancement in the science of light reflectors and provided extreme concentration of light rays, with result that, attached to a small bulb, volume of illumination produced would be equal to that obtained with a larger one without the reflector, and with user saving difference between cost of smaller and larger bulb;

Facts being her said product was not an amazing discovery nor advancement in science concerned, as above claimed, but was similar in shape, design, size, and efficiency to reflectors of various shapes and sizes long sold and distributed in all the States, her reflector did not reduce lighting costs, but, like many others, was instrumental in directing and increasing light on a given working plane, and was merely adaptation of well-known principle of light diffusion, and, in matter of concentration of light rays, fell substantially short of that supplied, for example, by automobile and aviation headlights; and

- (b) Represented that she had made tests which proved that intensity of electric light from bulbs was increased by some 30 to 600 candlepower through use of her said reflector, and that use of diamond design in reflecting surface of said product amplified light produced in the bulb by criss-crossing every ray in every direction, and that same bulb would furnish more light with her said product than it would with any competing reflector, and that her said product gave better quality of light by changing colors thereof and bringing out contrast of colors in any object;

Facts being use by her in aforesaid connection of light intensity tests table was misleading and deceptive in that Weston light meter does not measure, as represented by her, candlepower, fixed candlepower output of a bulb is not affected by use of her reflector or of any other, and bulb used with her product would furnish no more light than when used with any other similar type reflector or shade, and, as aforesaid indicated, light is not

increased at the source by use of her, or other, reflector, whether larger or smaller lamp, at increased or decreased cost, as case may be, is employed, and while intensity of light on working plane is increased in foot candles through use of reflector, intensity thereof on opposite side is decreased, with candle power at source remaining same;

With effect, through use of such false and misleading statements and representations in circulars, pamphlets, and other advertising media employed by her in offer and sale of her said product in commerce, of misleading and deceiving substantial portion of purchasing public into erroneous belief that said representations were true, and, as consequence of such erroneous and mistaken beliefs, induced as above set forth, that substantial number of consuming public purchased her said product, and trade in commerce was thereby unfairly diverted to her from competitors; to their injury and that of the public:

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

Before *Mr. John P. Bramhall* and *Mr. William C. Reeves*, trial examiners.

Mr. R. A. McQuat 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 B. Solomon, trading under the name of Apex Lamp Works, hereinafter referred to as the 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. The respondent, B. Solomon, is an individual doing business as the Apex Lamp Works, with his [her] principal office and place of business located at 146-150 West Twenty-fifth Street, New York City. For more than 2 years last past respondent has been and still is engaged in the business of manufacturing for sale and selling a lamp shade or reflector under the trade name of "Ampliflector." Respondent causes his [her] said product, when sold, to be transported from his [her] aforesaid place of business in the State of New York to the purchasers thereof at their respective places of location in States of the United States other than the State of New York and in the District of Columbia. Respondent maintains, and during all the time herein mentioned has maintained, a course of trade in said product so sold by him [her] in commerce between and among the various States of the United States and in the District of Columbia.

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PAR. 2. Respondent is, and at all times herein mentioned has been, in substantial competition with other individuals and with firms, partnerships, and corporations engaged in the sale and distribution of similar products in commerce between and among the various States of the United States and in the District of Columbia. Among the competitors of respondent in said commerce are many who truthfully advertise and represent the efficacy and effect of their products.

PAR. 3. In the course of his [her] said business as hereinabove described, and for the purpose of inducing the purchase of his [her] product, respondent has made many statements concerning the efficacy and effect of his [her] product. Said statements are made by means of advertisements inserted in magazines and by means of statements and picturizations in pamphlets, testimonials, and letters, all circulated between and among the various States of the United States and in the District of Columbia. Among many, the following are typical examples of said advertisements:

NEW—AMAZING LIGHT DISCOVERY

Cuts Light Bills 25% to 50%

Ampliflectors needed in every store, factory, office. Halves electric bills or doubles light out-put.

Pays for itself quickly out of actual savings.

The Ampliflector represents the most advanced achievement in the science of light reflectors.

Permits use of smaller bulbs to obtain the same volume of light.

With Ampliflectors you use smaller bulbs, 15 watt instead of 40 watt, 25 watt instead of 50 watt * * *

LIGHT INTENSITY TESTS

These tests prove the high efficiency of AMPLIFLECTORS. * * *

Ampliflector Number	Bulb Size	Candlepower without Ampliflector	Candlepower with Ampliflector
*	*	*	*
*	*	*	*
10	300 Watt	150	900

The DIAMOND DESIGN in the mirror amplifies the light by criss-crossing every ray in every direction.

Gives a better quality of light by changing the average yellow to a brilliant white light.

Brings out the contrast in colors of any object.

Saves the difference between the cost of the smaller and larger bulbs.

All said statements, together with similar statements and picturizations appearing in respondent's advertising literature, but not set out herein, purport to be descriptive of respondent's product. Respondent represents, through the statements herein set out and

other statements of similar import and effect, that the "Ampliflector" is a new and amazing light discovery that cuts light bills 25 to 50 percent and pays for itself quickly out of actual savings; that it is needed in every store, factory, and office; that it is an advancement in the science of light reflectors; that when an "Ampliflector" is attached to an electric bulb a 15-watt bulb may be used instead of a 40-watt bulb to obtain the same volume of light as with the 40-watt bulb when used with any other type of reflector and that the user saves the difference between the cost of the smaller and larger bulb; that respondent has made tests which prove that the intensity of electric light from an electric light bulb is increased by from 30 to 600 candlepower; that the use of the diamond design in the mirror amplifies the light by criss-crossing every ray in every direction; that the same bulb will furnish more light with the "Ampliflector" than with any other reflector and that it gives a better quality of light by changing the colors and brings out the contrast in the colors of any object.

PAR. 4. The representations made by respondent with respect to the efficacy and effect of his [her] product are exaggerated, misleading, and false. In truth and in fact, respondent's product is neither new, amazing nor is it a discovery. It does not reduce light bills to any appreciable extent. It does not pay for itself out of savings. It does not provide extreme concentration of light rays. Light is not amplified by the design of the "Ampliflector." Light intensity is not measured by candlepower. Smaller bulbs do not produce any more light intensity with the "Ampliflector" than with other types of reflector. The "Ampliflector" does not give a better quality of light. The contrast in colors in any object is not brought out any better with the "Ampliflector" than with any other type of ampliflector unless a blue one is used. The "Ampliflector" merely concentrates and directs the light rays on a working plane in the same or similar manner as reflectors sold in competition with it. However, there are several brands of reflectors on the market that are more efficient as reflectors than "Ampliflectors." The foot-candle is the proper unit for measuring light intensity. The purported tests of the respondent are incorrectly reported.

PAR. 5. The exaggerated, misleading, and false representations used by respondent as set forth herein in connection with the sale of his [her] product have the capacity and tendency to and do mislead members of the purchasing public into a mistaken and erroneous belief that said representations are true. As a direct consequence of the exaggerated, misleading, and false representations of the respondent and the mistaken and erroneous belief induced thereby, the purchasing

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public has purchased a substantial amount of respondent's product from him [her], with the result that trade in said commerce has been diverted unfairly to respondent from competitors engaged in the business of selling reflectors who truthfully advertise and represent the efficacy of their products. As a result thereof, injury has been done and is now being done by the respondent to competition in commerce between and among the various States of the United States and in the District of Columbia.

PAR. 6. The aforesaid acts and practices of respondent as herein alleged are all to the prejudice of the public and respondent's competitors and constitute unfair methods of competition in commerce and 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 October 11, 1938, issued and thereafter served its complaint in this proceeding upon the respondent, B. Solomon, charging her with the use of unfair methods of competition in commerce and 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 respondent's answer thereto, testimony and other evidence in support of the allegations of the said complaint were introduced by R. A. McQuat, attorney for the Commission, before John P. Bramhall and William C. Reeves, examiners of the Commission, theretofore duly designated by it. No testimony or other evidence was introduced or tendered by or on behalf of said respondent. The testimony and other evidence so taken were duly recorded and filed in the office of the Commission. Thereafter the proceeding regularly came on for final hearing before the Commission on the said complaint, the answer thereto, testimony and other evidence, brief in support of the complaint (respondent not having filed a brief and oral argument not having been requested); and the Commission having duly considered the matter and being now fully advised in the premises; finds that this matter 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, B. Solomon, is an individual trading and doing business under the name of Apex Lamp Works. For several years prior to the date of the issuance of the complaint herein, respond-

ent's place of business was located at 146 West Twenty-fifth Street in the city of New York, State of New York. For more than 2 years prior to the date of the issuance of the complaint, respondent was engaged in the manufacture, sale, and distribution of a lamp shade or reflector under the trade name of "Ampliflector." Respondent caused said product, when sold, to be transported from respondent's place of business in the State of New York to purchasers located in the States of Illinois, Pennsylvania, Wisconsin, New Jersey, Massachusetts, and in various States of the United States and in the District of Columbia. Respondent during said time maintained a course of trade in said product in commerce between and among the various States of the United States and in the District of Columbia.

PAR. 2. In the course and conduct of business as aforesaid, and during the times above mentioned, respondent was in substantial competition with other individuals and with firms, partnerships, and corporations 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 similar products intended for use in connection with illumination. There are among the competitors of the respondent in said commerce many who truthfully advertise and represent the merits and efficiency of their products.

PAR. 3. In the course of the operation of said business as hereinabove described, and for the purpose of inducing individuals, firms, and corporations to purchase respondent's said reflectors, the respondent has made many statements and representations concerning the merits and efficiency of said product. Said statements and representations have been made in advertisements inserted in newspapers and magazines having general circulation throughout the various States of the United States. Respondent has also made use of booklets, folders, pamphlets, circular letters, and other forms of advertising literature containing said statements and representations, some of which respondent directly distributes to members of the purchasing public located in various States of the United States and some of which respondent furnishes to customers located throughout the United States for distribution among the purchasing public. In said advertisements respondent has made many statements concerning the effectiveness of the said reflector in increasing illumination and in effecting savings to consumers of electric light. Among and typical of the representations so made are the following:

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NEW—AMAZING LIGHT DISCOVERY

Cuts Light Bills 25% to 50%

Ampliflectors needed in every store, factory, office. Halves electric bills or doubles light out-put.

Pays for itself quickly out of actual savings.

The Ampliflector represents the most advanced achievement in the science of light reflectors.

Permits use of smaller bulbs to obtain the same volume of light.

With Ampliflectors you use smaller bulbs, 15 watt instead of 40 watt, 25 watt instead of 50 watt * * *

The improved light given by the new equipment is very apparent to the eye—you get as much or more light with the smaller bulbs. Undeniable proof can be given with the use of a light meter.

We can furnish Weston foot-candle meters which give an exact reading of light intensity.

* * *
Offices and Indoor Store Lighting—You can install the #5 Ampliflector inside of most existing lighting fixtures with the same bulb to obtain 25% more light; or you can use the #5 Ampliflector in those fixtures with the next smaller size bulb and obtain as much light as with the larger bulb. * * *

* * *
Smaller bulbs can be used to give the same amount of light.

* * *
Beware of Imported Imitations— * * * They are made of inferior materials and do not have the same efficiency, nor do they give any length of service.

LIGHT INTENSITY TESTS

These tests prove the high efficiency of AMPLIFLECTORS. Using a Weston Light Meter and Edison Mazda bulbs, the following readings were taken at 30 inches under the bulb. The readings at other distances would be relatively the same:

Ampliflector number	Bulb size	Candlepower without ampliflector	Candlepower with ampliflector
	<i>Watt</i>		
5	25	3	33
5	40	7	80
6	60	16	125
6	75	21	150
7	75	21	180
7	100	32	220
8	100	32	300
8	150	60	480
9	150	60	550
9	200	100	650
10	300	150	900

The DIAMOND DESIGN in the mirror amplifies the light by criss-crossing every ray in every direction.

Gives a better quality of light by changing the average yellow to a brilliant white light.

Brings out the contrast in colors of any object.

Saves the difference between the cost of the smaller and larger bulbs.

All of such statements, together with many other similar statements appearing in respondent's advertising literature purport to be descriptive of respondent's product and its effectiveness in use. In all of respondent's advertising literature respondent has represented that said reflector is a new and amazing light discovery which cuts light bills from 25 percent to 50 percent and which will pay for itself quickly out of actual savings; that said reflector is an advancement in the science of light reflectors, and provides an extreme concentration of light rays; that when said reflector is attached to a small electric light bulb the volume of illumination produced is equal to that which would be obtained through the use of a larger bulb without the reflector, and that the user saves the difference between the cost of the smaller and the larger bulb; that the respondent has made tests which prove that the intensity of electric light from electric bulbs is increased by from thirty to six hundred candlepower through the use of said reflector; that the use of the diamond design in the reflecting surface of said product amplifies the light produced in the bulb by criss-crossing every ray in every direction, and that the same bulb will furnish more light with respondent's said reflector than it will furnish when equipped with any competing reflector, and that respondent's said reflector gives a better quality of light by changing the color of the light and bringing out the contrast of colors in any object.

Respondent discontinued such advertising representations in June of 1938 but continued selling said reflector until in June of 1939. Practically all of the orders received by respondent for the said reflector were received through the mails in response to advertisements and advertising literature containing the representations hereinabove set-out.

PAR. 4. Respondent's reflector is designed for use in connection with electric light bulbs and has a concave reflecting mirror of either blue or silver colored glass. For many years reflectors of various shapes and sizes have been sold and distributed in all the States of the United States, many of which are similar in shape, design, size, and efficiency to respondent's said reflector.

Respondent's said reflector does not reduce lighting costs. Like many other reflectors, it is instrumental in directing and increasing light on a given working plane, thus making it possible to obtain as much light on a working surface with a small bulb and a reflector as can be obtained on the same plane with a larger bulb without a reflector. Respondent's said reflector is merely an adaptation of

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a well known principle of light diffusion and it is not a new and amazing light discovery nor is it an advancement in the science of light reflectors. A bulb will furnish no more light when used with respondent's said reflector than it will when used with any other similar type reflector or shade. Respondent's representation that said reflector furnishes an extreme concentration of light rays is misleading and deceptive for the reason that the concentration of light rays produced by respondent's reflector is within an angle of from 30° to 50° , while extreme concentration of light rays such as that provided in automobile head lights and aviation lights provides for a concentration of approximately 7° with the primary concentration within an angle of 2° . The use by the respondent of "Light Intensity Tests" table set-out in paragraph 3 hereof is misleading and deceptive for the reason that the Weston light meter is an instrument used for measuring the intensity of light in foot-candles at a chosen distance from the light. It does not measure candlepower as represented by respondent. The foot-candles reported on a Weston light meter necessarily differ as the meter is moved with reference to the source of light. Candlepower output of a bulb is measured in foot-candles. A foot-candle is the amount of light given by one candle at a distance of 1 foot. The fixed candle-power output of a bulb is not affected by the use of respondent's or any other reflector.

If a 50-watt lamp or any sized lamp is replaced by a 25-watt lamp or a lamp half the size of that originally taken, the cost of operation would be proportionately less but the amount of light is also proportionately less, if no reflector is used in either case. In the event that a reflector is used under the aforesaid conditions, the intensity of the light on the working plane is increased in foot-candles, but the intensity of light is decreased on the opposite side of the reflector from the working plane. The candle power of the light at the source in such case remains the same.

PAR. 5. The use by the respondent of the false and misleading statements and representations in circulars, pamphlets and other advertising media employed by respondent in offering for sale and selling said product in commerce, has had and now has the tendency and capacity to mislead and deceive a substantial portion of the purchasing public into the erroneous belief that said representations are true. As a result of such erroneous and mistaken beliefs, induced by the acts and representations of the respondent as hereinbefore enumerated, a substantial number of the consuming public have purchased respondent's product, with the result that trade in commerce among and between the various States of the United States and in the

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District of Columbia has been unfairly diverted to the respondent from competitors to their injury and to the injury of the public.

CONCLUSION

The aforesaid acts and practices of the respondent as herein found are all to the prejudice and injury of the public and of respondent's competitors and constitute unfair methods of competition in commerce and 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, the answer of the respondent, testimony and other evidence taken before John P. Bramhall and William C. Reeves, examiners of the Commission theretofore duly designated by it in support of the allegations of said complaint (respondent not having presented any testimony or other evidence in opposition to the allegations of the complaint), and brief on behalf of the Commission filed herein (respondent not having filed brief or requested oral argument) and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act.

It is ordered, That the respondent, B. Solomon, trading as the Apex Lamp Works, or trading under any other trade name, her representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of reflectors for electric light bulbs, now known as and sold under the name "Ampliflector," or any other similar product sold under the same name or any other name, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing:

1. That respondent's product is a new and amazing light discovery that cuts light bills substantially, pays for itself quickly out of actual savings, or effects economies in the use of electric current which will not result from the use of other reflectors.

2. That respondent's product is an advancement in the science of light reflectors; that the volume of light at the source is increased through the use of said product with any lamp or bulb; or that the attachment of said product to a small bulb produces illumination equal to that obtained by the use of a larger bulb with other reflectors.

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3. That tests have been made which prove that the use of said reflector increases the intensity of light from an electric light bulb to a greater degree than it can be increased through the use of other reflectors.

4. That the use of a diamond shaped design in the reflecting surface of respondent's reflector amplifies the light in the bulb.

5. That said reflector provides extreme concentration of light rays.

6. That said reflector increases the candle power of an electric bulb.

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

Syllabus

IN THE MATTER OF

U. S. AIR SEAL, INC.

COMPLAINT, FINDINGS, AND ORDER IN REGARD TO THE ALLEGED VIOLATION
OF SEC. 5 OF AN ACT OF CONGRESS APPROVED SEPT. 26, 1914*Docket 4187. Complaint, July 13, 1940—Decision, Jan. 15, 1941*

Where a corporation engaged in manufacture of its "Air Seal" automobile accessory compound to prevent tire blow-outs, and in interstate sale thereof, in statements with reference thereto, through pamphlets and circular advertising and otherwise—

- (a) Represented that use of its said product would cause tires to be immune to and safe from blow-outs, and would control blown-out tire by retaining enough air in tube for safe stopping, through such statements as "Not one manufacturer has produced a blow-out proof tire, but all makes of tires are immediately made safe by Air Sealing from this danger," and "Air Seal will absolutely control a blown-out tire by retaining enough air after a blow-out to allow you to come to a straight-a-head, safe stop—sometimes even permitting you to go on to a service station for repairs," and through invitation, as a test, to "DRIVE A NAIL IN AN AIR-SEALED TIRE" and depiction of nail being driven into tire, facts being such product would not cause tires to be immune and safe from such happenings or prevent blow-outs caused by large holes, tube punctures or broken beads, and would not control a blown-out tire by retaining enough air for safe stopping or otherwise; and
- (b) Represented, as aforesaid, that use of its said "Air Seal" would eliminate friction and extend life of tube, and preserve rubber, and that such "Air Seal" was superior to similar products used to prevent escape of air from tubes, and that use thereof produced a 25 percent increase in tire mileage, through such statements as "* * * unlike most other products which are designed for blow-out control and puncture proofing, does not engender friction (heat), thus, it eliminates the primary cause of blow-outs," and "Air Sealed tubes will outlast two or three casings," and "* * * preserves the rubber," and "Regardless of the number of tire miles you are now getting, Air Seal will positively give you 25 percent or more," facts being it would not eliminate friction, extend life of tube, give 25 percent or any appreciable increased tire mileage nor accomplish other results claimed for it as above set forth, and was not superior in such particulars to similar products used to prevent escape of air from tubes;

With effect, through use of such false, deceptive, and misleading statements, representations and claims, of misleading and deceiving substantial portion of purchasing public into erroneous and mistaken belief that such statements, representations and claims were true, and of causing substantial portion of purchasing public, because of such erroneous and mistaken belief, to purchase substantial quantities of its said product:

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.

Mr. Paul Z. Hodge, of Warren, Ohio, for respondent.