

Syllabus

IN THE MATTER OF

CHICAGO THERMO-MAGNETIC CUSHION COMPANY,
AND A. MERCER PARKERCOMPLAINT, FINDINGS, AND ORDER IN REGARD TO THE ALLEGED VIOLATION
OF SEC. 5 OF AN ACT OF CONGRESS APPROVED SEPT. 20, 1914*Docket 3523. Complaint, Aug. 2, 1938—Decision, Mar. 19, 1941*

Where a corporation and an individual, who was its president, owned 98 percent of its stock, and managed, controlled, and directed its sales policies and business affairs, engaged in the manufacture and competitive interstate sale and distribution of their "Thermo-Magnetic Cushion," upon which, after plugging it into an ordinary house socket, patient was to sit for treatment through the pelvic region, in advertising and describing their said device in various magazines and newspapers of interstate circulation and in circulars, folders, and occasionally personal letters sent to those replying to aforesaid advertising—

Represented that their said "Thermo-Magnetic Cushion" possessed remedial and therapeutic value in treatment of constipation, colds, rheumatism, lumbago, sciatica, menstrual disorders of women, neurasthenia, neuritic troubles, nervous ailments, stomach and digestive troubles, including constipation, prostatic troubles, kidney or bladder trouble, nervous ailments, and other ailments of the human body, and that the use of said device would promote good blood circulation, dissipate congestion, and revitalize the human system;

Facts being infrared rays emitted by it were weak, with comparatively slight penetrating qualities, and its electromagnetic effect was very weak, with no effect upon body tissue, properties thereof were limited to those of an ordinary heating pad, local application of which may in some cases give temporary relief from pain, effective area of application in treatment of painful conditions was restricted by the method of use, and device did not constitute a cure or remedy for various ailments and conditions above set forth, and had no therapeutic value in the treatment thereof in excess of affording temporary relief from pain when localized in the area affected by said device, and use thereof would not revitalize the system;

With effect of misleading and deceiving a substantial portion of the purchasing public and of causing it mistakenly and erroneously to believe that their said representations and implications were true, and to purchase substantial quantities of their said device because of said mistaken and erroneous belief and with consequence that trade in commerce had been and was diverted unfairly to them from competitors who truthfully represented their said products:

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

Before *Mr. W. W. Sheppard*, trial examiner.

Mr. DeWitt T. Puckett and *Mr. J. R. Phillips, Jr.*, for the Commission.

Complaint

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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 Chicago Thermo-Magnetic Cushion Co., a corporation, and A. Mercer Parker, individually, and as an officer of said corporation, hereinafter referred to as respondents, have 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. Respondent, Chicago Thermo-Magnetic Cushion Co., is a corporation organized, existing, and doing business under and by virtue of the laws of the State of Illinois, with its offices and principal place of business located at 36 West Randolph Street in the city of Chicago, State of Illinois. Respondent, A. Mercer Parker, whose address is 36 West Randolph Street in the city of Chicago, State of Illinois, is an officer of the aforesaid respondent corporation and manages, controls, and directs the sales policies and business affairs of said respondent corporation, and participated in the acts and practices herein charged. Said respondents are engaged in the manufacture, sale, and distribution of a certain device designated by respondents as a "Thermo-Magnetic Cushion," whereby, by means of alternating electric current, a thermomagnetic field of therapeutic value is said by respondents to be created, to the great benefit of customers of respondents using said "Thermo-Magnetic Cushion."

Respondents caused and cause their product, when sold, to be transported from their place of business in Chicago, in the State of Illinois, to the purchasers thereof, located in the States of the United States other than the State of Illinois and in the District of Columbia.

Respondents now maintain, and for more than 7 months last past have maintained, a course of trade in the aforesaid device so manufactured, distributed, and sold by them 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 their business, as aforesaid, the respondents are, and for more than 7 months last past have been, in competition with corporations, individuals, and partnerships engaged in the sale and distribution of heating pads, heating cushions, and other electrical devices and appliances, and in the sale and dis-

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tribution of products used and useful in the treatment of the ailments, diseases, and conditions for which respondents recommend their said device, in commerce between and among the various States of the United States and in the District of Columbia.

Among the competitors of respondents are many individuals, firms, and corporations who sell and distribute in said commerce heating pads, heating cushions, and other electrical devices and appliances, and various and sundry products used and useful in the treatment of many of the ailments, diseases, and conditions mentioned in advertising matter used by the respondents, as set out in paragraph 3 hereof, who do not misrepresent the therapeutic value of their said products.

PAR. 3. In the course of their aforesaid business, and for the purpose of inducing the purchase of their device by members of the purchasing public, respondents published and circulated and caused to be published and circulated among prospective purchasers in the various States of the United States and in the District of Columbia, advertisements in magazines, newspapers, and letters, bulletins, pamphlets, circulars, and by other means designed and intended to influence the purchase of their devices.

Appearing in the advertisements and descriptive literature, as aforesaid, among others, are the following statements:

PAIN

Soothed and Relieved

By Remarkable New

THERMO-MAGNETIC CUSHION

STOP THE CRY of those irritated nerves responsible for the pains of menstruation, of enlarged prostate, kidney and bladder troubles, lumbago, sciatica, etc. New and simple method applies deep soothing heat to the organs of the pelvis and abdomen. Write today.

CHICAGO THERMO-MAGNETIC CUSHION COMPANY

36 W. Randolph Street, Dept. C. Chicago, Ill.

By applying infra-red rays, magnetism and vibrations through the pelvic regions, MAN IS BEING TREATED THROUGH THE ROOTS OF HIS BODY, thereby reaching the seat of his trouble.

This is what the cushion does for you * * * IT PROMOTES GOOD BLOOD CIRCULATION, purifying the blood streams and nerve cells, thereby aiding nature to keep you healthy.

Deep penetrating Infra-Red Rays and Electro Magnetism are applied to the PELVIC ORGANS, bringing remarkable relief through an increase of circulation of blood and nerve energy.

The penetrating rays increase circulation, dissipate congestions, relax over-tensions, thus bring relief.

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GENERAL TREATMENT

A treatment can be taken any time without any preparation or disrobing. FOR REVITALIZING, two or three one-half hour treatments a day are sufficient. A period of longer duration is not advisable.

STOMACH and DIGESTIVE TROUBLE. This treatment taken before or at meal time will aid digestion.

CONSTIPATION, it is said, is the direct cause of about 95% of our physical troubles. The THERMO-MAGNETIC CUSHION increases the circulation to such an extent that the peristaltic action of the bowels is so strengthened that evacuation is considerably improved. One must be careful regarding what one eats to get best results and lasting relief from constipation.

RHEUMATISM, LUMBAGO, SCIATICA and NEURITIC CONDITIONS. Application of one hour is advised.

PROSTATE TROUBLE. The THERMO-MAGNETIC CUSHION is a specific for this distressing ailment.

MENSTRUAL DISORDERS OF WOMEN. Relief is at times almost immediate, but to normalize extended applications are required. It is an invaluable aid during the menopause.

NEURASTHENIA. The cushion will alleviate this condition. Extended and periodic application is required to obtain maximum benefit.

COLDS. This treatment gives quick relief providing stimulation of circulation and greater tissue resistance.

The Cushion can be used for local application to back, abdomen and chest. It has been found very beneficial in cases of insomnia, in drawing the blood congestion from local areas and in speeding up the general circulation.

But, concealed inside, near the top, are two specially constructed Electro-Magnetic Coils. They are so placed as to send Thermo-Magnetic Heat Rays through the Perineum or the soft part between the thighs to the Pelvic Organs.

However, the beneficent effects of these heat waves and of the improved circulation go far beyond these immediate organs.

For Relief of Menstrual Pains.

The entire pelvic region is flooded with Thermo-Magnetic rays which stimulate circulation, relieve congestion and quickly bring relief from the pain distress, as well as excess muscle tension.

Relief of Prostatic Trouble.

By applying Thermo-Magnetic Rays directly to the perineum, this potent, natural force at once begins the work of reducing the congestion and relaxing excess muscle tension. As the swelling is reduced the necessity for frequent bladder evacuations at night is avoided, and irritation and dragging down sensations should quickly disappear.

Those Agonizing Rheumatic Pains.

And now with the penetrating Thermo-Magnetic Rays of the Chicago Thermo-Magnetic Cushion, millions who are afflicted can obtain quick and lasting relief.

This Thermo-Magnetic Cushion soothes the irritated nerves. It stimulates circulation. It breaks up congestions and relaxes muscle tensions. It aids nature in dispelling the accumulations of poisons in the muscles and joints so they can be eliminated from the system.

If you suffer from rheumatic aches and pains, send for this Thermo-Magnetic Cushion and learn for yourself the relief and comfort it will enable you to enjoy.

For Nervous Ailments.

A person can hardly take even a single treatment with this cushion without feeling some of the relaxing, soothing effect of the Thermo-Magnetic Rays applied to the perineum and pelvic region.

And under the soothing, yet stimulating, influence of regular Thermo-Magnetic treatments, one's whole mental attitude undergoes a beneficial change. Life assumes a more cheerful, pleasanter aspect. Happiness and sunshine tend to drive out despair and gloom.

There is hardly a person living who could not benefit through the occasional or regular use of this Thermo-Magnetic Cushion—for better mental and physical health.

Respondents have also published certain alleged testimonials from users in their literature, it being represented that the original letters with full names and addresses were on file at their office.

PAR. 4. By the means and in the manner aforesaid, respondents represent and imply that said device, "Thermo-Magnetic Cushion," is of remedial and therapeutic value in the treatment of, and will cure, the ailments, diseases, and conditions mentioned in said advertising matter and set out in paragraph 3 hereof.

The use of said device will not cure all or any of the ailments, diseases, and conditions mentioned, and it is of no remedial or therapeutic value in the treatment of constipation, colds, rheumatism, lumbago, sciatica, menstrual disorders of women, neurasthenia, neuritic conditions; stomach, digestive, and prostate troubles; or any other ailment, disease, or condition, except as a device for the application of heat to a local area, which may, or may not, result in a temporary alleviation of pain, dependent upon the systemic or underlying disorder producing the pain. The use of said device will not, in any sense, revitalize the human system.

Respondents do not possess original testimonial letters with full names and addresses of the writers on file as represented in their said advertising literature.

PAR. 5. Respondents' acts and practices, as hereinabove alleged, have had, and do have, the tendency and capacity to, and do, mislead and deceive a substantial portion of the purchasing public, and have caused and do cause a number of members of the purchasing public mistakenly and erroneously to believe that said representations and implications are true, and that the use of respondents' said device will cure said ailments, diseases, and conditions and, because of said mistaken and erroneous belief, to purchase respondents' said device. As a result thereof, trade in said commerce has been, and is, diverted unfairly to the respondents from their competitors to the injury of said competitors and to the injury of the public.

PAR. 6. The acts and practices of the respondents, as herein alleged, are all to the prejudice of the public and respondents' competitors, and constitute unfair methods of competition 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 2, 1938, issued and thereafter served its complaint in this proceeding upon respondents, Chicago Thermo-Magnetic Cushion Co., a corporation, and A. Mercer Parker, individually, and as an officer of said corporation, charging them with the use of unfair methods of competition in commerce in violation of the provisions of said act. After the issuance of said complaint, and the filing of respondents' answer thereto, testimony and other evidence in support of the allegations of said complaint were introduced by DeWitt T. Puckett, attorney for the Commission, before W. W. Shepard, a trial examiner of the Commission theretofore duly designated by it, and said testimony and other evidence 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 in support of the complaint, brief in support of the complaint (respondents not having filed 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 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, Chicago Thermo-Magnetic Cushion Co., is a corporation organized, existing, and doing business under the laws of the State of Illinois with its office and principal place of business located at 36 West Randolph Street, in the city of Chicago, State of Illinois. Respondent, A. Mercer Parker, whose address is 36 West Randolph Street, Chicago, Ill., is President of the respondent corporation and manages, controls, and directs its sales policies and business affairs. Said respondents are engaged in the manufacture, sale, and distribution to purchasers throughout the United States of a certain device designated as a "Thermo-Magnetic Cushion," and respondents cause said device when so sold to be transported from their place of business in Chicago, Ill., to the purchasers thereof located in States of

the United States other than the State of Illinois, and in the District of Columbia. Respondents now maintain, and for more than 7 months prior to the issuance of the complaint herein have maintained, a course of trade in the aforesaid device so manufactured, distributed, and sold by said respondents between and among the various States of the United States and in the District of Columbia.

In the course and conduct of their business, respondents are, and for more than 7 months prior to the issuance of the said complaint herein had been, in competition with other corporations, individuals, and partnerships likewise engaged in the manufacture, sale, and distribution of heating pads, heating cushions, and other electrical devices and appliances, and in the sale and distribution of products used, and useful, in the treatment of ailments, diseases, and conditions for which respondents recommend their said device, in commerce between and among the various States of the United States and in the District of Columbia.

PAR. 2. Respondent, A. Mercer Parker, is president of the respondent corporation and the owner of 98 percent of the stock therein. Ruby E. Morgan is secretary of respondent corporation and the owner of one share of stock therein. Mrs. Juanita Conlin is treasurer of respondent corporation and the owner of one share of stock therein. Dr. A. Mercer Parker is not an M.D., but is a chiropractor. Respondent, A. Mercer Parker, prior to December 1, 1936, took over the business of another firm, "The Holder's Health Aids," which at that time was engaged in manufacturing a device which respondent continued to manufacture with certain changes. The "Chicago Thermo-Magnetic Cushion" is described as an assembly of rubber fillers enclosed in a canvas pad, and covered with a leather covering. It is electrically wired and when used is plugged into an ordinary house socket. There is a thermostat control on the device. The device, when in use, is placed on a chair, and the patients sits on it. The patient plugs the socket into the wall for the purpose of obtaining electric current, and treatment is had through the pelvic region. The patient is instructed to sit on the device for 30 minutes, more or less. The device retailed for \$9.75, but later the price was raised to \$16.50.

PAR. 3. Respondents' method of doing business was to insert advertising in various magazines and newspapers published and circulated throughout the various States of the United States and in the District of Columbia. Respondents would receive letters of inquiry from various members of the purchasing public in response to such advertising, and in answer to these inquiries respondents would mail to those so inquiring circulars and folders descriptive of respondents' device, and sometimes would write personal letters. At other times form letters

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were sent out. Among and typical of the representations appearing in magazine advertising of general circulation are the following statements:

PAIN

Soothed and Relieved

By Remarkable New THERMO-MAGNETIC CUSHION

STOP THE CRY of those irritated nerves responsible for the pains of menstruation, of enlarged prostate, kidney and bladder troubles, lumbago, sciatica, etc. New and simple method applies deep soothing heat to the organs of the pelvis and abdomen. Write today.

Typical of the advertising statements appearing in folders and circulars distributed by mail throughout the various States of the United States are the following:

By applying infra-red rays, magnetism and vibrations through the pelvic regions, MAN IS BEING TREATED THROUGH THE ROOTS OF HIS BODY, thereby reaching the seat of his trouble.

This is what the cushion does for you * * * IT PROMOTES GOOD BLOOD CIRCULATION, purifying the blood streams and nerve cells, thereby aiding nature to keep you healthy.

Deep penetrating Infra-Red Rays and Electro Magnetism are applied to the PELVIC ORGANS, bringing remarkable relief through an increase of circulation of blood and nerve energy.

* * * * *
The penetrating rays increase circulation, dissipate congestions, relax over-tensions, thus bring relief.

GENERAL TREATMENT

A treatment can be taken any time without any preparation or disrobing. FOR REVITALIZING, two or three one-half hour treatments a day are sufficient. A period of longer duration is not advisable.

STOMACH AND DIGESTIVE TROUBLE. This treatment taken before or at meal time will aid digestion.

CONSTIPATION, it is said, is the direct cause of about 95% of our physical troubles. The THERMO-MAGNETIC CUSHION increases the circulation to such an extent that the peristaltic action of the bowels is so strengthened that evacuation is considerably improved. One must be careful regarding what one eats to get best results and lasting relief from constipation.

RHEUMATISM, LUMBAGO, SCIATICA AND NEURITIC CONDITIONS. Application of one hour is advised.

PROSTATE TROUBLE. The THERMO-MAGNETIC CUSHION is a specific for this distressing ailment.

MENSTRUAL DISORDERS OF WOMEN. Relief is at times almost immediate, but to normalize extended applications are required. It is an invaluable aid during the menopause.

COLDS. This treatment gives quick relief providing stimulation of circulation and greater tissue resistance.

The Cushion can be used for local application to back, abdomen and chest. It has been found very beneficial in cases of insomnia, in drawing the blood con-

gestion from local areas and in speeding up the general circulation.

* * * * *

But, concealed inside, near the top, are two specially constructed Electro-Magnetic Coils. They are so placed as to send Thermo-Magnetic Heat Rays through the perineum or the soft part between the thighs to the Pelvic Organs.

* * * * *

For Relief of Menstrual Pains

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The entire pelvic region is flooded with Thermo-Magnetic rays which stimulate circulation, relieve congestion and quickly brings relief from the pain distress, as well as excess muscle tension.

Relief of Prostatic Trouble

* * * * *

By applying Thermo-Magnetic Rays Directly to the perineum, this potent, natural force at once begins the work of reducing the congestion and relaxing excess muscle tension. As the swelling is reduced the necessity for frequent bladder evacuations at night is avoided, and irritation and dragging down sensations should quickly disappear.

Those Agonizing Rheumatic Pains

* * * * *

And now with the penetrating Thermo-Magnetic Rays of the Chicago Thermo-Magnetic Cushion, millions who are afflicted can obtain quick and lasting relief.

* * * * *

This Thermo-Magnetic Cushion soothes the irritated nerves. It stimulates circulation. It breaks up congestions and relaxes muscle tensions. It aids nature in dispelling the accumulations of poisons in the muscles and joints so they can be eliminated from the system.

If you suffer from rheumatic aches and pains, send for this Thermo-Magnetic Cushion and learn for yourself the relief and comfort it will enable you to enjoy.

For Nervous Ailments

* * * * *

A person can hardly take even a single treatment with this cushion without feeling some of the relaxing, soothing effect of the Thermo-Magnetic Rays applied to the perineum and pelvic region.

And under the soothing, yet stimulating, influence of regular Thermo-Magnetic treatments, one's whole mental attitude undergoes a beneficial change. Life assumes a more cheerful, pleasanter aspect. Happiness and sunshine tend to drive out despair and gloom.

There is hardly a person living who could not benefit through the occasional or regular use of this Thermo-Magnetic Cushion—for better mental and physical health.

PAR. 4. Through the use of the foregoing statements and others similar thereto but not herein set out, all of which purport to be descriptive of respondents' product, "Thermo-Magnetic Cushion," respondents represent that said device possesses remedial and therapeutic value in the treatment of constipation, colds, rheumatism, lumbago, sciatica, menstrual disorders of women, neurasthenia, neuritic con-

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ditions, nervous ailments, stomach and digestive troubles, including constipation, prostatic troubles, kidney or bladder trouble, nervous ailments and other ailments of the human body, and that the use of said device will promote good blood circulation, dissipate congestion, and will in fact revitalize the human system.

PAR. 5. The Commission finds that respondents' said advertising representations concerning their said product, "Thermo-Magnetic Cushion," are false, misleading, and exaggerated in the following among other particulars: The infra-red rays emitted by respondents' device are weak with comparatively slight penetrating qualities. The electro-magnetic effect of this device is very weak and has no effect upon the body tissue. The properties of this device are limited to those of an ordinary heating pad. The local application of a heating pad may in some cases give temporary relief to pain under conditions where the application of heat would be indicated. However, the method of use of respondents' device as a cushion upon which the patient is seated restricts the effective area of application of this device in the treatment of painful conditions. The use of this device does not constitute a cure or remedy for constipation, colds, rheumatism, lumbago, sciatica, menstrual disorders of women, neurasthenia, neuritic conditions, nervous ailments, stomach and digestive troubles, including constipation, prostatic troubles, kidney or bladder trouble, nervous ailments and other ailments of the human body, and said device has no therapeutic value in the treatment of such conditions in excess of affording temporary relief from menstrual pain and pain from rheumatism, lumbago, sciatica, and neuritic conditions when localized in the area affected by this device. The use of said device will not revitalize the human system.

PAR. 6. The aforesaid false and misleading representations of respondents have had, and now have, the tendency and capacity to, and do, mislead and deceive a substantial portion of the purchasing public and have caused and do cause a number of members of the purchasing public mistakenly and erroneously to believe that said representations and implications are true, and because of said mistaken and erroneous belief, so induced, to purchase substantial quantities of respondents' said device. As a result thereof, trade in said commerce has been, and is, diverted unfairly to the respondents from competitors who truthfully represent their said products.

CONCLUSION

The aforesaid acts and practices of the respondents, as herein found, are all to the prejudice of the public, and of respondents' competitors,

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and constitute unfair methods of competition 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 respondents, testimony, and other evidence in support of the complaint taken before W. W. Sheppard, an examiner of the Commission theretofore duly designated by it, brief filed in support of the complaint (respondents not having filed brief and oral argument not having been requested), and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act.

It is ordered, That respondent, Chicago Thermo-Magnetic Cushion Co., a corporation, and its officers, and A. Mercer Parker, individually and as an officer of Chicago Thermo-Magnetic Cushion Co., and their respective representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of the device designated as "Thermo-Magnetic Cushion" or any other device of substantially similar construction or possessing substantially similar properties or functions, whether sold under such name or any other name, in commerce as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing that the use of said device, "Thermo-Magnetic Cushion," constitutes a cure or remedy for constipation, colds, rheumatism, lumbago, sciatica, menstrual disorders of women, neurasthenia, neuritic conditions, nervous ailments, stomach and digestive disorders, prostatic disorder, kidney or bladder disorders, nervous ailments or other ailments of the human body, or that said device has any therapeutic value in the treatment of such conditions in excess of affording temporary relief from menstrual pain or pain associated with rheumatism, lumbago, sciatica, and neuritic conditions when localized in an area affected by heat from said device.

2. Representing that the use of respondents' device will revitalize the human system.

It is further ordered, That the respondents 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.

Complaint

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IN THE MATTER OF

JULIAN S. COHN

COMPLAINT, FINDINGS, AND ORDER IN REGARD TO THE ALLEGED VIOLATION
OF SEC. 5 OF AN ACT OF CONGRESS APPROVED SEPT. 26, 1914*Docket 4106. Complaint, Apr. 25, 1940—Decision, Mar. 19, 1941*

Where an individual engaged in interstate sale and distribution of handkerchiefs—Represented, orally and by correspondence and otherwise, that he was the manufacturer of said products, facts being it was his practice to have raw materials secured by him, in designs and patterns desired, from yardage mills, made up by various concerns under contract with him in accordance with specifications which he submitted and which included such matters as sizes, widths, and lengths desired, and character and manner of stitching, etc., and plants in which his said products were thus made were owned, operated, and controlled by the various owners and not by him, and he was in no sense such a manufacturer, from whom a substantial portion of purchasing public prefers to purchase direct as affording in its belief, savings of middleman's or wholesaler's profit;

With effect of misleading and deceiving purchasers of such products, and of causing them mistakenly and erroneously to believe that he was a manufacturer of handkerchiefs, and, as result of such belief, to purchase his said product:

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.

Before *Mr. Randolph Preston*, trial examiner.

Mr. Wm. T. Chantland for the Commission.

Mr. Nathaniel Phillips and *Mr. S. S. Goldsmith*, 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 Julian S. Cohn, an individual, 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. Respondent, Julian S. Cohn, with his office and principal place of business at 260 Fourth Avenue, New York, N. Y., is now and for more than 2 years last past has been engaged in the sale and distribution of handkerchiefs.