

IN THE MATTER OF

SIEGEL & ALENIKOFF ET AL.

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

Docket 4427. Complaint, Dec. 20, 1940—Decision, May 14, 1941

Where three partners engaged in the manufacture of women's textile fabric coats and other garments so constructed as to have the appearance of the silky, tightly curled, and highly prized fur of Karakul lambs and in the interstate sale and distribution thereof, and four concerns which were their agents, with places of business in Cleveland, Boston, Detroit, and Chicago, respectively, serving as stock houses therefor—

- (a) Represented that said textile fabric garments were made from the peltries of Persian lambs, young of the Karakul sheep, or from their wool, through use of words "Persian," "Genuine Babelamm," "Persian Fur Fabrics," "Imported" and others of like import, accompanied by pictorial representations of sheep or lambs and a woman wearing a coat with the appearance of fur and other illustrations of said textile fabric garments in advertisements in trade journals, window display cards and other advertising matter, and through tags and labels which they attached to said garments, some of which bore pictorial designs of sheep or lambs and trade names "Galykurl" and "Babelamm";

Facts being said garments were composed of wool and cotton or of wool, cotton and rayon, which chemically manufactured fiber, when spun or combined with wool, has the appearance and feel thereof, so that garments manufactured of fabrics so composed are practically indistinguishable from wool; and

- (b) Failed to disclose or indicate in their labels, tags, and other advertising material the presence of rayon and cotton in their said product;

With effect of confusing, misleading, and deceiving a substantial portion of the purchasing public into the belief that their said representations were true and of thereby inducing purchase by it of substantial quantities of their said products; and through furnishing said misleading labels and tags and other advertising material to customers of placing in the hands of retailers an instrumentality whereby they might deceive or mislead members of the purchasing public into the erroneous belief that said textile fabric garments were made from the peltries or wool of Karakul lambs:

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.

Mr. Joseph C. Fehr for the Commission.

Mr. Leopold Bleich, of New York City, for respondents.

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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 Joseph Henschel, Jacob Siegel, and Philip Alenikoff, individually and as copartners trading as Siegel & Alenikoff; H. M. Thorman and Alfred Schuster, individually and as copartners trading as H. M. Thorman; Joseph Bloomfield, an individual trading as Bloomfield Co.; Lou Littman, an individual trading as Lou Littman, and Sugar, Feinberg & Frankel, a 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. Respondents, Joseph Henschel, Jacob Siegel and Philip Alenikoff, are individuals, trading as copartners under the trade name Siegel & Alenikoff, with their principal office and place of business located at 520 Eighth Avenue in the city of New York, in the State of New York.

Respondents H. M. Thorman and Alfred Schuster, are individuals trading as copartners under the trade name H. M. Thorman, with their principal office and place of business located at 2101 Superior Avenue, in the city of Cleveland, in the State of Ohio. Among other things, respondents H. M. Thorman and Alfred Schuster are agents for the respondents, Joseph Henschel, Jacob Siegel, and Philip Alenikoff, and their place of business is also a stock house for said respondents.

Respondent Joseph Bloomfield is an individual trading as Bloomfield Co., with his principal office and place of business located at 75 Kneeland Street, in the city of Boston, in the State of Massachusetts. Among other things, respondent Joseph Bloomfield is an agent for the respondents, Joseph Henschel, Jacob Siegel, and Philip Alenikoff, and his place of business is also a stock house for said respondents.

Respondent Lou Littman is an individual trading as Lou Littman with his principal office and place of business located at 153 East Grand River Avenue, in the city of Detroit, in the State of Michigan. Among other things, respondent Lou Littman is an agent for the respondents, Joseph Henschel, Jacob Siegel, and Philip Alenikoff, and his place of business is also a stock house for said respondents.

Respondent, Sugar, Feinberg & Frankel, is a corporation organized and existing under and by virtue of the laws of the State of Illinois,

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with its principal office and principal place of business located at 318 West Adams Street, in the city of Chicago, in the State of Illinois. Among other things, respondent Sugar, Feinberg & Frankel is an agent for the respondents, Joseph Henschel, Jacob Siegel, and Philip Alenikoff, and its place of business is also a stock house for said respondents.

PAR. 2. Respondents, Joseph Henschel, Jacob Siegel, and Philip Alenikoff, trading under the trade name Siegel and Alenikoff, are now and for more than 2 years last past have been engaged in the manufacture of women's textile fabric coats and other garments, some made of fabrics composed of wool and cotton, and some of rayon, wool and cotton, and in the sale and distribution of the same in commerce between and among the various States of the United States and in the District of Columbia to the other respondents named herein, to other retailers, and to members of the purchasing public. The individual respondents, H. M. Thorman, Alfred Schuster, Joseph Bloomfield, Lou Littman, and the corporate respondent Sugar, Feinberg & Frankel, are now and for more than 2 years last past have likewise been engaged in the business, among other things, of selling and distributing in commerce between and among the various States of the United States and in the District of Columbia, the women's textile fabric coats and other garments manufactured for them and shipped to them by the aforesaid respondents Joseph Henschel, Jacob Siegel and Philip Alenikoff.

In the course and conduct of their said businesses respondents cause said products, when sold, to be shipped from their respective places of business in the States of New York, Massachusetts, Michigan, and Illinois to purchasers located in various other States of the United States and in the District of Columbia. Respondents maintain, and at all times mentioned herein have maintained, a course of trade in such textile fabric garments in commerce among and between the various States of the United States and in the District of Columbia.

PAR. 3. The words "Persian Lamb" and "Baby Lamb," as applied to or when used in association with coats, cloaks or similar garments for women, indicate to the purchasing public, and are accepted as meaning or indicating, peltries of the young of the Karakul breed of sheep originally found in the Bokharan region of Russia. Peltries truthfully designated as "Persian Lamb" are noted for their silky, tightly curled fur. Peltries truthfully designated as "Baby Lamb" are noted for a lustrous water wave pattern. Both said peltries bring high prices in trade and commerce throughout the world, and there is a preference among discriminating women throughout the world for

coats, cloaks, capes, or other garments made of "Persian Lamb" or "Baby Lamb."

PAR. 4. In the course and conduct of their businesses, as aforesaid, respondents, in connection with the offering for sale and sale of their textile fabric garments, refer to and designate their said textile fabric women's coats and other garments through the use of the word "Persian" and by the trade names "Galykurl" and "BABELAMM." Respondents advertise their said textile fabric garments by means of trade journals having interstate circulation, by window display cards and other advertising matter which describe, designate and refer to said textile fabric garments as "Persian," "Genuine BABELAMM" and "PERSIAN FUR FABRICS," together with the word "Imported" and other words and phrases of like import and meaning, accompanied by pictorial designs of sheep or lambs and of a woman wearing a coat having the appearance of fur. Among and typical of the statements and representations contained in said advertisements, disseminated and caused to be disseminated as aforesaid, are the following:

PERSIAN FUR-FABRIC COATS!

The coat here illustrated is but one of many we have patented for "Original Design" in the U. S. Patent Office. It typifies the styling charm of our entire line. And the PERSIAN FUR-FABRICS, both Imported and Domestic, are the most perfect replicas of the genuine furs they simulate that we have ever produced in our long career.

We are the FIRST and ONLY manufacturers in America to make "NEVA-MOTH" available for FUR-FABRIC COATS.

Only OUR Fur-Fabric Coats are tagged with this GUARANTEE BOND. For FIVE YEARS this GUARANTEE BOND is your protection against MOTH DAMAGE.

Respondents also attach to said textile fabric garments certain tags and labels, some of which bear upon their face pictorial designs of sheep or lambs and the aforesaid trade names "Galykurl" and "BABELAMM."

PAR. 5. The aforesaid textile fabric garments as manufactured, sold and distributed by the respondents are constructed so as to have the appearance of the silky, tightly curled, and highly prized fur of the young of the Karakul breed of sheep and convey the impression and induce the belief, from their appearance to the eye, that they are in fact made from or are composed of the peltries of "Persian" lambs, the young of such Karakul sheep, or are made from the silky hair or wool of peltries coming from such lambs. Respondents further employ in connection with the advertising and sale of their said textile fabric garments, large pictorial representations of a woman wearing a coat

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having the appearance of fur, which serve further to emphasize the resemblance of said textile fabric garments to fur.

PAR. 6. In said ways and by said means, as set forth in paragraphs 4 and 5 hereof, the respondents represent by the use of the words "Persian," "Genuine BABELAMM," "Imported" and other words of like import and meaning, accompanied by pictorial designs of sheep or lambs and pictorial representations of a woman wearing a coat having the appearance of fur and other illustrations of said textile fabric garments that said textile fabric garments so sold and distributed by them are made from the peltries of "Persian" lambs, the young of the Karakul breed of sheep, or are made from the wool taken from the young of the Karakul breed of sheep.

Respondents, by the use of such labels and tags, as aforesaid, and other advertising matter published and disseminated as hereinabove described, have created and create the impression in the minds of purchasers and prospective purchasers of said textile fabric garments thus sold and distributed by respondents that said textile fabric garments are made in whole or in part from the peltries of the young of the Karakul breed of sheep or from the wool taken from the young of the Karakul breed of sheep, and that the materials of which they are made are imported from Persia.

PAR. 7. In truth and in fact, the textile fabric garments so labeled and advertised by the respondents, as aforesaid, are not made from the fur of Persian lambs or baby lambs or any other fur, nor are they made of a genuine fur fabric composed of the hair or wool of the peltries of the young of the Karakul breed of sheep, or the hair of any animal. Said textile fabric garments are, on the contrary, made of fabrics composed of wool and cotton, or of rayon, wool and cotton, having the appearance of silky, tightly curled fur, thus closely resembling "Persian Lamb" fur. Rayon is a chemically manufactured fiber or fabric and when spun and combined with wool has the appearance and feel of wool. Garments manufactured of a fabric so composed are, to the purchasing public, practically indistinguishable from wool. By reason of the quality and appearance created by the combination of rayon and wool, when manufactured to simulate wool, where the rayon content is not designated or disclosed, the purchasing public is led to believe that such product is composed of wool or fur. The labels, tags, and other advertising material employed by respondents as aforesaid, to describe, designate, or refer to their said products, do not disclose or indicate the presence of rayon and cotton in said textile fabric garments. Said textile fabric garments, further, are not imported either from Persia or elsewhere, but are of domestic manufacture.

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PAR. 8. The use by respondents of the representations employed by them in the sale of their said products in commerce, as hereinabove described, has the capacity and tendency to, and does, confuse, mislead, and deceive a substantial portion of the purchasing public into the belief that said representations are true, and, because of such erroneous and mistaken belief so engendered, has caused and induced, and causes and induces, the purchase by the purchasing public of substantial quantities of respondents' said products.

PAR. 9. Respondents, further, by furnishing said deceptive and misleading labels and tags and other advertising material to customers and causing said labels and tags to be placed upon their said textile fabric garments for resale to members of the purchasing public, place and have placed in the hands of retail dealers a means and instrumentality whereby they may deceive or mislead members of the purchasing public into the erroneous belief that said textile fabric garments, made from rayon and cotton and from rayon, cotton, and wool, do, in fact, consist of or are made from the peltries of the young of the Karakul breed of sheep or from the wool taken from the young of the Karakul breed of sheep.

PAR. 10. The aforesaid acts and practices of the respondents, 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 December 20, 1940, issued and subsequently served its complaint in this proceeding upon respondents Joseph Henschel, Jacob Siegel, and Philip Alenikoff, individually and as copartners trading as Siegel & Alenikoff, H. M. Thorman and Alfred Schuster, individually and as copartners trading as H. M. Thorman, Joseph Bloomfield, an individual trading as Bloomfield Co., Lou Littman, an individual trading as Lou Littman, and Sugar, Feinberg & Frankel, a corporation, charging them with the use of 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 respondents' answer, the Commission, by order entered herein, granted respondents' motion for permission to withdraw said answer and to substitute therefor an answer admitting all the material allegations of fact set forth in said complaint and waiving all intervening procedure and further hearing as to said

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facts, which substitute answer was duly filed in the office of the Commission. Thereafter this proceeding regularly came on for final hearing before the Commission on the said complaint and substitute answer; 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. Respondents Joseph Henschel, Jacob Siegel, and Philip Alenikoff are individuals trading as copartners under the trade name of Siegel & Alenikoff, with their principal office and place of business located at 520 Eighth Avenue, in the city of New York, in the State of New York.

Respondents H. M. Thorman and Alfred Schuster are individuals trading as copartners under the trade name H. M. Thorman, with their principal office and place of business located at 2101 Superior Avenue, in the city of Cleveland, in the State of Ohio. Among other things, respondents H. M. Thorman and Alfred Schuster are agents for the respondents Joseph Henschel, Jacob Siegel, and Philip Alenikoff, and their place of business is also a stock house for said respondents.

Respondent Joseph Bloomfield is an individual trading as Bloomfield Co., with his principal office and place of business located at 75 Kneeland Street, in the city of Boston, in the State of Massachusetts. Among other things, respondent Joseph Bloomfield is an agent for respondents Joseph Henschel, Jacob Siegel, and Philip Alenikoff, and his place of business is also a stock house for said respondents.

Respondent Lou Littman is an individual trading as Lou Littman, with his principal office and place of business located at 153 East Grand River Avenue, in the city of Detroit, in the State of Michigan. Among other things, respondent Lou Littman is an agent for respondents Joseph Henschel, Jacob Siegel, and Philip Alenikoff, and his place of business is also a stock house for said respondents.

Respondent Sugar, Feinberg & Frankel is a corporation organized and existing under and by virtue of the laws of the State of Illinois, with its principal office and place of business located at 318 West Adams Street, in the city of Chicago, in the State of Illinois. Among other things, respondent Sugar, Feinberg & Frankel is an agent for

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respondents Joseph Henschel, Jacob Siegel, and Philip Alenikoff, and its place of business is also a stock house for said respondents.

PAR. 2. Respondents Joseph Henschel, Jacob Siegel, and Philip Alenikoff, trading under the trade name Siegel & Alenikoff, are now and for more than 2 years last past have been, engaged in the manufacture of women's textile fabric coats and other garments, some made of fabrics composed of wool and cotton and some made of fabrics composed of rayon, wool, and cotton; and in the sale and distribution of same in commerce between and among the various States of the United States and in the District of Columbia to the other respondents named herein, to other retailers, and to members of the purchasing public. The individual respondents, H. M. Thorman, Alfred Schuster, Joseph Bloomfield, Lou Littman, and the corporate respondent Sugar, Feinberg & Frankel, are now, and for more than 2 years last past have been, likewise engaged in the business, among other things, of selling and distributing in commerce between and among the various States of the United States and in the District of Columbia the Women's textile fabric coats and other garments manufactured for them and shipped to them by the aforesaid respondents Joseph Henschel, Jacob Siegel, and Philip Alenikoff.

In the course and conduct of their said businesses respondents cause said products, when sold, to be shipped from their respective places of business in the States of New York, Massachusetts, Michigan, Ohio, and Illinois to purchasers located in various other States of the United States and in the District of Columbia. Respondents maintain, and at all times mentioned herein have maintained, a course of trade and commerce in such textile fabric garments among and between the various States of the United States and in the District of Columbia.

PAR. 3. The words "Persian Lamb" and "Baby Lamb," as applied to or when used in association with coats, cloaks, or similar garments for women, indicate to the purchasing public and are accepted as meaning or indicating peltries of the young of the Karakul breed of sheep originally found in the Bokharan region of Russia. Peltries truthfully designated as Persian Lamb are noted for their silky, tightly curled fur. Peltries truthfully designated as Baby Lamb are noted for a lustrous water wave pattern. Both said peltries bring high prices in trade and commerce throughout the world, and there is a preference among discriminating women throughout the world for coats, cloaks, capes, or other garments made of Persian Lamb or Baby Lamb.

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PAR. 4. In the course and conduct of their businesses, as aforesaid, respondents, in connection with the offering for sale and sale of their textile fabric garments refer to and designate their said textile fabric women's coats and other garments through the use of the word "Persian" and by the trade names "Galykurl" and "Babelamm." Respondents advertise their said textile fabric garments by means of trade journals having interstate circulation, by window display cards and other advertising matter which describes, designates, and refers to said textile fabric garments as "Persian," "Genuine Babelamm," and "Persian Fur Fabrics," together with the word "Imported" and other words and phrases of like import and meaning, accompanied by pictorial designs of sheep or lambs and of a woman wearing a coat having the appearance of fur. Among and typical of the statements and representations contained in said advertisements, disseminated and caused to be disseminated as aforesaid, are the following:

PERSIAN FUR-FABRIC COATS {

The coat here illustrated is but one of many we have patented for "Original Design" in the U. S. Patent Office. It typifies the styling charm of our entire line. And the PERSIAN FUR-FABRICS, both Imported and Domestic, are the most perfect replicas of the genuine furs they simulate that we have ever produced in our long career.

We are the FIRST and ONLY manufacturers in America to make "NEVA-MOTH" available for FUR-FABRIC COATS.

Only OUR Fur-Fabric Coats are tagged with this GUARANTEE BOND.

For FIVE YEARS this GUARANTEE BOND is your protection against MOTH DAMAGE.

Respondents also attach to said textile fabric garments certain tags and labels, some of which bear upon their face pictorial designs of sheep or lambs and the aforesaid trade names "Galykurl" and "Babelamm."

PAR. 5. The aforesaid textile fabric garments as manufactured, sold, and distributed by the respondents are constructed so as to have the appearance of the silky, tightly curled, and highly prized fur of the young of the Karakul breed of sheep and convey the impression and induce the belief, from their appearance to the eye, that they are in fact made from or are composed of the peltries of "Persian" lambs, the young of such Karakul sheep, or are made from the silky hair or wool of peltries coming from such lambs. Respondents further employ in connection with the advertising and sale of their said textile fabric garments, large pictorial representations of a woman wearing a coat having the appearance of fur, which serve further to emphasize the resemblance of said textile fabric garments to fur.

PAR. 6. In said ways and by said means, as set forth in paragraphs 4 and 5 hereof, the respondents represent by the use of the words "Persian," "Genuine Babelamm," "Imported," and other words of like import and meaning, accompanied by pictorial designs of sheep or lambs and pictorial representations of a woman wearing a coat having the appearance of fur and other illustrations of said textile fabric garments, that said textile fabric garments so sold and distributed by them are made from the peltries of Persian lambs, the young of the Karakul breed of sheep, or are made from the wool taken from the young of the Karakul breed of sheep.

Respondents, by the use of such labels and tags, as aforesaid, and other advertising matter published and disseminated as hereinabove described, have created, and create, the impression in the minds of purchasers and prospective purchasers of said textile fabric garments thus sold and distributed by respondents that said textile fabric garments are made in whole or in part from the peltries of the young of the Karakul breed of sheep or from the wool taken from the young of the Karakul breed of sheep, and that the materials of which they are made are imported from Persia.

PAR. 7. The textile fabric garments so labeled and advertised by the respondents, as aforesaid, are not made from the fur of Persian lambs or baby lambs or any other fur, nor are they made of a genuine fur fabric composed of the hair or wool of the peltries of the young of the Karakul breed of sheep, or wholly of the hair of any animal. Said textile fabric garments are, on the contrary, made of fabrics composed of wool and cotton, or of rayon, wool, and cotton, having the appearance of silky, tightly curled fur, thus closely resembling Persian Lamb fur. Rayon is a chemically manufactured fiber or fabric and when spun and combined with wool has the appearance and feel of wool. Garments manufactured of a fabric so composed are, to the purchasing public, practically indistinguishable from wool. By reason of the quality and appearance created by the combination of rayon and wool, when manufactured to simulate wool, where the rayon content is not designated or disclosed, the purchasing public is led to believe that such product is composed of wool or fur. The labels, tags, and other advertising material employed by respondents, as aforesaid, to describe, designate, or refer to their said products, do not disclose or indicate the presence of rayon and cotton in said textile fabric garments. Said textile fabric garments further, are not imported either from Persia or elsewhere, but are of domestic manufacture.

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PAR. 8. The use by respondents of the representations employed by them in the sale of their said products in commerce, as hereinabove described, has the capacity and tendency to, and does, confuse, mislead, and deceive a substantial portion of the purchasing public into the belief that said representations are true, and, because of such erroneous and mistaken belief so engendered, has caused and induced, and causes and induces, the purchase by the purchasing public of substantial quantities of respondents' said products.

PAR. 9. Respondents, further, by furnishing said deceptive and misleading labels and tags and other advertising material to customers, and causing said labels and tags to be placed upon their said textile fabric garments for resale to members of the purchasing public, place and have placed in the hands of retail dealers a means and instrumentality whereby they may deceive or mislead members of the purchasing public into the erroneous belief that said textile fabric garments, made from rayon and cotton, and from rayon, cotton, and wool, do in fact consist of, are made from, the peltries of the young of the Karakul breed of sheep, or from the wool taken from the young of the Karakul breed of sheep.

CONCLUSION

The aforesaid acts and practices of respondents 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 respondents, in which answer respondents admit all the material allegations of fact set forth in said complaint, and state that they waive all intervening procedure and further hearing as to the said facts, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act.

It is ordered, That respondents Joseph Henschel, Jacob Siegel, and Philip Alenikoff, individually and as copartners trading as Siegel & Alenikoff, H. M. Thorman and Alfred Schuster, individually and as copartners trading as H. M. Thorman, Joseph Bloomfield, an individual trading as Bloomfield Co., Lou Littman, an individual trading as Lou Littman, and Sugar, Feinberg & Frankel, a corporation,

and its officers, and all of the various respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of textile fabrics, women's coats, and other garments, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the terms "Persian," "Babelamm," or any other term or terms of similar import or meaning, to designate, describe, or refer to any textile fabric which simulates or resembles in appearance, pattern, or design the peltries of Persian lambs, the young of the Karakul breed of sheep.

2. Using the term "fur" in connection or conjunction with the term "Persian," or any other term or terms of similar import or meaning, to designate, describe, or refer to any textile fabric which simulates or resembles the peltries of Persian lambs, the young of the Karakul breed of sheep.

3. Representing or implying in any manner whatever that any textile fabric is made of the peltries of Persian lambs, the young of the Karakul breed of sheep, or that any textile fabric not made of the wool of said lambs is made of such wool.

4. Using any pictorial design of a sheep or lamb, or any other wool-bearing animal, in connection with any description of or reference to any textile fabric not made from the wool of the animal so depicted.

5. Representing or implying in any manner whatever that fabrics or garments of domestic manufacture are imported from any foreign country.

6. Advertising, offering for sale, or selling textile fabrics, garments, or other products composed in whole or in part of rayon without clearly disclosing by the use of the word "rayon" the fact that such fabrics or products are composed of rayon, and when such fabrics or products are composed in part of rayon and in part of other fabrics or materials, all such other fabrics or materials shall be truthfully designated in immediate connection or conjunction with the word "rayon" in letters of at least equal size and conspicuousness.

7. Supplying to others, with or in connection with any textile fabric hereinabove referred to, any labels, tags, or advertising materials containing any of the representations prohibited herein.

It is further ordered, That the respondents shall, within 60 days after the 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.

IN THE MATTER OF
PETALSKIN TOILETRIES, INC.

COMPLAINT, FINDINGS, AND ORDER IN REGARD TO THE ALLEGED VIOLATION
OF SEC. 5 OF AN ACT OF CONGRESS APPROVED SEPT. 28, 1914

Docket 4128. Complaint, May 7, 1940—Decision, May 15, 1941

Where a corporation engaged in interstate sale and distribution of its "Petal-skin" line of cosmetics; by means of advertisements disseminated in various ways—

(a) Represented that its "Petalskin Face Cream" penetrated deeply into the pores and cleaned them out to an unusual degree, that it contained vitamin F, application whereof furnished nourishment to the skin and supplemented and restored the skin's supply of essential oils which, designated as vitamin F, diminished with age;

Facts being that such cream does not function as aforesaid or accomplish any such results, the skin not being capable of nourishment through external application, but only through systemic circulation, and while there are certain fatty acids sometimes erroneously referred to as vitamin F, no deficiency thereof occurs with aging and such a deficiency, if existent, could not be overcome by any external application of such acids; and

(b) Represented that its "Face Tonic" would not dry the skin and would close and refine the pores and that its "Cream Pastelle" worked its way into the pores and refined them;

Facts being said "Face Tonic" would not close and refine but would stretch the pores, and said "Cream Pastelle" would not have any effect on enlarged pores other than possible removal of superficial accumulation of dirt, so possibly helping nature to refine the pore openings; and

(c) Represented that its "Face Powder" does not clog the pores, nor interfere with skin's function of breathing and that its hand cream counteracts aging and penetrates the skin;

Facts being the skin does not breathe and said face powder does not have any of the effects claimed therefor;

With capacity and tendency to mislead and deceive a substantial portion of the purchasing public into the mistaken and erroneous belief that such statements and representations were true, and with effect of causing it, because of such belief, to purchase said preparations:

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

Before *Mr. John W. Addison*, trial examiner.

Mr. S. Brogdyne Teu, II, for the Commission.

Mr. Leonard E. Lisner, of New York City, for respondent.