

IN THE MATTER OF
GATES MEDICINE COMPANY, INC.

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

Docket 4301. Complaint, Sept. 5, 1940—Decision Aug. 6, 1941

Where a corporation and an individual who was its treasurer, general manager, and practically sole stockholder, engaged in the manufacture, from 1934 to 1940, of their "White Ribbon Remedy" for alcoholism, and, since 1940, of their "Improved White Ribbon Remedy," and in the interstate sale and distribution thereof; by means of advertisements disseminated, through the mails, in newspapers, periodicals, letters, circulars, and other advertising literature, directly or by implication—

- (a) Represented, prior to January 1940, that their said "White Ribbon Remedy" constituted a competent and effective treatment for the liquor habit and was safe and harmless, through such statements as "George no longer drinks whiskey. White Ribbon treatment made him hate liquor. White Ribbon Remedy can be given in coffee, tea, or milk and has done much to stop drinking. One woman cured a drunkard of 20 years with one box," and " * * * White Ribbon Remedy, the safe and reliable medicine for the liquor habit * * *";

The facts being tartar emetic, the active drug in the original formula of said product is a poison, administered medically only once or twice as an emetic dose and never prescribed over a period of 8 days as was the product in question; the depressant effect of alcohol, added to that of tartar emetic, is dangerous to a person sufficiently susceptible to chronic antimony poisoning and addicted to the use of liquor, and, in the case of such a person, the prescribed doses taken three times daily would cause depression of the cardiovascular system, chronic irritation of the stomach and intestinal tract, nausea, and failure to eat and get the proper amount of food minerals and vitamins necessary for health; the effect of tartar emetic on the liquor habit is very slight, if, any, and the prescribed three powders a day of aforesaid remedy over a period of 8 days would have no therapeutic effect upon an individual's alcoholic addiction; and

- (b) Failed to reveal in their said advertisements facts material in the light of the representations therein contained, and that use of their said "White Ribbon Remedy," under prescribed or usual conditions, might produce the dangerous conditions noted above; and
- (c) Represented, subsequent to January 1940, that their "Improved White Ribbon Remedy" constituted an effective and competent treatment for the liquor habit and an effective remedy or cure for nervousness, fatigue, illness, or other conditions caused by excessive drinking of alcoholic beverages, through such statements as "NERVOUS AFTER DRINKING Vitamin B in Improved White Ribbon Remedy Helps Give Needed Relief. Nervousness and Fatigue after excessive drinking is usually increased by a vitamin B deficiency. Improved White Ribbon Remedy, rich in vitamin B, not only gives relief by nourishing ragged nerves and restoring energy, but often helps counteract many of the more serious ills attributable to over-imbibing. * * *," and "RELIEF FOR LIQUOR HABIT Improved White Ribbon

Remedy Relieves Vitamin B Deficiency. Excessive drinking usually results in ragged uncontrolled nerves, often due to a vitamin B deficiency. Improved White Ribbon Remedy, rich in vitamin B, relieves these symptoms, restores energy and makes it easier to do without alcohol";

The fact being that, while the formula for said "Improved" product excluded the tartar emetic previously contained and included an increase from 384 to 2,160 international units of vitamin B-1 for each 24 powders, such contribution to the normal vitamin requirements of the human system was practically negligible, it being not unusual for the medical profession to prescribe in excess of 3,000 international units as an ordinary single therapeutic dose in the not infrequent cases in which an alcoholic develops a vitamin B-1 deficiency, and their said "Improved White Ribbon Remedy" was not a competent cure for the liquor habit or the aforesaid conditions caused by excessive drinking;

With capacity and tendency to mislead and deceive a substantial portion of the purchasing public into the mistaken beliefs aforesaid, with the result that it purchased substantial quantities of said preparations:

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. Lewis C. Russell*, trial examiner.

Mr. R. A. McQuat for the Commission.

Mr. P. H. Murphy, of Charleston, W. Va., 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 Gates Medicine Co., Inc., a corporation, hereinafter referred to as respondent, has violated the provisions of said act, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest, hereby issues its complaint, stating its charges in that respect as follows:

PARAGRAPH 1. Respondent Gates Medicine Co., Inc., is a corporation organized and existing under the laws of the State of West Virginia, having its office and principal place of business at 32½ Capitol Street, Charleston, W. Va. Respondent is now and has been since 1934, engaged in the business of manufacturing, selling, and distributing medicinal preparations designated White Ribbon Remedy and Improved White Ribbon Remedy, which are drugs as "drugs" are defined in the Federal Trade Commission Act. Respondent causes said medicinal preparations, when sold, to be transported from its aforesaid place of business in the State of West Virginia to purchasers thereof located in various other States of the United States and in the District of Columbia. Respondent maintains, and

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at all times mentioned herein has maintained, a course of trade in said medicinal preparations 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 its aforesaid business, respondent has disseminated and is now disseminating, and has caused and is now causing the dissemination of, false advertisements concerning its said products by the United States mail and by various other means in commerce, as commerce is defined in the Federal Trade Commission Act, for the purpose of inducing and which are likely to induce, directly or indirectly, the purchase of said products; and respondent has also disseminated and is now disseminating, and has caused and is now causing the dissemination of, false advertisements concerning its said products by various means for the purpose of inducing and which are likely to induce, directly or indirectly, the purchase of said products in commerce, as commerce is defined in the Federal Trade Commission Act.

Among and typical of, the false, misleading, and deceptive statements and representations contained in said false advertisements of White Ribbon Remedy, disseminated and caused to be disseminated as hereinabove set forth, are the following:

GEORGE NO LONGER DRINKS WHISKEY

White Ribbon Treatment Made Him Hate Liquor.

White Ribbon Remedy can be given in coffee, tea or milk and has done much to stop drunkenness. One woman cured a drunkard of 20 years with one box.

We are about to start advertising in your City White Ribbon Remedy, the safe and reliable medicine for the liquor habit.

Among and typical of, the false, misleading, and deceptive statements and representations contained in said false advertisements of Improved White Ribbon Remedy, disseminated and caused to be disseminated as hereinabove set forth, are the following:

NERVOUS AFTER DRINKING?

Vitamin B in Improved White Ribbon Remedy Helps Give Needed Relief.

Nervousness and fatigue after excessive drinking is usually increased by a Vitamin B deficiency. Improved White Ribbon Remedy, rich in Vitamin B Not only gives relief by nourishing ragged nerves and restoring energy, but often helps counteract many of the more serious ills attributable to overimbibing. This relief likewise makes it easier to do without alcohol.

RELIEF FOR LIQUOR HABIT

Improved White Ribbon Remedy relieves Vitamin B deficiency.

Excessive drinking usually results in ragged uncontrolled nerves, often due to a Vitamin B deficiency. Improved White Ribbon Remedy, rich in Vitamin

B, relieves these symptoms, restores energy and makes it easier to do without alcohol. Can be given secretly if necessary in coffee, tea or milk.

By the use of the representations hereinabove set forth and other representations similar thereto not specifically set forth herein, respondent represents that White Ribbon Remedy is a competent, effective, safe, and reliable cure for the liquor habit.

By the use of the representations hereinabove set forth and other representations similar thereto not specifically set forth herein, respondent represents that Improved White Ribbon Remedy is a competent, effective, and reliable cure for the liquor habit and is a remedy or cure for nervousness, fatigue, illness, and other conditions caused by the excessive drinking of alcoholic beverages.

PAR. 3. The aforesaid representations used and disseminated by respondent in the manner above described are grossly exaggerated, misleading, deceptive, and untrue and constitute false advertisements within the meaning of the Federal Trade Commission Act. White Ribbon Remedy is not a competent, effective, safe, nor reliable cure for the liquor habit. Said advertisements of respondent are also false in that they fail to reveal that the use of this medicinal preparation, under conditions prescribed by respondent and under such conditions as are customary and usual may result in serious illness of the user. The facts are that White Ribbon Remedy contains tartar emetic which produces expectorant, nauseant, depressant effects, which may be harmful and dangerous to the health of the user. Improved White Ribbon Remedy is not a competent, effective, or reliable cure for the liquor habit. It is not an effective remedy or cure for nervousness, fatigue, illness, or other conditions caused by the excessive drinking of alcoholic beverages.

PAR. 4. The use by the respondent of the foregoing false, deceptive, and misleading statements and representations with respect to the products White Ribbon Remedy and Improved White Ribbon Remedy disseminated as aforesaid, has had and now has the capacity and tendency to and does mislead and deceive a substantial portion of the purchasing public into the erroneous and mistaken belief that said statements and representations are true and to induce and has induced, a substantial portion of the purchasing public, because of such erroneous and mistaken belief, to purchase respondent's medicinal preparations.

PAR. 5. The aforesaid acts and practices of the respondent as herein alleged are all to the prejudice and injury of the public and constitute unfair and deceptive acts and practices in commerce within the 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 the 5th day of September, A. D. 1940, issued and thereafter served its complaint in this proceeding upon the respondent, Gates Medicine Co., Inc., a corporation, charging it with the use of unfair and deceptive acts and practices in commerce, in violation of the provisions of said act. After the issuance of said complaint and the filing of respondent's answer, testimony, and other evidence in support of the allegations of the complaint were introduced by R. A. McOuat, attorney for the Commission, and in opposition to the allegations of the complaint by P. H. Murphy, attorney for the respondent, before Lewis C. Russell, duly appointed trial examiner of the Commission, designated by it to serve in this proceeding, 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 said complaint, the answer thereto, the testimony and other evidence, the report of the trial examiner, and brief in support of the complaint; 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, Gates Medicine Co., Inc., is a corporation organized A. D. 1934, under the laws of the State of West Virginia, with its principal place of business located in Charleston, W. Va. Garland B. Potterfield is its treasurer, general manager, and practically its sole stockholder.

PAR. 2. Respondent, from the year 1934 to 1940, was engaged in the business of manufacturing, selling, and distributing a medical preparation designated as "White Ribbon Remedy," and since January 1940, has manufactured, sold, and distributed a medical preparation designated "Improved White Ribbon Remedy." Respondent caused its White Ribbon Remedy, when sold, and has caused and causes its Improved White Ribbon Remedy, when sold, to be transported from its principal place of business in the State of West Virginia to purchasers thereof located in various States of the United States, and in the District of Columbia. Respondent maintains, and at all times mentioned herein has maintained, a course of trade in said medical preparations in commerce between and among various States of the United States and in the District of Columbia.

PAR. 3. Respondent sold White Ribbon Remedy as a cure for the liquor habit. The original formula for respondent's said product was tartar emetic and sugar of milk, the latter being a carrying body for the active drug. This formula was used for the years 1934 to 1937, when the formula was changed to include thiamin chloride (vitamin B-1), and the formula then became: tartar emetic, 1 grain; sugar of milk, 150 grains; vitamin B-1, 2.5 milligrams, mixed and divided into 50 powders. According to the directions issued by the respondent in connection with White Ribbon Remedy, three powders were to be taken daily for a period of 8 days, and each of these powders contained one-fiftieth of a grain of tartar emetic. If directions were followed, 24 of these powders would be taken by an individual over a period of 8 days, and he would therefore be taking, during said period, twelve twenty-fifths of a grain of tartar emetic.

The medical profession prescribes tartar emetic for the purpose of producing nausea, or for expectorant effect, in order to rid the body of poisons more speedily and effectively than they are ordinarily eliminated. The minimum effective dose, as ordinarily prescribed, is one-twentieth of a grain, and is administered only once or twice as an emetic dose. It is never prescribed over a period of 8 days in smaller quantities. The depressant effect of alcohol, added to the depressant effect of tartar emetic, creates danger to the person sufficiently susceptible to chronic antimony poisoning and addicted to the use of liquor. In the case of a susceptible individual, doses of one-fiftieth of a grain of tartar emetic taken three times a day would cause depression of the cardiovascular system, chronic irritation of the stomach and intestinal tract, nausea, and failure to eat and get the proper amount of food minerals and vitamins necessary to maintain health. Tartar emetic is a poison, and is not a safe, reliable remedy for the liquor habit, and may be harmful and dangerous to the health of the user. The effect of tartar emetic on the liquor habit is very slight, if any, and no therapeutic effect upon an individual's alcoholic addiction would result from the taking of three powders per day of White Ribbon Remedy over a period of 8 days.

PAR. 4. Respondent consulted a medical authority concerning the use of tartar emetic as a part of its formula for White Ribbon Remedy, and was advised that medical authorities consider it of no value as a remedy for the liquor habit.

PAR. 5. On January 1, A. D., 1940, respondent again changed the formula of its product by eliminating tartar emetic, and attempted to withdraw from sale all of its White Ribbon Remedy which contained tartar emetic. The product, from that time on, was put up in boxes, each of which contained 24 powders, each powder containing

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90 international units of thiamin chloride (Vitamin B-1), with sugar of milk as a carrying body, and no other ingredient, and the name of the product was changed to "Improved White Ribbon Remedy." The dosage prescribed by respondent was three powders a day for 8 days.

Prior to January 1940, the 24 White Ribbon powders contained 384 international units of vitamin B-1, and since said date this amount has been increased to 2160 international units. The amount of vitamin B-1 contained in respondent's product, even after it was increased in 1940, is not sufficient to be effective for the purposes contemplated. An individual chronically addicted to the use of alcoholic liquor almost always fails to eat sufficient or proper food, or develops a gastric or intestinal irritation and is unable to properly assimilate the food he consumes, and in many instances develops a vitamin B-1 deficiency. In such cases the medical profession prescribes vitamin B-1 to overcome this deficiency; but the amount prescribed depends upon the evidence of deficiency, and it is not unusual to prescribe in excess of three thousand international units as an ordinary single therapeutic dose. Respondent's new product may contribute a portion of the normal vitamin requirement of the human system, but the contribution is practically negligible. It is not a competent, effective, reliable cure for the liquor habit and is not an effective remedy or cure for nervousness, fatigue, illness, or other condition caused by the excessive drinking of alcoholic beverages.

PAR. 6. In the course and conduct of its aforesaid business, the respondent, from the year 1934 to January 1940, disseminated and caused the dissemination of false advertisements concerning its product known as "White Ribbon Remedy," by means of the United States Mail and by various other means, in commerce as "commerce" is defined in the Federal Trade Commission Act; and respondent also disseminated and caused the dissemination of false advertisements concerning its said product by various means, for the purpose of inducing, and which are likely to induce, directly or indirectly, the purchase of said product in commerce as "commerce" is defined in the Federal Trade Commission Act. Among and typical of the false, misleading and deceptive statements and representations contained in said false advertisements, disseminated and caused to be disseminated as hereinabove set forth, by means of the United States Mail, by advertisements in newspapers and periodicals, and by letters, circulars, and other advertising literature, are the following:

GEORGE NO LONGER DRINKS WHISKY

White Ribbon treatment made him hate liquor.

White Ribbon Remedy can be given in coffee, tea or milk and has done much to stop drinking. One woman cured a drunkard of 20 years with one box.

We're about to start advertising in your city, White Ribbon Remedy, the safe and reliable medicine for the liquor habit * * *. White Ribbon Remedy has a good sale with the most reliable drug stores throughout the country * * *. As soon as we receive your o. k. we will consign several dozens of the medicine and start the advertising at once.

PAR. 7. The foregoing representations are grossly exaggerated, false, and misleading. In truth and in fact, respondent's preparation known as "White Ribbon Remedy" was not a competent and effective treatment for the liquor habit, and said preparation was not safe and reliable, in that it contained the drug tartar emetic in sufficient quantity to cause serious and irreparable injury to health, if used under the conditions described in said advertisements or under such conditions as are customary and usual. Such use of said preparation is dangerous to the person sufficiently susceptible to chronic antimony poisoning and addicted to the use of liquor, by causing depression of the cardiovascular system, chronic irritation of the stomach and intestinal tract, nausea and failure to get the proper amount of food minerals and vitamins necessary to maintain health.

PAR. 8. The advertisements disseminated by the respondent constitute false advertising for the further reason that they fail to reveal facts which are material in the light of the representations contained therein, and fail to reveal that the use of said preparation known as White Ribbon Remedy, under the conditions described in such advertisements, or under such conditions as are customary or usual, may cause depression of the cardiovascular system, chronic irritation of the stomach and intestinal tract and nausea, and failure to eat and get the proper amount of food minerals and vitamins necessary to maintain health.

PAR. 9. In the course and conduct of its aforesaid business, the respondent, since January 1940, has disseminated and is now disseminating, and has caused and is now causing the distribution of false advertisements concerning its product known as "Improved White Ribbon Remedy" by means of the United States Mail, and by various other means, in commerce as "commerce" is defined in the Federal Trade Commission Act; and respondent has also disseminated and is now disseminating, and has caused and is now causing the dissemination of false advertising concerning the said product Improved White Ribbon Remedy by various means for the purpose of inducing and which are likely to induce the purchase of said product in commerce as "commerce" is defined in the Federal Trade Commission Act.

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Among and typical of the false, misleading, and deceptive statements and representations contained in said false advertisements disseminated and caused to be disseminated by respondent as above set forth, by means of the United States Mail, by advertisements in newspapers and by circulars and other advertising literature, are the following:

NERVOUS AFTER DRINKING

Vitamin B in Improved White Ribbon Remedy Helps Give Needed Relief.

Nervousness and Fatigue after excessive drinking is usually increased by a vitamin B deficiency. Improved White Ribbon Remedy rich in vitamin B, not only gives relief by nourishing ragged nerves and restoring energy, but often helps counteract many of the more serious ills attributable to overimbibing. This relief likewise makes it easier to do without alcohol.

RELIEF FOR LIQUOR HABIT

Improved White Ribbon Remedy Relieves Vitamin B Deficiency.

Excessive drinking usually results in ragged uncontrolled nerves, often due to a vitamin B deficiency. Improved White Ribbon Remedy, rich in vitamin B, relieves these symptoms, restores energy and makes it easier to do without alcohol. Can be given secretly, if necessary, in coffee, tea or milk.

PAR. 10. Through the use of the foregoing statements and representations, and others of similar import not specifically set out herein, the respondent represents and has represented, directly and by implication, that its preparation known as Improved White Ribbon Remedy constitutes an effective and competent treatment for the liquor habit, and an effective remedy or cure for nervousness, fatigue, illness, or other conditions caused by excessive drinking of alcoholic beverages.

PAR. 11. The foregoing representations are grossly exaggerated, false, and misleading. In truth and in fact, respondent's Improved White Ribbon Remedy is not an effective and competent treatment for the liquor habit, and is not an effective remedy or cure for nervousness, fatigue, illness, or other condition caused by excessive drinking of alcoholic beverages.

PAR. 12. The use by respondent of the aforesaid false, misleading, and deceptive statements and representations with respect to its said preparations, disseminated as aforesaid, with respect to its White Ribbon Remedy has had, and with respect to its Improved White Ribbon Remedy has had and now has, the capacity and tendency to mislead and deceive a substantial portion of the purchasing public into the mistaken and erroneous belief that respondent's preparations possess properties which they did not and do not possess, and that respondent's preparation White Ribbon Remedy was in all cases

safe and harmless, when such was not the fact; and as a result of said mistaken and erroneous belief, a considerable number of the purchasing public have been induced to purchase and have purchased substantial quantities of respondent's said preparations.

CONCLUSION

The aforesaid acts and practices of respondent as herein found are all to the prejudice and injury of the public, and constitute unfair and deceptive acts and practices in commerce, within the 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 introduced before Lewis C. Russell, duly appointed trial examiner of the Federal Trade Commission designated by it to serve in this proceeding, the report of the trial examiner thereon and brief filed on behalf of the Commission, 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, Gates Medicine Co., Inc., a corporation, its officers, directors, agents, representatives, and employees, jointly or severally, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of its preparations known as "White Ribbon Remedy" and "Improved White Ribbon Remedy," or any preparation of substantially similar composition or possessing substantially similar properties, do forthwith Cease and Desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement (a) by means of the United States Mail, or (b) by any means—in commerce as "commerce" is defined in the Federal Trade Commission Act—which advertisement represents directly or by implication that said preparation, White Ribbon Remedy, constitutes a competent or effective treatment for the liquor habit, or that said preparation is safe and harmless; or which advertisement fails to reveal that the use of said preparation may cause depression of the cardiovascular system, chronic irritation of the stomach and intestinal tract, nausea, and failure to eat and get the proper amount of food minerals and vitamins necessary to maintain health.

2. Disseminating or causing to be disseminated any advertisement (a) by means of the United States Mail, or (b) by any means—in

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commerce as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication, that its said preparation Improved White Ribbon Remedy constitutes a competent or effective treatment for the liquor habit; or that said improved White Ribbon Remedy is a remedy for nervousness, fatigue, illness, or other condition caused by the excessive drinking of alcoholic beverages.

(3) Disseminating or causing to be disseminated any advertisement, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce as "commerce" is defined in the Federal Trade Commission Act, of said preparations, or either of them, which advertisement contains any of the representations prohibited in paragraphs (1) and (2) hereof, or which fails to reveal that the use of the preparation White Ribbon Remedy may cause depression of the cardiovascular system, chronic irritation of the stomach and intestinal tract, nausea, and failure to eat and get the proper amount of food minerals and vitamins necessary to maintain health.

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

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IN THE MATTER OF

GEORGE G. BLAISDELL, WALTER G. BLAISDELL, AND
HOMER G. BARCROFT, TRADING AS ZIPPO MANUFACTURING COMPANY

COMPLAINT, FINDINGS, AND ORDER IN REGARD TO THE ALLEGED VIOLATION
OF SEC. 5 OF AN ACT OF CONGRESS APPROVED SEPT. 26, 1906.

Docket 4497. Complaint, May 8, 1911—Decision, Aug 6, 1911

Where three individuals engaged in the manufacture, and in the competitive interstate sale and distribution of assortments of cigar and cigarette lighters so packed and assembled as to involve the use of games of chance, gift enterprises, or lottery schemes when sold to consumers, a typical assortment including eight lighters and a punchboard for use in sale thereof under a plan, explained thereon, by which chance selection of certain numbers entitled purchaser, for 2 cents paid, to one lighter, certain other numbers entitled purchaser to a package of cigarettes, purchaser making last punch in each of the first nine sections completely sold was similarly entitled to receive such a package, and person making last punch on board received a lighter, value of which and of the packages of cigarettes was in excess of 2 cents, other customers receiving nothing for their money—

Sold such assortments to wholesalers, jobbers, and retailers, by whom they were exposed and sold to the purchasing public in accordance with aforesaid sales plan, involving a chance to procure lighters at much less than the normal retail price, and thereby supplied to and placed in the hands of others the means of conducting lotteries in the sale of their products, contrary to an established public policy of the United States Government, and in competition with many unwilling to use any method involving chance, or contrary to public policy, and who refrain therefrom;

With result that many persons were attracted by their said sales plan or method and the element of chance involved therein, and were thereby induced to buy and sell their lighters in preference to those of aforesaid competitors, and with tendency and capacity, because of said game of chance, unfairly to divert trade in commerce to them from such competitors: to the substantial injury of competition in commerce:

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

Mr. J. W. Brookfield, Jr. for the Commission.

Wilson & Fitzgibbon, of Bradford, Pa., for respondents.

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 George G. Blaisdell,