

IN THE MATTER OF
STEVEN ANGELL AND ASIMO LIAMPOS, TRADING AS
S. ANGELL & COMPANY

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

Docket 4520. Complaint, June 12, 1941—Decision, May 11, 1942

Where two individuals, engaged in competitive interstate sale and distribution of furs and fur garments—

- (a) Furnished various devices and plans of merchandising which involved the operation of games of chance, gift enterprises, or lottery schemes in sale and distribution thereof to the ultimate consumer; typical plan involving a push card and scheme, in accordance with which the person selecting from 100 feminine names displayed thereon that corresponding with name under card's master seal became entitled to one of their fur garments, and the amount of money paid for a chance was determined by the number pushed from the card; and thereby

Supplied to and placed in the hands of their agents and operators and members of the purchasing public the means of conducting lotteries in the sale of their furs and fur garments in accordance with said plan involving sale of chance to procure such a product at much less than its normal retail price, contrary to an established public policy of the United States Government, and in competition with many who, unwilling to use any such or other method contrary to public policy, refrain therefrom;

With the result that many persons were attracted by said sales plan and the element of chance involved therein, and were thereby induced to buy and sell their said furs and fur garments in preference to those offered by their said competitors, from whom substantial trade in commerce was unfairly diverted to them; to the substantial injury of competition in commerce; and

Where said individuals, by means of tags and labels attached to their products, advertisements in magazines and newspapers, and circulars, price lists, and other advertising material distributed among prospective purchasers—

- (b) Represented that certain of such products were made from mink or seal peltries, respectively, through use of such designations as "Minkolet," "Minkolene," and "Marmink;" and "Nubian Seal," "V Shape Seal," "Hud-seal," and "Sealine;"
- (c) Represented that certain of their products were made from beaver, or Silvertone muskrat peltries, respectively, through designations "Beaver-ette" and "Mendoza Beaver," and "Silvertone Muskrat;"
- (d) Represented that certain of their products were made from skunk or sable peltries through use of such terms as "Skunkette" and "Skunkolene" and "Sabellette" to designate them; and
- (e) Represented that certain of their products were made from squirrel or broadtail lamb peltries through use of such terms as "Squirrellette" and "Broadtail;"

The facts being peltries represented as "Silvertone Muskrat" were made from muskrat peltries dyed in silvertone; and others were made from rabbit or other peltries dressed and dyed to resemble, respectively, mink, seal, beaver, skunk, sable, squirrel, and broadtail;

- (f) Falsely represented through use of word "Norwegian" that certain of their said products were made from peltries imported from Norway; and
- (g) Failed to disclose the true nature and origin of their said fur products made of rabbit peltries which, when dyed and processed to resemble those of mink, seal, beaver, skunk, squirrel, and other more valuable fur-bearing animals, so closely resembled the genuine as to be indistinguishable therefrom insofar as members of the purchasing public were concerned;

With tendency and capacity to mislead and deceive a substantial part of said public—which prefers fur products made from the peltries of seal, mink, beaver, muskrat, sable, squirrel, and broadtail lamb over those made from rabbit peltries so dressed, dyed and processed as to simulate the same, and prefers fur products made from the peltries of foxes obtained from Norway over those made from others—with respect to the nature and origin of their products, and with result of causing it thereby to purchase substantial quantities thereof:

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

Before *Mr. Andrew B. Duvall*, trial examiner.

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

Mr. Harry A. Lieb, of New York City, 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 Steven Angell and Asimo Liampos, individuals, trading as S. Angell & Co., 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, Steven Angell and Asimo Liampos, are individuals, trading and doing business under the name and style of S. Angell & Co., with their office and principal place of business located at 236 West Twenty-seventh Street in the city of New York, State of New York. Respondents are now, and have been for more than 1 year last past, engaged in the business of manufacturing furs and fur garments, and selling and distributing such products to purchasers thereof located in the various States of the United States and in the District of Columbia.

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Respondents cause and have caused said merchandise, when sold, to be shipped and transported from their place of business in the State of New York to purchasers thereof at their respective points of location in various States of the United States other than New York, and in the District of Columbia. There is now and has been for more than 1 year last past a course of trade by respondents in such furs and fur garments in commerce between and among the various States of the United States and in the District of Columbia.

In the course and conduct of said business, respondents are now and have been in competition with other individuals and firms and with corporations engaged in the sale and distribution of furs and fur garments 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 described in paragraph 1 hereof, respondents, in soliciting the sale of and in selling and distributing their products, furnish and have furnished various devices and plans of merchandising which involve the operation of games of chance, gift enterprises or lottery schemes when said merchandise is sold and distributed to the ultimate consumer thereof. The method or sales plan adopted and used by respondents was and is substantially as follows:

Respondents distribute and have distributed to their agents and operators and to members of the purchasing public certain literature and instructions, including, among other things, push cards, order blanks, illustrations of their said merchandise and circulars explaining respondents' plan of selling merchandise and of allotting it as premiums or prizes to the operators of said push cards and to the purchasing public. One of respondents' push cards bears 100 feminine names, with ruled columns on the back of said card for writing in the name of the purchaser opposite the name selected. Said push card has 100 small partially perforated disks, on the face of which is printed the word "push." Each of said disks is set under one of the aforesaid feminine names. Concealed within each disk is a number which is disclosed only when the disk is pushed or separated from the card. The push card also has a large master seal and concealed under the master seal is one of the feminine names appearing on the face of said card. The person selecting the feminine name corresponding to the one under the master seal receives his choice of a fur coat or a fur bolero. The push card bears a legend or instruction as follows:

GORGEOUS

V Shape Sealine or V Shape
Mendoza Beaver Fur Coats

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Swagger Styles
20 Inch Skunkolene Boleros
In Black, Brown or Grey
OR—CARACULS
Sizes 12 to 40
GIVEN AWAY
FREE

Nos. 1 to 49 Pay what you draw.
All above 49 pay 49 cents.

Sales of respondents' merchandise by means of said push cards are made in accordance with the above-described legend or instructions. Said prizes of furs are allotted to the customers or purchasers in accordance with the above legend or instructions. The amount of money paid by the purchaser, and the fact as to whether the purchaser receives a fur garment or nothing for the amount of money paid, are thus determined wholly by lot or chance. Respondents furnish and have furnished various push cards accompanied by said order blanks, instructions, and other printed matter for use in the sale and distribution of their garments by means of a game of chance, gift enterprise, or lottery scheme. The sales plan involved in the sale of all of said garments by means of said push cards is the same as that hereinabove described, varying only in detail.

PAR. 3. The persons to whom respondents furnish the said push cards use the same in purchasing, selling, and distributing respondents' furs and fur garments in accordance with the aforesaid sales plan. Respondents thus supply to, and place in the hands of, others the means of conducting lotteries in the sale of their furs and fur garments in accordance with the sales plan hereinabove set forth. The use by respondents of said sales plan or method in the sale of their fur products and the sale of said fur products by and through the use thereof and by the aid of said sales plan or method is a practice of a sort which is contrary to an established public policy of the Government of the United States.

PAR. 4. The sale of furs and fur garments to the purchasing public in the manner above alleged involves a game of chance or the sale of a chance to procure a fur or fur garment at a price much less than the normal retail price thereof. Many persons, firms and corporations who sell or distribute furs and fur garments in competition with the respondents, as above alleged, are unwilling to adopt and use said method or any method involving a game of chance or the sale of a chance to win something by chance, or any other method that is contrary to public policy, and such competitors refrain therefrom. Many

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persons are attracted by said sales plan or method employed by respondents in the sale and distribution of their furs and fur garments and the element of chance involved therein, and are thereby induced to buy and sell respondents' furs and fur garments in preference to furs and fur garments offered for sale and sold by said competitors of respondents who do not use the same or equivalent methods. The use of said method by respondents, because of said game of chance, has a tendency and capacity to, and does, unfairly divert substantial trade in commerce between and among the various States of the United States and in the District of Columbia to respondents from their said competitors who do not use the same or equivalent methods, and as a result thereof substantial injury is being, and has been, done by respondents to competition in commerce between and among the various States of the United States and in the District of Columbia.

PAR. 5. In the course and conduct of their business as aforesaid, respondents have also engaged and are now engaged in the practice of failing to disclose the true nature and origin of their fur products, and of affirmatively misrepresenting the nature and origin of their products, such false representations being made by means of tags and labels attached to such products, by means of advertisements in magazines and newspapers, and by means of circulars, price lists, and other advertising material distributed among prospective purchasers of such products.

Among and typical of such acts and practices, the respondents have caused certain of their furs and fur garments to be designated or described by the terms "Minkolet," "Minkolene," and "Marmink," thereby representing that the products so designated are made from mink peltries. In truth and in fact, such products are not made from mink peltries, but are made from rabbit or other peltries which have been dressed and dyed in such manner that they resemble mink peltries.

Respondents also use the terms "Nubian Seal," "V Shape Seal," "Hudseal," and "Sealine" to designate certain of their products, thereby representing that such products are made from seal peltries. Such products are in fact made from rabbit peltries which have been so dressed and dyed as to resemble seal peltries.

Respondents also use the terms "Beaverette" and "Mendoza Beaver" to designate certain of their products, thereby representing that the products so designated are made from beaver peltries. Such products are in fact made from rabbit peltries which have been dressed and dyed in such manner as to resemble beaver peltries.

Respondents also use the term "Silvertone Muskrat" to designate certain of their products, thereby representing that such products are made from muskrat peltries. Such products are in fact made from

rabbit peltries which have been so dressed and dyed as to resemble muskrat peltries.

Respondents also use the terms "Skunkette" and "Skunkolene" to designate certain of their products, thereby representing that such products are made from skunk peltries. Said products are in fact made from rabbit peltries which have been so dressed and dyed as to resemble skunk peltries.

Respondents also use the term "Sabellette" to designate certain of their products, thereby representing that such products are made from sable peltries. Such products are in fact made from rabbit peltries which have been so dressed and dyed as to resemble sable peltries.

Respondents also use the term "Squirrellette" to designate certain of their products, thereby representing that such products are made from squirrel peltries. Such products are in fact made from rabbit peltries, which have been so dressed and dyed as to resemble squirrel peltries.

Respondents have also used the term "Broadtail" to designate certain of their products, thus representing that the products so designated are made from the peltries of broadtail lambs. Such products are not in fact made from the peltries of broadtail lambs, but are made from other peltries which have been so dressed and dyed as to resemble broadtail peltries.

Respondents have also used the word "Norwegian" to designate certain of their products, thereby representing that such products are made from peltries imported from Norway. Such products are not in fact made from peltries imported from Norway, but are made from peltries obtained from other sources.

Respondents' products when dyed and processed as hereinabove described closely resemble in appearance garments made from the peltries of the respective fur-bearing animals above referred to and, insofar as the members of the purchasing public are concerned, are indistinguishable from garments actually made from the peltries of the various fur-bearing animals whose pelts have been simulated in the manner above described.

PAR. 6. There is a preference on the part of a substantial portion of the purchasing public for fur products made from the peltries of seal, mink, beaver, muskrat, skunk, sable, squirrel, and broadtail lamb, as compared to fur products made from the peltries of rabbits so dressed, dyed, and processed as to simulate in appearance the peltries of seal, mink, beaver, muskrat, skunk, sable, squirrel, and broadtail lamb. There is also a preference on the part of a substantial portion of the purchasing public for fur products made from

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the peltries of foxes obtained from Norway over fur products made from peltries obtained from other sources.

PAR. 7. The aforesaid acts and practices of the respondents in offering for sale and selling garments made from rabbit peltries which have been dyed and processed so as to resemble the peltries of mink, seal, squirrel, skunk, and other more valuable fur-bearing animals without disclosing or revealing the fact that such garments are made from rabbit peltries dyed and processed in the manner hereinabove described, have the tendency and capacity to mislead and deceive a substantial portion of the purchasing public into the mistaken and erroneous belief that the furs and fur garments sold by the respondents are made from the peltries of seal, mink, beaver, muskrat, skunk, sable, squirrel, or broadtail lamb, when in fact they are made from dyed rabbit peltries.

PAR. 8. The aforesaid acts and practices of the respondents have the tendency to mislead and deceive a substantial portion of the purchasing public with respect to the nature and origin of respondents' products, and to cause such portion of the public to purchase substantial quantities of respondents' products as a result of the erroneous and mistaken belief so engendered.

PAR. 9. The aforesaid acts and practices of the respondents as herein alleged are all to the prejudice and injury of the public and of respondents' competitors, and constitute unfair methods of competition in commerce and unfair and deceptive acts and practices in commerce within the intent and meaning of the Federal Trade Commission Act.

REPORT, FINDINGS AS TO THE FACTS, AND ORDER

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission on June 12, 1941, issued and subsequently served its complaint in this proceeding upon respondents, Steven Angell and Asimo Liampos, individuals, trading as S. Angell & Co., charging them with the use of unfair methods of competition in commerce and unfair and deceptive acts and practices in commerce in violation of the provisions of said act. After the issuance of said complaint and the filing of respondents' answer thereto, testimony, and other evidence were introduced and certain stipulated facts were read into the record at a hearing before an examiner of the Commission theretofore duly designated by it, and said stipulated facts, 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, the stipulated facts, testimony and other evidence, and 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. Respondents, Steven Angell and Asimo Liampos, are individuals, trading and doing business under the name and style of S. Angell & Co. and having their office and principal place of business at 236 West Twenty-seventh Street, New York, N. Y. Respondents are now, and for several years last past have been, engaged in the sale and distribution of furs and fur garments.

PAR. 2. In the course and conduct of their aforesaid business, respondents cause, and have caused, furs and fur garments, when sold, to be transported from their place of business in the State of New York to purchasers thereof at their respective points of location in various States of the United States other than New York and in the District of Columbia, and have maintained, and now maintain, a course of trade in such furs and fur garments in commerce between and among the various States of the United States and in the District of Columbia. In the operation of said business respondents are now, and have been, in competition with other individuals, firms, and corporations engaged in the sale and distribution of furs and fur garments in commerce between and among the various States of the United States and in the District of Columbia.

PAR. 3. In the course and conduct of their aforesaid business respondents, in soliciting the sale of and in selling and distributing their products, furnish, and have furnished, various devices and plans of merchandising which involve the operation of games of chance, gift enterprises, or lottery schemes when said merchandise is sold and distributed to the ultimate consumer thereof. The method of sales plan adopted and used by respondents was, and is, substantially as follows:

Respondents distribute, and have distributed, to their agents and operators and to members of the purchasing public certain literature and instructions, including, among other things, push cards, order blanks, illustrations of their said merchandise, and circulars explain-

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ing respondents' plan of selling merchandise and of allotting it as premiums or prizes to the operators of said push cards and to the purchasing public. One of respondents' push cards bears 100 feminine names, with ruled columns on the back of said card for writing in the name of the purchaser opposite the name selected. Said push card has 100 small partially perforated disks on the face of which is printed the word "Push." Each of said disks is set under one of the aforesaid feminine names. Concealed within each disk is a number which is disclosed only when the disk is pushed or separated from the card. The push card also has a large master seal and concealed under the master seal is one of the feminine names appearing on the face of said card. The person selecting the feminine name corresponding to the one under the master seal receives his choice of a fur coat or a fur bolero. The push card bears a legend or instructions as follows:

GORGEOUS
V Shape Sealine or V Shape
Mendoza Beaver Fur Coats
—Swagger Styles—
20 Inch Skunkolene Boleros
In Black, Brown or Grey
OR—CARACULS
Sizes 12 to 40
GIVEN AWAY
FREE

Nos. 1 to 49 Pay what you draw.

All above 49 pay 49 cents.

Sales of respondents' merchandise by means of said push cards are made in accordance with the above-described legend or instructions. Said prizes of furs are allotted to the customers or purchasers in accordance with the above legend or instructions. The amount of money paid by the purchaser, and the fact as to whether the purchaser receives a fur garment or nothing for the amount of money paid, are thus determined wholly by lot or chance. Respondents furnish, and have furnished, various push cards accompanied by said order blanks, instructions, and other printed matter for use in the sale and distribution of their garments by means of a game of chance, gift enterprise, or lottery scheme. The sales plan involved in the sale of all of said garments by means of said push cards is the same as that hereinabove described, varying only in detail.

PAR. 4. The persons to whom respondents furnish the said push cards use the same in purchasing, selling, and distributing respond-

ents' furs and fur garments in accordance with the aforesaid sales plan. Respondents thus supply to, and place in the hands of, others the means of conducting lotteries in the sale of their furs and fur garments in accordance with the sales plan hereinabove set forth. The use by respondents of said sales plan or method in the sale of their fur products, and the sale of said fur products by and through the use thereof and by the aid of said sales plan or method, is a practice of a sort which is contrary to an established public policy of the Government of the United States.

PAR. 5. The sale of furs and fur garments to the purchasing public in the manner above alleged involves a game of chance or the sale of a chance to procure a fur or fur garment at a price much less than the normal retail price thereof. Many persons, firms, and corporations who sell or distribute furs and fur garments in competition with the respondents, as above set forth, are unwilling to adopt and use said method or any method involving a game of chance or the sale of a chance to win something by chance, or any other method that is contrary to public policy, and such competitors refrain therefrom. Many persons are attracted by said sales plan or method employed by respondents in the sale and distribution of their furs and fur garments and the element of chance involved therein, and are thereby induced to buy and sell respondents' furs and fur garments in preference to furs and fur garments offered for sale and sold by said competitors of respondents who do not use the same or equivalent methods. The use of said method by respondents, because of said game of chance, has a tendency and capacity to, and does, unfairly divert substantial trade in commerce between and among the various States of the United States and in the District of Columbia to respondents from their said competitors who do not use the same or equivalent methods, and as a result thereof substantial injury is being done, and has been done, by respondents to competition in commerce between and among the various States of the United States and in the District of Columbia.

PAR. 6. In the course and conduct of their business as aforesaid, respondents have also engaged in and are now engaged, in the practice of failing to disclose the true nature and origin of their fur products, and of affirmatively misrepresenting the nature and origin of their products, such false representations being made by means of tags and labels attached to such products, by means of advertisements in magazines and newspapers, and by means of circulars, price lists, and other advertising material distributed among prospective purchasers of such products.

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Among and typical of such acts and practices, the respondents have caused certain of their furs and fur garments to be designated or described by the terms "Minkolet," "Minkolene," and "Marmink," thereby representing that the products so designated are made from mink peltries. In truth and in fact, such products are not made from mink peltries, but are made from rabbit or other peltries which have been dressed and dyed in such manner that they resemble mink peltries.

Respondents also use the terms "Nubian Seal," "V Shape Seal," "Hudseal," and "Sealine" to designate certain of their products, thereby representing that such products are made from seal peltries. Such products are in fact made from rabbit peltries which have been so dressed and dyed as to resemble seal peltries.

Respondents also use the terms "Beaverette" and "Mendoza Beaver" to designate certain of their products, thereby representing that the products so designated are made from beaver peltries. Such products are in fact made from rabbit peltries which have been dressed and dyed in such manner as to resemble beaver peltries.

Respondents also use the term "Silvertone Muskrat" to designate certain of their products, thereby representing that such products are made of "Silvertone Muskrats." Such products are in fact made from muskrat peltries which have been dyed and dressed in "Silver-tone."

Respondents also use the terms "Skunkette" and "Skunkolene" to designate certain of their products, thereby representing that such products are made from skunk peltries. Such products are in fact made from rabbit peltries which have been so dressed and dyed as to resemble skunk peltries.

Respondents also use the term "Sabellette" to designate certain of their products, thereby representing that such products are made from sable peltries. Such products are in fact made from rabbit peltries which have been so dressed and dyed as to resemble sable peltries.

Respondents also use the term "Squirrellette" to designate certain of their products, thereby representing that such products are made from squirrel peltries. Such products are in fact made from rabbit peltries which have been so dressed and dyed as to resemble squirrel peltries.

Respondents have also used the term "Broadtail" to designate certain of their products, thus representing that the products so designated are made from the peltries of broadtail lambs. Such products are not in fact made from the peltries of broadtail lambs, but are

made from other peltries which have been so dressed and dyed as to resemble broadtail peltries.

Respondents have also used the word "Norwegian" to designate certain of their products, thereby representing that such products are made from peltries imported from Norway. Such products are not in fact made from peltries imported from Norway, but are made from peltries obtained from other sources.

Respondents' products, when dyed and processed as hereinabove described, closely resemble in appearance garments made from the peltries of the respective fur-bearing animals above referred to, and, insofar as the members of the purchasing public are concerned, are indistinguishable from garments actually made from the peltries of the various fur-bearing animals whose pelts have been simulated in the manner above described.

PAR. 7. There is a preference on the part of a substantial portion of the purchasing public for fur products made from the peltries of seal, mink, beaver, muskrat, skunk, sable, squirrel, and broadtail lamb as compared to fur products made from the peltries of rabbits so dressed, dyed, and processed as to simulate in appearance the peltries of seal, mink, beaver, muskrat, skunk, sable, squirrel, and broadtail lamb. There is also a preference on the part of a substantial portion of the purchasing public for fur products made from the peltries of foxes obtained from Norway over fur products made from peltries obtained from other sources.

PAR. 8. The acts and practices of respondents in offering for sale and selling garments made from rabbit peltries which have been dyed and processed so as to resemble the peltries of mink, seal, beaver, skunk, squirrel, and other more valuable fur-bearing animals without disclosing or revealing the fact that such garments are made from rabbit peltries dyed and processed in the manner described have the tendency and capacity to mislead and deceive a substantial portion of the purchasing public into the mistaken and erroneous belief that the furs and fur garments sold by respondents are made from the peltries of seal, mink, beaver, muskrat, skunk, sable, squirrel, or broadtail lamb when in fact they are made from dyed rabbit peltries. The acts and practices of respondents further have the tendency to mislead and deceive a substantial portion of the purchasing public with respect to the nature and origin of respondents' products and to cause such portion of the public to purchase substantial quantities of respondents' products as a result of such erroneous and mistaken belief.

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CONCLUSION

The aforesaid acts and practices of respondents are all to the prejudice and injury of the public and of respondents' competitors and constitute unfair methods of competition in commerce and unfair and deceptive acts and practices in commerce within the intent and meaning of the Federal Trade Commission Act.

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents, testimony and other evidence introduced before an examiner of the Commission theretofore duly designated by it, and brief filed in support of the complaint, 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 Steven Angell and Asimo Liampos, individuals, trading at S. Angell & Co., or trading under any other name, jointly or severally, their representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of furs, fur garments, or other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Selling or distributing any merchandise so packed or assembled that sales of such merchandise to the public are to be made, or may be made, by means of a game of chance, gift enterprise, or lottery scheme.

2. Supplying to or placing in the hands of others push or pull cards, punch boards, or other lottery devices, either with assortments of merchandise or separately, which said push or pull cards, punch boards, or other lottery devices are to be used, or may be used, in selling or distributing said merchandise to the public.

3. Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme.

4. Using the words or terms "Hudseal," "Sealine," "Nubian Seal," or "V Shape Seal," or other words or terms of similar import or meaning, either alone or in connection, combination, or conjunction with any other word or words, to designate, describe, or refer to furs or fur garments made from rabbit peltries or from any peltries other than seal peltries, unless such words or terms are compounded with the word "dyed" or the word "processed" and when so compounded are immediately followed by the true name of the fur.

5. Using the words or terms "Minkolet," Minkolene," or "Marmink," or any other words or terms of similar import or meaning, either alone or in connection, combination, or conjunction with any other word or words, to designate, describe, or refer to furs or fur garments made from rabbit peltries or from any peltries other than mink peltries, unless such words or terms are compounded with the word "dyed" or the word "processed" and when so compounded are immediately followed by the true name of the fur.

6. Using the words or terms "Beaverette" or "Mendoza Beaver," or any other words or terms of similar import or meaning, either alone or in connection, combination, or conjunction with any other word or words, to designate, describe, or refer to furs or fur garments made from rabbit peltries or any peltries other than beaver peltries, unless such words or terms are compounded with the word "dyed" or the word "processed" and when so compounded are immediately followed by the true name of the fur.

7. Using the words or terms "Skunkette" or Skunkolene," or other words or terms of similar meaning, either alone or in connection, combination, or conjunction with any other word or words, to designate, describe, or refer to furs or fur garments made from rabbit peltries or any peltries other than skunk peltries, unless such words or terms are compounded with the word "dyed" or the word "processed" and when so compounded are immediately followed by the true name of the fur.

8. Using the word "Sabellette," or other word or term of similar import or meaning, either alone or in connection, combination or conjunction with any other word or words, to designate, describe, or refer to furs or fur garments made from rabbit peltries or any peltries other than sable peltries, unless such word or term is compounded with the word "dyed" or the word "processed" and when so compounded is immediately followed by the true name of the fur.

9. Using the word "Squirrellette," or other word or term of similar import or meaning either alone or in connection, combination, or conjunction with any other word or words, to designate, describe, or refer to furs or fur garments made from rabbit peltries or any peltries other than squirrel peltries, unless such word or term is compounded with the word "dyed" or the word "processed" and when so compounded is immediately followed by the true name of the fur.

10. Using the word "Broadtail," or other word or term of similar import or meaning, either alone or in connection, combination, or conjunction with any other word or words, to designate, describe, or refer to furs or fur garments made from rabbit peltries or any peltries

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other than peltries of the broadtail lamb, unless such word or term is compounded with the word "dyed" or the word "processed" and when so compounded is immediately followed by the true name of the fur.

11. Designating or describing furs or fur garments in any way other than by the use of the true name of the fur as the last word of the designation or description thereof.

12. Designating or describing furs or fur garments wherein the fur has been dyed or processed to simulate another fur without using the true name of the fur as the last word of the designation or description thereof immediately preceded by the word "dyed" or the word "processed" compounded with the name of the fur simulated.

13. Representing by the use of the word "Norwegian," or in any other manner, that furs or fur garments not made of peltries of Norwegian origin are made of peltries of such origin.

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.

Syllabus

IN THE MATTER OF

CHARLES ROEHM, TRADING AS CHUMANIE MEDICINE
COMPANY

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

Docket 4530. Complaint, July 7, 1941—Decision, May 11, 1942

Where an individual, engaged in interstate sale and distribution of his "Chumanie's Triple XXX Tablets," "Chumanie's Iron Tonic Pills," and various other medicinal preparations; by means of advertisements in newspapers, periodicals, circulars, and other advertising literature—

- (a) Represented, directly and by implication, that his said "Triple XXX Tablets" constituted an effective treatment for irregular and delayed menstruation, and aided functioning when there was delay due to cold feet, nutritional lack of iron, or functional inactivity;

The facts being it was not a competent treatment for said condition, and cold feet or lack of iron have no substantial influence in delaying or preventing menstruation;

- (b) Failed to reveal facts material in the light of the representations contained in said advertisements, and with respect to consequences which might result from use of said tablets under usual or prescribed conditions, in that they contained extract of ergot and oil of savin in quantities sufficient, if used as aforesaid by nonpregnant women, to cause gastrointestinal disturbances, such as catharsis, enteritis, nausea, and vomiting with pelvic congestion, and lead to excessive uterine hemorrhages; while use thereof by pregnant women might result in abortion or miscarriage, which might be followed by local or systemic infection;

- (c) Represented that his said "Iron Tonic Pills" were an effective treatment for anemia which would build rich blood and afford relief to the person who felt old, played out, or who was nervous or looked anemic; and that his "Yellow Jacket Pills" were a "diuretic * * * stimulant to the kidneys" and an effective treatment for kidney and bladder disorders, nagging backache, leg pains, and eye puffing;

The facts being "Iron Tonic Pills" were not such a treatment except in the comparatively rare cases of anemia resulting from deficiency of iron in the diet, which symptoms of feeling tired, played out or nervous do not indicate; and except as a mild diuretic, said "Yellow Jacket" preparation was not such a stimulant or effective treatment for ailments mentioned; and, contrary to implication of his said advertisements, only in exceptional cases are backache, pains in the leg and swollen eyes caused by kidney and bladder disorders; and

- (d) Represented that his "Double RR Tablets" constituted an effective treatment for rheumatism and inflamed, painful joints, and would mitigate the distress and discomfort of rheumatism; and that his "Plantation C. M. Q. Capsules" were an effective treatment for the common cold;

The facts being said "Double RR Tablets" preparation would have no therapeutic effect in treatment of aforesaid conditions in excess of mitigating