

IN THE MATTER OF

BENJAMIN GOLDMAN, TRADING AS TIGER YARN COMPANY, MINNETTE YARN COMPANY, BENGIO YARN SHOP, AND GOLDMAN'S YARN SHOP

COMPLAINT, FINDINGS, AND ORDER IN REGARD TO THE ALLEGED VIOLATION OF SEC. 5 OF AN ACT OF CONGRESS APPROVED SEPT. 20, 1914.

Docket 4625. Complaint, Nov. 5, 1941—Decision, Aug. 5, 1942

Where an individual, engaged under various trade names in interstate sale and distribution of knitting yarns to the purchasing public direct and to retail dealers—

- (a) Made use in catalogues or on color cards and on labels attached to certain of his yarns, of such terms as "Heavy Tweed Velva," "Shetland Floss," "Camel's Hair," "Cashmere De Laine" and "Sport Angora";

The facts being the yarns thus designated were not, as understood by a substantial portion of the purchasing public from the terms "Tweed," "Shetland," "Camel's Hair," "Cashmere," and "Angora," respectively composed entirely of wool, of yarn made from the wool of Shetland sheep grown on the Shetland Islands or the contiguous mainland of Scotland, of camel's hair, or hair of the Cashmere or the Angora goat, but said "Tweed" yarns were not composed of wool or contained wool mixed with other fibers, in case of "Heavy Tweed Velva" in the proportion of about 65 percent wool and 35 percent rayon; said "Shetland" yarns were made entirely of domestic wool; said "Camel's Hair" was made principally of wool and contained little, if any, camel's hair; said "Cashmere" contained fibers other than the hair of the Cashmere goat; and said "Sport Angora" contained about 80 percent wool and 20 percent rabbit's hair; and members of public in purchasing product represented as made of said wools or hairs have a preference for the genuine article rather than a substitute for or simulation thereof;

- (b) Falsely represented yarns composed of varying mixtures of wool, cotton, and rayon as being composed in part of silk through application to such products of such legends as, "A fine silk and wool mixture of four-ply"; "A fine mixture of silk and cotton"; "Silk Flake * * * A cotton and silk combination"; "A beautiful and lustrous mixture of silk and zephyr"; and "A very attractive yarn of silk and pure wool";
- (c) Misrepresented said yarns through failure to disclose that they were composed in part of rayon which, when so made as to simulate silk or wool, has the feel and appearance thereof, and is practically indistinguishable therefrom; as a result whereof a substantial portion of the purchasing public bought said yarns as composed of the genuine product simulated;
- (d) Designated one of his yarns composed entirely of wool and rayon as "Crepe," notwithstanding fact that a substantial portion of the purchasing public understand products so designated to be made of silk, product of the cocoon of the silk worm; and
- (e) Represented, through use of words "Importers and Jobbers of Worsteds Yarns—Angoras—Cotton" in connection with his trade name "Tiger Yarn

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Co.," that he was an importer and imported certain yarns offered, and that certain of his said yarns were made of or contained fibers which, not produced in this country, are imported from foreign countries; The facts being he imported no yarns or fibers from foreign countries, said company was not an importer, and there is a preference on the part of a substantial portion of the purchasing public for dealing direct with importers and for purchasing foreign products; With tendency and capacity to mislead and deceive a substantial portion of the purchasing public into the mistaken belief that said statements were true, thereby inducing purchase by it of substantial quantities of products in question:

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. John W. Addison*, trial examiner.

Mr. Donovan Divet for the Commission.

Mr. S. Robert Israel, of New York City, for respondent.

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act, and by virtue of the authority vested in it by said act, the Federal Trade Commission, having reason to believe that Benjamin Goldman, individually and trading as Tiger Yarn Co., Minnette Yarn Co., Bengo Yarn Shop, and Goldman's Yarn Shop, hereinafter referred to as the 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. The respondent, Benjamin Goldman, is an individual, trading as Tiger Yarn Co., Minnette Yarn Co., Bengo Yarn Shop, and Goldman's Yarn Shop, with his principal place of business located at 1643 Bathgate Avenue, The Bronx, in the city of New York, State of New York.

PAR. 2. Respondent is now, and for more than 2 years last past has been, engaged in the sale and distribution of various grades and types of knitting yarn. Respondent causes his said products, when sold, to be transported from his place of business in the State of New York to the purchasers thereof at their respective points of location in various other 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 his said products in commerce between and among the various States of the United States and in the District of Columbia.

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PAR. 3. The word "tweed" has been long and favorably known to the purchasing and consuming public as descriptive of products composed entirely of wool.

The word "Shetland" has been long and favorably known to the purchasing and consuming public as descriptive of products made from the wool of Shetland sheep raised on the Shetland Islands or on the contiguous mainland of Scotland.

The word "Cashmere" has been long and favorably known to the purchasing and consuming public as descriptive of products composed entirely of the hair of the Cashmere goat.

The word "Angora" has been long and favorably known to the purchasing and consuming public as descriptive of products made from the hair of the Angora goat.

The word "silk" has been long and favorably known to the purchasing and consuming public as descriptive of goods made from the product of the cocoon of the silkworm.

The word "crepe" is a word which has been long and favorably known to the purchasing and consuming public as descriptive of a certain type of product made of silk, the product of the cocoon of the silkworm.

Silk, tweed, Shetland, Cashmere, and Angora products for many years have held and still hold great public esteem for their preeminent qualities, and in the purchase of knitting yarns there has long been, and now is, a preference for said products on the part of a substantial number of the members of the purchasing public, as well as a preference for dealing directly with the importers of yarns and fabrics.

Rayon is a chemically manufactured fiber or fabric which may be so manufactured as to simulate silk. When manufactured to simulate silk it has the appearance and feel of silk. By reason of these qualities rayon, when manufactured to simulate silk and not designated as rayon, is by the purchasing public practically indistinguishable from silk. Products made from rayon resembling silk are accepted by the public as silk even though such products may not be designated by terms representing or implying that they are silk.

PAR. 4. In the course and conduct of his aforesaid business in connection with the offering for sale, sale, and distribution of his products in commerce, and for the purpose of inducing the purchase thereof by the public, respondent has made or caused to be made various statements and representations purportedly descriptive of his business and his products, and of the place of origin of, and the nature of the constituent fibers or materials of his products, to be inserted in catalogs, sample books, labels and other printed and writ-

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ten material and on his letterheads, which he has distributed among customers and prospective customers located in the various States of the United States and in the District of Columbia.

Many of the designations and descriptions of the respondent's said yarns and of their constituent fibers and materials used by respondent are false and misleading. Among and typical of such false and misleading designations, descriptions, statements, and representations are the following:

"Scotch Tweed," "Tropical Tweed," "Tweed Velna," "Zephyr Tweed," "Two-Tone Zephyr Tweed," and "Heavy Tweed Velna" used as descriptive of yarns not composed entirely of wool.

"Shetland Floss" used as descriptive of yarns made neither entirely, nor in part, from the fleece of Shetland Sheep raised on the Shetland Islands, the contiguous mainland of Scotland, or elsewhere.

"Camel's Hair" to designate and describe a yarn which, in fact, contains practically no camel hair but is made almost entirely of other materials.

"Cashmere De Laine" and "Cashmere Sport Yarn" to designate and describe yarns which are not made in whole or in part from the hair of the Cashmere goat.

"Sport Angora" and "Angoray" to designate and describe yarns which are not made in whole or in part from the hair of the Angora goat.

"A fine silk and wool mixture" used as descriptive of a certain one of respondent's said yarns designated by respondent as "Pompadour Zephyr," which said yarn is, in fact, made entirely of wool and rayon; "A fine mixture of silk and cotton" used as descriptive of respondent's yarn "Tropical Tweed," a yarn which is, in fact, composed of cotton and rayon; "A fine yarn mixed with a contrasting silk nub" used as descriptive of respondent's yarn "Tweed Velna," which is, in fact, composed of wool and rayon; "Cotton and silk combination" used as descriptive of respondent's yarn "Silk Flake," which is, in fact, composed entirely of cotton and rayon; "A beautiful mixture of six colors of silk woven into a fine grade of wool," used as descriptive of respondent's yarn "Mystic Velna," which is, in fact, composed entirely of wool and rayon; "A beautiful and lustrous mixture of silk and zephyr" used as descriptive of respondent's yarn "Zephyr Paradise," which is, in fact, composed entirely of rayon and wool; "A very attractive yarn of silk and pure wool" used as descriptive of respondent's yarn "Silk-Wool," which is, in fact, composed entirely of rayon and wool; "Tri-Colored Tweed of Zephyr Yarn twisted with a contrasting silk nub," used as descriptive of respondent's yarn "Two-Tone Zephyr Tweed," which is in fact composed entirely of wool and rayon.

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"Crinkle Crepe" and "New crepe creation of zephyr wool twisted with same color of silk strand," used as descriptive of respondent's yarn "Crinkle Crepe," which contains no silk and is in fact composed entirely of wool and rayon; by use of the word "Crepe" as well as by use of the word "Silk," the respondent represents that said yarn "Crinkle Crepe" is silk, the product of the cocoon of the silkworm, whereas in fact said yarn is composed entirely of wool and rayon.

In addition to misrepresenting certain of its yarns by the use of the word "Silk" as heretofore alleged, the respondent, by failing to disclose the rayon content of said yarns and of others of his yarns designated by respondent by the names given hereafter, each of which yarns resembles silk in whole or in part, represents that each of said yarns is silk, the product of the cocoon of the silkworm, or that that part of the yarn which resembles silk is silk, the product of the cocoon of the silkworm, whereas said yarns in fact contain no silk, the product of the cocoon of the silkworm. The said yarns so misrepresented by respondent's failure to disclose their rayon content are designated by respondent as follows: "Pompadour Zephyr," "Velna," "Tweed Velna," "Silk Flake," "Mystic Velna," "Angoray," "Zephyr Paradise," "Silk-Wool," "Zephyr Tweed," "Two-Tone Zephyr Tweed," "Boucle," and "Heavy Tweed Velna."

The respondent has also misrepresented the nature of that part of his business known as "Tiger Yarn Company" by sending from his said principal place of business in the State of New York to customers and prospective customers located in States other than New York, letterheads bearing the words "Importers and Jobbers of Worsted Yarns, Angoras, Cotton," whereas in fact neither the respondent nor said Tiger Yarn Co. is now or ever has been an importer of worsted or other yarns, Angoras, cottons, or other fabrics.

PAR. 5. The use by the respondent of the foregoing acts and practices has had and now has the tendency and capacity to mislead and deceive a substantial portion of the purchasing public into the erroneous and mistaken belief that said statements and representations are true, and that respondent has truthfully represented the constituent fiber and material of which his products are made, as well as the nature of his business. On account of these erroneous beliefs a number of the consuming and purchasing public purchases a substantial volume of respondent's products.

PAR. 6. 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 intent and meaning of the Federal Trade Commission Act.

Findings

REPORT, FINDINGS AS TO THE FACTS, AND ORDER

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission on November 5, 1941, issued and subsequently served its complaint in this proceeding upon respondent Benjamin Goldman, an individual trading as Tiger Yarn Co., Minnette Yarn Co., Bengo Yarn Shop, and Goldman's Yarn Shop, charging him 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 thereto, testimony and other evidence in support of and in opposition to the allegations of the complaint were introduced before an examiner of the Commission theretofore duly designated by it, and said testimony and other evidence were duly recorded and filed in the office of the Commission.

Thereafter, this proceeding regularly came on for final hearing before the Commission on the said complaint, the answer thereto, testimony and other evidence, report of the trial examiner, and brief in support of the complaint (respondent not having filed brief and oral argument not having been requested); and the Commission, having duly considered the matter and being now fully advised in the premises, finds that this proceeding is in the interest of the public and makes this its findings as to the facts and its conclusion drawn therefrom.

FINDINGS AS TO THE FACTS

PARAGRAPH 1. Respondent, Benjamin Goldman, is an individual, trading as Tiger Yarn Co., Minnette Yarn Co., Bengo Yarn Shop, and Goldman's Yarn Shop, with his principal place of business located at 1643 Bathgate Avenue, The Bronx, New York, N. Y.

PAR. 2. Respondent is now, and for a number of years last past has been, engaged in the sale and distribution of various grades and types of knitting yarn to members of the purchasing public, who buy directly or by mail orders, and to retail dealers in yarn. Respondent causes, and has caused, his said products, when sold, to be transported from his place of business in the State of New York to purchasers thereof at their respective points of location in various other States of the United States, and maintains, and at all times mentioned herein has maintained, a course of trade in said products in commerce between and among the various States of the United States.

PAR. 3. In the course and conduct of the aforesaid business, and for the purpose of aiding and promoting the sale of his products, respond-

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ent distributes to customers and prospective customers catalogues or color cards containing descriptions and samples of various knitting yarns offered for sale by him. The yarns, when sold, are labeled and the wording and descriptions on such labels correspond with the statements concerning each such yarn in the catalogue or color card.

Among the knitting yarns sold and distributed by respondent are certain ones the designation or description of which includes the word "tweed," such as "Heavy Tweed Velna." When applied to knitting yarns, the term "tweed" is understood by a substantial portion of the purchasing public to mean that the yarn is composed entirely of wool. Respondent, however, uses the term "tweed" to designate knitting yarns which are not composed of wool or which contain wool mixed with other fibers. The yarn designated and described by respondent as "Heavy Tweed Velna" is in fact composed of approximately 65 percent wool and 35 percent rayon.

Respondent uses the word "Shetland" in the designation or description of knitting yarns sold and distributed by him. One such yarn is designated and described as "Shetland Floss." The word "Shetland," and the term "Shetland Floss," when applied to yarn, is understood by a substantial portion of the purchasing public to mean yarn made from the wool of Shetland sheep grown on the Shetland Islands or on the contiguous mainland of Scotland. As a matter of fact, respondent's product to which this term is applied is made entirely of domestic wool.

One of the knitting yarns sold by respondent is designated and described as "Camel's Hair." This term, when applied to knitting yarns, is understood by a substantial portion of the purchasing public to mean yarn made from the hair of the camel. The product so designated by respondent is in fact made principally of wool and contains little, if any, camel's hair.

Another of the knitting yarns sold and distributed by respondent is designated and described as "Cashmere De Laine." The term "cashmere," as applied to knitting yarns, is understood by a substantial portion of the purchasing public to mean yarn made from the hair of the Cashmere goat. Respondent's product designated as "Cashmere De Laine" in fact contains fibers other than the hair of the Cashmere goat.

Another of the knitting yarns sold and distributed by respondent is designated and described as "Sport Angora." The term "angora," when applied to knitting yarns, is understood by a substantial portion of the purchasing public to mean yarn made from the hair of the Angora goat. The product so designated by respondent contains in fact approximately 80 percent wool and 20 percent rabbit hair.

In purchasing products represented as or purporting to be made of wool, or Shetland wool, or camel's hair, or hair of the Cashmere goat, or hair of the Angora goat, members of the public have a preference for the genuine article rather than a substitute for or simulation of the genuine article.

PAR. 4. Various of the yarns sold and distributed by respondent are misrepresented by him as being composed in part of silk. The term "silk" is understood by a substantial portion of the purchasing public to mean silk, the product of the cocoon of the silkworm. Among the yarns described by respondent as silk or containing silk are the following: A yarn represented to be "A fine silk and wool mixture of four-ply," which is in fact composed of approximately 80 percent wool and 20 percent rayon; a yarn described as "A fine mixture of silk and cotton," which is in fact composed of approximately 80 percent cotton and 20 percent rayon; a yarn designated as "Silk Flake" and described as "A cotton and silk combination," which is actually composed of approximately 80 percent cotton and 20 percent rayon; a yarn described as "A beautiful and lustrous mixture of silk and zephyr," which is in fact composed of approximately equal parts of rayon and wool; and a yarn described as "A very attractive yarn of silk and pure wool," which is in fact composed of approximately 55 percent rayon and 45 percent wool.

In addition to the false representations that certain yarns contain silk, respondent further misrepresents such yarns by failing to disclose that they are composed in part of rayon. Rayon used in yarn is a chemically manufactured fiber which can be so made as to closely simulate silk or wool. When manufactured to simulate silk it has the feel and appearance of silk and when manufactured to simulate wool it has the feel and appearance of wool. By reason of these qualities, rayon when manufactured to simulate silk or wool and not designated as rayon is practically indistinguishable from silk or wool, as the case may be, and the failure of respondent to disclose the rayon content of yarns containing that product has resulted in the purchase of such yarns by a substantial portion of the purchasing public under the erroneous impression that they were composed of the genuine products simulated.

One of the yarns sold and distributed by respondent is designated and described as "Crinkle Crepe." The term "crepe," when not accompanied by qualifying words, is understood by a substantial portion of the purchasing public to mean a product made of silk, the product of the cocoon of the silkworm. In fact the yarn designated by respondent as "Crinkle Crepe" is composed entirely of wool and rayon and contains no silk.

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PAR. 5. In the course and conduct of the business known as "Tiger Yarn Company" respondent has used on his letterheads the statement:

TIGER YARN CO.

Importers and Jobbers of

Worsted Yarns—Angoras—Cotton

Respondent thus represents that he is an importer and that he imports certain of the yarns offered for sale by him. Certain of such yarns are in fact represented as being made of or containing fibers which are not produced in this country and which are therefore imported from foreign countries. Respondent does not import any yarns or fibers from foreign countries and the representation that the Tiger Yarn Co. is an importer is false. There is a preference on the part of a substantial portion of the purchasing public for dealing direct with importers and for purchasing foreign products.

PAR. 6. The use by respondent of the aforesaid false and misleading representations, acts, and practices has had, and now has, the tendency and capacity to mislead and deceive a substantial portion of the purchasing public into the mistaken and erroneous belief that said statements and representations are true, and as a result of such erroneous beliefs members of the purchasing and consuming public have purchased a substantial volume of respondent's products.

CONCLUSION

The acts and practices of the 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 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 respondent, testimony and other evidence in support of and in opposition to the allegations of the complaint taken before an examiner of the Commission theretofore duly designated by it, report of the trial examiner, and brief filed by counsel for the Commission, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act.

Order

It is ordered, That respondent, Benjamin Goldman, an individual, trading as Tiger Yarn Co., or Minnette Yarn Co., or Bengo Yarn Shop, or Goldman's Yarn Shop, or under any other name, his representatives, agents, or employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of knitting yarns in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the word "tweed," or any simulation thereof, either alone or in connection or conjunction with any other word or words, to designate, describe, or refer to any product which is not composed entirely of wool: *Provided, however,* That in the case of a product composed in part of wool and in part of other fibers or materials, such word may be used as descriptive of the wool content if there are used in immediate connection or conjunction therewith, in letters of at least equal size and conspicuousness, words truthfully describing such other constituent fibers or materials.

2. Using the word "Shetland," or any simulation thereof, either alone or in connection or conjunction with any other word or words to designate, describe, or refer to any product which is not composed entirely of wool of Shetland sheep grown on the Shetland Islands or the contiguous mainland of Scotland: *Provided, however,* That in the case of a product composed in part of such wool and in part of other fibers or materials, such word may be used as descriptive of the Shetland wool content if there are used in immediate connection or conjunction therewith, in letters of at least equal size and conspicuousness, words truthfully describing such other constituent fibers or materials.

3. Using the term "Camel's Hair," or any simulation thereof, either alone or in connection or conjunction with any other word or words, to designate, describe, or refer to any product which is not composed entirely of hair of the camel: *Provided, however,* That in the case of a product composed in part of hair of the camel and in part of other fibers or material, such term may be used as descriptive of the camel-hair content if there are used in immediate connection or conjunction therewith, in letters of at least equal size and conspicuousness, words truthfully describing such other constituent fibers or materials.

4. Using the word "Cashmere," or any simulation thereof, either alone or in connection or conjunction with any other word or words, to designate, describe, or refer to any product which is not composed entirely of hair of the Cashmere goat: *Provided, however,* That in the case of a product composed in part of hair of the Cashmere goat and in part of other fibers or materials, such word may be used as descrip-

tive of the cashmere fiber content if there are used in immediate connection or conjunction therewith, in letters of at least equal size and conspicuousness, words truthfully describing such other constituent fibers or materials.

5. Using the word "Angora," or any simulation thereof, either alone or in connection or conjunction with any other word or words, to designate, describe, or refer to any product which is not composed entirely of hair of the Angora goat: *Provided, however,* That in the case of a product composed in part of hair of the Angora goat and in part of other fibers or materials, such word may be used as descriptive of the angora fiber content if there are used in immediate connection or conjunction therewith, in letters of at least equal size and conspicuousness, words truthfully describing such other constituent fibers or materials.

6. Using the word "Silk," or any simulation thereof, either alone or in connection or conjunction with any other word or words, to designate, describe, or refer to any material which is not composed entirely of silk, the product of the cocoon of the silkworm: *Provided, however,* That in the case of a material composed in part of silk, the product of the cocoon of the silkworm, and in part of other fibers or materials, such word may be used as descriptive of the content which is silk, the product of the cocoon of the silkworm, if there are used in immediate connection or conjunction therewith, in letters of at least equal size and conspicuousness, words truthfully describing such other constituent fibers or materials.

7. Using the unqualified word "Crepe," or any other descriptive term indicative of silk, to designate, describe, or refer to any product which is not composed entirely of silk, the product of the cocoon of the silkworm: *Provided, however,* That such word or descriptive term may be used truthfully to designate or describe the type of weave, construction, or finish if such word is qualified by using in immediate connection or conjunction therewith, in letters of at least equal size and conspicuousness, words accurately describing the fibers or materials from which such product is made.

8. Advertising, offering for sale, or selling products composed in whole or in part of rayon without clearly disclosing such rayon content, and when such products are composed in part of rayon and in part of other fibers or materials, all such fibers or materials, including the rayon, shall be clearly and accurately disclosed.

9. Using the word "Importer," or any other word or words of similar import and meaning, to designate, describe, or refer to respondent's business, or any portion thereof, or otherwise representing that respondent is an importer.

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

It is further ordered, That no provision of this order to cease and desist shall be construed as relieving respondent in any respect of the necessity of complying with the requirements of the Wool Products Labeling Act of 1939 and the rules and regulations promulgated thereunder.

IN THE MATTER OF
NATIONAL COIN CORPORATION AND JOHN ROMANO

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

Docket 3862. Complaint, July 29, 1939—Decision, Aug. 14, 1942

Where a corporation, subsequently dissolved, and the individual who was its president and principal owner, competitively engaged in the purchase of old and rare coins and in the interstate sale and distribution in said connection of a coin catalogue which they represented as describing all old and rare coins of value and the prices which they would pay therefor; in their advertisements in newspapers, periodicals and other publications, making possession of such catalogue a condition to such purchase—

- (a) Represented, directly or by implication, that all old coins were rare coins with values comparable to those of coins described or referred to therein, through mentioning only the old and rare coins of great value;

The facts being that only a small number of old coins are rare and highly valuable, and values and prices listed in their advertisements were greatly in excess of the usual values or selling prices of old coins; and

- (b) Represented that they would pay the prices listed in said advertisements for coins bearing the dates set forth therein without any other limitation, and that their said catalogue listed all known valuable coins;

The facts being their catalogue contained conditions and restrictions not set out by them in their advertisements: they did not pay the prices represented in their advertisements or, as illustrative, pay \$450 for all dimes dated prior to 1895, but paid it for only the "1894 Mint" dime; they required that prospective sellers post a \$1 appraisal fee to be returned only in event of their purchase of coin or coins in the amount of \$5 or more; their prices depended upon the state of preservation of coins in addition to the scarcity or dates thereof; and their catalogue did not list all known rare coins;

With effect of misleading and deceiving a substantial number of the purchasing public into the mistaken belief that said representations were true, thereby inducing it to purchase substantial number of said catalogues; whereby trade was unfairly diverted to them from competitors who did not misrepresent the conditions under which they purchased coins, and their coin catalogues, as consequence whereof, injury was done to competition:

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

Before *Mr. Arthur F. Thomas*, trial examiner.

Mr. R. P. Bellinger for the Commission.

Mr. Charles E. Booth, of Daytona Beach, Fla., 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