

IN THE MATTER OF

CHARLES D. HUSTEAD, TRADING UNDER THE NAMES
TERMINAL MESSENGER SERVICE AND PIONEER IN-
HERITANCE SERVICECOMPLAINT, FINDINGS, AND ORDER IN REGARD TO THE ALLEGED VIOLATION
OF SEC. 5 OF AN ACT OF CONGRESS APPROVED SEPT. 26, 1914*Docket 4897. Complaint, Jan. 29, 1943—Decision, Apr. 20, 1943*

Where an individual engaged in interstate sale and distribution of forms, form letters, and envelopes for use by creditors and collection agencies in obtaining information concerning debtors, some of which forms, (1) intended for use of debtor and calling for such information as his name and address and that of his employer or banker, displayed trade name, "Terminal Messenger Service" and such words and legends as "We Deliver Anything Any Time Anywhere," "Try Us On Messenger Service Distributing Package Delivery Expressing and Baggage or Rush Deliveries," "We have a prepaid package which we wish to deliver to the above named party. Send us your new address and references if you are the party who should receive this. * * *," and "If no information is available within 30 days our files will be closed" and "Satisfactory deliveries are not possible to General Delivery or Post Office Box Address"; while others (2), intended for persons other than the presumptive debtor, contained in addition to the trade name and other matter above set forth, such matter as "Can you inform us as to the present whereabouts of * * * who formerly lived at * * * We have a prepaid package which we wish to deliver to the above named party. * * *," followed by blank spaces for the debtor's name, address, employment, and employer;

Making use of a scheme under which (1) he placed upon such forms code numbers to identify to him his respective purchasers, (2) purchasers inserted the names and last known addresses of the persons concerning whom information was sought, and (3) enclosed the forms in envelopes from said purported "Terminal Messenger Service," etc., addressed to said individual, together with another envelope addressed to "Terminal Messenger Service," etc., and caused such outer envelopes and their enclosures to be delivered to aforesaid individual, who mailed them and sent replies, identified by the aforesaid code numbers, to the customers, and to each of those from whom a reply was received, a pasteboard-covered notebook of trivial value; employing substantially the same methods as above described in handling forms sent to other than alleged debtors—

- (a) Falsely represented through said forms and envelopes, and placed in the hands of his customers the means of falsely representing, directly and by implication, to the customers, debtors, and others from whom information was sought, that his place of business was in a terminal building close to a railroad station or other transportation agency, and that his business was in some fashion connected with the transportation and delivery of goods;

- (b) Falsely represented and placed in the hands of his customers the means of falsely representing, to customers, debtors and others, as above set forth, that the persons concerning whom information was sought were consignees of packages sent by someone other than himself, which were in his hands in the usual course of his business, and transportation of which had involved charges paid by the consignors, that packages were of more than the trivial value of the aforesaid notebooks, and that the requested information was sought in order to enable delivery to be made to the correct consignees; and

- (c) Falsely represented through use of the name "Terminal Messenger Service" that he was engaged in the business of delivering by messenger, goods received at the station of a railroad or other transportation agency;

When in fact the whole scheme was merely an attempt to obtain information by subterfuge, to locate and identify persons concerned for the purpose solely of assisting his customers in collecting alleged delinquent accounts, and packages to which forms referred contained merely aforesaid notebooks; and

Where said individual, engaged, as aforesaid, and making similar use of other form letters which—similarly planned to secure by subterfuge such information as debtor's present and former addresses and name of spouse and employer, position held, club membership, relatives' addresses, bank references and general description of debtor—displayed the trade name "Pioneer Inheritance Service," followed by the words "Estate Counsellors" and such matter as "Examiners of Titles * Searcher of Records * Genealogists * Correspondents in All Principal Cities of the World * Missing Heirs Located," and advised the debtor that "if the above information checks with our records, you will be communicated with by return mail," etc., and which, in case of forms intended for other than the presumptive debtor, contained such statements as, referring to debtors: "We have been asked to communicate with the above subject and our file indicates that you may be able to assist us. Can you give us the present address or refer us to a friend or relative who may be able to supply this information? This is a matter of distinct importance to the person in question," etc.—

- (d) Falsely represented thereby, and placed in the hands of his customers the means of falsely representing, to customers, debtors, and others from whom information was sought, that "Pioneer Inheritance Service" had correspondents in all principal cities of the world, acted as counsellors to those in charge of decedents' estates and to interests therein, examined titles to property, engaged in genealogical research and was a searcher of records;

- (e) Falsely represented that the persons concerning whom information was sought, had or might have interests in estates or lands which would be of financial benefit to them and concerning which said individual had knowledge; and

- (f) Falsely represented, through use of the name "Pioneer Inheritance Service," that his business bore some relation to estates and to the rights and interests of heirs thereof;

When in fact his business had nothing to do therewith, and said name was merely a disguise for the true nature thereof;

With effect of deceiving persons to whom such forms, form letters and envelopes were sent, into the erroneous belief that such representations were true, and with tendency and capacity to cause them, by reason thereof, to give information which they otherwise would not supply, and, in many instances, to incur expense for postage in connection therewith:

Complaint

36 F. T. C.

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

Mr. Randolph W. Branch for the Commission.

Mr. C. L. Clark, of Lincoln, Nebr., 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 Charles D. Hustead, an individual, trading under the names Terminal Messenger Service and Pioneer Inheritance Service, 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, Charles D. Hustead, is an individual, trading under the names Terminal Messenger Service and Pioneer Inheritance Service, with an office and principal place of business in the Stuart Building, 13 and P Streets, Lincoln, Nebr.

PAR. 2. Respondent is now, and has been for more than 5 years last past, engaged in the business of distributing and selling forms, form letters and envelopes, designed and intended to be used by creditors and collection agencies in obtaining information concerning debtors.

Respondent causes the said forms, form letters, and envelopes to be transported from his aforesaid place of business in the State of Nebraska to purchasers thereof 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 forms, form letters, and envelopes in commerce between and among the various States of the United States and in the District of Columbia.

PAR. 3. The said forms sold and distributed by respondent are as exemplified by photostatic copies thereof, marked "Exhibits A and B," attached hereto and by this reference incorporated herein and made a part hereof; the said form letters are as exemplified by copies thereof, marked "Exhibits C and D," attached hereto and by this reference incorporated herein and made a part hereof.

PAR. 4. Upon the forms as exemplified by Exhibit A when they are delivered to the purchasers thereof, respondent has placed numbers, which are his code numbers and identify the customers to him. The purchasers insert on the lines indicated in the forms the names and last known addresses of the persons concerning whom information is

sought and insert the forms in envelopes, purchased by them from respondent, which they address to the persons concerning whom information is sought. Upon these envelopes in the upper left corner appears:

Return in five days to
TERMINAL MESSENGER SERVICE
Stuart Building—13th and P Streets
Lincoln, Nebraska.

With said forms are enclosed envelopes, also purchased from respondent, in the upper left corner of which appears:

Good Service Helps Your Business
Expressing and Baggage Service.

and which are addressed to:

Terminal Messenger Service
Stuart Building
Lincoln, Nebr.

Said purchasers cause the said outer envelopes, properly stamped, and their enclosures, to be delivered to respondent at his place of business aforesaid, and respondent causes them to be deposited in the United States mail. Such replies as are returned are received by respondent who identifies the customers by the code numbers heretofore mentioned and sends the replies to the proper customers. Respondent also sends to each of the persons from whom a reply is received a pasteboard covered note book approximately 3 by 5 inches in size, having approximately 32 leaves, of trivial value.

The forms exemplified by Exhibit B are given code numbers in the manner stated above, and are used when information concerning alleged debtors is sought from persons other than the debtors themselves. They are used and handled in a manner substantially identical with that in which the forms exemplified by Exhibit A are handled as hereinabove set forth.

PAR. 5. By means of the aforesaid forms and envelopes, respondent has represented and placed in the hands of his customers means of representing, directly and by implication, to customers' debtors and others from whom information concerning such debtors is sought, that respondent's place of business is in the "Terminal Building," that such building is, or is close to, a station of a railroad or other transportation agency; that respondent's business is in some fashion connected with the movement and transportation of goods and their delivery to the proper consignees and, with the handling of express shipments and travelers' baggage; that the persons concerning whom information is sought are consignees of packages sent by someone other than respondent, which packages are in the hands of respondent.

Complaint

36 F. T. C.

ent in the usual course of his transportation business; that the transportation of such packages had involved charges which had been paid by the consignors; that the packages were of more than the trivial value of the note books mentioned above and that the requested information was sought in order to enable delivery of such packages to be made to the correct consignees.

PAR. 6. Through the use of the name "Terminal Messenger Service," respondent has represented, directly and by implication, that he is engaged in the business of delivering by messenger goods received at the station of a railroad or other transportation agency when, in fact, said name is merely a disguise for the true nature of respondent's business.

PAR. 7. The aforesaid representations, both express and implied, are false and misleading. In truth and in fact, respondent's business is not in any "terminal" building, but in an office building removed from any station of a railroad or other transportation agency. Respondent's business, so far as the recipients of said forms are concerned, has nothing whatever to do with the movement and transportation of goods or their delivery to the proper consignees or the handling of express shipments or travelers' baggage. The persons with respect to whom information is sought are not consignees of packages upon which transportation charges have been paid, sent by someone other than respondent, and in the hands of respondent in the usual course of transportation business. The packages to which said forms refer were those made up by respondent containing the note-books referred to above. The whole scheme was merely an attempt to obtain information by subterfuge, and the information was sought not for the purpose of locating the whereabouts of and identifying such persons in order to effect delivery of packages but solely for the purpose of assisting respondent's customers in collecting alleged delinquent accounts.

PAR. 8. Upon the form letters as exemplified by Exhibit C when they are delivered to the purchasers thereof, respondent has placed numbers which are his code numbers and which identify the customers to him. The customers insert in the appropriate blank places the names and last known addresses of the persons concerning whom information is sought, and place the form letters in envelopes, purchased by them from respondent, which they address to the persons concerning whom information is sought. Upon these envelopes in the upper left-hand corner appears:

PIONEER INHERITANCE SERVICE
851-2-3 Stuart Building,
Lincoln, Nebraska.

With the said form letters are enclosed envelopes, also purchased from respondent, addressed as above.

Said purchasers cause the said envelopes, properly stamped, and their enclosures, to be delivered to respondent at his place of business aforesaid and respondent causes them to be deposited in the United States mail. Such replies as are returned are received by respondent who identifies the customers by the code numbers heretofore mentioned and sends the replies to the proper customers.

The forms exemplified by Exhibit D are given code numbers in the manner stated above, and are used when information concerning debtors is sought from persons other than the debtors themselves. They are used and handled in a manner substantially identical with that in which the form letters exemplified by Exhibit C are handled, as hereinabove set forth.

PAR. 9. By means of the aforesaid form letters and envelopes, respondent has represented, and placed in the hands of his customers means of representing, directly and by implication, to customers' debtors, and others from whom information concerning such debtors is sought, that "Pioneer Inheritance Service" has correspondents in all principal cities of the world, acts as counsellor to those in charge of decedents' estates or to interests therein, examines titles to property, engaged in geneological research, is a searcher of records, and that the persons concerning whom information is sought have or may have interests in estates or lands which will be of financial benefit to them concerning which respondent has knowledge.

The said representations are false and misleading. In truth and in fact, respondent in conducting the business called "Pioneer Inheritance Service" does not have correspondents in all principal cities of the world. He does not act as counsellor to those in charge of decedents' estates and is not engaged in the business of locating heirs to estates or lands or to interests therein. He does not examine titles to property or engage in geneological research or searches of records. He has no knowledge of any interests in estates or in lands to which the persons concerning whom information is sought may be entitled.

PAR. 10. Through the use of the name "Pioneer Inheritance Service," respondent has represented, directly and by implication, that his said business bears some relation to estates and to the rights and interests of heirs thereof.

Such representation is false and misleading. In truth and in fact respondent's said business has nothing whatever to do with estates or the rights or interests of persons therein, and the said name is merely a disguise for the true nature of the business.

PAR. 11. The use, as hereinabove set forth, of the foregoing false and misleading statements, representations, and designations has had

the tendency and capacity to, and has misled and deceived many persons to whom said forms, form letters, and envelopes were sent, into the erroneous and mistaken belief that such statements, representations, and designations were true, and by reason thereof to give information which they would not otherwise have supplied, and in many instances to incur expense for postage in connection therewith.

PAR. 12. The aforesaid acts and practices of 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.

WE DELIVER ANYTHING

ANY TIME

ANYWHERE

TERMINAL MESSENGER SERVICE

Try us on
Messenger Service
Distributing
Package Delivery
Expressing and Baggage
or Rush Deliveries

Terminal Building
LINCOLN, NEBRASKA

We will give
Prompt
Efficient
Courteous
Service
Always

Name _____

Address _____

We have a prepaid package which we wish to deliver to the above named party.

Send us your new address and references if you are the party who should receive this.

Enclose find self-addressed envelope for your reply.

We are

Yours very truly,

TERMINAL MESSENGER SERVICE.

The following lines may be used for your reply:

Name _____

Present address _____

I can refer you to my employer for identification, whose name is _____

Address _____

Or my bank or banker _____

Whose address is _____

Notice

If no information is available within 30 days our files will be closed. Satisfactory deliveries are not possible to General Delivery or Post Office Box Address.

Do Not Write Here—Our Record

Date of Notice _____

Charges _____

Parcel Post _____

Express _____

File No. _____

EXPRESSING AND BAGGAGE

Exhibit A.

594

Exhibits

WE DELIVER ANYTHING

ANY TIME

ANYWHERE

TERMINAL MESSENGER SERVICE

<i>Try us on</i>	Stuart Building	<i>We will give</i>
Messenger Service	LINCOLN, NEBRASKA	Prompt
Distributing		Efficient
Package Delivery		Courteous
Expressing and Baggage		Service
or Rush Deliveries		Always

Name-----

Address-----

Can you inform us as to the present whereabouts of-----
who formerly lived at-----

We have a prepaid package which we wish to deliver to the above named party,
We are enclosing a stamped envelope and we would fully appreciate any
information you can give us regarding this party's present address or place of
employment so we can make prompt delivery of this package.

Thanking you for an early reply, we remain,

Yours very truly,

TERMINAL MESSENGER SERVICE.

Name of party-----

Present address-----

Present employment-----

Employer's address-----

Notice

If no information is avail-
able within 30 days our
files will be closed. Satis-
factory deliveries are not
possible to General Deliv-
ery or Post Office Box Ad-
dress.

Do Not Write Here—Our Record

Date of Notice-----

Charges-----

Parcel Post-----

Express-----

File No.-----

EXPRESSING AND BAGGAGE

Exhibit B.

(Copy)

Examiners of Titles ** Searcher of Records ** Genealogists ** Correspondents
In All Principal Cities of the World

MISSING HEIRS LOCATED

PIONEER INHERITANCE SERVICE

ESTATE COUNSELLORS

Stuart Building, Lincoln, Nebraska

Refer to File Number

Subject:

We have been endeavoring to communicate with a person of the above name
and our investigations lead us to believe that you are the party.

Exhibits

36 F. T. C.

This is a matter of distinct importance to the individual in question and that we may make certain you are the one, please answer the following questions:

Full name-----Age-----
 Residence address (present)-----
 Residence address (previous)-----
 (List other former addresses on reverse side)
 Wife's or husbands full name if married-----
 Name of employer-----Position held-----
 Business address-----
 (List former employers on reverse side)
 Member of any Club, lodge or society-----
 Nearest relative-----Relationship-----
 Address-----
 Bank reference-----
 General description of yourself-----

If the above information checks with our records, you will be communicated with by return mail. Use envelope enclosed for your reply.

Very truly yours,

PIONEER INHERITANCE SERVICE.

Exhibit C.

By

(Copy)

Examiners of Titles ** Searcher of Records ** Genealogists ** Correspondents
 in All Principal Cities of the World

MISSING HEIRS LOCATED

PIONEER INHERITANCE SERVICE

ESTATE COUNSELLORS

Stuart Building, Lincoln, Nebraska

Refer to File Number

Subject:

We have been asked to communicate with the above subject and our file indicates that you may be able to assist us.

Can you give us the present address or refer us to a friend or relative who may be able to supply this information?

This is a matter of distinct importance to the person in question and an early reply will be appreciated. Please answer the question below as fully as possible and mail in the envelope enclosed.

Very truly yours,

PIONEER INHERITANCE SERVICE.

By

Full name of above subject-----
 Present residence address-----
 Name of present employer-----
 Present business address-----

Exhibit D.

REPORT, FINDINGS AS TO THE FACTS, AND ORDER

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission, on January 29, 1943, issued and subsequently served its complaint in this proceeding upon the respondent, Charles D. Hustead, an individual, trading under the names Terminal Messenger Service and Pioneer Inheritance Service, charging him with the use of unfair and deceptive acts and practices in commerce in violation of the provisions of that act. On March 12, 1943, the respondent filed his answer, in which answer he admitted all the material allegations of fact set forth in the complaint and waived all intervening procedure and further hearings as to the facts. Thereafter, the proceeding regularly came on for final hearing before the Commission on the complaint and the answer thereto, 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, Charles D. Hustead, is an individual, trading under the names Terminal Messenger Service and Pioneer Inheritance Service, with an office and principal place of business in the Stuart Building, Thirteenth and P Streets, Lincoln, Nebr.

PAR. 2. Respondent, is now, and has been for more than 5 years last past, engaged in the business of distributing and selling forms, form letters, and envelopes, designed and intended to be used by creditors and collection agencies in obtaining information concerning debtors.

Respondent causes the forms, form letters, and envelopes to be transported from his place of business in the State of Nebraska to purchasers thereof 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 his forms, form letters, and envelopes in commerce between and among the various States of the United States and in the District of Columbia.

PAR. 3. The forms sold and distributed by respondent are as exemplified by copies thereof marked "Exhibits A and B," attached hereto and by this reference incorporated herein and made a part hereof. The form letters are as exemplified by copies thereof marked "Exhibits C and D," attached hereto and by this reference incorporated herein and made a part hereof.

PAR. 4. Upon the forms as exemplified by Exhibit A, when they are delivered to the purchasers thereof, respondent has placed numbers, which are his code numbers and identify the customers to him. The purchasers insert on the lines indicated in the forms the names

and last known addresses of the persons concerning whom information is sought, and insert the forms in envelopes purchased by them from respondent, which they address to the persons concerning whom information is sought. Upon these envelopes, in the upper left-hand corner, appears:

Return in five days to
TERMINAL MESSENGER SERVICE
Stuart Building—13th and P Streets
Lincoln, Nebraska

With such forms are enclosed envelopes, also purchased from respondent, in the upper left-hand corner of which appears:

Good Service Helps Your Business
Expressing and Baggage Service

and which are addressed to:

Terminal Messenger Service
Stuart Building
Lincoln, Nebr.

The purchasers cause such outer envelopes, properly stamped, and their enclosures, to be delivered to respondent at his place of business, and respondent causes them to be deposited in the United States mail. Such replies as are returned are received by respondent, who identifies the customers by the code numbers heretofore mentioned and sends the replies to the proper customers. Respondent also sends to each of the persons from whom a reply is received a pasteboard-covered notebook approximately 3 by 5 inches in size, having approximately 32 leaves, of trivial value.

The forms exemplified by Exhibit B are given code numbers in the manner stated above, and are used when information concerning alleged debtors is sought from persons other than the debtors themselves. They are used and handled in a manner substantially identical with that in which the forms exemplified by Exhibit A are handled, as hereinabove set forth.

PAR. 5. By means of these forms and envelopes, respondent represents and places in the hands of his customers means of representing directly and by implication, to customers' debtors and others from whom information concerning such debtors is sought, that respondent's place of business is in a "terminal" building; that such building is or is close to, a station of a railroad or other transportation agency; that respondent's business is in some fashion connected with the movement and transportation of goods and their delivery to the proper consignees, and with the handling of express shipments and travelers baggage; that the persons concerning whom information is sought are consignees of packages sent by someone other than respondent, which

packages are in the hands of respondent in the usual course of his transportation business; that the transportation of such packages has involved charges which have been paid by the consignors; that the packages are of more than the trivial value of the notebooks mentioned above; and that the requested information is sought in order to enable delivery of such packages to be made to the correct consignees.

PAR. 6. The aforesaid representations, both express and implied, are false and misleading. In truth and in fact, respondent's business is not in any "terminal" building, but in an office building removed from any station of a railroad or other transportation agency. Respondent's business, so far as the recipients of the forms are concerned, has nothing whatever to do with the movement and transportation of goods or their delivery to the proper consignees, or the handling of express shipments or travelers' baggage. The persons with respect to whom information is sought are not consignees of packages upon which transportation charges have been paid, sent by someone other than respondent, and in the hands of respondent in the usual course of a transportation business. The packages to which such forms refer are those made up by respondent containing the notebooks referred to above. The whole scheme is merely an attempt to obtain information by subterfuge, and the information is sought not for the purpose of locating the whereabouts of and identifying such persons in order to effect delivery of packages but solely for the purpose of assisting respondent's customers in collecting alleged delinquent accounts.

PAR. 7. Through the use of the name "Terminal Messenger Service," respondent represents, directly and by implication, that he is engaged in the business of delivering, by messenger, goods received at the station of a railroad or other transportation agency, when in fact such name is merely a disguise for the true nature of respondent's business.

PAR. 8. Upon the form letters as exemplified by Exhibit C, when there are delivered to the purchasers thereof, respondent has placed numbers, which are his code numbers and which identify the customers to him. The customers insert in the appropriate blank places the names and last known addresses of the persons concerning whom information is sought, and place the form letters in envelopes purchased by them from respondent, which they address to the persons concerning whom information is sought. Upon these envelopes, in the upper left-hand corner, appears:

PIONEER INHERITANCE SERVICE
851-2-3 Stuart Building,
Lincoln, Nebraska.

With these form letters are enclosed envelopes, also purchased from respondent, addressed as above.

The purchasers cause such envelopes, properly stamped, and their enclosures, to be delivered to respondent at his place of business, and respondent causes them to be deposited in the United States mail. Such replies as are returned are received by respondent, who identifies the customers by the code numbers heretofore mentioned and sends the replies to the proper customers.

The forms exemplified by Exhibit D are given code numbers in the manner stated above, and are used when information concerning debtors is sought from persons other than the debtors themselves. They are used and handled in a manner substantially identical with that in which the form letters exemplified by Exhibit C are handled, as hereinabove set forth.

PAR. 9. By means of these form letters and envelopes, respondent represents and places in the hands of his customers means of representing, directly and by implication, to customers' debtors and others from whom information concerning such debtors is sought, that "Pioneer Inheritance Service" has correspondents in all principal cities of the world, acts as counsellor to those in charge of decedents' estates or to interests therein, examines titles to property, engages in genealogical research, is a searcher of records, and that the persons concerning whom information is sought have or may have interests in estates or lands which will be of financial benefit to them concerning which respondent has knowledge.

These representations are false and misleading. In truth and in fact, respondent, in conducting the business called "Pioneer Inheritance Service," does not have correspondents in all principal cities of the world. He does not act as counsellor to those in charge of decedents' estates, and is not engaged in the business of locating heirs to estates or lands or to interests therein. He does not examine titles to property or engage in genealogical research or searches of records. He has no knowledge of any interests in estates or in lands to which the persons concerning whom information is sought may be entitled.

PAR. 10. Through the use of the name "Pioneer Inheritance Service," respondent represents, directly and by implication, that his business bears some relation to estates and to the rights and interests of heirs thereof.

Such representation is false and misleading. In truth and in fact, respondent's business has nothing whatever to do with estates or the rights or interests of persons therein, and such name is merely a disguise for the true nature of the business.

PAR. 11. The use, as hereinabove set forth, of the foregoing false and misleading statements, representations, and designations has the tendency and capacity to and does mislead and deceive many persons

594

Exhibits

to whom such forms, form letters, and envelopes are sent into the erroneous and mistaken belief that such statements, representations, and designations are true; and the tendency and capacity to cause such persons, by reason thereof, to give information which they otherwise would not supply, and, in many instances, to incur expense for postage in connection therewith.

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 intent and meaning of the Federal Trade Commission Act.

EXHIBIT A

WE DELIVER ANYTHING ANY TIME ANYWHERE

TERMINAL MESSENGER SERVICE

<i>Try us on</i>	Terminal Building	<i>We will give</i>
Messenger Service	LINCOLN, NEBRASKA	Prompt
Distributing		Efficient
Package Delivery		Courteous
Expressing and baggage		Service
or Rush Deliveries		Always

Name _____

Address _____

We have a prepaid package which we wish to deliver to the above named party. Send us your new address and references if you are the party who should receive this.

Enclosed find self-addressed envelope for your reply.

We are

Yours very truly,

TERMINAL MESSENGER SERVICE.

The following lines may be used for your reply:

Name _____

Present address _____

I can refer you to my employer for identification, whose name is _____

Address _____

Or my bank or banker _____

Whose address is _____

Notice

If no information is available within 30 days our files will be closed. Satisfactory deliveries are not possible to General Delivery or Post Office Box Address.

Do Not Write Here—Our Record

Date of Notice _____

Charges _____

Parcel Post _____

Express _____

File No. _____

EXPRESSING AND BAGGAGE

Exhibits

36 F. T. C.

EXHIBIT B**WE DELIVER ANYTHING****ANY TIME****ANYWHERE****TERMINAL MESSENGER SERVICE**

Try us on
 Messenger Service
 Distributing
 Package Delivery
 Expressing and Baggage
 or Rush Deliveries

Stuart Building
 LINCOLN, NEBRASKA

We will give
 Prompt
 Efficient
 Courteous
 Service
 Always

Name.....

Address.....

Can you inform us as to the present whereabouts of.....
 who formerly lived at.....

We have a prepaid package which we wish to deliver to the above named party.
 We are enclosing a stamped envelope and we would fully appreciate any information you can give us regarding this party's present address or place of employment so we can make prompt delivery of this package.

Thanking you for an early reply, we remain,

Yours very truly,

TERMINAL MESSENGER SERVICE

Name of party.....

Present address.....

Present employment.....

Employer's address.....

Notice

If no information is available within 30 days our files will be closed. Satisfactory deliveries are not possible to General Delivery or Post Office Box Address.

Do not Write Here—Our Record

Date of Notice.....

Charges.....

Parcel Post.....

Express.....

File No.....

EXPRESSING AND BAGGAGE**EXHIBIT C****Examiners of Title * Searcher of Records * Genealogists *****Correspondents in All Principal Cities of the World****MISSING HEIRS LOCATED****PIONEER INHERITANCE SERVICE****ESTATE COUNSELLORS**

Stuart Building, Lincoln, Nebraska

Refer to File Number

Subject:

We have been endeavoring to communicate with a person of the above name and our investigations lead us to believe that you are the party.

594

Exhibits

This is a matter of distinct importance to the individual in question and that we may make certain you are the one, please answer the following questions:

Full name----- Age-----
 Resident address (present)-----
 Resident address (previous)-----
 (List other former addresses on reverse side)
 Wife's or husband's full name if married-----
 Name of employer----- Position held-----
 Business address-----
 (List former employers on reverse side)
 Member of any Club, lodge or society-----
 Nearest relative----- Relationship-----
 Address-----
 Bank reference-----
 General description of yourself-----

If the above information checks with our records, you will be communicated with by return mail. Use envelope enclosed for your reply.

Very truly yours,

PIONEER INHERITANCE SERVICE.

By

EXHIBIT D

Examiners of Titles ** Searcher of Records ** Genealogists **

Correspondents in All Principal Cities of the World

MISSING HEIRS LOCATED

PIONEER INHERITANCE SERVICE

ESTATE COUNSELLORS

Stuart Building, Lincoln, Nebraska

Refer to File Number

Subject:

We have been asked to communicate with the above subject and our file indicates that you may be able to assist us.

Can you give us the present address or refer us to a friend or relative who may be able to supply this information?

This is a matter of distinct importance to the person in question and an early reply will be appreciated. Please answer the questions below as fully as possible and mail in the envelope enclosed.

Very truly yours,

PIONEER INHERITANCE SERVICE.

By

Full name of above subject-----
 Present residence address-----
 Name of present employer-----
 Present business address-----

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in the complaint and waives all intervening procedure and further hearing as to the facts, 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, Charles D. Hustead, individually, and trading as Terminal Messenger Service and as Pioneer Inheritance Service, or trading under any other name, and his agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondent's printed forms, form letters and envelopes, or any other printed or written material of a substantially similar nature, do forthwith cease and desist from:

1. Using the words "Terminal Messenger Service," or any other word or words of similar import, to designate, describe, or refer to respondent's business; or otherwise representing, directly or by implication, that respondent operates any messenger service.

2. Representing, directly or by implication, that respondents' business is located in any "terminal" building, or that respondent's business is in any manner connected with the transportation of goods over railroads or other public transportation agencies, or with the delivery of goods so transported, or with the handling or delivery of express shipments or travelers' baggage.

3. Representing, directly or by implication, that persons concerning whom information is sought through respondent's form letters, envelopes, or other material are or may be consignees of goods which have been received by respondent from railroad or other public transportation agencies or that the information sought through such means is for the purpose of enabling respondent to make delivery of any goods or packages to such persons.

4. Using the words "Pioneer Inheritance Service," or any other word or words of similar import, to designate, describe, or refer to respondent's business; or otherwise representing, directly or by implication, that respondent's business bears any relation to decedents' estates or to the rights or interests of heirs therein.

5. Representing, directly or by implication, that respondent has correspondents in all principal cities of the world.

6. Representing, directly or by implication, that respondent acts as counsellor to those in charge of decedents' estates, or that respondent is engaged in the business of locating missing heirs.

7. Representing, directly or by implication, that respondent examines titles to property.

8. Representing, directly or by implication, that respondent is engaged in genealogical research, or in the searching of records.

9. Representing, directly or by implication, that persons concerning whom information is sought through respondent's form letters or other material have or may have any interest in decedents' estates or any other property.

10. Using, or supplying to others for use, printed forms, form letters, envelopes, or other material which represent, directly or by implication, that respondent's business is other than that of obtaining information for use in the collection of debts, or that the information sought through such means is for any purpose other than for use in the collection of debts.

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

IN THE MATTER OF
MILTON GOLDENBERG ET AL.

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

Docket 4907. Complaint, Feb. 12, 1943—Decision, Apr. 29, 1943

Where three individuals, engaged in interstate sale and distribution of post cards which were intended for use by creditors and collection agencies in obtaining information concerning debtors, some of which displayed trade name "Golden Distributors," and, captioned "Final Notice," advised the recipient that "We have on hand a prepaid package for the party whose name appears on other side of card. Due to change or error of address and lack of identification we cannot make delivery * * *" and, under "Consignee Must Be Identified," "Fill in all spaces below Or Package will Not Be Delivered," provided for name and address of the addressee and that of his employer and bank—

- Making use of a plan under which they placed code numbers on said cards, identifying the particular customer, purchasers addressed the cards to the persons concerning whom information was sought, stamped them, and returned them to individuals in question for mailing; and said individuals, in turn, sent such cards as were filled out and returned to them, to the customers identified by the aforesaid code numbers, and to each of those who returned a card with information sent a common or ordinary pen point;
- (a) Falsely represented through said cards, and placed in the hands of their customers means of falsely representing, that persons concerning whom information was sought were consignees of prepaid packages of more than trivial value, which were in said individuals' hands in the usual course of their business, and that delivery could not be made by reason of change of, or error in, the address of the consignee and lack of identification; and
 - (b) Represented directly and by implication of trade name "Golden Distributors," that said individuals were in some capacity connected with the transportation and delivery of goods;

The facts being said various representations were false; the packages to which the cards referred were those made up by said individuals containing aforesaid pen points; and the scheme in question was merely an attempt to obtain information by subterfuge; and

Where said individuals, engaged as aforesaid, making use of name "Golden Sales Agency" on similar cards which, similarly planned to secure by subterfuge debtor's name and address and that of his employer, captioned "TO INTRODUCE OUR PENS TO YOU," advised addressee that "We will mail one to you absolutely FREE OF CHARGE AND WITHOUT ANY OBLIGATION ON YOUR PART, provided you show it to your friends and fellow employees where you work. In order to avoid any duplication, name of employer must be given * * *"; and stated "Coupon void if not mailed in 30 days. Not Transferable"; making use of a plan similar to that hereinbefore described—

- (c) Falsely represented and placed in the hands of their customers means of falsely representing, directly and by implication, to persons concerning whom information was sought, that the pens were something other than common or ordinary pen points and were such that the recipients' friends might be