

IN THE MATTER OF
**GUY C. BEALS, TRADING UNDER THE NAME INTERNA-
 TIONAL TRUSTEES, AND SPIEGEL, INC.**

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

Docket 4863. Complaint, Oct. 30, 1942—Decision, July 8, 1943

Where (1) an individual, engaged in interstate sale and distribution of envelopes, printed form letters, and questionnaire forms for use in obtaining information concerning debtors of the purchasers thereof, including a mail order house, and which—calling for such information as the debtor's occupation, address, name of spouse, dependents, employer, income, insurance, home or car ownership, and personal references—displayed on form letter sent to debtor, trade name "International Trustees," followed by "Fiduciary Agents" and address of said individual and such other matter as "Money is being held in trust for the above-named person. In order to deliver this money quickly, we must have the enclosed TRUSTEE QUESTION FORM filled out and returned to us at once. If you are this person—and we have every reason to believe you are—fill out the enclosed TRUSTEE QUESTION FORM immediately, and send it to us by return mail. Don't delay. You have real money waiting for you—if you are the person we are seeking. INTERNATIONAL TRUSTEES"; and in said "Trustee Question Form" set forth, under "A sum of money is being held for you," such questions as "Have you recently received any money?" and immediately preceding place for debtor's signature statement "I understand that if the information I have furnished corresponds with what you have in your possession the money you are holding in trust will be delivered to me promptly. Signed _____"; and (2) a Chicago mail order house, among other purchasers, engaged in sale of various articles on credit to purchasers in various States and in undertaking to effect collection of delinquent accounts, in which connection it employed aforesaid forms, etc.;

Making use of a scheme under which such mail order concern and other purchasers inserted in a form letter the name and last known address of a debtor, placed (1) letter, (2) questionnaire, and (3) a smaller return stamped envelope addressed to said "International Trustees," etc., in a large stamped envelope addressed to debtor and bearing in upper left corner the words "Return to International Trustees" and said individual's address, and forwarded all said material to said individual, who mailed the large envelopes with their contents at his post office, and returned in due course to said mail order concern and other purchasers the information secured through questionnaires, and sent usually to person replying the sum of 1 cent, together with slip stating "Attached above is the penny that was held in trust for you," and, "this is the full amount that was held in trust in your name";

Falsely represented thereby to the recipients of such material that they were beneficiaries of trust funds held by "International Trustees" as "fiduciary agents," and that the information was sought for the purpose of identifying the recipients as the proper beneficiaries to whom such funds should be

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paid; when in fact the sole purpose was to assist said mail order concern and other purchasers in the collection of delinquent accounts;

With effect of misleading and deceiving many persons with respect to the identity and business of said individual, and with respect to his purpose in seeking information; whereby such persons were caused to supply information which otherwise they would not have supplied:

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

Before *Mr. J. Earl Cox*, trial examiner.

Mr. Randolph W. Branch for the Commission.

Comfort, Comfort & Irish, of Des Moines, Ia., for Guy C. Beals.

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 Guy C. Beals, an individual, trading as International Trustees, and Spiegel, Inc., a corporation, hereinafter referred to as respondents, have violated the provisions of said act, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest, hereby issues its complaint, stating its charges in that respect as follows:

PARAGRAPH 1. Respondent, Guy C. Beals, is an individual, trading under the name "International Trustees," with an office and principal place of business at 217 East Third Street, Des Moines, Iowa.

Respondent, Spiegel, Inc., is a corporation, organized and existing under the laws of the State of Delaware, with an office and principal place of business at 1061 West Thirty-fifth Street, Chicago, Ill.

PAR. 2. Respondent, Guy C. Beals, is now, and has been for more than 6 months last past, engaged in the business of selling and delivering to respondent, Spiegel, Inc., envelopes, printed form letters, and questionnaire forms, said letters and questionnaires being in the forms exemplified by copies thereof, marked respectively Exhibits A and B, attached hereto and by this reference incorporated herein and made a part hereof, designed and intended to be used, as hereinafter set forth, in obtaining information concerning alleged debtors of respondent, Spiegel, Inc. Respondent, Beals, causes the said envelopes, form letters and questionnaire forms to be transported from his aforesaid place of business in the State of Iowa to respondent, Spiegel, Inc., at its place of business in the State of Illinois. Respondent, Beals maintains, and at all times mentioned herein has maintained, a course of trade in the said envelopes, letters, and forms in commerce between the States of Iowa and Illinois.

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PAR. 3. Respondent, Spiegel, Inc., is now, and has been for more than 6 months last past, engaged in the business of selling at retail household furnishings and other merchandise of various sorts and kinds. The business of said respondent is what is generally known as a "mail order business," in the course and conduct of which orders for various articles are received through the mails from various persons located in States of the United States other than the State of Illinois, and the articles so ordered are caused to be transported by said respondent from its aforesaid place of business in the State of Illinois to the said persons ordering the same. Said respondent's business is extensive and it maintains, and at all times mentioned herein has maintained, a course of trade in its said wares in commerce between and among the various States of the United States and in the District of Columbia. In connection with a large number of its sales, said respondent extends credit to purchasers located in various States of the United States other than the State of Illinois. In many cases purchasers from respondent Spiegel, Inc., on credit fail to meet their obligations when due, and said respondent in such cases exerts itself affirmatively to effect collection of the amounts which it claims are due it from such purchasers. In the course of its efforts to collect, it frequently desires to ascertain the current locations and addresses of many of such purchasers, and for the purpose of so doing it employs the letters, forms, and envelopes acquired from respondent Beals, as hereinabove stated, in the manner hereinafter set forth.

PAR. 4. In the blank space below the heading in the letters exemplified by Exhibit A and upon the appropriate line in the questionnaire exemplified by Exhibit B, respondent Spiegel, Inc., inserts the names and such addresses as it has available of the persons concerning whom information is sought. The two documents are then placed together in large envelopes, upon which appear in the upper left-hand corners:

Return to
INTERNATIONAL TRUSTEES
215 East 3rd St.,
Des Moines, Iowa.,

which respondent, Spiegel, Inc., has addressed to the said persons, together with stamped reply envelopes, addressed to

International Trustees,
Des Moines,
215 East Third St. Iowa.

The large envelopes, with the necessary postage attached, and their contents, are then sent by respondent, Spiegel, Inc., from its place of business in Chicago, Ill., to respondent, Beals, at Des Moines, Iowa, usually in bundles containing a number of such filled envelopes.

Upon the receipt of the said large addressed envelopes, with enclosures, by respondent, Beals at Des Moines, Iowa, said respondent causes them to be deposited in the United States mails.

The questionnaires returned to respondent, Beals at Des Moines, Iowa, are transmitted by him to respondent, Spiegel, Inc., at Chicago, Ill. Respondent, Beals also sends to many of those returning such questionnaires 1 penny each, together with a statement to the effect that this is the full amount held in trust for the recipient.

PAR. 5. By means of the aforesaid envelopes, form letters, and questionnaires respondent, Beals, has falsely represented, and has placed in the hands of respondent, Spiegel, Inc., means of falsely representing, and respondent, Spiegel, Inc., has falsely represented to alleged debtors of respondent, Spiegel, Inc., directly and by implication that said alleged debtors are beneficiaries of trust funds held by "International Trustees" as "Fiduciary Agents"; that the value of such beneficial interest is more than a trivial one, and that the information sought by means of said letters and questionnaires is for the purpose of identifying the recipients thereof as the proper beneficiaries.

The said representations are false and misleading. In truth and in fact respondent at no time was "fiduciary agent" or "trustee" for or of any trust funds, trivial or otherwise, for the alleged debtors of respondent, Spiegel, Inc., and the only sum for which respondent Beals ever assumed any obligation to any debtor of respondent, Spiegel, Inc., was 1 penny. The information called for by the said questionnaires was not sought for the purpose of identification of those to whom they were sent as beneficiaries of trust funds, but was sought solely for the purpose of assisting respondent, Spiegel, Inc., in collecting its alleged delinquent accounts.

PAR. 6. Through the use of the name "International Trustees" for, and through the use of the words "Fiduciary Agents" as descriptive of the enterprise, said respondents have represented directly and by implication that the said concern is in the business of acting in the capacities of trustee and fiduciary agent.

These representations are false and misleading. In truth and in fact the said respondent, Beals, in conducting his business under the name aforesaid and described as above, has nothing to do with trusts and does not act in the capacity of trustee or fiduciary agent, and the

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said name and description are merely disguises for the true nature of his business.

PAR. 7. The use as hereinabove set forth of the foregoing false and misleading statements, representations, name, and description has had the tendency and capacity to, and has, misled and deceived many persons to whom the said letters, questionnaires, and envelopes were sent into the erroneous and mistaken belief that said statements and representations were true, and that said name and description truthfully indicated and described the character of the enterprise, and by reason thereof to give information which they would not otherwise supply.

PAR. 8. The aforesaid acts and practices of respondents, as herein alleged, are all to the prejudice and injury of the public, and constitute unfair and deceptive acts and practices in commerce in violation of the Federal Trade Commission Act.

"EXHIBIT A"

INTERNATIONAL TRUSTEES

(Fiduciary Agents)

217 East Third Street

Des Moines, Iowa.

Money is being held in trust for the above named person.

In order to deliver this money quickly, we must have the enclosed TRUSTEE QUESTION FORM filled out and returned to us at once.

If you are this person—and we have every reason to believe you are—fill out the enclosed TRUSTEE QUESTION FORM immediately, and send it to us by return mail. Don't delay.

There is no obligation or expense whatever on your part. The cash money we are holding in trust will be delivered to you at once, so hurry to fill out truthfully all the questions on the enclosed sheet.

We have information which makes us feel positive this money can be delivered to you at once, but we must have the question form filled out so that we, by reviewing this, can be positive you are the person entitled to the money.

As stated before, you need incur no expense whatever. Use the enclosed self-addressed envelope. It is stamped and requires no postage.

Fill out the enclosed TRUSTEE QUESTION FORM immediately, answering all questions, and rush it back to us right NOW.

You have real money waiting for you—if you are the person we are seeking.

INTERNATIONAL TRUSTEES.

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"EXHIBIT B"

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A SUM OF MONEY IS BEING HELD FOR

1. Is the name shown above correct? Yes No
2. Have you recently inherited any money? Yes No
3. Have you been notified of an inheritance? Yes No
4. Are you expecting a cash or property inheritance? Yes No
5. What is your age?-----
6. Occupation -----
7. To what address should money be sent?-----
8. If married, give husband's name or wife's maiden name-----
9. How many dependents?-----
10. Are you employed? Yes No
11. Name and address of present employer.

12. How long with present employer?-----
13. What is your weekly income from present employment?-----
14. If insured, give name of company and address of local agent-----
15. Do you own your own home?-----
16. Do you own a car? Yes No
17. When were you born?-----
Where?-----
18. What was your mother's maiden name?-----
19. In what country was she born?-----
20. Give name and address of personal references.

I hereby affirm that all answers to the above questions are, to the best of my knowledge, truthful and complete. I understand that if the information I have furnished corresponds with what you have in your possession the money you are holding in trust will be delivered to me promptly.

Signed-----

IMPORTANT: Any additional information you believe would be helpful please write here.

REPORT, FINDINGS AS TO THE FACTS, AND ORDER

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission, on October 30, 1942, issued and subsequently served its complaint in this proceeding upon the respondents, Guy C. Beals, individual, trading under the name International Trustees, and Spiegel, Inc., a corporation, charging them with the use of unfair and deceptive acts and practices in commerce in violation of the provisions of that act. Both respondents filed

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answers to the complaint, the answer of respondent, Spiegel, Inc., admitting all of the material allegations of fact set forth in the complaint and waiving all intervening procedure and further hearing as to the facts. Thereafter, testimony and other evidence in support of the allegations of the complaint with respect to respondent, Beals were introduced by the attorney for the Commission, and in opposition thereto by the attorney for such respondent, before a trial examiner of the Commission theretofore duly designated by it, and such 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 complaint, the answers thereto, testimony and other evidence, report of the trial examiner upon the evidence, and brief in support of the complaint (no brief having been filed by respondent Beals 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 make this its findings as to the facts and its conclusion drawn therefrom.

FINDINGS AS TO THE FACTS

PARAGRAPH 1. Respondent, Guy C. Beals, is an individual, who prior to December 1942, traded under the name "International Trustees," with his office and principal place of business located at 217 East Third Street, Des Moines, Iowa.

Respondent, Spiegel, Inc., is a corporation, organized and existing under the laws of the State of Delaware, with its office and principal place of business located at 1061 West Thirty-fifth Street, Chicago, Ill.

PAR. 2. Respondent, Guy C. Beals, was for some time immediately preceding December 1942, engaged in the business of selling and delivering to respondent, Spiegel, Inc., and other purchasers envelopes, printed form letters, and questionnaire forms. These letters and questionnaires were designed and intended for use in obtaining information concerning debtors of the purchasers. Respondent, Beals, caused his envelopes, form letters, and questionnaire forms, when sold, to be transported from his place of business in the State of Iowa to purchasers thereof, including respondent, Spiegel, Inc., located in other States of the United States. Respondent, Beals, maintained a course of trade in his envelopes, letters, and forms in commerce among and between various States of the United States.

PAR. 3. Respondent, Spiegel, Inc., is now, and for some time last past has been engaged in the business of selling at retail household furnishings and other merchandise of various kinds. The business

of this respondent is what is generally known as a "mail order business," in the course and conduct of which orders for various articles are received by respondent through the mails from various persons located in States of the United States other than the State of Illinois, and the articles so ordered are caused by respondent to be transported from its place of business in the State of Illinois to such purchasers. Respondent, Spiegel, Inc., maintains and has maintained a course of trade in its merchandise in commerce among and between the various States of the United States and in the District of Columbia.

In connection with a large number of its sales, respondent, Spiegel, Inc., extends credit to the purchaser, and in many cases such purchasers fail to meet their obligations when due, in which event respondent, Spiegel, Inc., undertakes to effect collection of the delinquent account. In the course of its efforts to collect, it frequently desires to ascertain the current locations and addresses of its debtors, as well as other information regarding such debtors, and for this purpose it has employed the letters, forms and envelopes acquired from respondent, Beals.

PAR. 4. The letters sold by respondent Beals and used by respondent Spiegel, Inc., and other purchasers were in the following form:

INTERNATIONAL TRUSTEES
(Fiduciary Agents)
217 East Third Street
Des Moines, Iowa

Money is being held in trust for the above named person.

In order to deliver this money quickly, we must have the enclosed TRUSTEE QUESTION FORM filled out and returned to us at once.

If you are this person—and we have every reason to believe you are—fill out the enclosed TRUSTEE QUESTION FORM immediately, and send it to us by return mail. Don't delay.

There is no obligation or expense whatever on your part. The cash money we are holding in trust will be delivered to you at once, so hurry to fill out truthfully all the questions on the enclosed sheet.

We have information which makes us feel positive this money can be delivered to you at once, but we must have the question form filled out so that we, by reviewing this, can be positive you are the person entitled to the money.

As stated before, you need incur no expense whatever. Use the enclosed self-addressed envelope. It is stamped and requires no postage.

Fill out the enclosed TRUSTEE QUESTION FORM immediately, answering all questions, and rush it back to us right NOW.

You have real money waiting for you—if you are the person we are seeking.

INTERNATIONAL TRUSTEES.

Upon receiving these form letters from respondent, Beals, the purchaser inserted in each the name and last known address of the debtor,

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and enclosed with the letter the questionnaire form which was also obtained from respondent, Beals and which read as follows:

A SUM OF MONEY IS BEING HELD FOR

(Name of debtor)

1. Is the name shown above correct? Yes ☐ No ☐
2. Have you recently inherited any money? Yes ☐ No ☐
3. Have you been notified of an inheritance? Yes ☐ No ☐
4. Are you expecting a cash or property inheritance? Yes ☐ No ☐
5. What is your age? _____
6. Occupation _____
7. To what address should money be sent? _____
8. If married, give husband's name or wife's maiden name _____
9. How many dependents? _____
10. Are you employed? Yes ☐ No ☐
11. Name and address of present employer _____
12. How long with present employer? _____
13. What is your weekly income from present employment? _____
14. If insured, give name of company and address of local agent _____
15. Do you own your own home? _____
16. Do you own a car? Yes ☐ No ☐
17. When were you born? _____
Where? _____
18. What was your mother's maiden name? _____
19. In what country was she born? _____
20. Give name and address of personal references _____

I hereby affirm that all answers to the above questions are, to the best of my knowledge, truthful and complete. I understand that if the information I have furnished corresponds with what you have in your possession the money you are holding in trust will be delivered to me promptly.

Signed _____

IMPORTANT: Any additional information you believe would be helpful please write here.

The letter and questionnaire were placed by the purchaser in an envelope supplied by respondent, Beals, which bore in the upper left corner the words:

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Return to

INTERNATIONAL TRUSTEES

215 East 3rd St.

Des Moines, Iowa

There was also enclosed in the envelope a smaller, return envelope addressed to "International Trustees" at 215 East Third Street, Des Moines, Iowa. After addressing the large envelope to the debtor at his last-known address and affixing the required postage stamps to both the large envelope and the return envelope, all of the material was forwarded by the purchaser to respondent, Beals. Respondent, Beals, would then deposit the large envelopes with their contents in the United States mails at Des Moines, Iowa.

PAR. 5. Through the use of these envelopes, letters, and questionnaires, respondents represented to the recipients of such material that such recipients were beneficiaries of trust funds held by "International Trustees" as "fiduciary agents," and that the information sought through such letters and questionnaires was for the purpose of identifying the recipients as the proper beneficiaries to whom such funds should be paid.

PAR. 6. The evidence shows that many of the persons receiving such letters and questionnaires believed these representations and filled out and returned to respondent, Beals, the questionnaires enclosed in the letters. Upon receipt of the executed questionnaires at his place of business in Des Moines, Iowa, respondent, Beals, forwarded them to respondent, Spiegel, Inc., or other purchasers, and the information thus obtained by Spiegel, Inc., and other purchasers was used by them in the collection or attempted collection of the delinquent accounts. Respondent, Beals, usually forwarded to the person answering the questionnaire the sum of 1 cent, together with a card or slip of paper which bore the following:

Attached above is the penny that was held in trust for you. This is the full amount that was held in trust in your name.

PAR. 7. As indicated above, the representations made by respondents were wholly false and misleading. Respondent, Beals was in no sense a trustee or fiduciary agent and did not at any time hold trust funds for delivery to any person. The information sought through the letters and questionnaires was not for the purpose of locating or identifying any beneficiaries of trust funds, but was solely for the purpose of assisting respondent, Spiegel, Inc., and other purchasers of such material in the collection of delinquent accounts.

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PAR. 8. The Commission finds further that the use by respondents of these false and misleading representations, including the use by respondent, Beals of the trade name "International Trustees," had the tendency and capacity to and did mislead and deceive many persons with respect to the identity and business of respondent, Beals, and with respect to the purpose for which the information sought was desired by respondents. In consequence, such persons were caused to supply to respondents information which otherwise they would not have supplied.

CONCLUSION

The acts and practices of the respondents as herein found are all to the prejudice 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 answers of respondents (that of respondent, Spiegel, Inc., admitting all of the material allegations of fact set forth in the complaint and waiving all intervening procedure and further hearing as to the facts), testimony and other evidence taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence, and brief in support of the complaint (no brief having been filed by respondent, Beals, and oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act.

It is ordered, That respondent, Guy C. Beals, individually, and trading under the name International Trustees, 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 his envelopes, form letters, and questionnaires, or any other printed or written material of a substantially similar nature, do forthwith cease and desist from:

(a) Using the words "International Trustees," 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 acts in the capacity of a trustee.

(b) Using the words "Fiduciary Agents," 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 acts in the capacity of a fiduciary agent.

(c) Representing, directly or by implication, that the information sought through respondent's letters, questionnaires, or other material is for the purpose of determining whether the person concerning whom such information is sought is entitled to receive trust funds or any other property.

(d) Using, or placing in the hands of others for use, form letters, questionnaires, 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 letters, questionnaires, or other material is for any purpose other than for use in the collection of debts.

It is further ordered, That respondent, Spiegel, Inc., a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the sale and distribution of respondent's merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, including the collection or attempted collection of the purchase price of such merchandise, do forthwith cease and desist from:

(a) Using any form letters, questionnaires, or any other printed or written material, which contain any representation prohibited in paragraph 1 hereof.

(b) Using, in connection with the collection or attempted collection of the purchase price of merchandise, any form letters, questionnaires, or any other printed or written material, which represent, directly or by implication, 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 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.

IN THE MATTER OF

AMERICAN BUTTON MOULD MANUFACTURERS ASSOCIATION, INC., 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 4726. Complaint, Mar. 11, 1942—Decision, July 10, 1943

Where six concerns, engaged in the manufacture of button and buckle molds and in interstate sale and distribution thereof to button or buckle manufacturers for conversion into the finished product, making about 75 percent of all such molds manufactured in New York State and about 50 percent of all those made in the United States, and prior to and but for the acts and practices below set forth in active and substantial competition with one another and with other members of the industry; acting during a somewhat demoralized condition in the industry, during which it was the practice of customer manufacturers to make arbitrary deductions from bills rendered on the excuse that the manufacturer could obtain the goods elsewhere at the lower price—

- (a) Held meetings and carried on discussions among themselves with respect to the stabilization of prices and particularly to fixing of discounts to be allowed and, as a result of a definite agreement and understanding reached among themselves, distributed a price list, including uniform discounts, to which for a time there was general adherence; and later
- (b) Formed a corporate association to take the place of the loose organization which had theretofore existed, for the purpose, principally, of assisting the members in fixing and maintaining agreed prices and discounts; and

Where said Association, following deviations on the part of some from established price and discount schedules, and the making of charges and counter-charges of "chiseling"—

- (c) Employed a certified public accountant to examine the books of all of the members, with one exception, to ascertain whether they had been maintaining established prices, and in the audit which revealed that some had not been doing so, set forth the amounts which should be paid by offending members to the other members by reason of such departures; and

Where said Association and its members—

- (d) Considered the question of requiring the posting of a bond or security by each member to guarantee compliance with agreement as to prices and discounts, and did agree that security should be given; and
- (e) Sought, through concerted action, to drive out of business any competitors who were not members and did not maintain established prices and discounts, and, in certain instances, drove competitors out of business through cooperatively reducing prices drastically on the particular types of molds sold by the competitor, with result that he found it impossible to continue in business; Capacity, tendency and effect of which understandings, agreements, combinations and conspiracies, and acts and things done pursuant thereto, were unduly to restrain and suppress competition in the sale and distribution of