

IN THE MATTER OF

ANDREW J. LYTTLE AND RICHARD CARL LYTTLE, TRADING AS VOCATIONAL PLACEMENT BUREAU, DEBTORS FINANCE BUREAU AND BUREAU OF RECORDS OF EMPLOYMENT, AND WILLIAM EDGAR SPICER

COMPLAINT, FINDINGS, AND ORDER IN REGARD TO THE ALLEGED VIOLATION OF SEC. 5 OF AN ACT OF CONGRESS APPROVED SEPT. 28, 1914

Docket 4829. Complaint, Aug. 31, 1942—Decision, Sept. 28, 1943

Where two individuals, engaged in operation of a collection agency under trade names "Vocational Placement Bureau" and "Bureau of Records of Employment," and, in connection therewith, in interstate sale and distribution of printed mailing post cards or folders for use in locating delinquent debtors which, (1) were composed of two units, i. e., an address card with space for inserting address of person from whom information was sought, to be returned to "Bureau of Records of Employment" at the Washington, D. C., address of their associate; and a return information card; (2) advised addressee, over signature as purported "Registrar," that the information was required by the "Bureau" to classify persons with respect to qualifications for employment at the most favorable wage, that his care in supplying the details would facilitate its work, and that "this department is not affiliated with any local or field offices"; (3) set forth on one side of information card its aforesaid trade names and Washington, D. C., address, and on the other, on a detachable stub, under caption "Employment Voucher," the words "Registration Number" followed by number, "Regional Agent For Eastern Area," and instruction to "Keep this stub," and under said stub blanks for the debtor's name, address, phone number, bank, wage or salary, home ownership, employer, marriage status, description, work, and experience; and (4) set forth opposite caption "Registrants," requests as to kind of work desired, physical defects and number of dependents; and, at the end, such matter as "Form V-T-B-100M-1-42," followed by same number given under employment voucher;

Making use of a plan under which the particular purchaser stamped and addressed the address card to the debtor at his last known address or to someone likely to have information concerning him, and forwarded the units to aforesaid individual in Washington, D. C., who mailed them and returned the information received to aforesaid two individuals at their place of business in Akron, for forwarding to the particular purchaser-customer identified by a code number stamped thereon—

- (a) Falsely represented, through use of said mailing cards, and placed in the hands of their customers a means of falsely representing, to debtors and others, that the request came from an agency or branch of the United States Government, including the Selective Service Administration which had from time to time theretofore issued questionnaires, forms for occupational deferment and classification notices designating persons involved as the "Registrant," and forms involving employment information, qualifications and preferences; and through use of such designation, and other designations such as trade name employed, words "Registrant," "Regional Area,"

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etc., along with nature of information requested, led recipients to believe that the information was sought in connection with the draft registration, employment in essential industry, or other activities of the Government; and

- (b) Failed to remove such implication of Government connection through its subsequent advice to addressee on address card that the information called for was for employment classification, as before set forth, but was not required by the Government or any of its branches, but by the Bureau of Records of Employment for the reasons stated, and that care in supplying details would "facilitate our work in tabulating your qualifications," followed by another signature as "Registrar"; and

Where an individual, engaged in Washington, D. C., in furnishing telephone secretarial service, desk space, and mail address service to various individuals and firms; under arrangements with the two aforesaid individuals, for the use of his address as that of the "Vocational Placement Bureau" and of the "Bureau of Records of Employment"—

- (c) Made the same false representations through mailing the cards to the debtor addressees or other persons from whom information was requested, and, by returning to the two individuals herein concerned the information obtained, assisted in the fruition of the purpose for which the original misrepresentation was made;

With capacity and tendency to engender in the minds of a substantial number of persons the mistaken belief that aforesaid mailing cards emanated from the United States Government or some agency thereof, thereby causing such persons to give information which otherwise they might not supply:

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. Andrew B. Duvall* and *Mr. J. Earl Cox*, trial examiners.
Mr. Randolph W. Branch for the Commission.

Mr. Jesiah Lyman and *Mr. Robert H. Hunter*, of Washington, D. C., and *Mr. Dudley M. Sifling*, of Akron, Ohio, for *Andrew J. Lytle* and *Richard Carl Lytle*.

Mr. John Lewis Smith, of Washington, D. C., for *William Edgar Spicer*.

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 *Andrew J. Lytle* and *Richard Carl Lytle*, individually, and trading as Vocational Placement Bureau, Debtors Finance Bureau, and Bureau of Records of Employment, and *William Edgar Spicer*, an individual, hereinafter referred to as the 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:

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PARAGRAPH 1. The respondents, Andrew J. Lytle and Richard Carl Lytle, are individuals who, in the commission of the acts hereinafter alleged, use the names Vocational Placement Bureau, Debtors Finance Bureau, and Bureau of Records of Employment, and who have their office and principal place of business at 221 Everett Building in the city of Akron, State of Ohio. The respondent, William Edgar Spicer, is an individual, whose office and principal place of business is located at 302 Bond Building in the city of Washington, D. C.

PAR. 2. The respondents, Andrew J. Lytle and Richard Carl Lytle, are now and for more than 6 months last past, have been engaged in the business of selling printed mailing cards. Said respondents cause said cards when sold to be transported from their place of business in the State of Ohio to purchasers thereof at their respective points of location in various other States of the United States and in the District of Columbia. Said respondents, Andrew J. Lytle and Richard Carl Lytle, maintain, and at all times herein mentioned have maintained, a course of trade in their said products in commerce among and between the various States of the United States and in the District of Columbia.

The said mailing cards sold and transported by the respondents, Andrew J. Lytle and Richard Carl Lytle, as heretofore alleged, are designed and intended to be used by collection agencies, merchants, and others to whom they are sold in obtaining information concerning the purchasers' debtors. Said mailing cards are made up of units composed of two cards separated by perforated lines, designed to enable the addressee of one of the two cards hereinafter referred to as the addressee card, to detach the other card hereinafter referred to as the information card, which is self-addressed, and thereon give certain information requested on the card addressed to him. The addressee card is addressed to the debtor at his last known address or to someone likely to have information concerning him, by the creditor or collection agency or other purchaser of the cards. The unit composed of two cards is then forwarded to the respondent, William Edgar Spicer, at his said place of business in the city of Washington, D. C., and is mailed by him from the city of Washington, D. C., to the person and to the address placed on the addressee card by the purchaser. When the debtor or other informant responds to the request for information contained on the addressee card, he detaches the information card and mails it with the information requested. Said information card has already been previously addressed to "Bureau of Records of Employment, Suite 302, Bond Building, Washington, D. C.," Said information card so addressed is delivered by the Post Office Department to respondent, Spicer. Said Spicer then forwards the information card

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with the information thereon supplied from Washington, D. C., to respondent, Andrew J. Lytle and Richard Carl Lytle, in Akron, Ohio. Respondents, Andrew J. Lytle and Richard Carl Lytle, then return the information card and the information so forwarded to the original purchaser of the cards.

PAR. 3. The respondents, Andrew J. Lytle and Richard Carl Lytle, in the course of their said business and for the purpose of inducing the sale of their said products cause the said mailing cards transported by them as heretofore alleged to be printed and prepared in the manner hereinafter set forth. In the upper lefthand corner of the addressed side of the addressee card the following return address is printed:

Return to
BUREAU OF RECORDS OF EMPLOYMENT,
Bond Building,
Washington, D. C.
Return and Forwarding Postage Guaranteed

The reverse side of said addressee card contains the words:

Washington, D. C.

To Addressee:

The information requested is required by the Bureau to use its best efforts in classifying the largest number of people possible, judging their fitness for positions in which they are most likely to succeed, at the highest wage, commensurate with their qualifications, attainments and ambitions. Your care in supplying all details will facilitate our work in tabulating your qualifications. This Department is not affiliated with any local or field offices.

M. O. MORGANSON,
Registrar.

Across said words is printed a large blue letter V.

The words M. O. Morganson, are a facsimile signature. M. O. Morganson is a fictitious name, and is not the signature or name of anyone employed by or associated with any of the respondents. Said facsimile signature has been so prepared as to resemble and have the general appearance of the signature of Henry Morgenthau, the Secretary of the Treasury of the United States.

The information card is addressed as follows:

Bureau of Records of Employment,
Suite 302, Bond Building,
Washington, D. C.

On the same side of the information card and at right angles to said address on a stub detachable from said card by a perforated line are the words:

Detach this stub and mail card
No postage necessary

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Employment Voucher
Registration Number _____
Regional Agent for _____
Keep This Stub

Name _____
Address _____
Town _____
Phone Number _____ Or _____ Nearest Phone _____

Your Bank _____
Monthly Earnings _____ Salary or Wage Desired _____
Age _____ Weight _____ Height _____ Own Home? _____
Rent? _____ Own Auto? _____
Employed by _____
Address _____

If Married, Mate's Name _____

Mate's Employment, If Any _____

General Description of Yourself

Nature of Present Work

Most Familiar Line of Work

Kind of Work Desired

Any Physical Defects

Number of Dependents

DO NOT FOLD

By the use of the aforesaid mailing cards prepared and printed as aforesaid, the respondents, Andrew J. Lytle and Richard Carl Lytle, falsely represent and place in the hands of their customers a means of falsely representing to said customer's debtors and others

to whom said cards are addressed by said customers that the request for information comes from an agency or branch of the Government of the United States. The respondent, Spicer, by mailing the said cards to the debtor-addressees or other persons from whom information is requested makes the same representation and by returning to the respondents, Andrew J. Lytle and Richard Carl Lytle, the information obtained from the debtors or other informants assists in the fruition of the purpose for which the original misrepresentation was made by the respondents Andrew J. Lytle and Richard Carl Lytle, and their customers and in so doing is guilty of an unfair and deceptive act and practice in commerce among and between the various States of the United States.

The said representation is false and misleading. In truth and in fact neither the request for information nor the said mailing cards come from the Government of the United States or any branch or agency thereof, but are the device of private persons and agencies used for the purpose of obtaining information for their own usage.

Many persons who receive the aforesaid mailing cards which request information believe said mailing cards come from the Government of the United States or from some branch or agency thereof and by reason of such belief give information which they would not otherwise supply. Many agencies of the Government of the United States distribute and for some time past have distributed vocational questionnaires similar to those used by respondents. Such questionnaires are and have been distributed by the Selective Service System among others. Among the persons receiving such mailing cards and requests for information are many subject to the provisions of the Selective Service and Training Act of 1940 as amended, who believe that, or are doubtful as to whether, said mailing cards and requests for information have been sent to them under the provisions of said act. As a result of such beliefs and such doubts, many inquiries both in person and by mail are addressed to the local boards and other divisions of said Selective Service System and correspondence and other effort on the part of the various divisions of the Selective Service System, the Army of the United States and other governmental divisions and agencies are made necessary.

PAR. 4. The aforesaid acts and practices of the respondents as herein alleged are all to the prejudice and injury of the public and of the United States Government and constitute unfair and deceptive acts and practices in commerce within the intent and meaning of the Federal Trade Commission Act.

REPORT, FINDINGS AS TO THE FACTS, AND ORDER

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission on August 31, 1942, issued and subsequently served its complaint in this proceeding upon the respondents, Andrew J. Lytle and Richard Carl Lytle, as individuals, and trading as Vocational Placement Bureau, Debtors Finance Bureau, and Bureau of Records of Employment, and upon respondent, William Edgar Spicer, an individual, charging them 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 respondents' answers thereto, testimony and other evidence in support of and in opposition to the allegations of said complaint were introduced before a trial 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 upon said complaint, answers thereto, testimony and other evidence, report of the trial examiner upon the evidence and exceptions filed thereto, briefs in support of the complaint and in opposition thereto, and oral argument of counsel; and the Commission, having duly considered the matter and being now fully advised in the premises, finds that this proceeding is in the interest of the public and makes this its findings as to the facts and its conclusion drawn therefrom.

FINDINGS AS TO THE FACTS

PARAGRAPH 1. Respondents, Andrew J. Lytle and Richard Carl Lytle, are individuals, who are associated in the operation of a collection agency known as Debtors Finance Bureau and are also engaged in the business of selling and distributing printed forms for use in locating delinquent debtors, in connection with which business they use the trade names Vocational Placement Bureau and Bureau of Records of Employment. Said respondents have their principal place of business at 221 Everett Building, Akron, Ohio.

Respondent, William Edgar Spicer, is an individual, engaged in the furnishing of telephone secretarial service, desk-space service, and mail-address service to various individuals and firms who have occasion to use such services. Said respondent has his office and principal place of business at 302 Bond Building, Washington, D. C.

Said respondents have acted in conjunction and cooperation with each other in doing and performing the acts and practices herein-after described.

PAR. 2. Respondents, Andrew J. Lytle and Richard Carl Lytle, since June 18, 1942, have been engaged in the sale and distribution of printed mailing cards or folders designed and intended to be used by creditors and collection agencies in obtaining information concerning debtors. Said respondents cause said printed mailing cards or folders, when sold, to be transported from their place of business in the State of Ohio to purchasers thereof located in various other States of the United States. Said respondents maintain, and at all times mentioned herein have maintained, a course of trade in said printed mailing cards or folders in commerce between and among the various States of the United States.

PAR. 3. In the early part of the year 1942 respondent, Andrew J. Lytle, originated and designed a mailing card or folder for use in obtaining information concerning delinquent debtors. The mailing card or folder so developed by said respondent was turned over by him to his son, respondent, Richard Carl Lytle, for the purpose of selling and distributing said mailing card or folder to creditors and collection agencies. Said respondent, Andrew J. Lytle, received as compensation a commission of 15 percent on the sale of such mailing cards or folders. For the purpose of selling such mailing cards or folders to creditors and collection agencies, the respondents adopted the trade names "Vocational Placement Bureau" and "Bureau of Records of Employment" and established a mailing address in the city of Washington, D. C. Respondent, Andrew J. Lytle, contributed to the expense of organizing said business and personally arranged for the participation of respondent, William Edgar Spicer, in the operation of said business.

PAR. 4. Under the plan of conducting this business as developed by respondents, Andrew J. Lytle and Richard Carl Lytle, arrangements were made with respondent, William Edgar Spicer, to use the address of said William Edgar Spicer as the Washington address and place of business of the Vocational Placement Bureau and as the purported address and place of business of the Bureau of Records of Employment.

PAR. 5. For the purpose of inducing the purchase of their mailing cards or folders by creditors and collection agencies, the respondents, Andrew J. Lytle and Richard Carl Lytle, prepared certain advertising carrying the address of the Vocational Placement Bureau as Suite 302, Bond Building, Washington, D. C., the address of said respondent, William Edgar Spicer. Such advertising was sealed in an envelope by said respondents addressed to various collection agencies and creditors and forwarded to the respondent, William Edgar Spicer, who in turn deposited said envelopes and advertising contained therein in the United States mails at Washington, D. C.

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PAR. 6. The mailing cards or folders so advertised or sold by the respondents, Andrew J. Lytle and Richard Carl Lytle, were made up of units composed of two cards, an address card with space for inserting address of the debtor or other person from whom information is sought and an information card in the form of a return post card so designed that they could be folded and mailed as a folder. When a creditor or collection agency purchased a supply of said mailing cards or folders, the respondents printed an identification number on the information cards and forwarded said mailing cards or folders to the purchaser. The address card of respondents' unit was then addressed to the debtor at his last known address or to someone likely to have information concerning him, by the creditor, collection agency, or other purchaser, who also attached necessary prepaid postage. The units composed of the two cards were then forwarded by the purchaser to the respondent, William Edgar Spicer, at his place of business in the city of Washington, D. C., and were mailed by him from the city of Washington to the persons and to the addresses placed upon the address cards by the purchaser. The cards were uniformly sent through regular United States mails with postage stamps attached, and at no time has any government frank or any marking simulating such a frank been used.

When the recipient responded to the request for information contained on the address card, he filled in the blank spaces on the information card, detached such card from the address card and mailed it to the address given thereon, to wit, Bureau of Records of Employment, Suite 302, Bond Building, Washington, D. C., such address having previously been printed thereon by the respondents, Andrew J. Lytle and Richard Carl Lytle. In due course the information card was delivered by the Post Office Department to respondent, William Edgar Spicer, who then forwarded the card from Washington, D. C., to respondents, Andrew J. Lytle and Richard Carl Lytle, at their address at Akron, Ohio, and were in turn forwarded by them to the purchaser identified by the identification number appearing on said cards.

PAR. 7. The respondents, Andrew J. Lytle and Richard Carl Lytle, cause said mailing cards to be prepared and printed in the manner and form hereinafter described.

The address card of respondents' unit has space for the name and address of the addressee and the following return address printed thereon:

Return to
BUREAU OF RECORDS
OF EMPLOYMENT
Bond Building
WASHINGTON, D. C.

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On the reverse side of the address cards sold and distributed by the respondents prior to July 30, 1942, was printed the following statement:

Washington, D. C.

To Addressee:

The information requested is required by the Bureau to use its best efforts in classifying the largest number of people possible; judging their fitness for positions in which they are most likely to succeed, at the highest wage, commensurate with their qualifications, attainments and ambitions. Your care in supplying all details will facilitate our work in tabulating your qualifications. This Department is not affiliated with any local or field offices.

M. O. MORGANRAW,
Registrar.

The words "M. O. Morganraw" are a facsimile signature. It is a fictitious name adopted by respondent, Andrew J. Lytle, and is not the signature or name of anyone employed by or associated with any of the respondents.

The information card was in the form of a post card, with a detachable stub attached, upon one side of which was printed the following address:

Bureau of Records of Employment,
Suite 302,
Bond Building,
Washington, D. C.

On the reverse side of this card was printed the following, including the registration number and area designation filled in as it appears on Commission Exhibit 2:

EMPLOYMENT VOUCHER

Registration Number 91112

Regional Agent for EASTERN AREA

Keep This Stub

Name _____
Address _____
Town _____
State _____
Phone Number _____

Or—Nearest Phone

Your Bank
Monthly Earnings _____ Salary or Wage Desired _____
Age _____ Weight _____ Height _____
Own Home? _____ Rent? _____ Own Auto? _____
Employed by _____
Address _____

If Married, Mate's Name

Mate's Employment, If Any

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Registrant:

General Description of Yourself

Nature of Present Work

Most Familiar Line of Work

Kind of Work Desired

Any Physical Defects

Number of Dependents

(Form V-T-B-100M-1-42) 91112

DO NOT FOLD

PAR. 8. By the use of these mailing cards, prepared and printed as above set forth, respondents, Andrew J. Lytle and Richard Carl Lytle, represent, and place in the hands of their customers a means of representing, to debtors and others that the request for information comes from an agency or branch of the Government of the United States.

The Selective Service Administration has, from time to time since the passage of Selective Service and Training Act of 1940, issued questionnaires, forms for occupational deferment, and notices of classification, all of which refer to and designate the person involved as the "Registrant." Among the various forms issued by the Selective Service Administration and other agencies of the Federal Government were those involving the furnishing of information concerning employment, qualifications for employment, and preferences for employment.

The use of the designation "Employment voucher" and the detachable stub, to be retained by the debtor, showing registration number and area designation, causes the recipient of such mailing card to believe that the information requested is for the purpose of obtaining employment information in connection with the requirements of the United States Government and not for the purpose of obtaining information in connection with the collection of a debt. The use of the designation "Bureau of Records of Employment, Washington, D. C.," the designation of the recipient as "Registrant," the use of a so-called "Registration number," the use of the designations "Regional agent" and "Eastern area" or other area designations, and the nature of the information requested are all designed to, and do, convey the impression to recipients of such mailing cards that such cards are forwarded by some agency or branch of the United States Government in connection with the draft registration, the employment of indi-

viduals in essential industry, or other activities of the Federal Government.

In fact, a number of persons have forwarded the information requested to the respondents as Bureau of Records of Employment at Washington, D. C., under the belief that such information was requested and required by the United States Government. Furthermore, a number of persons have forwarded the information card above-described to their local draft boards or state directors, which cards have in turn been forwarded to the National Headquarters, Selective Service Administration, Washington, D. C., indicating that such recipients of respondents' mailing cards believed that the information requested was in some way connected with the operation of the Selective Service system.

PAR. 9. That it was the design and intention of the respondents, Andrew J. Lytle and Richard Carl Lytle, to engender in the minds of recipients of their folders that the information requested was in some way connected with the activities of the United States Government is clearly indicated by the following statements appearing in said respondents' advertising:

HOW IT OPERATES:

Cards emanate from the BUREAU OF RECORDS OF EMPLOYMENT, Washington, D. C. (thus getting a Washington post-mark). They do not promise the debtor nor his references anything, but the very nature of the wording, the make up, and general tone compel them to reply for their own best interest.

* * * * *

WASHINGTON, D. C. ADDRESS:

Is a decided advantage, and the psychological timing of such a tracer is in line with general newspaper publicity.

We think the value of the Washington post mark off-sets the delay occasioned for having them thus mailed rather than dropping them in your local post office.

Here is an entirely new idea;—psychologically timed to attract attention and get replies.

PAR. 10. During the times that the above described mailing card or folder was sold and distributed by the respondents, viz, from June 18, 1942, to July 30, 1942, the respondents sold and delivered to customers throughout the various States of the United States 64,623 of such cards. On or about July 30, 1942, after investigation by the Federal Trade Commission and immediately prior to the filing of the complaint herein, the respondents changed the wording on the reverse side of the address card to read as follows:

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Washington, D. C.

To Addressee:

The information requested is required by the Bureau to use its best efforts in allocating the largest number of people possible; judging their fitness for positions in which they are most likely to succeed, at the highest wage, commensurate with their qualifications, attainments and ambitions. This information is not required by the Government or any of its Branches, but by the Bureau of Records of Employment for the reasons stated above. Your care in supplying all details will facilitate our work in tabulating your qualifications.

FRED H. LAHRMER,
Registrar.

As the respondents have maintained that the change in said folder as hereinabove described has removed the possibilities of deception and constitutes a defense to the complaint in this case, the Commission has given consideration to the form of folder used by the respondents subsequent to the issuance of the complaint, and finds that the nature of the changes made is not such as would remove the implications that the purpose of the information card is to obtain employment information and that the information requested is in some way connected with the requirements of the Federal Government.

PAR. 11. The information requested by the respondents in their information cards was not requested by the Government of the United States or by any branch or agency thereof or for the purpose of allocating the recipients or judging their fitness for positions but was requested for the sole purpose of obtaining information from the recipients of such mailing cards for use in connection with the collection of delinquent accounts due from, or allegedly due from, said recipients.

PAR. 12. Respondent, William Edgar Spicer, by mailing the cards to the debtor-addressees or other persons from whom information was requested, made the same representation; and, by returning to respondents, Andrew J. Lytle and Richard Carl Lytle, the information obtained from debtors or other informants, assisted in the fruition of the purpose for which the original misrepresentation was made by respondents, Andrew J. Lytle and Richard Carl Lytle, and their customers. Respondent, William Edgar Spicer, thus participated actively in the acts and practices herein described.

PAR. 13. The use, as hereinabove set forth, of the foregoing acts and practices has the capacity and tendency to engender in the minds of a substantial number of persons the erroneous and mistaken belief that the aforesaid mailing cards emanate from the Government of the United States or from some branch or agency thereof and has the tendency and capacity to cause such persons, by reason thereof, to give information which otherwise they might not supply.

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CONCLUSION

The acts and practices of the respondents 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, answers of the respondents, testimony and other evidence in support of and in opposition to the allegations of said complaint taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence and exceptions filed thereto, briefs in support of the complaint and in opposition thereto, and oral argument of counsel; 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 the respondents, Andrew J. Lytle and Richard Carl Lytle, individually, and trading as Vocational Placement Bureau or Bureau of Records of Employment, or trading under any other name or names, and respondent, William Edgar Spicer, an individual, and their respective representatives, agents, 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 mailing cards or folders or any other printed or written material for use in obtaining information concerning debtors or other persons, do forthwith cease and desist from:

1. Using the words "Bureau of Records of Employment" or any other words to designate or describe the business of the respondents, or any of them, which represent or imply that respondents are connected with any branch or agency of the United States Government or that the respondents, or any of them, are authorized to secure information for any branch or agency of the United States Government.

2. Representing directly or by implication that the business of the respondents, or of any of them, has any connection with the United States Government or that any information sought by the respondents, or any of them, or their customers is for the use of the United States Government or any branch or agency thereof.

3. Using the words "Registration number" or "Regional agent" or area designations, such as "Eastern area," or any other words or area designations of similar import or meaning, on any information cards, questionnaires, or other material, which represent or imply that the information sought thereby is required by, or is for the use of, the

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Selective Service Administration or any other agency or branch of the United States Government.

4. Using, or placing in the hands of others for use, mailing cards, questionnaires, or other printed material so worded and designed as to represent or imply that such mailing cards, questionnaires, or other material have been forwarded by some agency or branch of the United States Government or that the information sought to be obtained by such mailing cards, questionnaires, or other material is for the use of any agency or branch of the United States Government.

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.

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IN THE MATTER OF
SUPERIOR HUMUS & PEAT MOSS CORPORATIONCOMPLAINT, FINDINGS, AND ORDER IN REGARD TO THE ALLEGED VIOLATION
OF SEC. 5 OF AN ACT OF CONGRESS APPROVED SEPT. 20, 1914*Docket 4654. Complaint, Dec. 5, 1941—Decision, Oct. 5, 1943*

Where a corporation, engaged in mining commercial peat and in the interstate sale and distribution thereof to dealers and also direct to nurserymen, florists, farmers, and poultrymen—

Represented that its said product was "moss peat" through use of words "Peat Moss" in its corporate name and in advertising circulars and on the boxes in which its peat was packed and sold;

When in fact its said peat was not the preferred "moss peat"—derived from Sphagnum moss with high absorptive capacity and acidity, very low ash content and germicidal properties, and availability for uses for which the other type could not be employed—but was a mixture of sedge and Hypnum peat, with relatively low absorptive capacity and acidity and higher ash content, lacking germicidal properties, and with tendency, under certain conditions, to harbor insects and micro-organisms;

With tendency and capacity to mislead and deceive a substantial portion of the purchasing public as to the character and properties of product in question, thereby causing purchase of said product as a result of such mistaken belief:

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. Andrew B. Duvall*, trial examiner.

Mr. James I. Rooney and *Mr. Randolph W. Branch* for the Commission.

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 Superior Humus & Peat Moss Corporation, a corporation, hereinafter referred to as respondent has violated the provisions of the 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, Superior Humus & Peat Moss Corporation, is a corporation, organized and existing under and by virtue of the laws of the State of New York, with its principal office and place of business located at 137-165 Queens Boulevard, Jamaica, L. I., N. Y.