

IN THE MATTER OF

RUCKER'S IMPERIAL BREEDING FARM, INC., FAMOUS
POULTRY FARMS, INC., HILLVIEW POULTRY FARMS,
INC., AND ROSS R. SALMONCOMPLAINT, FINDINGS, AND ORDER IN REGARD TO THE ALLEGED VIOLATION
OF SEC. 5 OF AN ACT OF CONGRESS APPROVED SEPT. 26, 1914*Docket 5117. Complaint, Jan. 12, 1944—Decision, Oct. 21, 1944¹*

"United States Record of Performance" poultry improvement plan embraces records of egg production, body weight made on the breeder's premises under official supervision, and similar records made at officially conducted egg-laying contests when such records are passed upon by the official state inspector or official state supervisor and when the individual birds meet other United States Record of Performance requirements, and a United States Record of Performance breeder is understood by members of the poultry industry to be one operating a poultry-breeding plant under the official state agency cooperating with the Bureau of Animal Industry, United States Department of Agriculture—

Where a corporation engaged in the interstate sale and distribution of baby chicks, and an individual, who controlled its acts and practices—along with those, in whole or in part, of two other similarly engaged corporations, prior to their dissolution; and the aforesaid two corporations; acting in conjunction and cooperation, each with the other, in carrying out the acts and practices below set forth; through statements in advertisements in newspapers and trade journals, and folders, pamphlets, circulars and other advertising matter, directly and by implication—

- (a) Represented that 100 baby chicks would be given free to certain prospective customers chosen by them as persons with whom they desired to place a flock of chickens for advertising or display purposes and that said offer of free chicks was limited to one person in each neighborhood; and
 - (b) Represented that the chicks supplied to the purchasing public were hatched from eggs produced at hatcheries operated by them, and that they were United States Record of Performance poultry breeders and operated poultry plants under the supervision of the United States Record of Performance agency in Iowa and Missouri;
- . The facts being said chicks were not given free as represented, but delivery thereof was contingent upon a purchase of other chicks by the recipient, and in certain cases their customers received a lesser number of so-called free chicks than ordered, with the explanation that the lesser number of chicks delivered was of a better grade or quality than ordered; offer of so-called free chicks was not limited to certain prospective customers chosen by them as persons with whom they desired to place a flock of chicks for advertising or display purposes and was not limited to one person in each neighborhood, or otherwise limited; a large majority of the chicks supplied to the purchasing public were hatched from eggs produced on farms on which they supplied the breeding stock from their own trapnest breeding farms; and they were not United States Record of Performance poultry breeders and did not operate poultry-breeding plants under the supervision of an official for the

¹ Order published as modified on Dec. 21, 1944.

agency supervising United States Record of Performance work in Iowa and Missouri;

With the capacity and tendency to mislead and deceive a substantial portion of the purchasing public into the erroneous belief that such statements and representations were true and thereby induce its purchase of their said chicks:

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. Randolph Preston*, trial examiner.

Mr. Jesse D. Kash for the Commission.

Rice, Miller & Hyatt and *Mr. V. E. Phillips*, of Kansas City, Kans., and *Mr. James R. Quinn*, of Chicago, Ill., for respondents.

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act and by virtue of the authority vested in it by said act, the Federal Trade Commission having reason to believe that Rucker's Imperial Breeding Farm, Inc., a corporation, Famous Poultry Farms, Inc., a corporation, Hillview Poultry Farms, Inc., a corporation, and Ross R. Salmon, individually, and as an officer of Rucker's Imperial Breeding Farm, Inc., a corporation, Famous Poultry Farms, Inc., a corporation, and Hillview Poultry Farms, 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, Rucker's Imperial Breeding Farm, Inc., is a corporation, organized, existing and doing business under and by virtue of the laws of the State of Delaware with its office and principal place of business located at 1339 North Elm Street, Ottumwa, Iowa.

Respondent, Famous Poultry Farms, Inc., is a corporation, organized, existing and doing business under and by virtue of the laws of the State of Delaware with its offices and principal place of business located at Shenandoah, Iowa.

Respondent, Hillview Poultry Farms, Inc., is a corporation, organized, existing and doing business under and by virtue of the laws of the State of Delaware with its office and principal place of business at Bethany, Mo.

Respondent, Ross R. Salmon, is an individual, and is an official of and owns the greater part of the stock in the aforesaid corporate respondents, and formulates, directs and controls the acts and practices of said corporate respondents, with his principal office at Shenandoah, Iowa.

The respondents, Rucker's Imperial Breeding Farm, Inc., a corporation, Famous Poultry Farms, Inc., a corporation, Hillview Poultry Farms, Inc., a corporation, and Ross R. Salmon, individually, and as an officer of Rucker's Imperial Breeding Farm, Inc., a corporation, Famous Poultry Farms, Inc., a corporation, and Hillview Poultry Farms, Inc., a corporation, have acted in conjunction and cooperation each with the other in carrying out the acts and practices hereinafter set forth.

PAR. 2. Respondents are now and for several years last past have engaged in the sale and distribution of baby chicks. Respondents cause their baby chicks, when sold by them, to be transported from their aforesaid places of business in the States of Iowa and Missouri to purchasers thereof located in various other States of the United States other than Iowa and Missouri and in the District of Columbia.

Respondents maintain, and at all times mentioned herein have maintained, a course of trade in said baby chicks in commerce between and among the various States of the United States and in the District of Columbia.

PAR. 3. In the course and conduct of their aforesaid business and for the purpose of inducing the purchase of their baby chicks, respondents have circulated and are now circulating among prospective purchasers throughout the United States by United States mails, advertisements in newspapers and trade journals, and by advertising folders, pamphlets, circular letters and other advertising matter, many false statements and representations concerning their products. Among and typical of such false statements and representations disseminated as aforesaid are the following:

(Get 100 chicks Free)

You see, I need your help and, of course, don't expect you to do anything without offering to show my appreciation. You are to use the enclosed card (your lucky card) to get 100 or more baby chicks FREE. You simply help me in a very simple manner and I'll return the favor in a way sure to please you.

Here's the way of it—For years I have wanted to place in your community a flock of my best foundation trapnest and Champion egg blood chickens where all the folks there might see for themselves how wonderful they look. You will be proud as a peacock over the blue ribbon quality of these chickens. Then, you will be able to tell folks how many more eggs these hens lay because many are the result of our 300 egg blood breeding program. You can also speak from experience about how much easier these chicks were to raise because they are hatched in the most modern electric controlled incubators, are carefully inspected and all stock is blood tested for B.W.D. and Fowl Typhoid. This system of local advertising by actual poultry raisers is the very best we can get for IMPERIAL CHICKS.

NOW—if you will agree to raise 100 or more of my IMPERIAL H & P or Superior Pen and Group Matings and reap the profits in extra eggs and the pleasure of having about the finest flock in the neighborhood, just let me know that you will consider my get-acquainted FREE chicks offer which you can still get in on by returning the enclosed card right away.

You can select your favorite pure breed or get a start in the new White Vikings or try some IMPERIAL line-bred top cross Hybrids, whatever you feel will bring you the most money, because we've worked steadily for years and years on trapnesting, importing and using the best egg and R.O.P. Blood to give you egg Champion breeding in many breeds.

FOR EXAMPLE, you've undoubtedly heard of the All-Time Official Egg Contest record of 320 eggs average per hen set by a Rucker pen. No other breeder has ever equaled this amazing production. . . .

Needless to say this get-acquainted offer must be limited. I really need only one good flock in each neighborhood so wanted to give you a chance. . . .

PEDIGREE BREEDING AND PROGENY TESTING

World's Undeafated Egg Champions 320 EGGS per Bird Average in One Year Set All-Time World's Record in Official Contest and Has Never Been equalled.

We wish you could come to IMPERIAL Breeding Farm, talk to us, look over the hundreds of Egg contest hens, Trapnest-Pedigree hens, R.O.P. hens and males and the many champions, prize winners and special selected birds in the dozens and dozens of pens on our great breeding farm. This wonderful Trapnest, Pedigree, R.O.P. blood and outstanding prize winners give us the foundation for one of the country's greatest breeding programs. . . .

Mrs. Conner states that her flock average on 50 hens, for one year was 290 eggs, and that she had 32 hens that laid over 300 eggs in a single year. She also says that she believes 300 egg blood pays. . . .

334 to 376 Eggs (H.Y.R.) in Official and Farm Trapnest records prove Hillview Eg Blood supreme.

We invite your close attention to this table which gives in a short, concise way of comparison of the excellent performance of our birds in competition with other Iowa R.O.P. Flocks.

LEGHORN PRODUCTION

	...	...	R.O.P. Advanced Average Lay	...
All Flocks	...	...	239	...
Rucker Birds	...	...	271	...

3 OF AMERICA'S FOREMOST BREEDERS OF CHAMPIONS INVITE YOU TO SHARE THEIR SUCCESS IN SHOWING THE WORLD HOW TO LAY

Why have Prof. Rucker, Frank Gloeckl and J. E. Moore been able to reach such an outstanding position in the poultry world?

Mr. Moore has been in the breeding and hatching business since 1926 and has grown from a breeder, with his trapnests in the upstairs loft, to one of the best known heavy-breed chicken men of the country.

Mr. Gloeckl . . . has probably developed or helped develop more prize winners than anyone in the U.S.A. . . . Mr. Gloeckl is an outstanding specialist.

The World's All-Time official egg laying record was set by a Rucker pen in the middle-west. Other records have been made in the southern states; others in the east; still other records in the northwest. This proves that the Rucker Blood lines do well in most any section of the country. . . .

PAR. 4. Through the use of the statements and representations, herein above set forth, and others similar thereto, not specifically set out herein, respondents have represented directly and by implication that 100 baby chicks are given free to certain prospective customers chosen by respondents as persons with whom respondents desire to place a flock of chickens for advertising or display purposes and that said offer of free chicks is limited to one person in each neighborhood; that the chicks supplied to the purchasing public are hatched from eggs produced at hatcheries operated by respondents; that said chicks are predominantly of the strain of a long line of contest winners or championship birds; that the chicks are the offspring of parent flocks having an egg laying average of 300 or more eggs

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per year; that they are United States Record of Performance poultry breeders and operate poultry plants under the supervision of an official from the agency supervising United States Record of Performance work in Iowa and Missouri; that all chickens are blood tested for bacillary white diarrhea and that separate blood tests are made upon all chicks for fowl typhoid; that Frank Gloeckl and J. E. Moore are America's foremost breeders of champion chickens; that E. H. Rucker was actively associated with the poultry industry immediately prior to his death; that the chickens supplied to the purchasing public have the blood lines of certain prize-winning birds developed by E. H. Rucker prior to the year 1932.

PAR. 5. The foregoing statements and representations are grossly exaggerated, false and misleading. In truth and in fact 100 chicks are not given free as represented but the delivery of such chicks is contingent upon a purchase of other chicks by the recipient, and in certain cases customers of respondents receive a lesser number of so-called free chicks than ordered with the explanation made by the respondents that the lesser number of chicks delivered was of a better grade or quality than ordered. The offer of so-called free chicks is not limited to certain prospective customers chosen by respondents as persons with whom respondents desire to place a flock of chicks for advertising or display purposes and is not limited to one person in each neighborhood or otherwise limited. Very few, if any, of the chicks supplied to the purchasing public are hatched from eggs produced at the hatcheries operated by respondents but are obtained from other sources. Respondents' chicks are not predominantly of a long line of contest winners or championship chickens and are not the offspring of parent flocks having a laying record of 300 or more eggs per year. Respondents are not United States Record of Performance poultry breeders and do not operate poultry breeding plants under the supervision of an official for the agency supervising United States Record of Performance work in Iowa and Missouri. Separate tests are not made for bacillary white diarrhea and fowl typhoid. Frank Gloeckl and J. E. Moore are not America's foremost breeders of champion chickens and have not made such contribution to the poultry industry as would warrant such a designation. E. H. Rucker was inactive and not associated with the poultry industry for a number of years prior to his death. Respondents' baby chicks do not have the blood lines of prize-winning birds developed by said Rucker prior to the year 1932.

PAR. 6. A United States Record of Performance breeder is understood by members of the poultry industry to be one operating a poultry breeding plant under the official state agency cooperating with the Bureau of Animal Industry, United States Department of Agriculture. United States Record of Performance embraces records of egg production, body weight made on the breeder's premises under official supervision and similar records made at officially conducted egg-laying contests when such records are passed upon by the official State inspector or official State supervisor and when the individual birds meet other United States Record of Performance requirements.

PAR. 7. The use by the respondents of the foregoing false and misleading representations, has the tendency and capacity to, and does mislead and deceive, a substantial portion of the purchasing public into the erroneous and mistaken belief that such representations are true and induce

the purchasing public to purchase substantial quantities of respondents' chicks as a result of such belief.

PAR. 8. The aforesaid acts and practices of respondents, as herein alleged, are all to the injury and 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.

REPORT, FINDINGS AS TO THE FACTS, AND ORDER

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission on January 12, 1944, issued and subsequently served its complaint in this proceeding upon the respondents, Rucker's Imperial Breeding Farm, Inc., a corporation; Famous Poultry Farms, Inc., a corporation; Hillview Poultry Farms, Inc., a corporation; and Ross R. Salmon, individually, and as an officer of Rucker's Imperial Breeding Farm, Inc., a corporation, Famous Poultry Farms, Inc., a corporation, and Hillview Poultry Farms, Inc., a corporation, 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 the form of a stipulation as to the facts entered into upon the record between counsel for the respondents, V. E. Phillips and James R. Quinn, and counsel for the Commission 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. By said stipulation entered into upon the record, the respondents expressly waived the filing of a report upon the evidence by the trial examiner, filing of briefs, and oral argument. Thereafter, this proceeding regularly came on for final hearing before the Commission upon said complaint, answers thereto, and stipulation of facts entered into upon the record, and the Commission, having approved said stipulation of facts and 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, Rucker's Imperial Breeding Farm, Inc., is a corporation, organized, existing, and doing business under and by virtue of the laws of the State of Delaware, with its office and principal place of business located at 1339 North Elm Street, Ottumwa, Iowa.

Respondent, Famous Poultry Farms, Inc., was a corporation, organized, existing, and doing business under and by virtue of the laws of the State of Delaware, with its offices and principal place of business located at Shenandoah, Iowa. Said corporation was properly dissolved according to the laws of the State of Delaware in the month of January 1943.

Respondent, Hillview Poultry Farms, Inc., was a corporation, organized, existing, and doing business under and by virtue of the laws of the State of Delaware, with its office and principal place of business at Beth-

any, Mo. This corporate respondent was duly dissolved according to the laws of the State of Delaware in the month of January 1943.

Respondent, Ross R. Salmon, is an individual, and treasurer of the corporate respondent, Rucker's Imperial Breeding Farm, Inc., and owns and controls the greater part of the stock in the aforesaid corporate respondent. The said individual respondent, Ross R. Salmon, was president of the corporate respondent, Famous Poultry Farms, Inc., and treasurer of the corporate respondent, Hillview Poultry Farms, Inc., both now dissolved. The said individual respondent, Ross R. Salmon, formulated, directed, and controlled the acts and practices of Famous Poultry Farms, Inc., and, together with others, formulated, directed, and controlled the acts and practices of Hillview Poultry Farms, Inc., and the said individual respondent, Ross R. Salmon, formulates, directs, and controls the acts and practices of the corporate respondent, Rucker's Imperial Breeding Farm, Inc.

The respondents, Rucker's Imperial Breeding Farm, Inc., a corporation, Famous Poultry Farms, Inc., a corporation, and Hillview Poultry Farms, Inc., a corporation, while said last two corporate respondents were in existence, and the individual respondent, Ross R. Salmon, individually, and as an officer of Rucker's Imperial Breeding Farm, Inc., a corporation, famous Poultry Farms, Inc., a corporation, and Hillview Poultry Farms, Inc., a corporation, acted in conjunction and cooperation, each with the other, in carrying out the acts and practices hereinafter set forth.

PAR. 2. The corporate respondents, Rucker's Imperial Breeding Farm, Inc., a corporation, Famous Poultry Farms, Inc., a corporation, and Hillview Poultry Farms, Inc., a corporation, when the latter two were in existence, and the individual respondent, Ross R. Salmon, acting for the corporate respondents, were and had been for several years last past, and the corporate respondent, Rucker's Imperial Breeding Farm, Inc., is now, engaged in the sale and distribution of baby chicks.

Respondents caused their baby chicks, when sold by them, to be transported from their aforesaid places of business in the States of Iowa and Missouri to purchasers thereof located in various other States of the United States other than Iowa and Missouri and in the District of Columbia.

The corporate respondent, Rucker's Imperial Breeding Farm, Inc., maintains, and at all times mentioned herein has maintained, a course of trade in said baby chicks in commerce between and among the various States of the United States and in the District of Columbia, and the corporate respondents, Famous Poultry Farms, Inc., and Hillview Poultry Farms, Inc., during their existence and prior to their dissolution in 1943, maintained a course of trade in said baby chicks in commerce between and among the various States of the United States and in the District of Columbia.

PAR. 3. In the course and conduct of their aforesaid business and for the purpose of inducing the purchase of their baby chicks, respondents circulated among prospective purchasers throughout the United States by United States mails advertisements in newspapers and trade journals, and by advertising folders, pamphlets, circular letters, and other advertising matter many statements and representations concerning their products. Among and typical of such statements and representations disseminated as aforesaid are the following:

(Get 100 Chicks Free)

You see, I need your help and, of course, don't expect you to do anything without offering to show my appreciation. You are to use the enclosed card (your lucky card) to get 100 or more baby chicks FREE. You simply help me in a very simple manner and I'll return the favor in a way sure to please you.

Here's the way of it—For years I have wanted to place in your community a flock of my best foundation trapnest and Champion egg blood chickens where all the folks there might see for themselves how wonderful they look. You will be proud as a peacock over the blue ribbon quality of these chickens. Then, you will be able to tell folks how many more eggs these hens lay because many are the result of our 300-egg-blood breeding program. You can also speak from experience about how much easier these chicks were to raise because they are hatched in the most modern electric controlled incubators, are carefully inspected and all stock is blood tested for B. W. D. and Fowl Typhoid. This system of local advertising by actual poultry raisers is the very best we can get for IMPERIAL CHICKS.

NOW—if you will agree to raise 100 or more of my IMPERIAL H & P or Superior Pen and Group Matings and reap the profits in extra eggs and the pleasure of having about the finest flock in the neighborhood, just let me know that you will consider my get-acquainted FREE chicks offer which you can still get in on by returning the enclosed card right away.

You can select your favorite pure breed or get a start in the new White Vikings or try some IMPERIAL line-bred top cross Hybrids, whatever you feel will bring you the most money, because we've worked steadily for years and years of trapnesting, importing and using the best egg and R.O.P. Blood to give you egg Champion breeding in many breeds.

* * *

Needless to say this get-acquainted offer must be limited. I really need only one good flock in each neighborhood so wanted to give you a chance . . .

PEDIGREE BREEDING AND PROGENY TESTING.

* * *

We wish you could come to IMPERIAL Breeding Farm, talk to us, look over the hundreds of Egg contest hens, Trapnest-Pedigree hens, R. O. P. hens and males and the many champions, prize winners and special selected birds in the dozens and dozens of pens on our great breeding farm. This wonderful Trapnest, Pedigree, R. O. P. blood and outstanding prize winners give us the foundation for one of the country's greatest breeding programs.

* * *

We invite your close attention to this table which gives in a short, concise way of comparison of the excellent performance of our birds in competition with other Iowa R. O. P. Flocks.

LEGHORN PRODUCTION

	...	...	R.O.P. Advanced Average Lay	...
All Flocks	...	...	239	...
Rucker Birds	...	...	271	...

* * *

PAR. 4. Through the use of the statements and representations, hereinabove set forth, and others similar thereto, not specifically set out herein, respondents represented directly and by implication that 100 baby chicks would be given free to certain prospective customers chosen by respondents as persons with whom respondents desired to place a flock of chickens for advertising or display purposes and that said offer of free chicks was limited to one person in each neighborhood; that the chicks supplied to the purchasing public were hatched from eggs produced at hatcheries operated by respondents; and that they were United States Record of Performance poultry breeders and operated poultry plants under the supervision of an official from the agency supervising United States Record of Performance work in Iowa and Missouri.

PAR. 5. The foregoing claims, statements, and representations are grossly exaggerated, false, and misleading. In truth and in fact, 100 chicks were not given free as represented but the delivery of such chicks was contingent upon a purchase of other chicks by the recipient, and in certain cases customers of respondents received a lesser number of so-called free chicks than ordered, with the explanation made by the respondents that the lesser number of chicks delivered was of a better grade or quality than ordered. The offer of so-called free chicks was not limited to certain prospective customers chosen by respondents as persons with whom respondents desired to place a flock of chicks for advertising or display purposes and was not limited to one person in each neighborhood or otherwise limited. A large majority of the chicks supplied to the purchasing public are hatched from eggs produced on farms on which the respondents have supplied the breeding stock from their own trapnest breeding farms.

Respondents are not United States Record of Performance poultry breeders and do not operate poultry-breeding plants under the supervision of an official for the agency supervising United States Record of Performance work in Iowa and Missouri.

PAR. 6. A United States Record of Performance breeder is understood by members of the poultry industry to be one operating a poultry-breeding plant under the official State agency cooperating with the Bureau of Animal Industry, United States Department of Agriculture. United States Record of Performance embraces record of egg production, body weight made on the breeder's premises under official supervision, and similar records made at officially conducted egg-laying contests when such records are passed upon by the official State inspector or official State supervisor and when the individual birds meet other United States Record of Performance requirements.

PAR. 7. The Commission further finds that the representations regarding "Get 100 Chicks Free" as hereinabove set out were discontinued prior to the issuance of the complaint herein.

PAR. 8. The use by the respondents of the foregoing false, deceptive, and misleading statements and representations, has the capacity and tendency to mislead and deceive a substantial portion of the purchasing public into the erroneous and mistaken belief that such statements and representations are true and to induce a substantial portion of the purchasing public to purchase respondents' baby chicks because of such erroneous and mistaken belief.

CONCLUSION

The aforesaid acts and practices of the respondents, as herein found, were 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.

MODIFIED ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answers of the respondents, and a stipulation as to the facts entered into upon the record, which stipulation provided, among other things, that the Commission might proceed upon the facts as stipulated without further evidence (the report of the trial examiner, briefs of counsel, and oral argument having been expressly waived); and the Commission, having duly approved said stipulation, made and entered its findings as to the facts, conclusion, and order to cease and desist on October 21, 1944. Thereafter, on November 3, 1944; the respondents filed a motion to modify the findings as to the facts, conclusion, and order to cease and desist; and the Commission, having considered said motion and the record herein and being of the opinion that a modified order to cease and desist should be issued in said cause, issues this its modified order to cease and desist.

It is ordered, That the respondent, Rucker's Imperial Breeding Farm, Inc., a corporation, and its officers, and the respondent, Ross R. Salmon 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 of baby chicks or other poultry in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing that respondents are R.O.P. poultry breeders or that they operate a poultry plant under the supervision of an official State agency supervising United States Record of Performance Work; or in any other manner misrepresenting the egg-production record of respondents' flocks or the extent of supervisions maintained over said flocks.

2. Representing that baby chicks hatched from eggs produced on farms other than those owned and controlled by the respondents were hatched from eggs produced at the hatcheries operated by the respondents.

3. Representing that any number of chicks will be delivered free, when such delivery is contingent upon the purchase of other chicks from the respondents.

4. Representing that a certain number of chicks will be supplied with the purchase of a stated number of chicks unless the additional chicks so specified are actually delivered or authority to substitute is obtained from the purchaser prior to delivery.

5. Representing that respondents are making a special offer to a limited number of prospective purchasers for advertising or display purposes or otherwise, when such offer is made available to purchasers generally, without restriction as to number or location.

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It is further ordered, That the complaint herein be, and the same hereby is, dismissed as to the respondents, Famous Poultry Farms, Inc., a corporation, and Hillview Poultry Farms, Inc., a corporation.

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.

Complaint

IN THE MATTER OF
B. F. SHRIVER COMPANY

COMPLAINT, FINDINGS, AND ORDER IN REGARD TO THE ALLEGED VIOLATION OF SEC. 2(C) OF AN ACT OF CONGRESS APPROVED OCT. 15, 1914, AS AMENDED BY AN ACT APPROVED JUNE 19, 1936

Docket 5217. Complaint, Sept. 18, 1944—Decision, Oct. 23, 1944

Where a corporation engaged in packing and canning corn, peas, beans, lima beans, succotash, tomatoes, asparagus, beets, and other vegetable products, and in the interstate sale and distribution thereof—

Paid or granted, directly or indirectly, brokerage or commissions, compensation, allowances, or discounts in lieu thereof, to buyers of such products upon purchases made in their own names and for their own accounts:

Held, That such practice was in violation of subsection (c) of Section 2 of the Clayton Act, as amended by the Robinson-Patman Act

Mr. Edward S. Ragsdale for the Commission.

COMPLAINT

The Federal Trade Commission, having reason to believe that the party respondent named in the caption hereof and hereinafter more particularly designated and described, since June 19, 1936, has violated and is now violating the provisions of subsection (c) of Section 2 of the Clayton Act (U.S.C. Title 15, Sec. 13) as amended by the Robinson-Patman Act, approved June 19, 1936, hereby issues its complaint, stating its charges with respect thereto as follows:

PARAGRAPH 1. Respondent, B. F. Shriver Co., is a corporation, organized and existing under the laws of the State of Maryland, with its principal office and place of business located at Westminster, Md. The respondent also operates plants located at Westminster and New Windsor, Md., and Littlestown, Pa.

PAR. 2. Respondent, B. F. Shriver Co., is now engaged, and for many years prior hereto, has engaged in the business of packing, canning, distributing and selling canned corn, peas, beans, lima beans, succotash, tomatoes, asparagus, beets, and other vegetable products (all of which are hereinafter called vegetable products), in its own name and for its own account for resale, directly to buyers located in States other than the State in which respondent is established. As a result of respondent's instructions, such vegetable products are shipped and transported across State lines to such buyers, who are located in various States of the United States other than the State where the respondent is established.

The respondent, to distinguish its vegetable products from the vegetable products sold by competitors and to facilitate sales, utilizes registered trade-marks and brands for the various types and grades of vegetable products it sells. Among and representative of respondent's brands are: