

Syllabus

IN THE MATTER OF
SOLOMON A. BORTZ

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

Docket 4961. Complaint, May 11, 1943—Decision, Mar. 29, 1945

Where an individual engaged under various trade names, as below set forth, in interstate sale and distribution of post cards and other printed material for obtaining by subterfuge address, employer and other information about delinquent debtors, including folders made up of a card with space for address of the person from whom information was sought and an information return post card addressed to him under one of said trade names;

Making use of a plan under which he printed a number identifying the particular credit or collection agency purchaser on information return cards, and forwarded the folders to the purchaser, and the latter stamped and addressed the address card to the debtor at his last known address, and returned the complete units for mailing to said individual, who in due course forwarded to the particular purchaser the information supplied by the addressee recipient on the return cards —

- (a) Represented directly and by implication through use of the trade name "Susquehanna Pen Co." that he was in the business of selling and distributing pens; and,
- (b) Represented through said cards and placed in the hands of his customers a means of representing, to the recipients thereof, that pens were being offered them free as an introductory offer by the Advertising Department of the Susquehanna Pen Co.;

The facts being he was not thus engaged; the pens supplied to the recipients of the cards were of very cheap construction, costing him approximately 80 cents a gross; and the whole scheme was merely a subterfuge for obtaining information;

- (c) Represented through use of the trade name "Trust Service Co.," that he was engaged in the administration of trust estates or that his business bore some relation to trusts; and
- (d) Represented through statements on folders issued under the trade name "Bortz & Co." and others issued under the name "Trust Service Co.," that he was engaged in locating missing heirs, recovering unclaimed assets for the true owners thereof, checking titles to real estate, and handling estates, and that the person concerning whom information was sought had or might have an interest in an estate or land, which would be of financial benefit to him;

The facts being that said trade names were used by him as a subterfuge, and the folders and other printed matter had as their sole purpose the obtaining of information about the recipients to facilitate the collection of alleged delinquent accounts by his customers;

With capacity and tendency to engender in the minds of a substantial number of persons, the erroneous belief that the aforesaid post cards, folders, and other printed matter were sent them for the purpose of determining whether or not they had an interest in some estate or property, or for the purpose of introducing pens under an advertising campaign; and to cause such persons, by reason thereof, to give information which they would otherwise not have supplied:

Held, That said 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. Miles J. Furnas*, trial examiner.
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 Solomon A. Bortz, an individual, has violated the provisions of said act, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest, hereby issues its complaint, stating its charges in that respect as follows:

PARAGRAPH 1. Respondent, Solomon A. Bortz, is an individual, trading under the names Bortz & Company, Trust Service Company and Susquehanna Pen Company, with his principal office and place of business located at Anderson, Ind.

PAR. 2. Respondent is now, and for more than four years last past has been, engaged in the sale and distribution of postcards, envelopes, form letters and other printed material designed and intended to be used by creditors, collection agencies and attorneys in obtaining information concerning delinquent debtors. Respondent causes the said postcards, envelopes, form letters and other printed material to be transported from his aforesaid place of business in Anderson, Ind., to purchasers thereof located in the various States of the United States and in the District of Columbia. Respondent maintains, and at all times mentioned herein has maintained, a course of trade in said postcards, envelopes, form letters and other printed material in commerce between and among the various States of the United States and in the District of Columbia.

PAR. 3. The said cards sold and distributed by respondent when using the name "Susquehanna Pen Company" are in the form exemplified by a photostatic copy thereof marked Exhibit A; when using the name "Bortz & Company" are in the form exemplified by a photostatic copy thereof marked Exhibit B. The said form letters sold and distributed by respondent when using the name "Trust Service Company" are in the form exemplified by a photostatic copy thereof marked Exhibit C. The said Exhibits A, B and C are attached hereto, and by this reference are incorporated herein and made a part hereof.¹

PAR. 4. In the space opposite "This is your No." on the cards exemplified by Exhibit A, in the space opposite "File No." on the cards exemplified by Exhibit B, and in the space below "Please Refer to File Number" on the letter exemplified by Exhibit C, respondent places numbers, which are his code numbers and identify his customers to him.

Respondent's customers address the cards to the persons concerning whom information is sought, at their last known address, attach the postage necessary for their delivery to such persons, and cause the cards to be delivered to respondent at Anderson, Ind.

Respondent's customers insert in the appropriate spaces in the form letters the names and last known addresses of the persons concerning whom information is sought and cause them to be signed by some individual. The letters are then placed in stamped envelopes, purchased from respondent, addressed to such persons, together with a reply envelope addressed to:

Trust Service Co.
Williams Bldg.
Anderson, Indiana.

¹ See pages 311, 312, and 313.

Such reply envelopes sometimes are, and sometimes are not, stamped by respondent's customers; they are purchased by respondent's customers from him.

Said customers, thereafter, cause the envelopes, addressed to the persons concerning whom information is sought, and the enclosures to be delivered to respondent at Anderson, Ind.

After receipt by respondent from his customers of the said cards and letters, respondent causes them to be deposited in the United States mail.

Such of the return postcards and form letters as are filled out and mailed by the recipients thereof are received by respondent, the customers identified by the code numbers, and sent by him to the customers so identified.

Respondent in the past has sent to many of those who returned the "Susquehanna Pen Company" card a cheap pen of Japanese manufacture.

PAR. 5. By means of the "Susquehanna Pen Company" cards, respondent has falsely represented and placed in the hands of his customers means of falsely representing, directly and by implication, to the recipients of said cards that the pens referred to were of such a character that the friends and fellow employees of the recipients might be interested in the purchase thereof, and that respondent's proposal was made in order to introduce his pens to prospective purchasers and as a means of advertising the same.

PAR. 6. Through the use of the name "Susquehanna Pen Company" respondent has represented, directly and by implication, that he is in the business of selling and distributing pens.

PAR. 7. The said representations were false and misleading. In truth and in fact, the pens sent by respondent to those who returned the "Susquehanna Pen Company" cards were of the cheapest description and not of such a character as to be of any possible interest to persons to whom they might be exhibited, and were not sent as a means of getting their merits before possible purchasers. The said cards were not sent as a method of promoting the sale of pens, but have as their sole purpose the obtaining of information about the recipients. The whole scheme was merely a subterfuge for obtaining information, and the said name is merely a disguise for the true nature of the business.

PAR. 8. By means of the "Bortz & Company" cards and "Trust Service Company" letters and envelopes respondent has represented, and placed in the hands of his customers, means of falsely representing, directly and by implication, to the recipients thereof that respondent has correspondents in all principal cities of the world, handles and administers estates, is engaged in the business of locating heirs to estates or to interests therein, engages in searches of records and titles to property, and in recovering unclaimed assets for the true owners thereof, and that the person concerning whom information is sought has or may have an interest in an estate or land which will be of financial benefit to him.

PAR. 9. Through the use of the name "Trust Service Company" respondent has represented, directly and by implication, that his business bears some relation to trusts.

PAR. 10. The said representations are false and misleading. In truth and in fact the business of respondent, trading as "Bortz & Company" and "Trust Service Company" has nothing whatever to do with trusts, and the name "Trust Service Company" is merely a disguise for the true nature of the business. Respondent, trading as aforesaid, does not have correspondents in all principal cities of the world, does not handle or ad-

minister estates, is not engaged in the business of locating heirs to estates or interests therein, or in searches of records or titles to property or in the recovery of unclaimed assets for the true owners thereof. He has no knowledge of any interests in estates or in lands to which the persons concerning whom information is sought may be entitled.

PAR. 11. The sole purpose of the said cards and letters is to secure information in order to facilitate the collection of alleged delinquent accounts by respondent's customers.

PAR. 12. The use as hereinabove set forth of the foregoing false and misleading statements, representations and designations has had the capacity and tendency to, and has misled and deceived many persons to whom said cards, letters and envelopes were sent into the erroneous and mistaken belief that said statements, representations and designations were true, and by reason thereof to give information which they would not otherwise have supplied.

PAR. 13. The aforesaid acts and practices of respondent as herein alleged are all to the prejudice and injury of the public and constitute unfair and deceptive acts and practices in commerce within the intent and meaning of the Federal Trade Commission Act.

REPORT, FINDINGS AS TO THE FACTS, AND ORDER

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission on May 11, 1943, issued, and subsequently served, its complaint upon the respondent, Solomon A. Bortz, an individual, charging him with the use of unfair and deceptive acts and practices in commerce in violation of the provisions of said act. After the issuance of said complaint and the filing of respondent's answer thereto, testimony and other evidence in support of and in opposition to the allegations of 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, answer thereto, testimony and other evidence, report of the trial examiner upon the evidence and exceptions filed thereto, and briefs filed in support of the complaint and in opposition thereto; and the Commission, having duly considered the matter and being now fully advised in the premises, finds that this proceeding is in the interest of the public and makes this its findings as to the facts and its conclusion drawn therefrom.

FINDINGS AS TO THE FACTS

PARAGRAPH 1. Respondent, Solomon A. Bortz, is an individual, trading under the names Bortz & Company, Trust Service Co., and Susquehanna Pen Co., with his principal office and place of business located at Anderson, Ind.

PAR. 2. Respondent is now, and for several years last past has been, engaged in the sale and distribution of post cards, envelopes, form letters, and other printed material designed and intended to be used by creditors, collection agencies, and attorneys in obtaining information concerning delinquent debtors. Respondent causes said post cards, envelopes, form letters, and other printed material to be transported from his place of business in the State of Indiana to purchasers thereof located in various

other States of the United States. Respondent maintains, and at all times mentioned herein has maintained, a course of trade in said post cards, envelopes, form letters, and other printed material in commerce among and between the various States of the United States.

PAR. 3. Among the post cards and other printed material designed for obtaining information concerning delinquent debtors were certain cards or folders sold by the respondent to creditors and collection agencies under the name of Susquehanna Pen Co. These cards or folders were made up of units composed of two cards—an address card, with space for inserting the address of the debtor or other person from whom information was sought, and an information card in the form of a return post card, so designed that they could be sold and mailed as a folder. The reply card was addressed to the Susquehanna Pen Co., Advertising Department, Anderson, Ind. These cards informed the recipient that the Susquehanna Pen Co. would mail him a pen absolutely free of charge as an introductory offer and requested the filling out of certain information on the return card, such as the name and present address and the place of employment of the recipient.

When a creditor or collection agency purchased a supply of said mailing cards or folders, the respondent printed an identification number on the information cards and forwarded said mailing cards or folders to the purchaser. The address card of respondent's unit was then addressed to the debtor at his last-known address by the creditor, collection agency, or other purchaser, who also attached necessary prepaid postage. The units composed of the two cards were then returned by the purchaser to the respondent and were mailed by him from the city of Anderson, Ind., to the persons and to the addresses placed upon the address cards by the purchaser.

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, Susquehanna Pen Co., Advertising Department, Anderson, Ind. When these cards were received by the respondent, he forwarded them to the purchaser, identified by the identification number appearing on said cards, and mailed a pen to the recipient.

Through the use of the trade name Susquehanna Pen Co., respondent represented directly and by implication that he was in the business of selling and distributing pens, and by means of the representations on said cards respondent represented, and has placed in the hands of his customers a means of representing, to the recipients of said cards that pens were being offered them as an introductory offer by the Advertising Department of the Susquehanna Pen Co. In fact, respondent was not engaged in the sale of pens, and the pens supplied to the recipients of the cards were of very cheap construction, costing the respondent approximately 80 cents a gross. The cards were not sent as a method of promoting the sale of pens but had as their sole purpose the obtaining of information about the recipients. The whole scheme was merely a subterfuge for obtaining information, and the use of the trade name Susquehanna Pen Co. was merely a disguise for the true nature of the business.

PAR. 4. Another and similar practice adopted by the respondent was that conducted under the trade name of Bortz & Company. In this connection the respondent used a folder similar to that hereinabove described, containing a reply card addressed to Bortz & Company, Liberal Life Bldg.,

Anderson, Ind. This card contained, as descriptive of Bortz & Company, the statements:

ESTATE COUNSELORS
LIBERAL LIFE BLDG.
ANDERSON, IND.

Estates Handled
Missing Heirs Located

Searchers of Records
Examiners of Titles

and further informed the recipient that Bortz & Company was looking for a person of the name of the recipient and had reason to believe that the recipient might be the party and that it was a matter of distinct importance for the recipient to make sure whether or not he was the correct party by answering the questions appearing on the reply card. The information required to be filled in contained the name and residence, name and address of the nearest relative, name of present employer, name of bank, and whether or not the recipient owned his home or rented, or owned an automobile. As in the case of the folders hereinabove described, when a creditor or collection agency purchased a supply of said mailing cards or folders, the respondent printed an identification number on the information cards and forwarded said mailing cards or folders to the purchaser, who in turn addressed the cards to the debtor at his last-known address, attached the necessary postage, and returned the cards to the respondent for mailing from Anderson, Indiana. Any replies received through the reply card were forwarded by the respondent to the creditor or collection agency indicated by the identification number.

PAR. 5. Another and similar practice adopted by the respondent was that conducted under the trade name of Trust Service Co., Williams Building, Anderson, Ind. In this connection the respondent used a printed form purporting to be from the Trust Service Co., at the top of which were the statements:

ESTATES HANDLED
MISSING HEIRS LOCATED

EXAMINERS OF TITLES
SEARCHERS OF RECORDS

UNCLAIMED ASSETS RECOVERED

By this form the recipient was informed that the Trust Service Co. was endeavoring to contact a person bearing the recipient's name and was requested to fill out the information called for in the blank spaces, which might be of great importance to the recipient. The information requested was the name and resident address of the recipient, his previous address, occupation, date of birth, name and birthplace of father, and name of nearest living relative and also, as references, the name of the recipient's employer, former employer, name of bank, and personal description. As in the case of the folders hereinabove described, when a creditor or collection agency purchased a supply of respondent's printed material, the respondent placed an identification number on the printed form and forwarded it to the purchaser, together with a blank envelope for addressing to the debtor, with return address of 209 Williams Building, Anderson, Ind., and a return envelope addressed to Trust Service Co., Williams

Bldg., Anderson, Ind. The purchaser would then address the envelope to the debtor or other person from whom information was requested and enclose therein the form of the Trust Service Co. and return envelope addressed to the Trust Service Co., together with necessary postage, which envelope was then sealed and forwarded to the respondent for mailing from Anderson, Ind. Any replies received on the printed forms were forwarded by the respondent to the creditor or collection agency indicated by the identification number.

PAR. 6. Through the use of the trade name Trust Service Co., respondent represented directly and by implication that he was engaged in the administration of trust estates or that his business bore some relation to trusts. Through the use of the statements contained on the folders issued under the trade name Bortz & Company and the form issued under the trade name Trust Service Co., the respondent represented that he was engaged in locating missing heirs, recovering unclaimed assets for the true owners thereof, checking titles to real estate, and handling estates, and that the person concerning whom information was sought had or might have an interest in an estate or land, which would be of financial benefit to him. In fact, respondent trading as Bortz & Company and as Trust Service Co., is not engaged in the administration of trusts or the handling of trust estates and does not locate missing heirs or attempt to recover unclaimed assets, but, instead, said trade names are used by the respondent as a subterfuge, and the folders and other printed matter are not forwarded for the purpose of obtaining any information concerning interests in estates or lands, or the ownership thereof, but have as their sole purpose the obtaining of information about the recipients to facilitate the collection of alleged delinquent accounts by respondent's customers.

PAR. 7. 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 post cards, folders, and other printed matter were sent them for the purpose of determining whether or not they had an interest in some estate or property, or in the case of the folders forwarded under the name of Susquehanna Pen Co., that such cards were forwarded to them for the purpose of introducing pens under an advertising campaign; and such practices had the tendency and capacity to cause such persons, by reason thereof, to give information which they would otherwise not have supplied.

CONCLUSION

The acts and practices of the respondent, as herein found, are all to the prejudice and injury of the public and constitute unfair and deceptive acts and practices in commerce within the intent and meaning of the Federal Trade Commission Act.

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission on the complaint of the Commission, answer of the respondent, 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, and briefs filed in support of the complaint

and in opposition thereto; and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act.

It is ordered, That the respondent, Solomon A. Bortz, an individual, trading under the name of Bortz & Company, Susquehanna Pen Co., or Trust Service Co., or trading under any other name or names, and his 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, folders, or any other printed material for use in obtaining information concerning debtors or other persons, do forthwith cease and desist from:

1. Using the words "Susquehanna Pen Co." in respondent's trade name or using any other word or words to designate or describe the business of the respondent which represent or imply that respondent's business is that of selling or distributing pens or other merchandise.

2. Using the words "Trust Service Co." or any other words of similar import or meaning to designate or describe the business of the respondent.

- 3: Using, or placing in the hands of others for use, cards, folders, or other printed material so worded or designed as to represent or imply that the respondent is conducting an advertising campaign or is distributing pens or other merchandise free of charge for the purpose of promoting the sale of such merchandise.

4. Representing directly or by implication that persons concerning whom information is sought through respondent's cards or other printed material have or may have an interest in some estate, unclaimed asset, or other property when the information sought is for use in the collection of debts.

5. Using, or placing in the hands of others for use, cards, folders, or other printed material so worded and designed as to represent or imply that it has been forwarded by some agency engaged in the administration of trusts or estates or engaged in locating missing heirs or persons having an interest in some estate, property, or unclaimed asset, or that the information sought to be obtained by such cards, folders, or other printed material is for use in locating such missing heirs or other interested parties when the information sought is for use in the collection of debts.

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

SUSQUEHANNA PEN CO.

No Postage Required

No Obligation

TODAY

MAIL IT TO US

CLIP AND

Is a Free Advertising Offer

CARD

ATTACHED

THE



NAME OF DEBTOR
LAST KNOWN ADDRESS

PLACE
1-CENT
STAMP
HERE

After 3 Days Return to
SUSQUEHANNA PEN CO.
Anderson, Ind.
Orders and Forwarding Postage Guaranteed

A FREE PEN No Obligation

To Introduce Our Pens

We will mail you one of them ABSOLUTELY FREE OF CHARGE provided you will show it to your friends and fellow employees where you work. In order to avoid duplication, name of employer must be given.

You must act promptly, as only a limited number of pens will be distributed in this manner. Yours will be sent you as soon as this request card is returned.

THIS FREE PEN CERTIFICATE ISSUED TO
NAME OF DEBTOR
LAST KNOWN ADDRESS
FILL OUT AND MAIL THIS CARD AT ONCE

Name _____
Present Address _____
City _____
State _____
Phone Number _____
Now Employed by _____
Dept. _____
Address _____

This Order Cannot Be Transferred ...
For YOU ONLY

This Is Your No.

PLACE
1-CENT
STAMP
HERE

REPLY CARD

SUSQUEHANNA PEN CO.

Advertising Department

ANDERSON, IND.

Subject:

NAME OF DEBTOR

LAST KNOWN ADDRESS

Full Name	Age
Residence Address (present)	
Residence Address (previous)	
Nearest Relative	Relationship
Address of Nearest Relative	
If Married, Wife's Full Name	
Phone Number (if any)	Nearest Phone
Name of Your Present Employer	
Department	
Address of Employer	
Your Bank	
Own Home? Yes/No	Own Auto? Yes/No
General Description of Yourself	

After 5 Days Return to
BORTZ & CO.
LIBERAL LIFE BLDG.
ANDERSON, IND.
Return and Forwarding Postage Guaranteed

PLACE
1-CENT
STAMP
HERE

Post Card

NAME OF DEBTOR
LAST KNOWN ADDRESS

ESTATES HANDED
MISSING WHERE LOCATED

Correspondents in All Principal Cities of the World

SEARCHERS OF RECORDS
EXAMINERS OF TITLES

BORTZ & CO.
ESTATE COUNSELORS
LIBERAL LIFE BLDG.
ANDERSON, IND.

To the party addressed:

We are looking for a person of your name and we have reasons to believe that you might be the party.

This is a matter of distinct importance to you if you are the individual in question, and that we make certain you are the one, please answer the questions on the attached card.

If the information checks with the records, you will be communicated with. Use attached card for your reply.

Very truly yours,

BORTZ & CO.

EXHIBIT *B*.....Interview with *Carl*.....File *1-17650* Date *11-24-42**Donald Mark Arnold Attorney*

Federal Trade Commission

Place
1-Cent
Stamp
Here

Reply Card

BORTZ & COMPANY

LIBERAL LIFE BLDG.

ANDERSON, IND.

303

Exhibit C

COPY Correspondents in All Principal Cities of the World

UNCLAIMED ASSETS RECOVERED

ESTATES HANDLED

EXAMINERS OF TITLES

MISSING HEIRS LOCATED

SEARCHERS OF RECORDS

TRUST SERVICE CO.

Williams Building

Anderson, Ind.

Phone: 331

PLEASE REFER

TO FILE NUMBER

TO

We are endeavoring to contact a person bearing your name. In order for us to make further progress in our investigation, will you kindly answer the following? This may be of great importance to you.

Full Name		Date of Birth and Place	
-----		-----	
Present Residence		Name of Father	
-----		-----	
Street		Birthplace of Father	
-----		-----	
City	State		
Previous Address		Nearest Living Relative	
-----		-----	
(Use other side for more)		Address	
-----		-----	
City	State	Street	
Occupation		-----	
-----		-----	
If Married,		City	State
Mate's Name		-----	
-----		-----	

REFERENCES

Your Employer			

or own business	Firm Name	Street	City State

Former Employers	Firm Name	Street	City State

Name of Your Bank		Street	City State
-----		Street	City State
Personal Description		-----	
-----		-----	
General Remarks: (Use other side of this blank if necessary)			

If the above information checks with the records, you will be notified. Use enclosed envelope and a prompt reply will facilitate matters.

Very truly yours,
TRUST SERVICE CO.
Manager, Research Department.

Complaint

40 F. T. C.

IN THE MATTER OF

MARINE PRODUCTS 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 ACT APPROVED JUNE 19, 1936

Docket 5137. Complaint, Mar. 14, 1944—Decision, Mar. 29, 1945

Where a corporation engaged in the interstate sale and distribution of canned tuna, abalone and skip jack—

Paid and granted to buyers, some of whom incorrectly designated themselves as brokers, commissions or brokerage or compensation, allowances, or discounts in lieu thereof on purchases of its products made by such buyers on their own behalf and for their own accounts, including purchases bearing its brands and labels and purchases bearing the private brands or labels of the buyers:

Held, That said acts and practices in paying and granting such commissions or brokerage to purchasers of its products constituted violation of subsec. (c) of Sec. 2 of the Clayton Act as amended.

Mr. Edward S. Ragsdale for the Commission.

Mr. Benjamin W. Shipman, of Los Angeles, Calif., and *Mr. Fulton Brylawski*, of Washington, D. C., for respondent.

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, Marine Products Company, is a corporation, organized and existing under the laws of the State of California, with its principal office and place of business located at 3370 Harasthy Street, San Diego, Calif.

PAR. 2. Respondent, Marine Products Company, is now engaged and for many years prior hereto, has engaged in the business of distributing and selling canned tuna, canned abalone, and canned skip jack and other sea food products (all of which are hereinafter called sea food products) in its own name and for its own account.

The respondent sells and distributes its sea food products through two separate and distinct methods. First, through intermediaries who act as its agents in negotiating the sale of its sea food products and for which services such intermediaries customarily are paid, directly or indirectly, commissions or brokerage fees. Second, through the sale of its sea food products directly to buyers who are paid, directly or indirectly, commission or brokerage fees on their own purchases of such sea food products.

The respondent, to distinguish its sea food products from the sea food products sold by competitors and to facilitate sales, utilizes registered and unregistered trade-marks and brands for various sea food products it sells, which brands are generally known as packers' or sellers' brands.