

## IN THE MATTER OF

## A. J. ENGLAND, M. S. ENGLAND, M. K. ENGLAND AND A. E. WILDBERG TRADING AS SHIELDS OF FAITH COMPANY

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

*Docket 5265. Complaint, Jan. 17, 1945—Decision, July 27, 1945*

Where four partners engaged under the name "Shields of Faith Company" in interstate sale and distribution of metal-covered New Testaments and Catholic Prayer Books—which were approximately two and three-quarter by four and one-half inches in size, with the front bearing an additional cover of steel—and in furnishing to prospective jobber and retailer customers, as well as members of the purchasing public, advertising material consisting of display cards, circulars, and newspaper mats, which material was in turn distributed by dealers to their own customers—

- (a) Represented and implied that their books were covered with heavy steel bearing engraved inscriptions, and that they were capable of deflecting bullets, shrapnel, and bayonet thrusts, and might be the means of saving a soldier's life, through such statements as: "Armored Bible—Capable of Deflecting Bullets, Shrapnel and Bayonets," "\* \* \* May Save the Soldier's Life," "Gold-plated, heavy steel engraved front cover \* \* \*";

The facts being that such books would not be the means of saving the lives of soldiers generally: the metal used for the covers was not heavy steel but was soft, low-carbon steel, which would neither stop nor deflect any bullet unless it was either a "spent" bullet or the angle at which it struck the metal was so small that a deflection might occur, in either of which events the book itself without the metal cover would be sufficient to prevent the bullet from entering the body; any book of about the same size and thickness would give the same protection from shrapnel; while the steel cover might afford protection against bayonet thrusts, such representation was nevertheless misleading in that bayonet thrusts are directed against the soft parts of the torso and not the part of the soldier's body covered by the breast pocket in which the book was carried; and said cover, instead of being a protection, constituted an additional hazard in that a bullet passing through it would be distorted by the impact and would cause a much more serious and painful wound than if it had not been present; and

- (b) Falsely represented that the inscriptions on said steel covers were engraved; when in fact they were executed by a stamping process;

With effect of misleading and deceiving a substantial portion of the purchasing public with respect to their books, and of causing such public, including millions of citizens concerned and anxious for the lives of relatives and friends in the armed services, to purchase substantial quantities of their books as a result of such erroneous 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.

## Complaint

Before *Mr. Arthur F. Thomas*, trial examiner.

*Mr. William L. Pencke* for the Commission.

*Mr. Nathan M. Katz*, of Pittsburgh, Pa., 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 A. J. England, M. S. England, M. K. England, and A. E. Wildberg, individuals and copartners, trading as Shields of Faith Company, 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. A. J. England, M. S. England, M. K. England, and A. E. Wildberg, are individuals and copartners, trading and doing business under the firm name and style of Shields of Faith Company, with their principal office and place of business located at 85 Van Braam Street, in the city of Pittsburgh and State of Pennsylvania. Respondents also maintain a place of business at 230 E. Ohio Street, city of Chicago, State of Illinois.

PAR. 2. Respondents are now and have been for more than one year last past engaged in the sale and distribution of metal covered religious books, including the New Testament and a Catholic Prayer Book. Said books are approximately two and three-quarters inches by four and one-half to four and three-quarter inches in size, with the front cover bearing an additional cover of steel. Respondents maintain and at all times herein mentioned had maintained a course of trade in said books in commerce among and between the various States of the United States and in the District of Columbia.

PAR. 3. In the course and conduct of their said business in commerce as aforesaid, and for the purpose of inducing their prospective jobber and retailer customers, as well as members of the purchasing public to purchase said books, respondents furnish and have furnished customers and prospective customers advertising material consisting of display cards, circulars and newspaper mats, which material is in turn used and distributed by them to their retailer customers.

PAR. 4. In said advertising material, distributed as aforesaid, respondents have made and are making false, deceptive and misleading statements and representations with respect to the amount of protection afforded by carrying steel-covered books described and sold and distributed in commerce as aforesaid, while serving with

the armed forces. Among and typical of said statements and representations used and caused to be used by respondents are the following:

ARMORED BIBLE  
Capable of Deflecting  
Bullets, Shrapnel & Bayonets  
This Armored Bible May  
Save the Soldier's Life

Gold-plated, heavy steel engraved front cover, Each Bible sturdily bound. Printed in clear, legible type.

From every conceivable standpoint, this Armored Bible is truly Today's Greatest Military Gift.

Retail list price: 1.95—2.95—3.95—5.95

PAR. 5. Through the use of the aforesaid statements and representations and others of similar import and meaning not herein set out, the respondents represent and imply to their customers and to the purchasing public in the manner hereinabove set forth that their so-called "Shield of Faith" Bible is covered with gold-plated heavy steel bearing various engraved inscriptions; that said book is capable of deflecting bullets, pieces of shrapnel and bayonet thrusts and may be the means of saving a soldier's life.

PAR. 6. In truth and in fact said representations, statements and implications used and disseminated, and caused to be used and disseminated, as aforesaid, are false, exaggerated, deceptive and misleading. While there may be isolated instances in which said metal cover will deflect a pistol or revolver bullet shot at some small angle, respondent's steel covered books will not be the means of saving the lives of soldiers generally nor are they capable of deflecting all bullets, shrapnel, or bayonet thrusts.

In truth and in fact the metal used for said book covers is not heavy steel but is composed of soft, low-carbon steel and no heavier per unit volume than other steels. Said metal covers would neither stop nor deflect a bullet regardless of whether such bullet is fired from an automatic pistol, revolver, rifle or machine gun, unless said bullet is either a "spent" bullet by reason of having lost its velocity, or the angle at which the bullet strikes the metal is so small that a deflection may occur; and in either of such events the book itself without a metal cover would be sufficient to prevent the bullet from entering the human body. Moreover, said metal cover, instead of being a protection, affords an additional hazard for the reason that a bullet passing through said cover would be distorted because of the impact on the metal and upon entering the body would cause a much more serious and painful wound than if the metal cover had not been present. While it may be true that some pieces of shrapnel

striking a man may be deflected by said metal cover, any book of approximately the same size and thickness of the books sold by respondents would give the same protection against such shrapnel. In the case of rifle bullets, said cover would afford no protection whatever for the reason that the rifle bullets used in modern warfare would readily penetrate steel covers many times the thickness of respondents' metal cover.

The steel cover placed upon said book may afford protection against bayonet thrusts. The representation that the said book is capable of deflecting bayonets is nevertheless misleading, in that it may be inferred therefrom that the part of the soldier's body covered by the breast pocket in which said book is carried is particularly exposed to the danger of attacks by bayonets. In truth and in fact, it is one of the fundamental teachings of military tactics to direct all bayonet thrusts against the soft parts of the man's torso in order to avoid the striking of bones such as the breastbone and ribs. Moreover, the occurrence of wounds inflicted by bayonets in the present war is so rare that the emphasis of respondent's book being a protection against bayonet thrusts is wholly unwarranted.

The general representation that the covers of said books are gold-plated is exaggerated and misleading with respect to the low-priced book in that its cover is coated with a thin layer of gold amounting to an average thickness of less than two millionths of an inch and the application of such an extremely thin coating constitutes gold-wash or gold-coloring and not gold-plating.

The representation that said books are engraved is false and misleading. In truth and in fact said inscriptions are not engraved but are executed by a stamping process.

PAR. 7. There are presently in the United States millions of citizens who have relatives and friends in the armed services, many of whom are engaged in active combat, with resulting death and casualties in action. The concern and anxiety of those citizens whose friends and relatives are so engaged in active combat is very great and they will readily seize upon any opportunity or means whereby in any manner whatever the lives of such members of the armed forces may be protected or whereby the chances for injuries and wounds may be lessened. In making the statements and representations as hereinabove set forth, respondents abuse and betray the anxiety and confidence of such citizens by urging them to buy said steel-covered books.

PAR. 8. The use of the said exaggerated, misleading and deceptive statements and representations, as aforesaid, has had and now has the tendency and capacity to and does mislead and deceive a

substantial number of the purchasing public into the erroneous and mistaken belief that said representations and implications are true. As a result of such erroneous and mistaken beliefs, many members of the purchasing public have purchased a substantial number of respondents' said metal-covered Testaments and Prayer Books.

PAR. 9. The aforesaid acts and practices of the respondents, 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 January 17, 1945, issued and subsequently served its complaint in this proceeding upon the respondents, A. J. England, M. S. England, M. K. England, and A. E. Wildberg, individuals and copartners, trading as Shields of Faith Company, charging them with the use of unfair and deceptive acts and practices in commerce in violation of the provisions of that act. On February 17, 1945, the respondents filed their answer to the complaint. Thereafter, at a hearing before a trial examiner of the Commission theretofore duly designated by it, certain facts were stipulated into the record. The report of the trial examiner, the filing of briefs, and oral argument were waived. Thereafter, the proceeding regularly came on for final hearing before the Commission upon the complaint, answer, and stipulation of facts; 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 finding as to the facts and its conclusion drawn therefrom.

#### FINDINGS AS TO THE FACTS

PARAGRAPH 1. The respondents, A. J. England, M. S. England, M. K. England, and A. E. Wildberg, are individuals and copartners, trading and doing business under the firm name and style of Shields of Faith Company, with the principal office and place of business located at 85 Van Braam Street, in the city of Pittsburgh, Pa. Respondents formerly maintained an additional place of business at 230 East Ohio Street, in the city of Chicago, Ill., but this place of business is no longer being maintained.

PAR. 2. For more than one year prior to the issuance of the complaint, respondents had been engaged in the sale and distribution of metal-covered religious books, including the New Testament and a

Catholic Prayer Book. The books were approximately two and three-quarter inches by four and one-half to four and three-quarter inches in size, with the front cover bearing an additional cover of steel. At all times mentioned herein, respondents maintained a course of trade in their books in commerce among and between the various States of the United States and in the District of Columbia.

PAR. 3. In the course and conduct of their business in commerce as aforesaid, and for the purpose of inducing their prospective jobber and retailer customers, as well as members of the purchasing public, to purchase their books, respondents furnished to such dealers advertising material consisting of display cards, circulars, and newspaper mats, which material was in turn distributed by such dealers to their own customers.

Respondents are no longer advertising their books, having discontinued such advertising about October, 1944.

PAR. 4. In such advertising material, distributed as aforesaid, respondents made certain statements and representations with respect to the amount of protection afforded those serving in the armed forces through the carrying of respondents' steel-covered books. Among and typical of such statements and representations used by respondents were the following:

Armored Bible—Capable of Deflecting Bullets, Shrapnel and Bayonets.

This Armored Bible May Save the Soldier's Life.

Gold-plated, heavy steel engraved front cover. Each Bible sturdily bound. Printed in clear, legible type.

From every conceivable standpoint, this Armored Bible is truly Today's Greatest Military Gift.

PAR. 5. Through the use of these statements and representations, and others of similar import not herein set out, the respondents have represented and implied that their books are covered with heavy steel bearing various engraved inscriptions, and that such books are capable of deflecting bullets, pieces of shrapnel, and bayonet thrusts, and may be the means of saving a soldier's life.

PAR. 6. While there may be isolated instances in which the metal cover on respondents' books will deflect a pistol or revolver bullet shot at some small angle, such books will not be the means of saving the lives of soldiers generally nor are they capable of deflecting all bullets, shrapnel, or bayonet thrusts. The metal used for such book covers is not heavy steel but is soft, low-carbon steel, which is no heavier per unit volume than other steels. Such metal covers would neither stop nor deflect a bullet, regardless of whether such bullet is fired from an automatic pistol, revolver, rifle, or machine gun, unless the bullet is either a "spent" bullet by reason of having lost its

velocity, or the angle at which the bullet strikes the metal is so small that a deflection may occur, and in either of such events the book itself, without a metal cover, would be sufficient to prevent the bullet from entering the body. Moreover, the metal cover, instead of being a protection, affords an additional hazard for the reason that a bullet passing through the cover would be distorted because of the impact on the metal and upon entering the body would cause a much more serious and painful wound than if the metal cover had not been present. While some pieces of shrapnel might be deflected by such metal cover, any book of approximately the same size and thickness would give the same protection against such shrapnel. In the case of rifle bullets, the cover would afford no protection whatever for the reason that the rifle bullets used in modern warfare would readily penetrate steel covers many times the thickness of the cover used by respondents.

While the steel cover upon such books may afford protection against bayonet thrusts, the respondents' representation that the book is capable of deflecting bayonets is nevertheless misleading, in that it may be inferred therefrom that the part of the soldier's body covered by the breast pocket in which the book is carried is particularly exposed to the danger of attacks by bayonets. One of the fundamental teachings of military tactics is to direct all bayonet thrusts against the soft parts of the man's torso in order to avoid the striking of bones such as the breastbone and ribs. Moreover, the occurrence of wounds inflicted by bayonets, as compared with wounds caused by firearms, is rare.

The inscriptions on such steel covers, represented by respondents to be engraved, are in fact not engraved but are executed by a stamping process.

PAR. 7. There are presently in the United States millions of citizens who have relatives and friends in the armed services, many of whom are engaged in active combat, with resulting casualties in action. The concern and anxiety of those citizens whose friends and relatives are so engaged is very great, and such persons will readily seize upon any opportunity or means whereby in any manner whatever the lives of such members of the armed forces may be protected or whereby the chances for injuries and wounds may be lessened. By using the type of advertising heretofore referred to, respondents have induced the purchase of their steel-covered books.

PAR. 8. The use by respondents of the erroneous and misleading representations herein set forth had the tendency and capacity to mislead and deceive a substantial portion of the purchasing public with respect to the physical protection afforded by respondents'

books, and with respect to the inscriptions on such books, and the tendency and capacity to cause such portion of the public to purchase substantial quantities of such books as a result of the erroneous and mistaken belief so engendered.

## CONCLUSION

The acts and practices of the respondents, as herein found, were all to the prejudice of the public, and constituted unfair and deceptive acts and practices in commerce within the intent and meaning of the Federal Trade Commission Act.

## ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondents, and a stipulation of facts entered into at a hearing before a trial examiner of the Commission theretofore duly designated by it, (report of the trial examiner, the filing of briefs, and oral argument having been waived); 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, A. J. England, M. S. England, M. K. England, and A. E. Wildberg, individually and as co-partners, trading as Shields of Faith Company, and their representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of respondents' metal-covered books in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. That said books afford effective protection against bullets, shrapnel, or other projectiles, or against bayonet thrusts.

2. That the inscriptions on said books are engraved.

*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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FEDERAL TRADE COMMISSION DECISIONS

Complaint

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