

IN THE MATTER OF

RICHARD COLGIN CO., INC. ET AL.

COMPLAINT, FINDINGS, AND ORDER IN REGARD TO THE ALLEGED VIOLATION
OF SEC. 5 OF AN ACT OF CONGRESS APPROVED SEPT. 26, 1914*Docket 5431. Complaint, Apr. 10, 1946—Decision, May 13, 1948*

Where a corporation and the individual who was its president and principal stockholder, engaged in the manufacture and competitive interstate sale of meat curing and meat-preserved and seasoning products; through advertising material, letterheads, and other printed matter, directly and by implication—

- (a) Represented that said company was an old, reliable firm which had been in business for a long time and that aforesaid individual had been engaged in the manufacture of meat-curing and preservative products for about 50 years;
- (b) Represented that they were successors to the business established by said individual's father and were the sole and exclusive distributors of the products developed and patented by him;

The facts being that while aforesaid individual had been from time to time connected with, and had assisted, his father in the business the father organized and incorporated, he held positions elsewhere during some 18 or 20 years; and later, as a result of family dissension, severed relations with his father's company, of which he had been president, and began the sale of meat-curing products in competition therewith, and in 1945 organized the corporation above referred to to continue the sale of such products which he had theretofore carried on otherwise and through other corporate instrumentalities; he had, accordingly, been in business for a comparatively short period only; and neither he nor said corporation was successor to the business established by the father, nor were they sole or exclusive distributors of the products developed or patented by him;

- (c) Represented as aforesaid and through statements on letterheads and other printed matter that they owned, operated, or controlled warehouses located in various cities of the United States including Memphis, Atlanta, Tulsa, and Raleigh; notwithstanding the fact their warehousing activities were limited to the use from time to time of the facilities of bonded warehouses in said cities, in which they had no financial interest; and

Where some of said individual's salesmen, immediately after the severance of his connection with the aforesaid family corporation—

- (d) Variouslly represented to customers that said family corporation was out of business, and that its financial condition was such that it could not fill orders; that said individual's business was a successor to it; and that the products originated by said father could be purchased only from said individual;

When in fact said family company was continuing in the manufacture and sale of the products involved; customers who had dealt with it for a number of years knew that the father, during his lifetime, was connected with said company and associated his name therewith; and neither said

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individual nor his corporation was successor to the business established by his father, and were not the sole or exclusive distributors of the products developed or patented by the latter;

With capacity and tendency to mislead and deceive purchasers and induce them to purchase their products instead of similar ones sold and distributed by their competitors:

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

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

Mr. Charles S. Cox for the Commission.

Carter, Gallagher & Barber, of Dallas, Tex., 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 Richard Colgin Co., Inc., a corporation, and Richard E. Colgin, an individual, doing business under the trade names and styles of Richard Colgin Co., and Dixie Smoke Products Co., and as an officer of Richard Colgin Co., Inc., and Hardy-Colgin Co., 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, Richard Colgin Co., Inc., is a corporation organized, existing, and doing business under and by virtue of the laws of the State of Texas with an office at 2602 Canton Street, Dallas, Tex., and with a post-office address of Box 2158, Dallas 1, Tex., and a factory at 425 South Peoria Street, Tulsa, Okla. The respondent, Richard E. Colgin, is an individual, and was connected with the Figaro Co., Inc., a corporation, with its offices, factory and principal place of business at Dallas, Tex., from May 1938, to January 1, 1944; said respondent, Richard E. Colgin, did business under the trade name and style of Richard Colgin Co., from January 1, 1944, to April 24, 1944, at Dallas, Tex., and from April 24, 1944, to February 1945, he was vice president of Hardy-Colgin Co., a corporation, organized, existing, and doing business under and by virtue of the laws of the State of Missouri, which said corporation was dissolved on April 12, 1945, with its principal offices and place of business at St. Louis, Mo.; and from April 1945 to the present, he has been the president and the

principal stockholder of Richard Colgin Co., Inc., organized in April 1945. Since January 1, 1944, respondent, Richard E. Colgin, has also done business under the trade name and style of Dixie Smoke Products Co. and purporting to have a home office at Memphis, Tenn. Respondent, Richard E. Colgin, individually and while acting as the vice president in charge of advertising and sales of the Hardy-Colgin Co. dominated and controlled the sales and advertising policy of said company, and individually and acting as the president of Richard Colgin Co., Inc., dominates and controls the sales and advertising of said company.

PAR. 2. Said respondents during the various periods above enumerated, were engaged and are now engaged, in the manufacture and sale of meat-curing and meat preservative and seasoning products, and at all times have been and now are, in substantial competition with other corporations and individuals, firms, and partnerships in the sale and distribution of like products in commerce, among and between the various States of the United States.

PAR. 3. Respondents cause or have caused, said products when sold, to be transported from places of business either in the States of Texas, Missouri, or Oklahoma to purchasers thereof located in various States of the United States other than the States of Texas, Missouri, and Oklahoma, and at all times mentioned herein have maintained a course of trade in commerce among and between the various States of the United States.

PAR. 4. In the course and conduct of said business, and for the purpose of inducing the purchase of said products, respondents, by means of advertising circulars, stationery, price lists, invoices, order blanks, and other advertising media circulated generally through the United States have made many representations concerning the character and nature of respondents' business and products. Among such representations are the following:

Nearly fifty years of knowing how.

Announcing COLGIN'S Improved meat-curing and seasoning products and refined, condensed smoke * * *. We are pleased to inform our customers that the Hardy Salt Company of St. Louis and the Richard Colgin Company of Dallas have associated themselves in the forming of a new corporation. The firm is the Hardy-Colgin Company, Inc., St. Louis 10, Missouri. The forming of this company incorporates almost half a century of experience in the manufacture of meat curing salt, meat curing compounds and condensed smoke products.

Nearly 50 Years of Knowing How * * * BEHIND THE IMPROVED COLGIN FORMULAS. Yes, all the accumulated experience of nearly a half century in the curing and smoking of meats is the "invisible ingredient" that you get in every COLGIN product. Not that the formulas have remained unchanged since 1898—far from it! They have been improved through continuous research

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and experimentation. So today you can buy COLGIN products with the assurance that you are getting old-time reliability and "know how," plus the latest developments that make them, in our opinion, superior to any other meat curing products on the market—regardless of brand name or price.

RICHARD COLGIN COMPANY

Home Office

Atlanta

Dallas

Memphis

This Man's Discovery Made Meat-Curing Easy—Quick—Safe for Everyone.

S. E. Colgin was a farm boy. * * *

* * * In 1898 he finally perfected his own original method by which fine smoking woods are smoldered, and then the released gases are liquefied. He also experimented with various formulas until he knew exactly the right proportions of other ingredients to add to his condensed smoke, to impart to meat that old-time smokehouse flavor. And when he placed that condensed smoke on the market, it completely revolutionized the curing and smoking of home-butchered meats all over America.

Today every meat-curing "salt," formula for "pumping meat," condensed smoke, sausage seasoning, or other meat-preserving and flavoring preparation—regardless of brand name—owes much to the pioneering work of S. E. Colgin. For all of them trace their lineage back to that thoughtful farm boy who, in typical American manner, resolved to find a better and easier way to do a hard job.

I Carry On * * * "The Most Famous Name in Meat-Curing".

It was my honor and privilege to work with and for my father, S. E. Colgin, right up until the day of his death. I helped him manufacture and distribute his meat-curing products all over this great country, * * *.

THE OLD RELIABLE COLGIN METHOD * * *

The quality products that revolutionized meat-curing, when originated by S. C. Colgin in 1898, now come to you under the COLGIN label * * * the exclusive products of the Richard Colgin Company of Dallas, Texas. * * *

COLGIN A GRAND Old Name ON A New and Improved LINE of MEAT-CURING PRODUCTS.

RICHARD COLGIN COMPANY, INC.

P.O. BOX 2158

DALLAS 1, TEXAS

Home Office: Dallas

Warehouses

Memphis-Atlanta-Tulsa-Raleigh

DIXIE SMOKE PRODUCTS CO.

WAREHOUSES

HOME OFFICE

ATLANTA, GA.

DALLAS, TEXAS

MEMPHIS, TENN.

RALEIGH, N. C.

TULSA, OKLA.

In addition to the foregoing, respondents' salesmen in the solicitation of orders for respondents' products to be shipped in interstate commerce, have also made representations that one of respondents'

competitors, The Figaro Co., Inc., of Dallas, Tex., is no longer in business; that The Figaro Co., Inc., is in financial or other difficulties and will not be able to supply former customers and purchasers with the Figaro line of meat-curing and preservative and seasoning products, nor fill orders for same; that respondents have taken over The Figaro Co., Inc.'s business and formulas and that said formulas have been improved by respondents and are used in the manufacture of respondents' products.

PAR. 5. For many years the purchasing public has associated The Figaro Co., Inc., of Dallas, Tex., with S. E. Colgin, Sr., or Soliden E. Colgin, Sr., as the inventor of the Figaro line of meat-curing and preservative and seasoning products and that The Figaro Co., Inc., is the corporate establishment of S. E. Colgin, Sr., which manufactures the said Figaro line at Dallas, Tex. There are those of the purchasing public, who, because of the aforesaid facts, prefer the Figaro line of meat-curing and preservative and seasoning products.

PAR. 6. Through the use of the foregoing statements and representations and others of similar import and meaning not set-out herein, the respondents have represented and now represent, that respondents have been in business for nearly 50 years and Richard Colgin Co., Inc., is an old, reliable firm and is the successor to the business founded by the late S. E. Colgin, Sr.; that The Figaro Co., Inc., is no longer in business and is in financial or other difficulties and will not be able to supply former customers and purchasers with the Figaro line of meat curing and preservative and seasoning products, nor fill orders for same; that respondents are the successors to The Figaro Co., Inc., including the formulas used in the Figaro line; that respondents' products are made by the formulas used in the Figaro line, plus improvements thereon made by respondents; and that the products originated by S. E. Colgin, Sr., are the exclusive products of respondents and can be obtained only through respondents; by use of a Dallas, Tex., address, respondents thereby engender the belief in the minds of the purchasing public that respondents' products are manufactured at Dallas, Tex., and is a continuation of the business of the late S. E. Colgin, Sr., which was conducted under the name The Figaro Co., Inc.; by use of the words "Memphis" and "Atlanta" on its price list and letterheads, it is represented that respondents have a place of business in each of these locations; by use of order blank, invoices, and other letterheads respondents represent that they have warehouses which they own, operate, or control, located at Memphis, Tenn., Atlanta, Ga., and Raleigh, N. C., and maintain only a warehouse

at Tulsa, Okla., thereby adding further color to representations as to the size of respondents' said business; that the Dixie Smoke Products Co., is separate and distinct from respondents and is a competitor of respondent with its home office at Memphis, Tenn., and Warehouses at Atlanta, Ga., Dallas, Tex., Raleigh, N. C., and Tulsa, Okla.

PAR. 7. The above and foregoing statements and representations are false, misleading, and deceptive. Neither of the respondents is an old reliable firm. Neither of respondents are successors to The Figaro Co., Inc., or the Figaro line of products. In truth and in fact, The Figaro Co., Inc., of Dallas, Tex., is still in business and is filling orders from purchasers of the Figaro line of products. The formulas invented, compounded, and perfected by the late S. E. Colgin, Sr., for the "Figaro Line" of products belong to The Figaro Co., Inc., and have not been transferred or sold to either of respondents.

In truth and in fact, respondents do not own, operate, or control a factory in Dallas, Tex., and respondents' only manufacturing plant is located at Tulsa, Okla. Respondents do not own, operate, or control a warehouse at either Memphis, Atlanta, or Raleigh. The Dixie Smoke Products Co. is only another name under which respondent, Richard E. Coglein, did business and said business did not have a home office at Memphis, Tenn., nor did it own, operate, or control a warehouse at Atlanta, Ga., Dallas, Tex., or Raleigh, N. C., and its office and principal place of business was that of respondent, Richard E. Coglein, with the manufacturing plant and warehouse at Tulsa, Okla.

PAR. 8. The use by the respondents of the foregoing false and misleading statements and representations regarding their said products has had, and now has, the tendency and capacity to, and does, mislead and deceive a substantial portion of the purchasing public into the mistaken and erroneous belief that such statements and representations are true, and causes a substantial portion of the purchasing public, because of such mistaken and erroneous belief to purchase substantial quantities of respondents' products on account of such beliefs so induced. As a result, trade has been diverted unfairly to respondents from their competitors, and in consequence thereof, injury has been done and is now being done by the respondents to competition in commerce among and between the several States of the United States.

PAR. 9. The aforesaid acts and practices of the respondents as herein alleged, are all to the prejudice and injury of the public and respondents' competitors, and constitute unfair methods of competition in commerce, and 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 April 10, 1946, issued and subsequently served its complaint in this proceeding upon the respondents named in the caption hereof, charging them with the use of unfair methods of competition in commerce and 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' answer thereto, testimony, and other evidence in support of and in opposition to the allegations of the complaint were introduced before an 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, the proceeding regularly came on for final hearing before the Commission on the said complaint, the answer thereto, testimony, and other evidence, the recommended decision of the trial examiner, and brief in support of the complaint (respondents not having filed brief and oral argument not having been requested); and the Commission, having duly considered the matter and being now fully advised in the premises, finds that this proceeding is in the interest of the public and makes this its findings as to the facts and its conclusion drawn therefrom.

FINDINGS AS TO THE FACTS

PARAGRAPH 1. Respondent, Richard Colgin Co., Inc., is a corporation organized, existing, and doing business under and by virtue of the laws of the State of Texas, with its office and principal place of business located at 901 West Commerce Street, Dallas, Tex.

Respondent, Richard E. Colgin, is an individual and is president and principal stockholder of the Richard Colgin Co., Inc., with his office at 901 West Commerce Street, Dallas, Tex. During the early part of 1944, said respondent was engaged in business as an individual under the trade name of Richard Colgin Co., and later respondent was vice president and general sales manager of the Hardy-Colgin Co. of St. Louis, Mo., until the incorporation of the respondent Richard Colgin Co., Inc., in 1945.

PAR. 2. Said respondents, during the various times herein described, have been engaged in the manufacture and sale of meat-curing and meat-preservative and seasoning products. Respondents cause said

products, when sold, to be transported from their places of business in Texas and Missouri to the purchasers thereof located in various other States of the United States. During all the times mentioned herein, the respondents have maintained a course of trade in said meat-curing and meat-preservative and seasoning products in commerce among and between the various States of the United States.

PAR. 3. In the course and conduct of their business as herein described, the respondents have been engaged in substantial competition with other corporations, individuals, and business concerns in the sale and distribution of meat-curing and meat-preservative and seasoning products in commerce among and between the various States of the United States.

PAR. 4. In the course and conduct of said business the respondents represented, directly and by implication, by means of various advertising material, letterheads, and other printed matter, that the respondent, Richard Colgin Co., was an old, reliable firm which had been in business for a long period of time; that respondent, Richard E. Colgin, had been engaged in the manufacture of meat-curing and preservative products for approximately 50 years; that the respondents were successors to the business established by Saladin E. Colgin, Sr.; that the respondents were the sole and exclusive distributors of the products developed and patented by the said Saladin E. Colgin, Sr.; and that the respondents owned, operated, or controlled warehouses in various cities of the United States. Among and typical of such representations contained in advertising circulars distributed by the United States mails to purchasers and prospective purchasers by respondent, Richard E. Colgin, when trading as Richard Colgin Co., and by respondent, Richard Colgin Co., Inc., are the following:

NEARLY 50 YEARS OF KNOWING HOW * * * BEHIND THE IMPROVED COLGIN FORMULAS Yes, all the accumulated experience of nearly a half century in the curing and smoking of meats in the "invisible ingredient" that you get in every Colgin product. Not that the formulas have remained unchanged since 1898—far from it. They have been improved through continuous research and experimentation. So today you can buy COLGIN products with the assurance that you are getting old-time reliability and "know how", plus the latest developments that make them, in our opinion, superior to any other meat-curing products on the market—regardless of brand name or price. (Com. Ex. 4)

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MOST FAMOUS NAME IN MEAT-CURING
NEARLY FIFTY YEARS OF KNOWING HOW
THE
OLD RELIABLE
COLGIN METHOD
CURES MEAT FASTER—SAFER—EASIER

The quality product that revolutionized meat-curing, when originated by S. E. Colgin in 1898, now come to you under the COLGIN label * * * the exclusive products of the Richard Colgin Company of Dallas, Texas (Com. Ex. 5)

In addition to the representations made by means of advertising circulars and other advertising matter, the salesmen of the respondent, Richard E. Colgin, trading as Richard Colgin Co., during the early part of 1944 variously represented to customers that the Figaro Co., Inc., was out of business, that its financial condition was such that it could not fill orders, that the Ricard Colgin Co. was a successor to the Figaro line of products, and that the meat-cutting and preservative products originated or patented by Saladin E. Colgin, Sr., could be purchased only from the respondent.

PAR. 5. Respondent, Richard E. Colgin, is 50 years of age and is the son of the late Saladin E. Colgin, Sr., who was the founder of the Figaro Co., Inc. Saladin E. Colgin, Sr., was engaged in the manufacture and sale of certain meat-curing and meat-preservative products, including a liquid-smoke preparation, upon which he held certain letters patent. For the purpose of marketing said liquid-smoke preparation and other products, the said Saladin E. Colgin, Sr., organized the Figaro Chemical Co., which was later incorporated as the Figaro Co., Inc. This corporation was a closed corporation, the stock of which was owned by Saladin E. Colgin, Sr., and members of his family.

Respondent Richard E. Colgin, from time to time was connected with and assisted his father in the manufacture and sale of meat-curing products. During the period from about 1919 or 1920 to 1938 respondent, Richard E. Colgin, held various positions, including salesman for Van Camp and district representative for General Foods. Respondent left General Foods in May 1938 to take the position of president of the Figaro Co., Inc. Later, family dissensions arose, and in December 1943 the stockholders voted not to re-elect said respondent president of said company, which resulted in the severance of his relations with the Figaro Co., Inc.

In January 1944, after discontinuance of his association with the Figaro Co., Inc., respondent, Richard E. Colgin, proceeded to sell meat-curing products in competition with the Figaro Co., Inc., under the trade name of Richard Colgin Co. In April 1944 said respondent made an arrangement with the Hardy Salt Co., whereby a sales organization was formed, known as Hardy-Colgin Co., a corporation, of which respondent, Richard E. Colgin, was vice president and general sales manager. The Hardy-Colgin Co. took over and filled all orders taken in the name of Richard Colgin Co. The Hardy-Colgin Co. continued in business until April 12, 1945, when it was voluntarily dissolved. The said respondent thereupon organized a corporation Richard Colgin Co., Inc., for the purpose of continuing to sell said meat-curing products.

During the time that respondent, Richard E. Colgin, was trading as Richard Colgin Co., he started the organization of the Dixie Smoke Products Co., and some orders were taken for meat-curing and meat-seasoning products under that trade name. However, this was later abandoned, and the orders taken were either transferred to the Richard Colgin Co. with the consent of the purchasers or canceled.

Immediately after the severance of the connection of Richard E. Colgin with the Figaro Co., Inc., and during the early part of 1944, some of respondent's salesmen variously represented to customers that the Figaro Co., Inc., was out of business, that its financial condition was such that it could not fill orders, that the Richard Colgin Co. was a successor to the Figaro Co., Inc., and the Figaro line of products, and that the products originated by Saladin E. Colgin, Sr., could be purchased only from the respondent.

The Figaro Co., Inc., from the time of its organization, has been engaged in the manufacture, sale, and distribution of meat-curing and seasoning products developed and patented by Saladin E. Colgin, Sr., and has continued in the manufacture and sale of such products up to the present time. There are customers of the Figaro Co., Inc., who have dealt with said company for a number of years and know that during his lifetime Saladin E. Colgin, Sr., was connected with said company and who associated his name with the Figaro Co., Inc.

PAR. 6. The Commission finds that the respondent, Richard E. Colgin, has not been engaged in the manufacture of meat-curing products for approximately 50 years and that respondent, Richard Colgin Co., Inc., is not an old, reliable firm, but, instead, has been in business for only a comparatively short period of time. Neither the respondent,

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Richard E. Colgin, trading as Richard Colgin Co., nor respondent, Richard Colgin Co., Inc., was successor to the business established by Saladin E. Colgin, Sr., and they are not the sole or exclusive distributors of the products developed or patented by the said Saladin E. Colgin, Sr.

PAR. 7. In addition to the representations hereinabove described, respondents also represented, by means of statements on letterheads and other printed matter, that the respondents owned, operated, or controlled warehouses located in various cities of the United States, including Memphis, Tenn.; Atlanta, Ga.; Tulsa, Okla.; and Raleigh, N. C.

The Commission finds that neither the respondent, Richard E. Colgin, trading as Richard Colgin Co., nor respondent, Richard Colgin Co., Inc., has owned, operated, or controlled warehouses in the various cities named, but, instead, the warehousing activities of the respondents were limited to the use from time to time of the facilities of bonded warehouses located in said cities and in which respondents had no financial interest.

PAR. 8. The Commission further finds that the charge in the complaint that respondents represented the Dixie Smoke Products Co. to be a separate organization has not been sustained, as this enterprise was abandoned without transacting any business in interstate commerce.

PAR. 9. The Commission further finds that the representations that respondents own or control warehouses in various cities, the representations that respondents have been in business for a long period of time and have long experience in the manufacture of meat-curing and seasoning products, and representations that respondents are successors to the business established by Saladin E. Colgin, Sr., and sole distributors of the products developed by him, all have the capacity and tendency to mislead and deceive purchasers and prospective purchasers and to induce them to purchase respondents' products instead of similar products sold and distributed by respondents' competitors.

CONCLUSION

The aforesaid acts and practices of the respondents as herein found are all to the prejudice and injury of the public and of respondents' competitors and constitute unfair methods of competition in commerce and 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 respondents, testimony, and other evidence taken before an examiner of the Commission theretofore duly designated by it, the recommended decision of the trial examiner, and brief in support of the complaint (respondents not having filed brief and oral argument not having been requested), and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Richard Colgin Co., Inc., a corporation, and its officers, and respondent, Richard E. Colgin, an individual trading as Richard Colgin Co. or under any other trade name, 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 meat-curing and meat-preservative and seasoning products 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 respondent, Richard Colgin Co., Inc., is an old concern or that it has been in business for any period of time greater than is actually the fact.

2. That respondent, Richard E. Colgin, has been engaged in the manufacture of meat-curing and meat-preservative products for approximately 50 years or any other period of time unless said respondent has actually been actively engaged in such manufacture during the period of time specified.

3. That the respondents are successors to the business established by Saladin E. Colgin, Sr., or that they are the sole or exclusive distributors of the products developed or patented by the said Saladin E. Colgin, Sr.

4. That the Figaro Co., Inc., is out of business or that its financial condition is such that it cannot fill orders, or that the respondents are successors to the Figaro line of products or that such products can be purchased only from the respondents.

5. That respondents own, operate, or control any warehouse when respondents' warehousing activities are limited to the use of the facilities of bonded warehouses in which they have no financial interest.

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

IN THE MATTER OF

JACK FIELD

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

Docket 5485. Complaint, Mar. 6, 1947—Decision, May 25, 1948

Where an individual engaged in the interstate sale and distribution of furs and fur garments—

Falsely represented wearing apparel made of black Arabian kidskins as "Black Bombay Lamb" in invoices, tags, labels, and in various other advertising;
With tendency and capacity to mislead and deceive a substantial portion of the purchasing public and thereby induce it to purchase said merchandise as and for garments made of the superior, preferred, and higher-priced black Bombay lambskins, and with effect of placing in the hands of purchasers of his said merchandise for resale a means and instrumentality whereby they might and did mislead and deceive the purchasing public as aforesaid:
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.

Mr. DeWitt T. Puckett 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 Jack Field, an individual, hereinafter referred to as respondent, 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. The respondent, Jack Field, is an individual doing business at 721 Southwest Sixth Avenue (Portland Hotel), in the city of Portland, Oreg. He is now and for more than 1 year last past has been engaged in the sale and distribution of furs and fur garments.

Respondent causes and has caused the aforesaid products, when sold, to be transported from his aforesaid place of business in the State of Oregon to purchasers thereof at their respective points of location in various States of the United States other than the State of Oregon, and in the District of Columbia. Respondent maintains and at all times mentioned herein has maintained a course of trade in said products in commerce among and between the various States of the United States and in the District of Columbia.

PAR. 2. In the course and conduct of his aforesaid business, and for the purpose of inducing the purchase of his said merchandise, respond-