

IN THE MATTER OF
SHEFFIELD SILVER COMPANY

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

Docket 4000. Complaint, Jan. 26, 1940—Decision, Oct. 22, 1952

Due to the special skill of its artisans and the standards of quality set by the City of Sheffield, England, silver-plated ware there manufactured has an established reputation for excellence in the United States, and has made said city known as a place of manufacture of silverware and especially silver-plated hollow ware of a high quality.

There is a definite preference on the part of a substantial portion of the purchasing public for silver-plated ware of English manufacture, and certain marks, imprinted on silver made in Sheffield, since 1773, which are designated as hallmarks and include among others the crown, a head, and, periodically, the letter "S", have become associated in the minds of substantial numbers of said public with silverware of English origin, and in the case of some members thereof, with silverware made in the aforesaid city, and there is knowledge among members of the purchasing public in this country that Sheffield is an important source of silverware and silver-plated ware of English manufacture, and also knowledge of such ware, which is frequently designated as "Sheffield Silver."

As respects the sale at retail of products unidentified with the manufacturer thereof, there is a retail custom of informing inquiring prospective purchasers as to the name of the manufacturer of the product but not, barring exceptional further inquiry, as to the location thereof.

Where a corporation engaged in New York City in the manufacture of silver-plated hollow ware and in the interstate sale and distribution thereof to retailers throughout the United States—

- (a) Prominently displayed in its catalogues, on its letters and invoices, and on labels affixed to the cartons in which its said products were packed and shipped, its corporate name in which were included the words "Sheffield Silver";
- (b) Imprinted upon the back of its silver-plated hollow ware and in its catalogues marks which comprised impressions of the crown and a head, with the letter "S" in immediate conjunction with one another, and simulated the genuine hallmarks imprinted on sterling silverware made in Sheffield;

Whereby said name was brought to the attention of a substantial portion of the purchasing public, and there was created in the minds of said public a false impression that the ware was made in Sheffield or elsewhere in England;

Tendency and capacity of which practices, individually and collectively, were to mislead and deceive purchasers of its silver-plated ware in the aforesaid

respects, and thereby induce its purchase by substantial numbers of the public; and effect of which was to place in the hands of dealer-purchasers of its said products the means and instrumentalities whereby they might mislead and deceive purchasers as to the place of origin thereof:

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.

In considering the facts shown by the record in the instant proceeding, as above indicated, the Commission took into account the cumulative effect of respondent's use of the word "Sheffield" and of simulations of markings used on silverware manufactured in England, which served no legitimate purpose that could not be equally well served without resorting to such simulations; and gave consideration also to the impact of such practices upon members of the purchasing public in the light of the beliefs and impressions which they were shown to entertain with respect to silver and silver-plated ware, and also to the confusion and uncertainty engendered.

As respects the remedy, while respondent's use of said word had the tendency and capacity to deceive, as above found, the Commission took into consideration the fact that respondent did not mark its ware "Sheffield" as a part of its trade name or otherwise, and determined that under the circumstances it was not necessary to excise the word from respondent's corporate name, being of the opinion that the deception which was shown to result from its use could be eliminated by the order to cease and desist which was being entered.

The Commission noted, in connection with the qualified use of the word "Sheffield Silver" permitted by its modified order in the Matter of Samuel E. Bernstein, Inc., now National Silver Co., Docket 1068, July 3, 1947, 44 F. T. C. 1, at page 13, that the instant proceeding raised no issue as to whether the present respondent had copied the designs or patterns of old Sheffield plate, and also, as stated, that respondent did not mark its products with the word "Sheffield", so that the proceeding did not raise for determination the question of whether or not it would be proper for the respondent to mark its ware with said word in any manner—a point which the findings and order to cease and desist, accordingly, did not cover.

In the aforesaid connection, however, in order to avoid the possibility of any misinterpretation of the scope and effect of the order to cease and desist the Commission deemed it appropriate to state that it was not intended to sanction the use of the word "Sheffield" as a part of respondent's corporate name or otherwise, on respondent's silver-plated ware, in any manner which would be inconsistent with the aforesaid modified order.

Before *Mr. Andrew B. Duvall*, *Mr. Webster Ballinger* and *Mr. Clyde M. Hadley*, hearing examiners.

Mr. Karl Stecher, *Mr. Edward L. Smith* and *Mr. George M. Martin* for the Commission.

Mr. Jay Leo Rothschild, of New York City, for respondent.

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COMPLAINT¹

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 The Sheffield Silver Company, a corporation, 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. Respondent, The Sheffield Silver Company, is a corporation organized, existing and doing business under and by virtue of the laws of the State of New York, having its principal office and place of business at 346 Claremont Avenue, in the city of Jersey City,

¹ The complaint is published as amended by a stipulation between counsel approved by the Commission on November 30, 1944, as follows:

Pursuant to agreement between Jay Leo Rothschild, Esq., counsel for respondent, and Karl Stecher, Esq., attorney for the Federal Trade Commission, at the oral argument before the Commission held on September 28, 1944, it is stipulated, with the consent and approval of the Commission, that the Commission's complaint in this proceeding may be amended as follows:

1. At the end of paragraph two, add the following:

"Respondent has imprinted on the back of its products certain symbols or insignia consisting of a head, a crown, and a letter 'S', and also the letters 'E. P. C.' or 'E. P. N. S.', together with certain arabic numerals."

2. At the end of paragraph three, add the following:

"For over a century the city of Sheffield, England, has likewise been an important manufacturing center for sterling silver hollow ware, and the hallmark of the city of Sheffield, England, is a crown, which, together with other insignia, has been and is stamped on the back of sterling silver hollow ware manufactured in said city."

3. In the first sentence of paragraph four, after the word "its ware," insert the following:

"and also by the use of symbols or insignia consisting of a head, a crown, and a letter 'S' imprinted on its ware, all"

so that said first sentence in paragraph four shall read:

"Respondent by the use of its said corporate name 'The Sheffield Silver Company' on its letterheads, invoices, labels and other printed matter in the sale of its ware, and also by the use of symbols or insignia consisting of a head, a crown, and a letter 'S' imprinted on its ware, all as aforesaid, represents and implies that it is engaged in the sale of silver plated ware manufactured and fabricated in Sheffield, England, and that its silver plated ware offered for sale as aforesaid has its origin in that city and that it is fabricated by the skilled artisans there located."

4. In paragraph six, after the words "its corporate name and otherwise," insert the following:

"and by the use of symbols or insignia consisting of a head, a crown, and a letter 'S' imprinted on its ware,"

so that said paragraph six shall read:

"The use by the respondent of the word 'Sheffield' in its corporate name and otherwise, and also the use of the symbols or insignia consisting of a head, a crown and a letter 'S' imprinted on its ware, as hereinabove set out, in connection with the offering for sale and sale of its said silver plated hollow ware, has had, and now has, the tendency and capacity to mislead and deceive purchasers and prospective purchasers thereof into the erroneous and mistaken belief that its said ware which it offers for sale and sells as aforesaid is manufactured and fabricated in Sheffield, England, and imported into the United States, and to induce them to purchase the same because of such erroneous and mistaken belief."

State of New Jersey. It is now, and for more than three years last past has been, engaged in manufacturing silver plated hollow ware, and in the sale and distribution thereof to retail dealers located throughout the United States through whom said ware is sold to the purchasing public. Respondent causes its said ware, when sold, to be transported from its principal place of business in the State of New Jersey to purchasers thereof located in various other 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 ware in commerce between and among the various States of the United States and in the District of Columbia.

PAR. 2. In the course and conduct of the advertising and sale of its said products as aforesaid, respondent, for more than three years last past, has been using as its corporate name the term "The Sheffield Silver Company," and has caused said corporate name, containing the word "Sheffield," to be featured on its letterheads and invoices used in connection with the sale of its said ware and on its labels affixed to the cartons in which said products were and are packed and shipped in commerce as aforesaid, and it has furnished to its salesmen, for presentation in their sales talks to prospective customers, photographs of its silver plated hollow ware featuring its said corporate name.

Respondent has imprinted on the back of its products certain symbols or insignia consisting of a head, a crown, and a letter "S", and also the letters "E. P. C." or "E. P. N. S.", together with certain arabic numerals.

Respondent denies each and every allegation contained in paragraph two of the complaint as amended except that it admits that it has used its corporate name in connection with all of its business transactions and on its letterheads, invoices, cartons, and generally, in interstate commerce, as well as otherwise, and except further that it admits that respondent has imprinted on the back of its products certain symbols and insignia consisting of a head, crown and a letter "S" and also the letters "E. P. C." or "E. P. N. S." together with certain arabic numerals.

It is further stipulated that respondent's answer filed to the complaint as originally issued shall be considered without amendment as denying the allegations stated in paragraphs three, four and six of said complaint as amended.

It is also stipulated that the complaint in this case as above amended shall be treated in all respects the same as though it had been issued originally in its amended form.

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PAR. 3. The name "Sheffield," when used in the designation of silver plated hollow ware, has been used for a long period of time to refer to hollow ware manufactured and fabricated in Sheffield, England. In that city nearly two hundred years ago, a type of silver plated hollow ware known and designated as "Sheffield" plate was originated and such ware was manufactured there in large quantities for a long period of time. "Sheffield" plate became famous throughout the world as a silver plate of superior quality. From the time of the first manufacture of the said "Sheffield" plate down to the present time the city of Sheffield, England, has been the seat of manufacture of silver plated ware as well as of cutlery of various kinds. Its artisans in these lines of production have become specially skilled in their respective arts and have achieved a reputation for skill wherever silver plated ware and cutlery are bought and sold. The reputation of "Sheffield" silver plated ware for excellence and the reputation of the artisans of Sheffield, England, for skill, especially in the manufacture of silver plated ware, have made that city known among the general purchasing public throughout the United States as a place of origin of silver plated ware. That city is today the location of concerns engaged in the manufacture and sale of silver plated ware and such ware is now and has been on sale by dealers in such ware in various States of the United States. Said city has also been famous for generations as a general manufacturing center, so that the name "Sheffield," when used in connection with a manufacturing establishment, or the products of such an establishment, immediately suggests the city of Sheffield, England, to a substantial part of the purchasing public in the United States and throughout the world.

For over a century the city of Sheffield, England, has likewise been an important manufacturing center for sterling silver hollow ware, and the hallmark of the city of Sheffield, England, is a crown, which, together with other insignia, has been and is stamped on the back of sterling silver hollow ware manufactured in said city.

PAR. 4. Respondent by the use of its said corporate name "The Sheffield Silver Company" on its letterheads, invoices, labels and other printed matter in the sale of its ware, and also by the use of symbols or insignia consisting of a head, a crown, and a letter "S" imprinted on its ware, all as aforesaid represents and implies that it is engaged in the sale of silver plated ware manufactured and fabricated in Sheffield, England, and that its silver plated ware offered for sale as aforesaid has its origin in that city and that it is fabricated by the skilled artisans there located. Respondent, further, by the use of said name and by furnishing the same to retail dealers who sell its ware to the public, places in the hands of unscrupulous dealers a

means or instrumentality by which they may employ actual deception as to the place of origin of said ware.

PAR. 5. In truth and in fact respondent is not engaged in the sale of silver plated ware manufactured and fabricated in Sheffield, England, but all its ware offered for sale is manufactured by said respondent at its said place of business in New Jersey.

PAR. 6. The use by the respondent of the word "Sheffield" in its corporate name and otherwise, and also the use of symbols or insignia consisting of a head, a crown, and a letter "S" imprinted on its ware, as hereinabove set out, in connection with the offering for sale and sale of its said silver plated hollow ware, has had, and now has, the tendency and capacity to mislead and deceive purchasers and prospective purchasers thereof into the erroneous and mistaken belief that its said ware which it offers for sale and sells as aforesaid is manufactured and fabricated in Sheffield, England, and imported into the United States, and to induce them to purchase the same because of such erroneous and mistaken belief.

PAR. 7. The aforesaid acts and practices of the 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 January 26, 1940, issued and subsequently served its complaint in this proceeding upon the respondent, The Sheffield Silver Company, charging it with the use of unfair and deceptive acts and practices in commerce in violation of the provisions of said Act. Said complaint was amended by a stipulation between counsel, approved by the Commission on November 30, 1944. 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 the complaint were introduced before hearing examiners of the Commission theretofore duly designated by it, and such testimony and other evidence were duly recorded and filed in the office of the Commission. Thereafter the matter came on to be heard by the Commission upon the complaint as amended, the answer thereto, testimony and other evidence, report upon the evidence of Hearing Examiners Andrew B. Duvall and Webster Ballinger and exceptions thereto, and briefs and oral argument of counsel; and the Commission, on May 28, 1946, ordered that the case be reopened for the taking of further testimony in support of and in opposition to the

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complaint as amended. Additional testimony and other evidence in support of and in opposition to the complaint as amended were thereafter introduced before Hearing Examiner Clyde M. Hadley, who had theretofore been duly designated by the Commission, it having been stipulated between counsel that the Commission might designate a substitute hearing examiner to take and receive such additional testimony, and such additional testimony and other evidence were duly recorded and filed in the office of the Commission.

Thereafter this matter came on for final hearing before the Commission upon the complaint as amended, answer thereto, testimony and other evidence, report upon the evidence of Hearing Examiners Duvall and Ballinger and exceptions thereto, recommended decision of Hearing Examiner Hadley and exceptions thereto, and briefs and oral argument of counsel; and the Commission, having duly considered the matter and having issued its order disposing of the exceptions to the report upon the evidence of Hearing Examiners Duvall and Ballinger and to the recommended decision of Hearing Examiner Hadley, 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 facts and conclusion drawn therefrom.

FINDINGS AS TO THE FACTS

PARAGRAPH 1. Respondent, The Sheffield Silver Company, is a corporation organized and existing under and by virtue of the laws of the State of New York, with its office and principal place of business located at 17 Crosby Street, New York, New York. Respondent is now, and for a number of years last past has been, engaged in making silver-plated hollow ware and in the sale and distribution thereof to retail dealers located throughout the United States, who in turn sell respondent's said products to the public.

PAR. 2. In the course and conduct of its aforesaid business, respondent causes its said products, when sold, to be transported from its place of business in the State of New York to purchasers thereof located in various other states of the United States and in the District of Columbia, and maintains, and at all times mentioned herein has maintained, a course of trade in said products in commerce between and among various states of the United States and in the District of Columbia.

PAR. 3. In the course and conduct of its aforesaid business, respondent trades under its corporate name "The Sheffield Silver Company" and causes this name to be prominently displayed in its catalogs, on its letters and invoices, and on labels affixed to the cartons in which said products are packed and shipped.

Respondent imprints upon the back of its silver-plated hollow ware, and in its catalogs, impressions of the crown, a head, and the letter "S", in immediate conjunction with one another.

PAR. 4. The city of Sheffield, England, has for several centuries been a place of manufacture of both sterling and plated silverware. From about 1742 until the middle of the nineteenth century, this city excelled in the manufacture of silverware designated as "Silver Plate," made of copper coated with silver by fusion. This process lapsed on the introduction of the method of silver plating by electrodeposition, about the middle of the nineteenth century, and from that time until the present the electrodeposition process has been largely, if not entirely, used in the manufacture of plated silverware in the city of Sheffield, England. Due to the special skill of its artisans and the standards of quality set by the city of Sheffield, silver-plated ware manufactured in Sheffield has an established reputation for excellence in the United States and has made the city of Sheffield known throughout the United States as a place of manufacture of silverware, and especially silver-plated hollow ware, of a high quality. There is a definite preference on the part of a substantial portion of the purchasing public for silver-plated ware of English manufacture.

PAR. 5. Since 1773 there have been imprinted on sterling silverware made in the city of Sheffield, England, certain marks known and designated as hallmarks. Among such marks have been the crown, a head, and periodically the letter "S". The crown is the mark of origin, that is, the city of Sheffield; the head, the duty mark; and the letter "S", the year of manufacture. These marks have become associated in the minds of substantial numbers of the purchasing public with silverware of English origin, and to certain members of the purchasing public, with silverware made in Sheffield, England. The crown, a head, and the letter "S" imprinted by the respondent on its products and in its catalogs simulate the genuine hallmarks imprinted on sterling silverware made in Sheffield, England.

PAR. 6. Respondent sells its silver-plated ware only to the trade, and does not advertise or sell direct to the consuming public. The word "Sheffield" does not appear upon said products. In offering respondent's products to prospective purchasers, retail dealers, following trade custom, do so without statement as to the manufacturer thereof. Most prospective purchasers, however, inquire as to the name of the manufacturer, and they are informed that it is "The Sheffield Silver Company"—but no more, unless, as rarely happens, further inquiry is made as to the location of the manufacturer's plant. Through such custom of prospective purchasers of making inquiry of dealers as to the name of the manufacturer, and through the prac-

tice of dealers of informing them that it is "The Sheffield Silver Company," respondent's corporate name is brought to the attention of a substantial portion of the purchasing public.

PAR. 7. There is knowledge among members of the purchasing public in this country that Sheffield, England, is an important source of silverware and silver-plated ware of English manufacture, and also knowledge of such ware, which is frequently designated as "Sheffield Silver." The word "Sheffield" used in connection with silver-plated ware, whether separately or as a part of respondent's corporate name, creates in the minds of a substantial portion of the purchasing public an impression that such ware was manufactured in Sheffield, England, or elsewhere in England. The testimony of public witnesses shows that such impressions persist even after they have been told that The Sheffield Silver Company has its factory in New York, New York, and some such witnesses rationalized the contradiction by assuming that The Sheffield Silver Company must be a branch of, or connected in some way with, an English company, or else the contradiction resulted in confusion and uncertainty.

The symbols or insignia which the respondent imprints on the back of its silver-plated ware and in its catalogs, consisting of the crown, a head, and the letter "S", create in the minds of a substantial portion of the purchasing public an impression that such products were manufactured in Sheffield, England, or elsewhere in England.

PAR. 8. The silver-plated hollow ware sold by the respondent is not made in Sheffield, England, but all of respondent's products are made at its place of business at 17 Crosby Street, New York, New York.

PAR. 9. In considering the facts shown by the record, the Commission has taken into account the cumulative effect of respondent's use of the word "Sheffield" and of its use of simulations of markings used on silverware manufactured in England, which serve no legitimate purpose that could not be equally well served without resorting to such simulations. Consideration has also been given to the individual and collective impact of these practices upon members of the purchasing public in the light of the beliefs and impressions which the record shows they entertain with respect to silver and silver-plated ware and also the confusion and uncertainty engendered. The Commission concludes from the record, and therefore finds, that the use of the word "Sheffield" as a part of the respondent's corporate name, and otherwise, as hereinabove set out, and the use of the symbols or insignia hereinabove described, individually and collectively have the tendency and capacity to mislead and deceive purchasers and prospective purchasers of respondent's silver-plated ware into the errone-

ous and mistaken belief that its said ware is made in Sheffield, England, or elsewhere in England, and to induce substantial numbers of the purchasing public to purchase said products because of such erroneous and mistaken belief. These acts and practices of the respondent also place in the hands of dealers purchasing respondent's products a means and instrumentality whereby they may mislead and deceive purchasers and prospective purchasers as to the place of origin of said products.

CONCLUSION

The acts and practices of the respondent as hereinabove 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.

Although respondent's use of the word "Sheffield" has the tendency and capacity to deceive, as hereinabove found, the Commission, upon consideration of the remedy necessary to eliminate the deception which results from the use of said word, took into consideration the fact, among others, that the respondent does not mark its silver-plated ware with the word "Sheffield" as a part of its trade name or otherwise, and has determined that in the circumstances of this case it is not necessary to excise the word "Sheffield" from the respondent's corporate name. The Commission is of the opinion that the deception which is shown to result from respondent's use of the word can be eliminated by the order to cease and desist entered herewith.

In reaching this decision the Commission gave careful consideration to the qualified use of the word "Sheffield" permitted by its modified order in Docket No. 1068, Samuel E. Bernstein, Inc., now National Silver Company. This proceeding raises no issue as to whether the respondent here has copied the designs or patterns of Old Sheffield Plate, and, as stated, the respondent has not followed the practice of marking its silver-plated ware with the word "Sheffield" as a part of its trade name or otherwise. This proceeding does not, therefore, raise for determination the question of whether or not it would be proper for the respondent to mark its silver-plated ware with the word "Sheffield" in any manner, and accordingly the findings as to the facts and the order to cease and desist in this matter do not cover that point. However, during hearings before the Commission on a tentative order which the Commission proposed to enter in this matter, which tentative order was the same in effect as the order which is being entered herewith, the question of whether it would be proper for the respondent to now adopt for the first time the practice of marking its products with its corporate name was raised.

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Therefore, in order to avoid the possibility of any misinterpretation of the scope and effect of the order to cease and desist entered herewith, the Commission deems it appropriate to state that such order is not intended to sanction the use of the word "Sheffield," as a part of respondent's corporate name or otherwise, on respondent's silver-plated ware in any manner which would be inconsistent with the modified order in Docket No. 1068, Samuel E. Bernstein, Inc., now National Silver Company.

Commissioner Carretta not participating for the reason that oral argument on the merits was heard prior to his appointment to the Commission.

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon 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 trial examiners of the Commission theretofore duly designated by it, report upon the evidence by Hearing Examiners Andrew B. Duvall and Webster Ballinger and exceptions thereto, recommended decision of Hearing Examiner Clyde M. Hadley and exceptions thereto, and briefs and oral argument of counsel; 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, The Sheffield Silver Company, a corporation, its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of its silver-plated wares made in the United States, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the word "Sheffield" as a part of a corporate or trade name, or in any other manner, unless it is clearly revealed in immediate connection with said word that respondent's said products are made in the United States and unless each of the said products is permanently marked or stamped in such a manner as to clearly reveal that it is made in the United States.

2. Stamping, imprinting, marking, or otherwise placing on its said products, or in printed matter used in connection therewith, any marks which imitate or simulate the hallmarks or other markings customarily and generally used by English manufacturers on their silverware.

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

Commissioner Carretta not participating for the reason that oral argument on the merits was heard prior to his appointment to the Commission.

IN THE MATTER OF
INTERNATIONAL ASSOCIATION OF ELECTROTYPERS &
STEREOTYPERS, 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 5356. Complaint, July 20, 1945—Decision, Oct. 23, 1952

Where a corporate association, its officers and members which included a large proportion of the producers of electrotypes, stereotypes, and matrices, and the majority of electrotypers located in the large cities of the United States with the exception of the Pacific Coast; fifteen local or regional associations of such producers and members; certain officers thereof; and certain non-member producers—

Entered into and carried out a conspiracy and planned common course of action among themselves to restrain and suppress competition in the sale of electrotypes, stereotypes, and matrices; and

Where said corporate association, its officers and numerous members, pursuant thereto—

- (a) Devised and promulgated, over a period of years, various standard scales of prices, including their "ratio" scale involving the application of a multiplier for use in conjunction with the figures appearing therein, in lieu of the dollars and cents values shown in previous scales, and disseminated and distributed said various scales of prices among local and regional associations, and various non-member concerns, and sought thereby to stabilize the prices for their products; and

Where the aforesaid fifteen local associations, namely, groups in New England, Chicago, New York City and State, Ohio, Wisconsin, Pacific Northwest, Potomac District, St. Louis, Philadelphia, Detroit, Indiana, and Northern and Southern California, associated in a number of ways with the national organization, and various members thereof—

- (b) Cooperated with each other and worked together within their respective local associations and between and among themselves and with the national association, to restrain and suppress competition in the sale of the products concerned through the adoption and use of the various scales of the national association, or scales of their own based thereon, and through other action as to prices, terms of sale, and trade customs and practices; and

Where some seventeen non-member concerns, engaged in the manufacture, sale and distribution of one or more of the products involved—

- (c) Participated in various of the activities above described and acted in concert and cooperation with one or more of the others by adopting and using the various standard scales devised and promulgated by the national association in the sale of their products, and by using the same prices, terms and discounts as those employed by the member concerns;