

ANNUAL REPORT

OF THE

FEDERAL
TRADE COMMISSION

FOR THE

FISCAL YEAR ENDED JUNE 30, 1921

WASHINGTON
GOVERNMENT PRINTING OFFICE
1921

ANNUAL REPORT, FISCAL YEAR 1920-21.

SUMMARY.

In the fiscal year the Federal Trade Commission concluded the sixth year of its activities. During that period a governmental agency has been in existence for the special study of the forms of organization such as present-day business adopts and the practices it employs. While the personnel of the Commission has changed from time to time, the tenor of the work of the Commission has persisted with continuity and consistency. That tenor has been characterized by a single purpose to serve the public interest by investigating and publishing all the facts that pertain to the forms and practices of business without knowledge of which the public and business would suffer, and by correcting those unfair methods of competition which are prohibited by law.

The work of the Commission may be said to fall into two divisions--(1) the exercise of its duty to prevent unfair competition, and (2) its investigations of domestic industry and foreign trade. These activities, however, covering as they do the varying aspects of business, are so closely interrelated as to form an organic whole.

Generally the Commission's approach to the subject of unfair competition has been over one of three roads.

First, through its knowledge of the tendencies toward concentration, the form and manner of that concentration, and the results--a knowledge which has come through its numerous inquiries, undertaken at the direction of the Congress, the President, or upon its own initiative.

Second, through its knowledge of the practices employed by great units of business, in enlarging further their size, by devices which lessen competition and tend to monopoly--a knowledge which has come in part through the Commission's endeavors to apply those sections of the Clayton Antitrust Act which are especially under its jurisdiction.

Third, through its knowledge of the practices usually employed by a small proportion of the business world, which disturb, annoy, and injure competitors, which in the long run lead to serious hindrances to open trade--a knowledge which has come through the Commission's complaints and orders in cases of unfair competition. In this field the Commission has handled some 3,000 cases, has issued 788 formal complaints, and issued 480 orders

It is a significant fact that with very few exceptions these cases have been brought to the attention of the Commission by business itself. They were initiated by business men who appealed to the Commission for protection and elimination of unfair methods of competitors, and they indicate the presence of a strong and healthy force in American business life tending towards the suppression of obstructive elements and the building of fair and moral commercial standards.

The Commission has no punitive powers. It can not fine or imprison. It may merely issue a command to an offender to cease and desist, which command or order he may have reviewed by a court.

On the score of the tendency to concentration there has come to the Commission knowledge of combinations inimical to the principle of competition, and where the Commission believed the Sherman Antitrust Law was violated it has referred such matters to the Department of Justice.

On the score of absorption of competing companies by a single unit and other practices tending to lessen competition and to create monopoly, the Commission has handled cases under certain sections of the Clayton Antitrust Act, which are within its jurisdiction. These relate to the acquisition of shares of capital stock, to interlocking directorates, to discrimination in selling price, and to tying contracts. The Commission has found that corporations frequently now absorb competitors, not by acquiring capital shares, but by acquiring the physical assets which the Clayton Act does not forbid. Likewise the Commission has found that a great business unit lessens competition more often by the device of discrimination in price in buying its raw material than by discrimination in price in selling its products. Similarly, it has been found that concentration of control of supposedly competitive units in the hands of a few is accomplished more often by ownership of capital shares by that few than by control through common directors. The activities of the Commission under the Clayton Antitrust Act have developed that frequently the effect of a tying contract may be to enable the seller to hinder competition without bringing himself within the prohibitive terms of the law. These ineffectual features of the law have been brought to the notice of the Congress. In so far as the provisions of the Clayton Antitrust Act could be applied by the Commission they have been applied. This has been done in many cases and with marked helpfulness to free and open competition.

On the score of unfair methods of competition the Commission has been diligent in its application of the remedies provided in its law, in the thought that it was not only serving the public and business, the overwhelming bulk of which does not use unfair practices, but

that in these practices are often concealed the restraints to commerce which, if unchallenged, grow to be great hindrances.

In this activity in preventing unfair methods of competition the Commission has found two general classes of cases as follows :

First, those practices where a difference of opinion as to right and wrong exists in trade itself. Such questions are highly controversial. They include and are typified in the question of resale-price maintenance--that is, the right of a vendor to compel a dealer to whom he has sold to resell at a price fixed by the original vendor. The Commission has not undertaken to pass upon the general principle, but has considered the matter in concrete cases before it, issued its order and has carried the matter to the Supreme Court of the United States, where such controverted practices must be finally adjudicated.

Second, those practices where a difference as to the right and wrong does not exist in trade itself, but where in given cases there is controversy over the facts. Such disputes are not highly controversial so far as the law is concerned, but it is often difficult to determine the facts. This class of cases includes false advertising, passing off goods, simulation of names and kindred unfair practices. When the Commission receives notice of an alleged unfair method of this nature, if it believes the matter is of moment, it docket the information as an application for complaint. The facts are then developed by inquiry addressed to the complainant and to the respondent. A report of the developed facts is then made to a board of review, composed of two lawyers and an economist, who summarize the facts, and give an opinion as to the fair or unfair features, the interstate commerce factor, and the public interest. A single Commissioner then reviews the case and makes a recommendation to the Commission, either that a complaint issue or that the application be dismissed. A majority vote of the Commission determines the disposition of the application. The majority of applications have been dismissed. If complaint is issued, a copy is served upon the respondent, who is given 40 days to make answer. Trial before an examiner then proceeds, and by sworn testimony and documentary evidence the facts are adduced. The examiner then prepares a summary of the facts and a conclusion, which are served upon counsel for respondent and counsel for the Commission. Counsel may make exception and are heard in final argument on the merits of the case and the law before the whole Commission. If the Commission confirms its complaint, an order is issued directing the respondent to cease and desist the offensive practice. Appeal lies to the Circuit Court of Appeals.

Evidence of the great care with which the Commission proceeds in these matters is shown by the fact that instances of violation of

the Commission's orders are very rare, and further by the circumstance that only 32 appeals have been taken from orders issued during the life of the Commission. Of these 32 appeals, 12 were pump and tank cases which involved the same principle and are for the purposes of this report considered one case, which would reduce the number to 21.

The general economic inquiries conducted by the Commission have covered a large part of the industrial and commercial activities of the country. A knowledge of the organization of business and the competitive conditions in various industries and of the costs of doing business, investments, prices, and profits is of vital importance for an intelligent understanding and satisfactory solution of some of the most pressing domestic problems that confront the Nation at the present time. Experience has shown that such governmental inquiry leads to constructive results in the preservation and upbuilding of business.

The growth of domestic trade must necessarily be considered hand in hand with the development of foreign trade, which at the present time is a problem of serious import. In meeting the new conditions that affect the foreign trade of the United States, and in accord with the efforts made to retain and increase our export trade, the Commission has cooperated with our export industries in a spirit of sympathy and with a desire to render such service as comes within the scope of its jurisdiction. Appreciative response has come to the Commission not only from manufacturers and exporters at home but also from business men and the press in foreign countries emphasizing the fact that the export trade policy of the United States as expressed by the operation of the export trade act is a valuable asset in promoting abroad a good will for American foreign trade and a reputation for integrity and superior service.

The plan of an independent governmental agency, such as the Commission, neither prosecuting nor promoting, with power to undertake investigations of business and trade conditions and to report thereon to the legislative and executive branches of the Government, together with certain restraining powers in cases of unfair competition, has received close attention in this country and abroad. The pioneer work of this Commission is doubtless responsible for the creation of quite similar agencies abroad. Several States of this country have enacted similar legislation, and similar governmental machinery has been established in Great Britain, the Scandinavian countries, Canada, Argentina, the Union of South Africa, and New Zealand.

In all its various lines of activity the Commission has maintained an attitude of impartiality. Each problem presented has been considered in the light of the peculiar facts out of which it has grown.

It is recognized that competition may take many forms and that as a principle it may, in specific instances, be obscured by changes in form of organization and by variations in trade practices. But the Commission believes that the maintenance of the principle of fair competition is imperatively required for the protection of the public interest, and for the preservation of business, and that it is vital to the well-being of the Republic. So believing, it has exercised its duties and powers in accordance with the clear mandate of Congress, as set forth in the Federal Trade Commission act and the other laws with the administration of which the Commission is charged.

ADMINISTRATIVE DIVISION.

The sections in this division are the ones generally adopted in all Federal Government departments and establishments to care for the business end of the work, and changes in arrangement and functions are less liable to occur in this than in the other divisions of the Commission where the character of the work is continually varying according to the demands made upon them through the several sources of direction that govern their scope and activities.

For these reasons there has not been any material change in the management, organization, and procedure of this division; all of its functions are largely governed by general statutes and orders applicable to all work of this character wheresoever situate in the Government service. Units in this division are:

Office of the secretary.--The secretary is the custodian of the minutes, of all confidential papers, and of the seal of the Commission; he signs all orders of the Commission in formal docket cases and intraoffice orders to all chiefs of divisions and employees. The clerks in this office attend to the writing up of minutes, preparation of answers to all inquiries from the general public and interested parties with reference to the status of formal and informal proceedings. They are also responsible for the service of all formal complaints and orders and for notices of assignments of trial to interested parties in formal proceedings. It is the duty of this office also to arrange for reporting of all formal proceedings before the Commission. The secretary's office is also responsible for certification of copies of formal records to the different Circuit Courts of Appeal, to the United States Supreme Court, and of such documents as are requested by the public or other departments of the Government.

Auditor's office and disbursing clerk, having charge of the fiscal affairs.

Chief clerk's office, in charge of building and quarters; purchase of supplies and equipment, supervision of the messenger, mechanical, and laboring forces.

Personnel section, in charge of all matters relating to appointments, promotions, demotions, transfers, changes in designation, and the relationship between this Commission and the Civil Service Commission.

Mail and files section, where the receipt and distribution of the mail takes place and where all the papers and records of the Com-

mission except those of the docket section are finally receivable and cared for.

Publications section, in charge of all matters having connection with the Public Printer and the Superintendent of Documents. In this section are handled the distribution of publications, maintenance of mailing lists, preparation of multigraph, mimeograph, and photostat duplication work, and all of the clerical work necessary in keeping the records of this branch of the Commission's activities.

Stenographic section, from which is supplied to all of the force needed stenographic and typewriting assistance.

Reportorial section.--The official reporting of the Commission's cases is done under contract. Whenever a case is to be tried anywhere in the United States the necessary directions are transmitted to the official reporters by the reportorial section in the Commission's office. All of the necessary work involved in the direction of the official reporters, the receipt, care, and custody of the transcripts of hearings, the auditing of vouchers, etc., is performed in this section.

Library section.--The functions carried on in the library during the fiscal year covered by this report were under the direction of the Administrative Division.

The law library includes the following volumes and series of reports:

Statutes at Large.	Interstate Commerce Commission Re-
Complied Statutes.	ports.
United States Reports.	American Digest.
Federal Reporter.	Lawyers' Reports Annotated.
Northeastern Reporter.	Session laws of the States.
Northwestern Reporter.	Briefs, decrees, etc., in antitrust cases.
Atlantic Reporter.	Law encyclopedias, dictionaries, refer-
Pacific Reporter.	ence books, etc.

Care is exercised to limit the selection of books to supply only those needed constantly and immediately in the Commission's work. The Commission is far removed from other governmental law libraries and the library of the Supreme Court of the United States and must have immediately available sufficient volumes to answer the calls of the legal force. In all other cases use is made of the other law libraries in this city.

There is another function, however, peculiar to the Commission's library in the character of the work that it performs and that is in the material that it gathers in the way of books and pamphlets, trade and economic periodicals, and trade association material in book form, corporation reports, association records, current financial and statistical services, publications, newspapers, catalogues, trade lists,

etc. Much of this useful material is not ordinarily found in libraries even of a technical character. The greater amount is furnished gratuitously and much of it is of a confidential character. The material and data available in the library section furnish a valuable adjunct to the investigatory work and is adapted to furnish leads to examinations rather than complete and substantive information on the subject matter.

Docket section is a section somewhat comparable to the office of a clerk of a court. All applications for the issuance of complaints pass through this section; it records and files all correspondence, exhibits, notices of assignments to attorneys, field and office reports, and all other material in connection with such applications. In its custody also are pleadings, exhibits, correspondence, and other material relating to formal complaints which have been served, and it maintains the current docket record for the inspection of the public, together with a proper supply of mimeographed copies of pleadings in the Various cases before it for distribution to interested parties upon application. This section also indexes and files a large quantity of legal material of a general nature not directly connected with specific applications for complaints or formal complaints and performs various miscellaneous services for the legal staff of the Commission.

The following tables show in detail the receipt and disposition of applications for complaints and formal complaints, by months, for the fiscal year ended June 30, 1921, and by fiscal years from the organization of the Commission to June 30, 1921.

Table showing receipt and disposition of applications for complaints and formal complaints, by fiscal years, from organization of the commission to June 30, 1921.

Fiscal year.	Applications for complaints.				Formal complaints.				Cases ap- peal Total.
	Dock- eted.	Disposed of.			Served.	Disposed of.			
		Dis- missed	Formals served.	Total		Dis- missed	Orders to cease and desist.	Total.	
Organization (Mar. 16, 1915) and prior thereto to June 30 1915	112	8		8					
Ended June 30, 1916	134	105	3	108	5				
Ended June 30, 1917	153	79	16	95	9	1	3	4	
Ended June 30, 1918	332	160	80	240	154	7	71	78	
Ended June 30, 1919	535	301	125	426	135	13	75	88	4
Ended June 30, 1920	724	339	220	559	308	43	112	155	7
Ended June 30, 1921	426	357	157	514	177	37	118	155	19
Total	2,416	1,349	601	1,950	788	101	379	480	30

Table showing receipt and disposition of applications for complaints and formal complaints, fiscal year ended June 30, 1921.

Month.	Applications for complaints.			Formal complaints.				Total.
	Docketed.	Disposed of.		Served. Total.	Disposed of.		Orders to cease and desist.	
		Dismiss- ed with- out pub- licity.	Formal com- plaints served.		Dis- missed.			
1920.								
July	59	20	5	25	5	2	8	10
August	14	3	1	4	1		1	1
September	16	56	8	64	8	9	5	14
October	39	57	36	93	36	2	10	12
November	16	25	22	47	29	4	5	9
December	31	74	8	82	10	10	5	15
1921.								
January	23	12	18	30	26	2	38	40
February	55	7	10	17	10	3	23	26
March	62	28	13	41	14		11	11
April	25	14	10	24	10	2	2	4
May	24	59	20	79	22		2	2
June	62	2	6	8	6	3	8	11
Total	426	357	157	514	177	37	118	155

A significant feature of the table showing statistics for the current fiscal year is the large percentage of applications dismissed without publicity being given to the names of the parties filing applications with the Commission or those complained against, the preliminary investigations having failed to disclose prima facie cases of unfair competition. During the period in question 357 applications were disposed of in this manner, as against 426 new applications were disposed of in this manner, as against 426 new applications docketed, or nearly 84 per cent. This is the highest percentage so disposed of in any fiscal year since the organization of Commission. Nevertheless, the proportion of applications dismissed without publicity has always been large, averaging for the seven years of the Commission's existence over 55 per cent.

During the current fiscal year 177 new formal complaints were served. This total, while not as large as that of the previous year, which was exceptional in this respect, was greater than that for any other similar period. Moreover, during the current year, 155 formal complaints were disposed of, either by orders to cease and desist or orders of dismissal, the highest percentage (of those served) disposed of for any year thus far.

The discrepancies in both tables between the number of applications disposed of by the service of formal complaints and the number of the latter served are due, on the one hand, to the consolidation of applications against similar respondents, and, on the other, to the fact that some applications had several respondents who were proceeded against individually.

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APPROPRIATIONS AND EXPENDITURES.

The appropriations of the Commission for the fiscal year ended June 30, 1921, under the sundry civil appropriation act approved June 5, 1920, amount to \$955,000. In addition to these amounts the Commission had available the sum of \$20,792.50, which was allowed by the ruling of the Comptroller of the Treasury under the second paragraph of section 3 of the act creating the Commission, said amount representing the unexpended balance of the appropriations for the Bureau of Corporations for the fiscal years ended June 30, 1913 and 1914.

The expenditures of the Commission for the fiscal year ended June 30, 1921, were \$935,505.26. The appropriations, including unexpended balances of appropriations for previous years and expenditures, are tabulated below :

	Amount available.	Amount expended.
Federal Trade Commission, 1921:		
Salaries, commissioners and secretary	55,000.00	51,972.21
All other authorized expenses	900,000.00	798,435.09
Total, fiscal year 1921	955,000.00	850,407.30
Unexpended balances:		
Federal Trade Commission, 1920	243,073.58	84,600.70
Federal Trade Commission, 1919	14.44	11.94
Federal Trade Commission, 1913-14	20,792.50	485.32
Expenses, trading with the enemy	5,347.94	
Grand total	\$1,224,228.46	\$935,505.26

It is estimated that the outstanding liabilities of the Commission as of June 30, 1921, amount to \$29,281.18, payment of which will be made from the unexpended balances of the appropriations "Federal Trade Commission, 1921" and "Federal Trade Commission, without year" (1913-14).

A detailed analysis of the expenditures of the Commission is given in the following statement :

Detailed statement of the expenditures of the Federal Trade Commission for the fiscal year ended June 30, 1921.

ADMINISTRATIVE DIVISION.

	Office.	Field.
Annual leave	\$14,606.93	
Sick leave	4,781.17	
General administration	77,713.83	\$1,339.59
Mail and files	12,888.89	
Disbursements and accounts	13,059.62	
Purchases and supplies	5,759.92	
Docket	12,701.42	
Library	7,041.31	
Messengers	11,106.44	
Time excused by Executive or Commission's order	194.51	
Special briefs	3.33	
Legal supervision	263.53	
Detail to United States Senate--Calder Committee--Coal	7.20	

Medical attendant
Study of procedure

1,194.04
6.71

ADMINISTRATIVE DIVISION.

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*Detailed statement of the expenditures of the Federal Trade Commission for
the fiscal year ended June 30, 1921--Continued.*

ADMINISTRATIVE DIVISION--Continued.

	Office.	Field.
Printing and publications	\$11,023.70	
Stenographic	15,930.91	\$ 228.00
Appointment Division	9,845.98	
Labor	4,216.37	
Special for the commissioners		30.78
Board of review	8.67	
Preliminary work on informal complaints	30.91	20.40
Informal complaints	117.04	356.86
Formal complaints	76.84	
Grain and produce exchanges	2.40	
Report on increased cost of shoes	58.81	
Trade practice submittal, guarantee against price decline	35.13	
Report on prices loose leaf tobacco	44.14	
Contingent	49,976.12	
Rent	4,740.60	
Printing and binding	37,182.56	
Total	\$294,625.03	\$1,975.63

ECONOMIC DIVISION.

	Office.	Field.
Annual leave	\$32,614.08	
Sick leave	6,857.53	
General administration	979.05	
Mall and files	4.00	
Disbursements and accounts	379.39	
Library	38.58	
Time excused by Executive or Commission's order	401.38	
Economic supervision	1,247.46	\$1,526.48
Legal supervision	18.96	
Detailed to Department of Justice	85.74	
Detailed to United States Senate--Calder Committee--Coal	Cr. 396.21	
Military leave	65.01	
Printing and publications	156.71	
Special for the commissioners	224.12	
Informal complaints	445.87	
Formal complaints	1,211.46	
Miscellaneous computing-machine work	1,461.71	
Oil	731.31	
Lumber	323.99	.50
Procedure of mandamus	4.40	
Trading with the enemy	121.42	20.50
Miscellaneous economic	6.67	Cr. 2.00
Coal	14,024.30	30.91
Steel	2,165.09	
Lumber	10,118.47	.10
Canned goods	1,351.06	Cr. 1.00
Cotton textiles	Cr. 1,077.79	Cr. 323.96
Government paper contracts	436.30	286.37
Tobacco and cigarettes		Cr. .40
Hemlock and hardwoods		Cr. 2.00
Rosin		Cr. .30
Live stock and its products	\$ 685.50	29.19
Grain products	837.81	26.90
Grain and produce exchanges	41,935.88	6,759.08
Export trade	416.65	156.51
Paper schedules	6,773.69	
Farm operating equipment	49.22	
Market meat and perishable food products	21.00	Cr. .25
Milk products	24,170.97	1,608.56
Stock securities (blue-sky)	962.98	
Food hoarding	9.34	
California oil	30,510.14	1,080.71
Commercial feeds for animals	24,592.14	2,024.89
Sugar	3,731.45	293.06
Increased cost of shoes	29,951.64	1,784.54
News-print paper	5.00	
Gasoline prices, etc	1,545.66	3.50

Prices of combed-cotton yarns	32,304.82	12,450.36
Prices loose-leaf tobacco	2157.02	1,242.96
Decline in wheat prices	3,113.33	877.01
Total	308,275.90	29,872.22

*Detailed statement of the expenditures of the Federal Trade Commission for
the fiscal year ended June 30, 1921--Continued.*

LEGAL DIVISION.

CHIEF COUNSEL

	Office.	Field.
Annual leave	\$ 7,335.37	
Sick leave	1,902.74	
Time excused by Executive or Commission's order	83.58	
Economic supervision	7.61	
Briefs		33.31
Legal supervision	17,273.94	\$33.31
Study of procedure	55.19	
Stenographic	14.40	
Special for the commissioners	309.48	
Preliminary work on informal complaints	12.26	
Informal complaints	3,471.47	221.65
Formal complaints	70,215.34	22,690.71
Injunction proceedings against the Commission	543.31	
Trading with the enemy	135.25	
Canned goods	5.77	Cr. 2.00
Grain and produce exchanges		
Export trade	122.87	175.08
Milk products	24.00	
Stock securities	42.87	31.56
Sugar		Cr. .40
Trade practice submittal, guaranteed against price decline	34.53	
Creamery industry trade practice	1,387.38	513.42
Trade practice submittal, macaroni	5.70	
Total	103,316.20	23,663.33

CHIEF EXAMINER.

WASHINGTON (D. C.) OFFICE.

Annual leave	5,041.65	
Sick leave	901.51	
General administration	22.80	
Time excused by Executive or Commission's order	68.15	
Briefs--Immunity of witnesses	426.91	
Briefs--Digested decisions on interstate commerce	175.74	
Legal supervision	10,648.29	77.29
Detailed to United States Senate--Calder Committee--Coal	320.05	
Study of procedure	263.93	
Stenographic	889.26	259.72
Special for the commissioners	29.14	
Preliminary work on Informal complaints	2,823.99	460.78
Informal complaints	16,211.45	5,462.24
Formal complaints	11,470.92	8,415.02
Oil	8.00	
Lumber	2,762.17	1,949.03
Trading with the enemy	154.65	
Lumber		Cr. .25
Grain and produce exchanges	48.06	
Export trade	4.00	204.15
Stock securities	605.89	
California oil		133.82
Commercial feeds for animals	232.36	
Trade practice submittal, guarantee against price decline	52.99	
Creamery Industry trade practice	723.33	25.14
Trade practice submittal, knit goods	27.00	30.66
Prices combed--cotton yarns	9.80	
Prices loose-leaf tobacco	5,470.80	2,142.74
Decline in wheat prices	263.53	
Total	59,656.37	19,160.34

NEW YORK BRANCH OFFICE.

Annual leave	888.62	
Sick leave	388.26	
Time excused by Executive or Commission's order	4.02	
Legal supervision	2,433.03	66.46
Study of procedure	7.60	
Stenographic	2,669.45	
Special for the commissioners	118.02	34.30
Preliminary work on informal complaints	1,375.01	237.57
Informal complaints	8,781.12	2,376.19
Formal complaints	2,457.60	563.96
Oil	74.01	47.69
Lumber		2.00
Trade practice submittal, hosiery	18.80	9.96

ADMINISTRATIVE DIVISION.

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Detailed statement of the expenditures of the Federal Trade Commission for the fiscal year ended June 30, 1921--Continued.

LEGAL DIVISION--Continued		Office.	Field.
CHIEF EXAMINER--Continued.			
NEW YORK BRANCH OFFICE--Continued.			
Trade practice submittal, knit goods		\$9.40	Cr. \$75
Prices loose-leaf tobacco			80.58
Total		19, 224.94	3,417.96
CHICAGO BRANCH OFFICE.			
Annual leave		1,207.73	
Sick leave		210.89	
Time excused by Executive or Commission's order		14.75	
Legal supervision		1,137.50	5.99
Stenographic		4,120.94	
Special for the commissioners		117.26	
Preliminary work on informal complaints	472.13		161.39
Informal complaints		4,738.29	1,720.48
Formal complaints	1,041.08		192.54
Lumber		5,644.12	1,524.48
California oil		446.84	66.71
Trade practice submittal, guarantee against price decline		26.71	30.03
Total		18,366.77	3,635.36
SAN FRANCISCO BRANCH OFFICE.			
Annual leave		219.81	
Sick leave		39.61	
Legal supervision		458.95	
Stenographic		1,306.22	
preliminary work on informal complaints	1,119.34		
Informal complaints		2,738.29	1,797.48
Formal complaints	726.37		794. 28
Lumber		85.92	
California oil		446.84	66.71
Trade practice submittal, guarantee against price decline		13.94	
Total		7,155.29	3,031.49
SUMMARY, CHIEF EXAMINER.			
Washington office		59,656.37	19,160.34
New York branch office		19,224.94	3,417.96
Chicago branch office	18,366.77		3,635.30
San Francisco branch office			
Total		104,403.37	29,245.15
BOARD OF REVIEW.			
Annual leave		1,352.62	
Sick leave		401.49	
Time excused by Executive or Commission's orders		16.68	
Stenographic		8.87	
Board of Review		13,514.21	
Total		15,293.87	
EXPORT TRADE BRANCH.			
Annual leave		1,089.49	
Sick leave		234.51	
Time excused by Executive or Commission's orders		12.57	
Informal complaints		59.44	
Formal complaints		8.00	38.66
Trading with the enemy		13.33	
Export trade		8,087.51	227.91
Total		9,504.85	266.57
TRADING WITH THE ENEMY.			
Annual leave			
Sick leave		261.42	153.86
Time excused by Executive or Commission's orders		4.86	
Trading with the enemy		2,971.21	841.92
Export trade		4.67	
Total		3,396.02	841.92

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*Detailed statement of the expenditures of the Federal Trade Commission for
the fiscal year ended June 30, 1921--Continued.*

SUMMARY OF EXPENDITURES.

	Office.	Field.	Total.
Administrative	\$294,625.03	\$1,975.63	\$296,600.66
Economic	308,275.90	29,872.22	338,148.12
Legal			
Chief counsel	103,316.20	23,663.33	126,979.53
Chief examiner	104,403.37	29,245.15	133,648.52
Board of Review	15,293.87		15,293.87
Export Trade Branch	9,504.85	266.57	9,771.42
Trading with the enemy	3,396.02	841.92	4,237.94
 Grand total	 838,815.24	 85,864.82	 924,680.06

Adjustments.--The following adjustments are made to account for the difference between the cost and disbursements:

Total cost for the year ended June 30, 1921	\$924, 680.06
Less transportation issued	32, 664. 41
New total	892,015.65
Plus transportation paid	35,087.86
Adjusted total	927,103.51
Allotted to retirement fund	7,000.00
New total	934,103.51
Credit received for work done for other departments (add)	1,401.75
Disbursements for the year ended June 30, 1921	935,505.26

The appropriations for the Federal Trade Commission for the fiscal year ended June 30, 1921, were as follows:

"For five commissioners, at \$10,000 each; secretary, \$5,000; in all, \$55,000.

"For all other authorized expenditures of the Federal Trade Commission in performing the duties imposed by law or in pursuance of law, including personal and other services in the District of Columbia and elsewhere, supplies and equipment, law books, books of reference, periodicals, printing and binding, traveling expenses, per diem in lieu of subsistence not to exceed \$4, newspapers, foreign postage, and witness' fees and mileage in accordance with section 9 of the Federal Trade Commission act, \$900,000."

PERSONNEL.

Changes in personnel.--The term of office for which William B. Culver was appointed expired September 25, 1920. He was succeeded by Senator John F. Nugent, of Idaho, who was nominated by the President December 20, 1920, for a full term of seven years. Confirmed by the Senate December 20, 1920, he took the oath of office and entered on duty January 15, 1921. His term of office will expire January 14, 1928.

Vice Chairman Huston Thompson, of Colorado, was elected chairman of the Commission for the ensuing year and entered on duty

as such December 1, 1920, Succeeding Commissioner Murdock, Commissioner Gaskill becoming vice chairman for the same period.

The term of office for which John Garland Pollard, of Virginia, was appointed and confirmed expires September 25, 1921.

Resume.--The Federal Trade Commission organized March 16, 1915, with a total of 144 employees. At the close of the fiscal year ended June 30, 1915, the total force of employees numbered 143, and at the close of June 30, of the years since, the number of employees has been: 1916, 224; 1917, 214; 1918, 663; 1919, 376; 1920, 418.

It may be interesting to note that the total number of employees on the rolls on April 6, 1917, the date of declaration of war against Germany, was 198.

The number of employees November 11, 1918, the date of the signing of the armistice, was 766 (including 34 employees on extended leave without pay in the military service, 40 on assigned duty in the United States Fuel Administration, and 1 on extended personal leave), making 691 in actual service and on duty November 11, 1918.

The highest number of employees, however, that the Commission has ever had actually on duty at any one time was December 9, 1918, when there was 780 people on the roll and 710 of these actually on the job. Of the balance 31 were in military service, 38 in the United States Fuel Administration, and 1 on leave without pay.

Summary.--During the fiscal year 31 employees entered the service of the Commission and 134 left the service.

At the close of June 30, 1920, the Commission had 418 employees, with a total basic salary of \$914,110.

At the close of June 30, 1921, there were 315 employees, with a total basic salary of \$718,140.

At the close of the year there were 53 employees who have had United States military or naval service. The number of female employees on that date was 106. For the same date there were 191 employees coming under the provisions and benefits of the Civil Service Retirement Law.

The Commission is still seriously affected by the constantly occurring turnover in its force. The attraction of the outside business world and the increased salaries obtainable therein for the same character of work has caused the Commission to lose a large number of employees. It takes considerable time to train new employees so that they render complete and efficient service and the losses by separation and the consequent loss of motion in training new employees is one of the serious difficulties under which the Commission still has to labor.

*Employees of the Federal Trade Commission at the close of business June 30,
1921, showing salary rates.*

5 Commissioners	\$10,000	
1 Secretary	5,000	
		\$55,000
4 Clerks to commissioners	1,800	
1 Clerk to commissioner	1,600	
		8,800
1 Chief clerk	3,250	
		3,250
1 Disbursing clerk	2,880	
		2,880
3 Clerks	3,000	
1 Clerk	2,880	
1 Clerk	2,520	
1 Clerk	2,500	
1 Clerk	2,220	
2 Clerks	2,100	
5 Clerks	2,000	
1 Clerk	1,920	
1 Clerk	1,860	
9 Clerks	1,800	
2 Clerks	1,740	
4 Clerks	1,680	
1 Clerk	1,620	
1 Clerk	1,600	
1 Clerk	1,560	
1 Clerk	1,520	
10 Clerks	1,500	
10 Clerks	1,440	
8 Clerks	1,400	
16 Clerks	1,380	
20 Clerks	1,320	
3 Clerks	1,260	
31 Clerks	1,200	
1 Clerk	1,140	
1 Clerk	900	
		201,900
2 Special attorneys	5,000	
2 Special attorneys	3,600	
1 Special attorney	3,000	
1 Special attorney	2,280	
		25,680
1 Attorney and examiner	8,000	
3 Attorneys and examiners	5,000	
1 Attorney and examiner	4,500	
4 Attorneys examiners	4,200	
7 Attorneys and examiners	3,800	
4 Attorney and examiner	3,500	
4 Attorneys and examiners	3,300	
2 Attorneys and examiners	2,820	

*Employees of the Federal Trade Commission at the close of business June 30
1921, showing salary rates--Continued.*

1 Attorney and examiner	\$2,700	
1 Attorney and examiner	2,460	\$133,800
1 Special agent	4,800	
1 Special agent	4,500	
1 Special agent	4,000	
1 Special agent	3,600	
4 Special agents	3,300	
2 Special agents	3,000	
3 Special agents	2,500	
4 Special agents	2,400	
4 Special agents	2,280	
1 Special agent	2,250	
1 Special agent	2,100	
3 Special agents	2,000	
1 Special agent	1,800	74,470
1 Special expert	6,000	
1 Special expert	3,000	
1 Special expert	3,000	
1 Special expert	2,000	
1 Special expert	1,320	12,320
1 Special examiner	7,500	
1 Special examiner	6,000	
1 Special examiner	5,000	
2 Special examiners	3,000	24,500
2 Examiners	5,000	
1 Examiner	4,800	
1 Examiner	4,500	
1 Examiner	3,600	
2 Examiners	3,500	
1 Examiner	3,300	
1 Examiner	3,200	
1 Examiner	3,100	
6 Examiners	3,000	
1 Examiner	2,940	
2 Examiners	2,880	
2 Examiners	2,820	
1 Examiner	2,800	
1 Examiner	2,740	
1 Examiner	2,640	
2 Examiners	2,500	
1 Examiner	2,460	
4 Examiners	2,400	
1 Examiner	2,340	
2 Examiners	2,280	
2 Examiners	2,160	
3 Examiners	2,000	
3 Examiners	1,920	
7 Examiners	1,800	
3 Examiners	1,680	

*Employees of the Federal Trade Commission at the close of business June 30,
1921, showing salary rates--Continued.*

1 Examiner	\$1,640	
1 Examiner	1,600	
3 Examiners	1,500	
3 Examiners	1,440	
1 Examiner	1,380	
1 Examiner	1,200	
		\$152,340
1 Multigraph operator	1,800	
1 Multigraph operator	1,200	
		3,000
1 Draftsman	1,200	
		1,200
1 Messenger	1,060	
1 Messenger	900	
7 Assistant messengers	900	
1 Assistant messenger	720	
1 Messenger boy	900	
6 Messenger boys	480	
		12,760
1 General mechanic	1,260	
		1,260
1 Telephone operator	900	
1 Telephone operator	720	
		1,620
1 Skilled laborer	780	
1 Laborer	1,200	
1 Laborer	780	
1 Laborer	600	
		3,360
Grand total		718,140
Grand total, employees, 315.		

PUBLICATIONS ISSUED.

The following publications were issued by the Commission during the fiscal year ended June 30, 1921:

Annual Report of the Federal Trade Commission for the fiscal year ended June 30, 1920; December 27, 1920. 192 pp.

Cost Reports of the Federal Trade Commission--Coal No. 7--Trans-Mississippi ,States--Bituminous; February 1, 1921. 459 pp.

Commercial Feeds, Summary; April 20, 1921. is pp.

Commercial Wheat Flour Milling; November 15, 1920. 118 pp. Combed Cotton Yarns, Summary; May 6, 1921. 8 pp.

Decisions, Findings and Orders of the Federal Trade Commission; Volume II, June 30, 1920; January 25, 1921. 631 pp.

The Grain Trade, Volume I (Country Grain Marketing) ; January 8, 1921. 350 pp.

The Grain Trade, Volume 11 (Terminal Grain Markets and Exchanges ; January 12, 1921. 333 pp.

The Grain Trade, Volume V (Future Trading Operations in Grain) ; January 12, 1921. 347 pp.

Milk and Milk Products, 1914-1918, Summary of Report; June 15, 1921.

Pacific Coast Petroleum Industry, Part 1 (Production, Ownership, and Profits), Summary of Report; May 2; 1921. 19 pp.

Rules of Practice Before the Commission (amended to May 20, 1921); 8 pp. Sugar Supply and Prices; December 13, 1920. 205 pp.

Shoe and Leather Costs and Prices, Summary of Report; July 1, 1921.

Tobacco Industry; May 9, 1921. 162 pp.

Wheat Prices for the 1920 Crop; March 17, 1921. 91 pp.

Petroleum Industry of Wyoming; February 14, 1921. 54 pp.

Letter of the Federal Trade Commission to the President of the United States; April 18, 1921. 8 pp.

HOSPITAL.

The Commission maintains a small unit of a very serviceable nature in the way of a hospital and retirement or rest room for its employees. This unit is under the care of a graduate nurse and has shown great usefulness and rendered beneficial service to employees. Many employees are here from other cities and do not have facilities so easily obtainable in home surroundings and this unit partly supplies some of these needs. The graduate nurse in all cases of sudden or prolonged illness renders in the former cases immediate assistance and makes periodic visits in the latter. Thus the Commission is kept in closer touch with conditions of this sort and this activity has been the means of rendering desirable assistance that could not otherwise have been obtained.

QUARTERS.

The Commission's force is located in one of the temporary buildings erected for war purposes. It occupies one-half of the structure that is located between Twentieth and Twenty-first Streets and New York Avenue. It was the building formerly occupied by the Fuel Administration and the Commission's force moved into it the latter part of May and the early part of June, 1919. It is of frame construction and two stories in height and of the most temporary character. During the fiscal year covered by this report the Fuel Administration moved out all of its force from the eastern half of the structure and at different times other Government offices moved in. This Commission has no jurisdiction over the care and custody of the building. It is operated under the direction of the Superintendent of the State, War, and Navy Department Building, through an assignment made by the Public Buildings Commission.

LEGAL DIVISION.

The Legal Division of the Commission includes two subdivisions. The first is the trial division, at the head of which is the chief counsel, who is also the Commission's chief legal adviser. The second subdivision is the examining or investigating staff under the chief examiner.

CHIEF COUNSEL.

During the year the Commission disposed of 156 formal cases that were submitted to it upon oral argument or briefs. Of this number 119 resulted in orders to cease and desist and 37 were dismissed. Of the cases resulting in orders to cease, 21 were appealed to the Circuit Courts of Appeals. But of this number of appealed cases, 12 involved leases of oil equipment in which like questions were presented and can be properly regarded for this report as one case, so that as a practical matter there were only 10 cases appealed to the courts. Three of these appeals have been argued and decided by the Court of Appeals adversely to the Commission, and the Commission has applied to the United States Supreme Court for writs of certiorari in two of these cases; one of these has been granted; the other is pending. Of the remaining seven appeals, two have been argued and now await decision of the court, while the remaining five cases will be argued early in the fall.

A new development of the year in the Commission's Legal Division was the attempt, in two instances, to have courts of equity enjoin the Commission from hearing and determining the charges stated in complaints issued by it, under the provisions of section 5 of the commission act and certain sections of the Clayton Act; in both instances the attempt failed and the injunction suits were dismissed.

THE HURST CASE.

The case first decided had been brought in the District Court of the United States for the Eastern District of Virginia by T. C. Hurst & Son, a partnership; injunction was denied by District Judge Waddill in an opinion reported in 268 Fed., 874. In the complaint against Hurst & Son it was charged that respondents were engaged at Norfolk, Va., in the business of selling chandlery supplies to ships reaching the port of Norfolk, Va., while engaged in interstate and foreign commerce; that in the course of their business respondents had given cash commissions and gratuities to captains and other officers and employees in charge of ships reaching said port to induce them to purchase from respondents, to the exclusion of competitors

of respondents, provisions and supplies for use and consumption upon such ships in and beyond the territorial jurisdiction of the United States. Hurst & Son in their bill for injunction averred that sections 5, 6, 9, and 10 of the act of Congress creating the Commission were unconstitutional and void for the following reasons : (a) Because beyond the powers Vested in Congress by the Constitution; (b) because there is delegated to the Commission legislative authority; (c) because the Commission Is empowered to define and determine what shall constitute "unfair methods of competition in commerce"; (d) because it deprives the parties of the right of trial by jury; (e) because the statute attempts to regulate intrastate as well as interstate commerce; (f) because the proceedings sought to be enjoined discriminate between persons engaged in the same line of business and take away the property of one without the process of law and without just compensation, while not molesting others using the same practice. and for other reasons more specifically set up in the bill of complaint. The court held that the contention that the act was unconstitutional for any of the reasons specified was without merit, and further held that the Commission had acted entirely within its rights of and concerning a matter liable to injuriously affect commerce, and declined to grant the injunction prayed for.

In the course of its opinion the court said :

The constitutionality of the act itself is challenged, also the right of the Commission to decide what shall constitute unfair competition, and of Congress to authorize it so to do, as well as the manner in which the Commission may proceed in the discharge of its duties to determine what is unfair competition, this specific complaint being that the Commission may not proceed against a particular person, firm, or corporation, believed to be engaged in unfair competition, but must in the same proceeding include all other persons similarly engaged.

After quoting the provisions of section 5 of the Federal Trade Commission act, the court then disposed of the various contentions made by the complainants, as follows

The contention that the act of Congress is unconstitutional for any of the reasons specified, is without merit, as it is manifestly within the power of Congress to legislate generally in respect to the burdens that may or may not be imposed upon foreign and interstate commerce, and it is also within its power to declare what would be fair and what unfair methods and dealings in relation thereto, and how the same should be ascertained and determined. The Commission is given full power and authority to investigate, make findings of fact, and render its judgment and order in relation thereto, and before the same is carried into effect, the judgment of the circuit court of appeals, the second highest court under the Government is to be sought by the Commission, to enforce its order, and any party required by such order to cease and desist from Using such method of competition, may obtain a review of such order in the circuit court of appeals, by filing its written petition praying therefor. The action of the circuit court of appeals is final, save when its interposition decision to the

Supreme

Court of the United States. The jurisdiction of the circuit court of appeals to enforce, set aside, or modify orders of the Commission is exclusive. In all of the proceedings, whether before the Commission or the court, the amplest provision is made for notice to and full hearing of all parties interested, and for this court, for any of the reasons urged, to anticipate by injunction, the action of the Commission, and the judgment of the court, charged under the law with the review thereof, would be clearly an usurpation of authority.

While the constitutionality of the Federal Trade Commission act had already been upheld by the Circuit Court of Appeals of the Seventh Circuit in the Sears, Roebuck & Co. case, 258 Fed., 307, and again by the Circuit Court of Appeals for the Sixth Circuit in the National Harness Manufacturers' Association case, 268 Fed., 705, and inferentially as well by the Supreme Court of the United States in the Gratz case, 253 U.S., 421, the decision in the Hurst case is nevertheless important, because the statute was there attacked upon a number of grounds not relied on in the other cases.

THE BUTTERICK CASE.

Similar suits were brought in the Supreme Court of the District of Columbia by the Butterick Co., a corporation, and its affiliated corporations, against which a complaint had been issued by the Commission charging them with unfair methods of competition (resale price maintenance in violation of section 5 of the commission act and with violations of section 3 of the Clayton Act (tying contracts)). In these suits the principal ground for injunction relied upon was that the Commission was without jurisdiction because its complaint did not state facts sufficient to constitute a violation of section 5 of the commission act or of section 3 of the Clayton Act. Thus was raised for determination the important question of the right of parties proceeded against by the Commission to prevent such proceedings by recourse to a court of equity. On the argument counsel for the Commission contended, in opposition to the application for injunction, that no ground whatever was shown for the interposition of a court of equity, and that the provisions of the Federal Trade Commission Act and the Clayton Act provided a method of review of the Commission's orders by the United States Circuit Court of Appeals, which afforded the respondents an adequate remedy under these statutes, which remedy was by the very terms of the statute made exclusive. The court refused to grant the injunction and dismissed the bills. An appeal was noted by the Butterick Co.

DECISIONS ON REVIEW OF COMMISSION'S ORDERS.

In numerous proceedings wherein orders had been issued by the Commission commanding the parties against whom complaints had been issued to cease and desist from the practices charged in

the United States Circuit Court of Appeals in various circuits to review such orders and within the year the following cases were disposed of :

National Harness Manufacturers' Association v. Federal Trade Commission,
268 Fed., 705 (CCA, Sixth Circuit).

In the above case the complaint charged that the association, its officers, members of its executive committee, members, and affiliated associations had conspired together to stifle and suppress competition in the saddlery and harness industry by preventing nonmembers from obtaining supplies with which to carry on business and by other means. The order issued by the Commission was assailed on the following grounds: (a) That the Federal Trade Commission act is unconstitutional; (b) that the Commission had no jurisdiction of this particular case, because trade associations were not themselves engaged in commerce; (c) that the order to cease and desist was not supported by the evidence. All of these contentions were rejected by the court and the Commission's order as to all of the respondents was confirmed *in toto*.

In upholding the constitutionality of the Federal Trade Commission act the court said:

The constitutionality of the act is assailed, first, as assuming "to combine legislative, executive, and judicial powers and functions, and to confer them upon one and the same administrative body, contrary to Articles I, II, and III of the Constitution, and because it assumes to authorize the Commission, which is ostensibly an administrative body, to deprive persons of their property without due process of law, contrary to the Fifth Amendment of the Constitution.

This proposition is to our minds without merit. Congress plainly has power to declare unfair methods of competition unlawful and to require that their practice cease. This Congress has done by the act in question. It with equal clearness has the power to authorize an administrative commission to determine (a) the question what methods of competition the given trader employs, and (b) provisionally, the mixed question of law and fact whether such methods are unfair. These questions being determined against the trader, the administrative requirement to cease and desist, prescribed by Congress, follows as a matter of course, but only provisionally. The Commission's determination of these questions is not final. Not only does the statute give a right of review thereon, upon application by an aggrieved trader, to a Circuit Court of Appeals of the United States, but the Commission's order is not enforceable by the Commission, but only by order of court.

* * * * *

The criticism that the statute makes the Commission both judge and prosecutor is too unsubstantial to justify discussion.

On the subject of the liability of unincorporated trade associations to be proceeded against under section 5 of the Trade Commission act, the court said :

By section 5 of the Federal Trade Commission act the Commission is given jurisdiction, when it has reason to believe that “any * * * person, part-

nership, or corporation has been or is using any unfair method of competition in commerce, and if it shall appear to the Commission that a proceeding by it in respect thereof would be to the interest of the public" Section 4 of the act defines a corporation as "any company or association, incorporated or unincorporated," which either (a) is organized to carry on business for profit and has shares of capital or capital stock, or (b) is "without shares of capital or capital stock, except partnerships, which is organized to carry on business for its own profit or that of its members." The Harness Manufacturers' Association is a voluntary unincorporated association, and thus without capital stock. It is not itself engaged in business. Petitioner contends that it therefore is not within the act. But this contention overlooks the fact that the association is not the only one proceeded against; but that its officers and the members of its executive committee, as well as its membership generally, are included in the proceedings as parties and made subject to the Commission's order. The language of the act affords no support for the thought that individuals, partnerships, and corporations can escape restraint, under the act, from combining in the use of unfair methods of competition, merely because they employ as a medium therefor an unincorporated voluntary association, without capital and not itself engaged in commercial business. The order may be enforced by reaching the officers and members, personally and individually. A voluntary association, having many members, may be brought into court by service on its officers and such of its members as are known and can be conveniently reached, sufficient being served to represent all the diverse interests.

* * * * *

The contention that the Harness Manufacturers' Association is not engaged in commerce is answered by the consideration, first, that many of its members are so engaged; and, second, that interstate commerce is *claimed* to have been directly affected by the alleged unfair methods of competition.

Concerning the contention that the findings of the Commission were not supported by the evidence, the court said :

In our opinion the Commission's findings of fact, and the existence of the combinations, schemes, and practices directed to be discontinued, are amply sustained either by undisputed testimony or by the great preponderance of the evidence. This conclusion is not overcome by petitioner's criticisms addressed to specific features of the testimony. The findings of fact being so supported, the Commission's order is, in our opinion, fully justified by the authorities to which attention has already been called, including especially *Eastern States Lumber Co. v. United States*, supra, where a state of facts quite similar to that found here was held to amount to a violation of the Sherman Antitrust Act.

In view of what has appeared, the criticism of lack of public inquiry is without force. The suggestion that no damage has been shown, even if true in fact, is answered by the consideration that the remedy afforded by the statute is preventive, not compensatory.

The order of the Commission, so far as it relates to the Harness Manufacturers' Association, its officers, committees, and the members of its subsidiary and affiliated associations, is affirmed.

Curtis Publishing Co. v. Federal Trade Commission, 270 Fed 806 (CCA, Third Circuit).

The complaint in this case charged the respondents with unfair methods of competition in commerce and with violating section 3 of

the Clayton Act, in that it sold and distributed periodicals published by it exclusively to dealers who would agree not to sell or distribute the publications of certain of respondent's competitors, thereby lessening competition and tending to create a monopoly. An order to cease and desist from the practices charged in the complaint was issued, whereupon the respondent petitioned the Circuit Court of Appeals, Third Circuit, to review the Commission's order. The court on March 2, 1921, filed its opinion and directed that a decree be entered vacating and setting aside the Commission's order. Thereafter the Commission applied to the Supreme Court of the United States for a writ of certiorari to review the decree of the Circuit Court of Appeals, which writ was granted on June 6, 1921.

In the petition for certiorari the following questions were presented : (a) Whether the contracts of the respondent with its distributors are contracts of sale or contracts of agency, and if contracts of sale, may their effect be to substantially lessen competition or tend to create a monopoly for the respondent, when used by it to prevent dealers from selling the magazines of competitors of respondent which they had been selling; (b) whether it is an unfair method of competition in violation of section 5 of the commission act for the respondent to make a practice of entering into contracts with wholesale dealers already engaged in the sale of magazines of other publishers, whereby such dealers were prevented from thereafter dealing in periodicals other than those published by respondent; (c) whether the Circuit Court of Appeals exceeded its jurisdiction in view of section 5 of the commission act, which provides that "the findings of the Commission as to the facts, if supported by testimony, shall be conclusive," first by making findings additional to those of the Commission, and, second, by making findings contradictory to certain of the Commission's findings which it accepted in its opinion as established.

*The Winsted Hosiery CO v. Federal Trade Commission, 272 Fed 957 (CCA
.Second Circuit).*

The complaint in this case charged that respondent had manufactured and sold underwear made of a small amount of wool and a large amount of cotton, which it labeled, advertised, and branded as "Merino," "Wool," or "Worsted." To the complaint the respondent made answer which was in effect a confession and avoidance, and attempted to justify the practice upon the theory that it had become universal and was well recognized by the distributors of underwear. An order to cease and desist from the practices charged in the complaint was issued, whereupon the respondent petitioned the Circuit Court of Appeals, Second Circuit, for a review of the

Commission's order. The court, on April 13, 1921, filed its opinion and reversed the order of the Commission. Thereafter the Commission applied to the Supreme Court of the United States for a writ of certiorari to review the decree of the Circuit Court of Appeals, which writ was granted on June 6, 1921. The question presented in the petition for certiorari was whether the misbranding of garments made of cotton and wool, which misleads the consuming public into the belief that such garments are made wholly of wool, thereby injuring competitors who correctly labeled their products, constitutes an unfair method of competition within the purview of section 5 of the commission act.

Standard Oil Company v. Federal Trade Commission, 273 Fed. 478 (CCA, Second Circuit).

The complaint in this case charged respondent with unfair methods of competition in commerce in violation of section 5 of the commission act and with violating of section 3 of the Clayton Act, in that it had loaned or leased gasoline distributing devices to retail dealers, for nominal consideration, upon the condition that such retailers would not distribute through such devices the gasoline of competitors of respondent. An order to cease and desist from the practices charged in the complaint was issued, whereupon the respondent petitioned the Circuit Court of Appeals, Second Circuit, to review such order. The court on May 11, 1921, filed its opinion and reversed the Commission's order. This case was argued and submitted along with a similar case involving the same practices by the Texas Co., against which company a similar order had been issued by the Commission. Complaints had also been issued against numerous other companies charging the same practices, and as a result orders to cease and desist from the practices charged in the complaints had been issued in a number of instances, and a number of parties proceeded against petitioned the Circuit Court of Appeals for the Sixth Circuit to review the Commission's orders. An opinion was filed in these cases on June 29, 1921, which followed the opinion of the court in the Second Circuit, and the orders of the Commission were reversed.

Fruit Grower's Express v. Federal Trade Commission. Opinion filed June 10, 1921 (CCA, Second District).

The complaint issued in this case charged that the respondent was violating section 3 of the Clayton Act in that it leased refrigerator cars to railroad companies under contracts which provided that the railroad would use respondent's cars exclusively in the movement of fruits and vegetables under refrigeration in carload lots.

An order to cease and desist from the practice charged in the complaint was issued by the Commission, whereupon respondent petitioned the Circuit Court of Appeals, Seventh Circuit, to review such order. The opinion of the court was filed June 29, 1921, and the order of the Commission was annulled and set aside upon the ground that the practices charged in the complaint involved common carriers and tended to very greatly affect their business, and that authority to enforce section 3 of the Clayton Act, where applicable to common carriers, was vested in the Interstate Commerce Commission, and that the Federal Trade Commission was therefore without jurisdiction. A writ of certiorari from the Supreme Court of the United States will be applied for to review the decree of the Circuit Court of Appeals in this case.

The following additional cases were argued and submitted to the court within the year, which cases were pending and undetermined on June 30, 1921:

Western Sugar Refinery v. Federal Trade Commission (CCA, Ninth Circuit).

The complaint issued in this case charged that the Western Sugar Refinery and 27 other persons, partnerships, and corporations had combined and conspired together to prevent the Los Angeles Grocery Co. from obtaining groceries and food products with which to carry on the business of a wholesale grocery, and, as a means of carrying into effect the purpose of such conspiracy, had induced or attempted to induce manufacturers of grocery products and their agents to refuse to sell their products to said company, by boycott or threats to boycott any products sold to said Los Angeles Grocery Co. The order to cease and desist issued by the Commission commanded each of the 28 respondents and all of them to cease and desist from the practices charged in the complaint. Petitions to review the order of the Commission were filed by only 10 of the 28 parties proceeded against.

Mishawaka Woolen Manufacturing Co. v. Federal Trade Commission (CCA, Seventh Circuit).

The complaint in the above case charged the Mishawaka Co., a manufacturer, with the practice of adopting and carrying out in the course of its business a policy of requiring the dealers through whom its products were distributed to observe in the resale of such products to the public the prices charged by respondent. After hearing an order to cease and desist from such practices was issued by the Commission, whereupon the respondent petitioned the Circuit Court of Appeals, Seventh Circuit, to set aside the Commission's order. A similar case involving the practices of the Beech-Nut Packing Co. before the Circuit Court of Appeals, Second Circuit, in which

an opinion was filed February 26, 1920, reversing the order of the Commission, and a writ of certiorari was thereafter granted by the Supreme Court of the United States to review the decree of the Circuit Court of Appeals, which case is still pending.

Winslow & Co. v. Federal Trade Commission (CCA, Fourth Circuit).

The complaint in the above case charged that Winslow & Co., a partnership, was engaged in the business of selling chandlery supplies to ships reaching the port of Norfolk, Va., while engaged in interstate and foreign commerce, such supplies being for use and consumption on such ships in and beyond the territorial jurisdiction of the United States, and that in the course of such business respondents had given to captains and other officers and employees in charge of such ships cash commissions and gratuities to induce such officers and employees to purchase from respondent provisions and supplies for use and consumption upon the ships operated by them for the owners thereof. An order to cease and desist from the practices charged in the complaint was issued by the Commission, whereupon respondents petitioned the Circuit Court of Appeals, Fourth Circuit, to reverse the order of the Commission. Similar proceedings were had upon a complaint charging the Norden Shipping Supply Co. (Inc.) with like practices, and the two cases were argued together and presented to the court and are still pending and undetermined.

Kinney Rome Co. v. Federal Trade Commission (CCA, Seventh Circuit).

The complaint in this case charged that the respondent, a manufacturer, had practiced unfair methods of competition in violation of section 5 of the commission act, in that it had given premiums to salesmen employed by dealers through whom respondent distributed its products to induce such salesmen to enhance the sale of respondent's products to the exclusion of competing products. An order to cease and desist from the practices charged in the complaint was issued by the Commission, whereupon the respondent petitioned the Circuit Court of Appeals to reverse such order.

TRADE PRACTICE SUBMITTALS.

Two trade practice submittals, both in the oil industry, were successfully concluded during the fiscal year. The first of these was held on June 22, 1920, at Chicago, and the second, on August 19, 1920, at Denver.

The Chicago conference was called at the instance of the Independent Oil Men's Association and the American Independent Petroleum Association, the membership of which is composed, pri-

marily, of oil refiners and jobbers, and was the result of a number of complaints from the trade, which have been investigated by both associations and which were considered of sufficient serious import by these organizations to be made the subject of a trade practice submittal. A member of the Commission was present and presided at both conferences.

A number of rules were adopted at both conferences condemning certain practices and recommending affirmative action as to others. Among the practices condemned were : (1) False representation as to the actual value of a competitor's products; (2) attacking a competitor as to his financial standing, personal integrity, or ability to serve the trade; (3) condemning a competitor because of the size of his business, either large or small; (4) advertising so as to imply that competitors are not selling good products; (5) misrepresenting or misbranding of any petroleum products; (6) all forms of secret rebates or settlements whereby books and accounts can be so manipulated as to cover up the actual conditions; (7) commercial bribery; (8) making of contracts with ultimate consumers or users of oils, gas, etc., at a fixed price guaranteeing against an advance and protecting against a decline; (9) tank-wagon or service-station sales on a credit basis. Regulations were also prescribed with reference to sales on a quality basis, service and filling stations, commission agency agreements, the leasing and selling of curb pumps, tanks and barrels to retailers, and cash discounts.

More than a third of the States were represented at these conferences; the one at Chicago embraced representatives from the States of Indiana, Illinois, Michigan, Wisconsin, Minnesota, Missouri, Iowa, North Dakota, South Dakota, northern Oklahoma, and Kansas, while the one at Denver covered the States of Colorado, Montana, Wyoming, Idaho, Utah, and New Mexico.

PROCEEDINGS UNDER SECTION 5 OF THE COMMISSION ACT.

The first formal complaint was issued by the Commission February 18, 1916. It charged the use of an unfair method of competition within the meaning of section 5 of the Federal Trade Commission act. Since that date violations of this section have been charged in 572 formal complaints. Of these, 255 have resulted in the issuance of orders to cease and desist from the use of various methods of competition found by the Commission to violate the act.

PROCEEDINGS UNDER THE CLAYTON ACT.

Thirty-three complaints issued by the Commission have charged violations of section 2 of the Clayton Act, and in four of these

cases final orders to cease and desist have been issued. Seventy-nine complaints have charged violations of section 3 of the act, and in 29 of these cases final orders to cease and desist have been issued. In only one case under section 3 has appeal to the court been taken from the Commission's order. Twenty-one complaints have charged violations of section 7 of the Clayton Act, and two complaints have charged violations of section 8. No final orders to cease and desist have thus far been made under either of the last two mentioned sections.

PROCEEDINGS PENDING AND DISPOSED OF.

Proceedings pending and disposed of during the fiscal year 1920 will be found in Exhibit 8.

CHIEF EXAMINER

The duty of the second branch of the Legal Division--that is, the staff under the chief examiner--is to do all investigating work in connection with applications for the issuance of complaints and the gathering of evidence in preparation of formal cases for trial. It also furnishes the examiners who sit at the trial of formal cases. The staff includes one assistant chief examiner, three attorneys and examiners in charge of branch offices, and a small force of investigators, most of whom are attorneys, besides the necessary complement of clerical and stenographic help. In addition to the supervision of the work of these investigators, the chief examiner is charged with the duty of conducting a large preliminary correspondence with applicants for the issuance of complaints.

From the beginning the Commission has interpreted its organic act as requiring such a procedure as to make it easy for those having grievances to secure their consideration. With that end in view, the rules of practice were made quite simple, the chief essential being merely the submission of a written statement of the facts. Applicants may come in freely, either at headquarters or at one of the branches, present their applications in person, and discuss them with the Commission's representatives.

These informal preliminary applications are carefully studied in the light of the precedents and of the Commission's powers. If the statement shows upon its face that the practice complained of is not unlawful, or is something over which the Commission has no corrective jurisdiction, the applicant is so informed and the file is closed. If, however, it appears that something unlawful, over which the Commission has corrective jurisdiction, is involved, such further correspondence as may be necessary to put the application in proper form is conducted. The chief examiner then causes the file to be docketed as an "application for the issuance of complaint," and

it is assigned to an investigator for attention. Upon completion of the investigation the attorney in charge prepares a report, recommending either dismissal or the issuance of a complaint. The file is then reviewed by the chief or assistant chief examiner to make sure, first, that the investigation is complete, and, second, that a correct conclusion, both as to the law and the facts, has been reached. It then goes to the board of review, and from that body, with their recommendation, to the Commissioner in charge of the case, who makes a report and recommendation, and the full Commission passes finally upon the question of dismissal or issuance of a complaint.

The purpose of the Commission in carrying out this important part of its work is to be at all times helpful and fair. Preliminary inquiries are given prompt attention and careful study. Investigators are instructed and expected to be at all times considerate and courteous in their dealings with business men. Parties under investigation are freely informed of the nature of the charges against them and given every opportunity to state their side of the controversy before any final action is taken; but, for obvious reasons, the identity of applicants is not unnecessarily disclosed. In deciding the question of docketing informal applications for investigation the condition and circumstances of the party by or against whom it is presented are not controlling circumstances, and the Commission never refuses to consider an application if it appears probable that the law has been violated.

The Commission has three branch offices, established in June, 1918, for the purpose of saving time and expense in travel and also to afford business men a better opportunity of presenting the matters they wish considered. Convenient and well-equipped quarters are maintained at No.105 West Fortieth Street, New York City; No.14 West Washington Street, Chicago; and at room 65, Appraisers' Stores Building, San Francisco. These branches have accomplished the objects in view, besides providing convenient hearing rooms and quarters for the Commission's work in the cities named and their vicinity.

From the very beginning of the Commission's work many applications were presented involving matters outside its jurisdiction. This was to be expected at the start, but that it should still continue is a matter for surprise. The fact that the Commission has no means other than the distribution of its annual report and the publication in the press and in collected volumes of its decisions of informing the public regarding such matters, may in part account for this. The publication of its decisions in collected volumes is expected to go far toward removing misunderstandings and bringing to the attention of business men the fact that the Commission is rapidly building up a body of business law which will afford them that

“advice, definite guidance, and information” which the President suggested that such a commission could and would supply.

It is probably not an exaggeration to state that fully half the preliminary applications received by the Commission since its organization have had to be rejected on account of some obvious lack of jurisdiction which even a superficial knowledge of the acts which the Commission administers would have disclosed. The requirement most frequently overlooked is the jurisdictional one that the matters alleged must either involve or directly and substantially affect interstate commerce. Next in frequency, perhaps, come cases of underselling not associated with discrimination or other similar unlawful features.

Appeals are frequently made to the Commission for the enforcement of the terms of contracts, or for redress where there has been fraud or failure to carry out their terms; and it has been frequently necessary to point out to such applicants that the Commission is not a court and therefore can not award damages, costs, or reparation. The best remedy in such cases is usually to be found in the courts, and it is usually considered that there is little or no public interest in a proceeding by the Commission where the injured party already has an adequate remedy at law or in equity. A useful point for applicants to bear in mind is that the Commission acts primarily on behalf of the public and only secondarily, if at all, for the righting of private wrongs; and, therefore, when the contest appears to be a quarrel between two competitors and one in which the public is not particularly concerned, the Commission will ordinarily decline to interfere.

Another prolific source of misunderstanding is the impression, apparently widely prevalent, that the Commission exercises the function of a detective bureau, and that all that is necessary to set its machinery in motion is to write a letter suggesting that a certain concern or industry could profitably be investigated. Often such communications take the form of anonymous letters. While, as before stated, the Commission's doors are wide open to legitimate complaints, yet the line is drawn at anonymous communications and complaints by parties obviously animated by malice. The Commission insists upon having a definite applicant in each case, and it does not proceed by secret methods, but its investigators walk openly into the offices of concerns under investigation and inform the officers what they have come for. The investigation files are considered confidential, but after the issuance of formal complaints all proceedings are open to the public.

The force of investigators is, and always has been, quite small. At the end of the fiscal year covered by this report it consisted of 32 men, and the greatest number ever employed was 40. It is

obvious that a force of this size can not handle many large investigations concurrently and at the same time take care of its current work.

An interesting feature of this work is the unusual number of applications for the issuance of complaints on account of alleged passing off of name and goods, especially the former, filed in the past 60 days.

In addition to the foregoing work by this division, it was engaged during the year in two large general investigations. The first was an investigation of conditions in the wholesale lumber industry, begun at the request of the Attorney General in November, 1919. This investigation was one of the most extensive and important ever undertaken, and the work was very thoroughly done. The field work was completed and summaries of the activities of the more important associations made. As a result, a suit was begun by the Department of Justice, in the Federal Court for the Eastern District of Missouri, alleging violation of the Sherman law by the Southern Pine Association and its members. Reports on the activities of a few other lumber associations were submitted to the department for its consideration, while others remain to be prepared.

The other general investigation made by the division was made in accordance with H. R. 533, Sixty-sixth Congress, second session, which covered certain phases of the tobacco industry. Prices paid growers for the various types of leaf tobacco were secured from all of the important dealers and manufacturers throughout the country together with costs and selling prices of manufactured tobaccos. Special attention was given the question whether the antitrust acts had been violated by those purchasing leaf tobacco. Investigation was not begun until August, 1920, and report was made to Congress, with recommendations, on December 11, 1920.

BOARD OF REVIEW.

The Board of Review consists of three lawyers, one of whom has had *a* wide experience in directing investigations involving general and special economic problems in trade. After the chief examiner has gathered the facts relating to the allegations made in an application for the issuance of a formal complaint he submits them to the Board of Review. The board digests and analyzes the evidence in the record submitted to it, prepares an opinion applying the law to the facts found, and submits a report to the Commission with recommendations as to what action, in its opinion, should be taken in a particular case.

During the fiscal year ending June 30, 1921, the Board of Review disposed of 570 applications.

ECONOMIC DIVISION.

INTRODUCTION.

The work of the Economic Division during the fiscal year ending June 30, 1921, while extensive, did not show as much variety as in the years immediately preceding. This was due, in part, to the conclusion of nearly all work connected with cost findings for various governmental agencies growing out of the war, although some assistance was given, especially to the War Department, during the year in connection with outstanding claims of various packers of canned goods and also to the discontinuance, shortly after this beginning of the fiscal year, of the monthly coal and steel reports and the indefinite suspension of all other plans for current reports on the basic industries. As was related in the last annual report the Commission, in the spring of 1920, was enjoined by the Supreme Court of the District of Columbia from requiring periodic reports from companies in the coal and steel industries regarding production costs, prices, etc. It seemed useless to make any further attempts in this direction for other industries until the powers of the Commission are finally determined in these cases.

To reiterate what was said in the last annual report, "It is of vital concern to the Government and also to industry, to labor, and to the consumer that comprehensive and accurate data should be currently available concerning the economic situation of the basic industries of the country. * * * as a practical business matter it is plain that there can be but one opinion about the necessity for information comprehensive enough to assure a substantial knowledge of the current economic conditions in those industries that affect the national welfare." It may be also added that in the opinion of this Commission, the attempt to gather such information on a voluntary basis by a Government agency lacking the power to require the rendering of reports and to verify the accuracy of reports when made seems likely to head to unsatisfactory results both to the industry and to the general public.

At the request of the President, under (late of October 12, 1920, the Commission undertook an emergency investigation into the causes of the rapid and extreme decline in the price of wheat in the latter half of 1920. The emergency nature of the situation called for an immediate report, which after a brief but comprehensive investigation was submitted to the President on December 13.

In response to a second letter from the President, under date of March 21, 1921, inquiring whether the decline in consumers' prices

had been as great as that of wholesale prices in various basic industries, the Commission stated that in general the movement toward a reduction of price to the consumer for most industries appeared to be retarded chiefly at the retail stage. Furthermore, it was pointed out that there was a lack of adequate and reliable information with regard to the proper adjustment of manufacturers', wholesalers', and retailers' prices, and that a Federal agency in possession of such information could furnish Congress and the public with data which would enable a legislative or public opinion to be intelligently formed.

The major part of the work of the Economic Division consisted in the preparation of comprehensive economic reports among which may be especially mentioned their three volumes on the Grain Trade, which are expected to be followed soon by additional volumes. Reports on Sugar Supplies and Prices, on the Pacific Coast Petroleum Industry, on Shoe and Leather Costs and Prices, on Combed Cotton Yarns, on Milk and Milk Products, and on Commercial Feeds are among the other more important reports which were made during the fiscal year. All of the above-mentioned reports except those on the Grain Trade were made in response to resolution of the Senate or of the House of Representatives.

In addition to the assistance rendered the War Department with reference to price adjustments on war-time purchases, the Commission made two examinations into the cost of stamped envelopes and wrappers for the Post Office Department, in accordance with the agreement between the department and the manufacturer that costs should be determined by the Federal Trade Commission. The second examination, requested by Postmaster General Hays, was made at the direction of the President.

On its own initiative the Commission, acting under the authority of section 6, paragraph (d) of the Federal Trade Commission act, made an analysis of the first plan of dissolution filed by the five large meat packers following the consent decree of the Supreme Court of the District of Columbia in *United States v. Swift & Co. et al.*, and filed objections thereto, as respects stock yards, with Attorney General Palmer. On the request of the Attorney General it made a similar analysis of the second plan of dissolution as respect stockyards and submitted it with its objection to the Department of Justice. Attorney General Palmer in his request for the Commission's opinion had stated that the President had directed that the Department of Justice should not approve any plan unless it first had the unanimous approval of the Federal Trade Commission. Consequently, in this report the Commission suggested the principles that it would regard as satisfactory for a plan. The Attorney General filed with the court objections to both the first and second plans substantially in

the form made by the Commission, and also submitted to the court the Commission's views as to the correct principles for a plan.

The court on January 4, 1921, gave its decision rejecting the plan of the packers and stating the requirements of the court for an acceptable plan. The decision, which supported, in effect, the position taken by the Commission, gave the packers until February 8 to submit new plans.

These new plans Attorney General Palmer transmitted to the Commission February 12 for consideration. While the Commission was preparing its report, one tentative proposal of their plan--the sale of the Armour one-fifth interests in the Chicago Stockyards to F. H. Prince--was submitted to the court in final form by Armour & Co. on February 24 and approved by the court on the same day without objection by the Department of Justice, though the Commissioner's two previous reports had vigorously opposed the recognition of Prince in any plan. The Commission was not aware of the final submission or approval of this part of the plan till it read of it in the newspapers. It immediately protested to the Attorney General, who, while disagreeing, nevertheless suggested that the Commission appear before the court on February 28, 1921, to present its objection to the order entered. Counsel for Armour & Co. objected to the appearance of the Commission in the case. The court, on the statement of the representative of the Department of Justice that the department still did not object to the sale, forthwith refused to hear the objections of the Commission.

GRAIN TRADE.

During the fiscal year Volumes I, II, and V of the Report on the Grain Trade were published.

Country grain marketing.-- *Volume I* is a comprehensive study of country grain elevators and country marketing. While eight types of elevators are distinguishable, only five of them were found to be of major importance--namely, cooperative, independent, individual mill, mill line, and commercial line elevators. Commercial line elevators are relatively most important in Nebraska and the four northwestern States; independent elevators in Iowa, Kansas, and the States east of the Mississippi, and the cooperative type in the northwestern States and Iowa, Kansas, and Nebraska. Mill line elevators are most important in Oklahoma, Kansas, and Missouri, and individual mill elevators in the latter State and in the States east of the Mississippi. An outstanding development of the marketing of grain has been the entry of the farmer into the elevator business, as shown by the growth of individual cooperative elevators.

The average country elevator has a capacity of 25,000 to 26,000 bushels, and about one-half of them are equipped with cleaning ma-

chinery. Slightly less than 80 per cent handle other commodities than grain. In the five years from 1912-13 to 1916-17 the average country elevator bought slightly less than 100,000 bushels of grain annually, but the average individual cooperative elevator bought during this period about 153,000 bushels, as compared with less than 80,000 purchased by commercial or mill line houses. About 70 per cent of the grain shipped by country elevators goes to the terminal markets and around 7 per cent to smaller local markets. Local mills absorb about 13 ½ per cent of the shipments, and interior brokers procure about 6 per cent. Two per cent more goes to feeders and approximately another 2 per cent to miscellaneous purchasers. Of the grain shipped to terminal markets about 71 per cent is sold on consignment and the balance "on track" or "to arrive." Only about 40 per cent of the elevators and warehouses generally hedge their grain, and another 10 per cent hedge to a limited extent.

The report shows that typical line elevator companies and presumably other types lose through overgrading in the country, which is partly compensated for by gains dockage and weights. Country elevators obtain most of their funds from local banks, but in the four Northwestern States a large proportion of the financing of country grain business is done through the commission houses. Competition in country grain buying affects all phases of the business. Not only grain prices, but also grades, dockages, side lines, etc., are subject to keen competition. While agreements and understandings between or among competitors are frequently entered into they are not peculiar to any one type of elevator. The line elevators, however, are apparently most often the initiators of and participants in such arrangements, and the cooperatives apparently enter into them less frequently than the other types.

Terminal markets and grain exchanges.--Volume II, which deals with terminal markets and grain exchanges, is chiefly descriptive and analytical. The report covers 17 markets, 10 of which, known as primary markets, receive a large proportion of the grain shipped from local points in producing territory. The development of the grain trade and the history of the local exchanges at each market has been influenced by grain production areas and especially by freight rates. A digest and analysis of the rules and regulations enforced by the various grain exchanges is presented and there is also included a description of the functions of grain exchanges such as inspection, grading, weighing, quotation services, and the like. Inspection and weighing services are by no means wholly controlled by the exchange associations, but are subject to regulation by State commissions and the Federal Government as well. This gives rise to considerable duplication, especially at such points as St. Louis and Kansas City. Perhaps the most important function assumed by the

exchanges, aside from providing a regulated market procedure and trading places for their members, is that of collecting, recording, and distributing quotations and market information. For these services the trade at large is almost wholly dependent on exchange organizations.

Future trading operations in grain.--Volume V is the first volume of the report which deals with the subject of future trading. It comprises a survey of future trading practices and facilities and of the legal status of future trading, the description of the incidents and results of such operations being reserved for subsequent volumes. The quantity of future trading in grain varies considerably from year to year, but it was found that for certain years it has been above 20,000,000,000 of bushels. About five-sixths of this trading is done on the Chicago Board of Trade. Quotations of futures are regarded by the trade as a facility of the utmost importance. Methods of recording and distributing them insure a prompt and wide dissemination for such quotations. With regard to news rumors affecting prices, the situation suggests the need of improvements. The most important physical facility for future trading consists of the great private-wire systems. These systems are very expensive and are a heavy charge on the grain trade and other interests that use them. Primarily the systems are designed for the use of future traders, though of late they have been employed also for cash grain business. Such facilities tend to encourage speculation, but not more on grain than on other exchanges. It is impracticable to separate the stock exchange from the grain trade services of these systems.

Other grain trade reports.--Volume III, dealing with terminal cash operations, and Volume IV, dealing with the costs and profits of grain marketing, including results of crop year 1919-20, were nearly completed at the end of the fiscal year. On June 13, 1921, the Commission issued a preliminary report on costs and profits of country and terminal elevators, which was printed as a public document (Sen. Doc. No.40, 67th Congress, 1st session). This preliminary report was issued in the belief that it might be of some value in connection with the discussion of pending legislation on future trading. The analysis of future prices and the study of the incidents and results of future trading, which are reserved for later publication, involve a vast amount of clerical and statistical work, but are expected to permit the drawing of some definite and important conclusions regarding this subject, based not on mere opinions but on the actual results shown by the price movements.

PACKER DECREE AND THE STOCKYARDS.

On February 27, 1920, a consent decree was entered in this Supreme Court of the District of Columbia, in the case of the United States *v.*

Swift and Co., Armour & Co., Morris & Co., Cudahy Packing Co., Wilson & Co. (Inc.), and certain subsidiary or affiliated corporations and certain individuals connected with the corporate defendants. The decree, among other things, enjoined and restrained the defendants from owning, either directly or indirectly, individually, or by themselves, or through their officers, directors, agents, or servants, any capital stock or other interest whatsoever in any public stockyard market company and required the defendants having interests in public stockyard market companies to file in the court, for the court's approval, a plan for divesting themselves of all such interests.

The defendants on August 31, 1920, filed with the court a plan by which they proposed to divest themselves of their stockyard holdings, which plan as outlined provided for the sale of their holdings in 15 important stockyards to F. H. Prince & Co., of Boston, and the formation of a holding company for all these yards.

Following the filing of this plan by the defendants, the Commission proceeding under its statutory powers, resolved to make immediate investigation of the manner in which this decree was being carried out by the defendants with respect to divesting themselves of ownership or interest in stockyards. Such investigation was made, including an analysis of the plan of these defendants for disposition of their stockyard interests.

After studying the defendants' plan, the Commission transmitted, on September 13, 1920, a report to Attorney General Palmer in which it objected to the said plan, stating the conclusion of the Commission to be that the plan presented by the packers would not secure the objects sought in this litigation. The two principal grounds given for this conclusion were: (1) That the long-time stockyard relations of F. H. Prince with the packers had been such that the plan as outlined would not result in a divorcement of the stockyards from packer interests, and (2) that the plan as outlined would result in an infraction of the monopoly law greater and more serious than the existing infraction.

The Commission in its letter to the Attorney General reviewed the history of the Prince-Packer stockyard relations, beginning in 1890 and continuing to the formation, in 1911, of a second holding company, the Chicago Stockyards Co. of Maine, by which the Prince and Armour interests, by the investment of \$1,000,000, secured control of the largely undisclosed surpluses of the previously formed underlying companies aggregating upward of \$13,500,000, and in the meantime concealed their connection with the transaction through the use of "bearer warrants" and of dummy officers and directors, with the result that the producers of live stock and the public authorities for years did not know that there were any packer interests in the Chicago stockyards, nor did the stockholders of the first hold-

ing company, the New Jersey Co., know that Mr. Prince, contrary to the provisions of the plan by which he had secured their assent, was himself a beneficiary of the surpluses they had signed away.

After presenting its objections in detail the Commission said : "For the foregoing reasons the Commission respectfully recommends that this plan be not approved."

Shortly after the transmission of the Commission's objections to the plan of the packers, the Department of Justice presented its objections to the aforesaid plan to the court, which objections were in substance and effect the same as those presented to the Attorney General by the Commission. The packers thereupon withdrew the plan.

The packers in the latter part of October, 1920, filed with the court a second plan, which again provided for the utilization of F. U. Prince & Co. as the agents through which to bring about a severance of the defendants from the ownership and operation of the stockyards. It furthermore proposed to organize a new holding company, to be known as United Stockyards (Inc.), which holding company it was proposed should combine and operate seven of the principal stockyards and place them under a 20-year operating lease to the Chicago Stockyards Co. with power in the United Stockyards (Inc.) to acquire other stockyards and lease them also to the Chicago Stockyards Co.

On November 4, 1920, Attorney General Palmer addressed a letter to the Federal Trade Commission in which, at the direction of the President, he referred this second plan of the packers to the Commission for its approval. In this letter the Attorney General stated that "the President has requested that the Department of Justice should not approve any plan for the disposition of these interests unless such a plan should first receive the unanimous approval of the Federal Trade Commission."

Pursuant to Attorney General Palmer's letter of November 4, the Commission on November 13, 1920, transmitted to the Department of Justice a second report, in which it set forth its objections to the second plan proposed by the defendants. The Commission disapproved of the plan on these grounds:

1. Inadequate assurance of final severance of defendants' interest.
2. Creation of monopoly which would otherwise be illegal.
3. Failure of provision for sale of all yards separately to separate interests.
4. Subjection of combined yards to management of Chicago Stockyards Co.
5. Expansion of stock values in favor of an underwriting syndicate, including defendants.
6. Vague and uncertain provisions relating to matters of finance.

After presenting all of its objections and the reasons therefor the Commission suggested to Attorney General Palmer the principles upon which it was prepared to approve a plan for carrying out the

decree in order that both the defendants' and public's interests might be conserved. The plan suggested by the Commission provided, in detail, for the sale of the defendants' interests through three or five trustees, to be appointed by the court from groups of nominees to be suggested by the Interstate Commerce Commission and such other governmental agencies and agricultural organizations as the court might elect and by the defendants.

The Department of Justice, after receiving this second report from the Commission, filed similar objections with the court to the second plan of the packers and submitted to the court the substitute plan of divestment proposed by the Commission. Thereafter the court, on January 4, 1921, rendered its decision in the ease, which decision in effect sustained the objections set forth by the Commission to the various plans of the packers. The court at the same time set forth such requirements for new plans as the court would be able to approve and stated that it could not approve any plan for the consolidation of the yards, whether by a holding company or otherwise.

The court having objected to both the first and second plans of the packers, these defendants, on February 7 and 8, 1921, filed with the court new plans for the disposition of their stockyards. Among the several propositions of the new plans was a tentative proposition submitted to the court by Armour & Co. to sell its interest in the Chicago Stockyards Company to F. H. Prince, of Boston. Copies of these plans, by direction of the Attorney General, were forwarded to the Commission on February 12, 1921. however, while the Commission was preparing its report on the plans of February 7 and 8, the proposal for sale of Armour's Chicago stockyards holdings to E. H. Prince was submitted in final form to the court on February 24 and was approved the same day, without objection on the part of the Department of Justice.

On learning through the press of the approval by the court of this sale to Prince, the Commission on February 26, 1921, addressed a letter to Attorney General Palmer in which it protested the sale and set forth its reasons for such protest. The Commission in its letter requested that the Department of Justice at once petition the court to vacate the said order approving the sale and transfer of the said Armour interest to F. H. Prince. The Commission further requested that the Department of Justice present the views of the Commission as outlined in its letter to the court on the following Monday, February 28, or as soon thereafter as the matter might come first before the court.

Attorney General Palmer replied on February 28, 1921, stating that he could find nothing in the Commission's conclusions which would make it necessary for the Department of Justice to make such application to the court, but suggested that counsel representing the

Commission appear before the court that afternoon and present the Commission's views.

Acting on the suggestion of the Attorney General, the Commission directed its counsel to appear before the court at 2 o'clock p.m. on February 28, to present the Commission's statement of objections to the sale of the Armour Chicago stockyards interests to Prince. When counsel for the Commission appeared before Justice Stafford and asked permission to present such statement, counsel for the packers objected to the statement being read on the ground that the court had already approved the sale and that the Government had been represented in the matter by the Attorney General, and further on the ground that the Federal Trade Commission was not a party to the proceeding. Justice Stafford thereupon turned to the representative of the Department of Justice and asked, "Does the Department of Justice now object to the sale?" to which its representative replied, "No, your Honor." The court thereupon stated that the Attorney General represented the public in the matter and that it did not care to hear the Commission's statement read.

The Attorney General, in his letter of February 28, requested that if the Commission had any suggestions to make with respect to the main plans submitted by the packers on February 7 and 8, that he be so advised at once. Pursuant to this request, the Commission the same day sent to the Department of Justice a statement reaffirming its report of November 13, 1920, and its constructive plan then submitted, and setting forth further its specific objections to those features of the new plans of February 7 and 8 which provided for the selection of sales agent trust companies by the packers and the fixation of selling prices for the stock. It was shown that through sales in this manner the public might be excluded from purchase and that the stocks, though nominally sold, might change hands without resulting in an actual severance of packer control.

PETROLEUM.

Two reports on the petroleum industry were issued during the current fiscal year, one relating to the industry of the Pacific Coast and the other to that of Wyoming.

Pacific Coast petroleum industry.--An inquiry into the causes of the advances in the price of fuel oil, gasoline, and other petroleum products, more especially on the Pacific Coast, made pursuant to a resolution of the Senate in 1919 was completed, and Part I of the report, which deals with production, ownership, and profits, was submitted to the Senate on May 2, 1921. The second part of this report, which was not submitted until after the close of the fiscal year, deals with prices, marketing methods, and competitive conditions. Part I also gives important information concerning general conditions in

the petroleum industry in the United States during the year 1919, which was obtained in response to house Resolution 501, Sixty-sixth . Congress, second session, but too late to be incorporated in the report made in answer thereto.

The outstanding facts regarding the Pacific Coast petroleum industry shown in Part I of the report may be concisely stated as follows :

(1) All branches of the petroleum industry oil the Pacific Coast, i.e., crude petroleum production, pipe-line transportation, and refining and marketing, are dominated by a few large interests which control most of the proven oil land and operate nearly all the pipe-line and refining equipment.

(2) There was a great increase in the costs of production of crude petroleum between 1914 and 1919 for all classes of companies; there was also a marked increase in the cost of transportation by pipe line auld in the cost of refining.

(3) The profits of the crude petroleum industry of California were comparatively low in 1914 and 1915, but they were unusually large in 1918 and 1919. This increase in the average rate of earnings resulted from a great increase in crude petroleum prices. While the average rates of earnings from the crude-petroleum business in the later years were large, the fact that there was a scarcity of crude, resulting from a steady growth in demand, appears to afford an adequate economic explanation of the increase in prices and earnings.

(4) The earnings of the five large companies--namely, the Standard Oil Co. (California), the Union Oil Co. of California, The Associated Oil Co., the Shell Co. of California, and the General Petroleum Corporation--which are engaged In crude petroleum production, pipe-line transportation, refining, and marketing of gasoline, fuel oil, and other petroleum products, and which are the dominating factors In this Industry on the Pacific Coast, were generally low in 1914 and 1915, but they all show either very good or very high rates of earnings in 1918 and the first half of 1919.

(5) Data regarding the results of the petroleum industry for the whole country for the entire year 1919 indicate that the situation as to profits in the California petroleum industry was not exceptional compared with other sections of the United States in that year.

(6) While the petroleum shortage of 1919 and the first part of 1920 seems to have been temporarily unmet, both on the Pacific Coast and in the United States as a whole, the problem of an adequate petroleum supply for the future does not appear to be fully solved and the Commission reiterates certain recommendations which it made in a report to the House of Representatives on June 1, 1920--namely, (a) that the active support of the Government be given to those engaged in the oil industry to develop production in foreign countries; (b) that methods of drilling for petroleum and the utilization products and their substitutes should be a subject of special study in technological and economic aspects with a view to conserving the supply; (c) that the great importance of information regarding changes in industrial and commercial conditions in the oil trade suggests the need of making provision for having such information currently collected and reported for the use of Congress, the public, and

the industry.

Wyoming petroleum industry.--On January 3, 1921, the Commission submitted a report to Congress on the petroleum industry of

Wyoming. The attention of the Commission was drawn to the situation in that State by a complaint alleging unsatisfactory conditions in connection with the production and sale of crude petroleum produced in the Salt Creek Wyoming field. The report covered all phases of the petroleum industry in Wyoming. The principal facts set forth in the report may be concisely stated as follows :

(1) The geographic isolation of the Wyoming Oil fields with reference to the prolific mid-continent and California fields and the absence of pipe-line transportation to the large consuming centers makes It necessary for the Wyoming producer to sell his crude petroleum to local refining companies.

(2) There is greater concentration in the control of the production of crude petroleum in the Wyoming oil fields than in any other field in the United States.

(3) From 1917-1919 the Midwest Refining interests and the Ohio Oil Co. controlled from 93 to 97 per cent of the Wyoming production.

(4) The Ohio Oil Co. is a member of the Standard Oil group, and during 1920 practical control of the Midwest Refining Co. was acquired by the Standard Oil Co. (Indiana).

(5) In 1919 the Ohio Oil Co. and the Midwest Refining Co. owned 99 per cent of the pipe-line mileage and transported about 98 per cent of the crude petroleum marketed in Wyoming.

(6) The Midwest Refining Co. and subsidiaries owned and operated 90 per cent of the refining capacity or Wyoming in 1920, and in 1919 they purchased and refined 94 per cent of all the Wyoming crude petroleum refined in the United States.

(7) In 1919 the Midwest Refining Co. sold 90 per cent of its refined products to Standard Oil . marketing companies.

(8) As shown by its records, the Midwest Refining Co. earned 33 per cent on its investment in the petroleum business in 1919, while the average from 1914, the first year operated, to 1919, was almost 26 per cent.

LEATHER AND SHOES.

Under a resolution of the House of Representatives, the Commission was directed to inquire into the increased prices of shoes, ascertaining costs and selling prices of both manufacturers and retailers for the years 1918 and 1919. It was deemed necessary to include the hide and tanning industries as well as the shoe industry. This inquiry, therefore, was made practically coextensive with the report submitted in August, 1919, and the report was submitted to the House of Representatives June 10, 1921.

The report deals with the price movements of hides and leather; the production and movement of hides, leather, and shoes; the costs and profits of tanners and shoe manufacturers; the margins of profit of tanners and shoe manufacturers; the margins of profit of shoe wholesalers, jobbers, and retailers; and the general condition in the industry.

The information on investment and earnings and on costs and profits was secured

either by means of schedules or directly from the

books of the companies by accountants of the Commission. The schedules were as follows :

(1) A schedule calling for costs of production, financial statements, and other general information, sent to tanners of shoe leathers.

(2) A schedule calling for statements of manufacturing costs, investment and earnings, and general information, sent to shoe manufacturers.

(3) A schedule calling for cost and selling prices of selected shoes and for statements of sales, expenses, and net profits, sent to shoe dealers (wholesale and retail) .

(4) A schedule calling for statements of leather stocks on hand on given dates and for report of monthly leather production, sent to tanners. The sections of this schedule covering stocks on hand were sent also to leather dealers.

In addition to the information obtained through schedules mailed to various companies, data on the details of cost of production of 259 types or grades of shoes were taken from the books of 26 shoe manufacturers by accountants of the Commission.

Statistics gathered by the Department of Agriculture to show the quantities of animals slaughtered monthly and the raw stocks of hides and skins on hand on the last day of each month were supplemented with original data gathered by the Commission to serve the purposes of this report.

The conclusions reached in this inquiry were that the high prices of shoes in 1918 and the great increase in those prices in 1919 appeared to have been the result of abnormal conditions of supply and demand arising from the war, which were both economic and psychological. Incident to these conditions were large margins of profit taken by tanners, shoe manufacturers, wholesalers and jobbers, and retailers. The advance in prices was finally terminated by the so-called "buyers' strike " in the spring of 1920. The failure of leather prices and shoe prices to decline as extensively as did hide prices after the "buyers' strike " was attributed in the report (1) to the fact that other costs had not declined as much as had raw material costs, and (2) to an apparent tendency to base selling prices on actual rather than replacement costs--a policy inconsistent with that applied in 1919 while prices were advancing. In any event, even though tanners and shoe manufacturers earned smaller profits or sustained actual losses in 1920, due to changed conditions--which were not dealt with in this report because the inquiry was closed with the end of 1919--the prices of hides and skins and the conditions existent in these phases of the industry in June, 1921, were held to justify the expectation of still further declines in the quoted prices of leather and shoes.

COTTON TEXTILES.

Combed cotton yarns.--In the spring of 1920 there was undertaken in response to House resolution 451, Sixty-sixth Congress, second session, an inquiry into the combed-yarn industry with respect to the extent and causes of the rapid advance in prices. The most important feature of this inquiry was the work of ascertaining the investment, costs, profits, and prices of a group of representative combed-yarn manufacturers for the period 1914-1919.

Briefly summarized, the facts ascertained were that during the six years examined prices of long-staple cotton, of which combed yarns are made, advanced more rapidly than the prices of short staple, particularly in 1919. This advance was in response to increased demand for combed yarns and goods manufactured from them. Cotton, representing some 60 to 65 per cent of the average total cost of sales, showed a larger advance than other items of manufacturing and selling cost. Although the average prices realized by manufacturers were materially lower than the open-market prices of combed yarns in the later years of the period covered, these average prices advanced practically parallel with the market price of raw cotton, thus resulting in unusually large profits per pound of yarn. As the volume of yarns produced also increased in later years of the period, the larger earnings per pound resulted in unusually large rates of return on the investment during 1917 and subsequent years. The largest earnings both per pound and on investment occurred in 1917, though prices per pound were highest in 1919.

Current industrial reports.--Plans for current industrial reports for cotton textiles were under consideration at the beginning of the fiscal year. Conferences with some representatives of the industry were held, but the work was discontinued on that and on similar reports concerning certain other industries pending final decision in the Maynard Coal case and in the Steel cases, involving the question of the Commission's power to require such reports.

MILK AND MILK PRODUCTS.

The report on milk and milk products, which was made in response to an inquiry of the Senate with respect to conditions during the World War, was submitted on June 6, 1921.

The unusual conditions growing out of the war were found to have affected almost every aspect of the milk and milk-products industries. Increasing European demand caused the prices of canned milk to advance, thereby affecting costs and prices of raw milk and of other milk products. Demand for raw milk was thus the cause of the principal competitive difficulties during this period and at the same time

a large factor in advancing prices of milk, butter, and cheese. In 1918 the average advance over the 1914 price paid the producer of milk by market-milk distributors was 74 per cent, by canned-milk manufacturers 76 per cent, and by butter manufacturers 80 per cent. Average production costs of evaporated milk were found to have advanced 77 per cent from 1914 to 1918. In the year of the lowest rate of profit, 1918, the canned-milk companies earned on the average, excluding returns from securities, 10.6 per cent on capital, surplus, and borrowed funds, and in the year of the highest rate of profit, 1917, 27.7 per cent on capital, surplus, and borrowed funds.

Marked concentration of control was found in the manufacture of canned milk. In 1914 three companies produced 56.5 per cent of the total output of the country, and in 1918 four companies 54.2 per cent. The two companies ranking highest in production in 1918--the Borden Co. and the Nestle' & Anglo-Swiss Condensed Milk Co.--were, throughout much of the war period, taking under contract immense quantities of the output of smaller companies. Furthermore, these two largest interests--Borden and Nestle'--have long had agreements seemingly restrictive of competition and apparently open to question under the antitrust acts.

Creamery butter is produced in two types of plants-- "centralizers," securing cream from large territories, and "locals" (including cooperative companies), relying wholly on supplies from the vicinity. It was found that the centralizers' costs increased from 27 cents per pound of butter in 1914 to 48 cents in 1918. Approximately 90 per cent of this manufacturing cost was for cream (butter fat) and its collection. No butter-fat cost for cooperatives could be shown.

Questionable practices in the buying and handling of cream by butter manufacturers were disclosed by the inquiry, many of which have since been declared to be unfair by the trade itself. Some of the practices thus declared by the trade to be unfair are false testing of cream, unauthorized use of competitor's equipment, false advertising, price discrimination, the payment of more than established commissions, and the furnishing of cans without charge to producers.

COMMERCIAL FEEDS.

By a resolution of the Senate the Commission was directed to inquire into the manufacture and sale of commercial feeds. The Department of Agriculture was directed to cooperate with the Commission.

The number of commodities used as commercial feeds is exceedingly large, so that the Commission was obliged to limit its inquiry to the more representative and important feeding stuffs.

The field work in connection with the inquiry consisted chiefly of interviews with manufacturers, dealers, and other distributors, State feed control officials, feeders, and representatives of farmers organizations, particularly with respect to the manufacture and sale of feeds, general trade practices, adulteration and misbranding, and competitive conditions in the industry. This work was supplemented by the examination of correspondence files of associations, manufacturers, and distributors. The costs and profits of a representative group of feed manufacturers were also secured, but it was found impracticable to secure such information from retail dealers. information was secured in some 70 cities and towns in the more important feed manufacturing and consuming centers.

The report on this inquiry was submitted to the Senate on March 29, 1921. The principal conclusions were as follows :

A study of the costs and profits of a representative group of mixed-feed manufacturers during 1915-1919 showed that by far the largest factor causing the high prices of ready mixed feeds in 1919 Was the great increase in the cost of raw materials.

The rate of return on investment of these mixed-feed manufacturers was found to be fairly high in each year, while in 1917 and 1919 the rate of return was considerably larger.

On the whole, competition in this industry was found to be very active. This was to be expected in an industry which includes so many different products and such a large number of widely scattered manufacturers. Competition between the different kinds of straight feeds and between such feeds and the ready-mixed feeds tends to keep prices of the different kinds of feeds in line with one another on the basis of their feed utility.

There was found to be a great lack of authoritative data in regard to many phases of the industry and there are numerous questions which are highly controversial. This is particularly true in respect to the feed value of certain products commonly known as roughage or low-grade feeds.

It was recommended that a series of exhaustive tests should be undertaken in order to determine definitely and satisfactorily the merit of these low-grade feeds.

It was found that the enactment and enforcement of feed laws has resulted in great improvement so far as fraudulent practices are concerned, and that comparatively few cases occur where feeding stuffs are adulterated with substances having practically no nutritive value.

SUGAR SUPPLY AND PRICES.

During the fiscal year a report on the supplies and prices of sugar was issued. This report was ordered by resolution of the House of Representatives, which directed that an inquiry be made

into the prices of sugar and the conditions of production and distribution as they existed during the summer of 1919. Conditions of supply and prices, however, became so acute during the first half of 1920 and so charged with public interest that the inquiry was extended to cover this period also.

During the earlier period covered by the report Government control over sugar prevailed. Measures taken by the Government to relieve the shortage, to effect an even distribution, and to hold prices in check were made the subject of inquiry, and also the Government's relaxation of control and the attendant hoarding, speculation, resales, and increase in prices.

During the early months of 1920, the report shows, speculation appeared in two forms : First, the refining on toll of large quantities of sugar by refiners for the account of manufacturers and sugar jobbers; and, second, the increased handling of large quantities of both beet and cane sugars by wholesale concerns who sell to other wholesalers rather than to retailers or manufacturers. Both lines of activity, it was found, tended to disrupt established channels of trade and to increase prices.

WHEAT PRICES.

This investigation was made pursuant to a request of the President addressed to the speedy investigation and prompt report. Necessary statistical and other data were Commission under date of October 12, 1920. The emergency nature of the situation called for a assembled, the results of field work and interviews at the more important grain markets were digested, and after careful consideration by the Commission the completed report was submitted to the President on December 13.

The report involved (1) the study of statistics of wheat production, imports and exports, and stocks on hand, in relation to price tendencies, especially the extent and influence of the movement of Canadian grain into the United States; (2) the bearing of the purchasing policies of foreign governments and the domestic and export demand for wheat products; (3) the effects of transportation conditions; (4) the general business and credit situation in relation to demand for consumption and for the accumulation of mercantile stocks; (5) the working of the reopened wheat futures markets with reference to hedging and speculation and prices; (6) the extent of the holding of wheat by farmers; and, finally, (7) the legal situation as regards proposed remedies. All these topics were discussed in the report with the aid of any available statistics as well as of information secured directly from men in the grain trade and other classes concerned.

The conclusions arrived at were that the decline in wheat prices was due mainly to general conditions, but certain special factors in the situation, in particular the arbitrary buying policies of foreign governments, were regarded as important, and suggestions looking to the prevention of unnecessary fluctuations in the price of wheat were made. It was found that the various emergency war powers of the President were probably not legally available for employment under the circumstances in question, even if their employment could be considered otherwise desirable.

"BLUE-SKY" SECURITIES.

Shortly prior to the close of the fiscal year an inquiry into the Federal and State regulations of the sales of securities was begun. These regulations include what are commonly known as the "blue-sky" laws, which have been enacted by a large number of the States. An analysis of these laws is being made, their administration studied, and results secured through the laws examined.

Consideration is also being given to the activities of the Federal Government designed to restrict blue-sky operations and the legislative measures proposed for Federal enactment are being examined.

CANNED FOODS.

The costs of certain goods, chiefly canned goods, which were purchased by the Government were examined into and reported to the Food Purchase Board during the war. A summary of this work was practically completed during the fiscal year. The report deals particularly with the costs of canned corn, peas, string beans, tomatoes, and salmon.

With respect to canned foods certain inquiries have been received from the War Department regarding cases where special prices were demanded by packers affecting outstanding claims. The justification of these claims was determined by the Purchase Department (War Department) by recourse to records of the Commission relating to each individual case in dispute. Such figures as have been furnished by the Commission relate to cost, the profits to be allowed depending on agreements made by the Food Purchase Board.

COAL.

The principal work on the coal industry during the fiscal year consisted in the continuation of the mimeographed monthly bulletins on bituminous coal.

The material contained in these bulletins was collected and tabulated from the monthly reports made by operators on the Commis-

sion 's prescribed cost forms. Preliminary monthly bulletins had already been issued, beginning with January, 1920, the object being to make the unrevised information available as soon as possible after receipt of the operator's reports. Quarterly reports of revised costs followed the publication of these monthly bulletins, and in most cases modified the preliminary figures but slightly. The object of the quarterly report furnishing final statistics was to make public in authentic form the essential facts concerning changes in cost of coal from month to month and the average cost during the quarter.

Following the issue of the temporary injunction in the Maynard suit, which was described in the annual report for the year ending June 30, 1920, the Commission invited the Voluntary cooperation of the coal operators in supplying the necessary reports and made it clear that pending the final decision compulsory process on the collection of penalties would not be employed in the event of failure to file reports.

The Commission received reports from 1,589 operators for January, 1,431 operators for February, 1,081 operators for March, 812 operators for April, and 680 operators for May. In issuing its sixth monthly bulletin on bituminous coal costs, covering June, 1920, the number of operators having dwindled to 555, the Commission announced the suspension of this monthly publication rather than risk giving out figures that, being obtained from a comparatively small number of companies, might prove misleading.

Coal Cost Report No 7, Trans-Mississippi States (Bituminous) was completed and published.

Special coal reports were made to other Government agencies, by request, as follows:

Statistical data relative to bituminous coal costs, etc., were prepared for the Navy Department.

Information was furnished to the Geological Survey in April, 1921, relative to the inventories of anthracite coal for the years 1913 to 1918, inclusive.

STEEL.

Current statistical reports for the steel industry, together with the coke and pig-iron industries, which were initiated during the preceding fiscal year, beginning with January, 1920, were continued during the early part of the fiscal year here under report. As noted in the last annual report, the temporary injunction against the requirement of reports on the steel industry, which was procured by certain steel companies, made it necessary to conduct this work thereafter on a voluntary basis. The reports thus received, however, although they comprised a large proportion of the entire industry, because of the inclusion of the United States Steel Corporation,

were not considered suitable for the publication of average results, as any average figure would be practically controlled by the results of that company. Consequently, the numerous companies which continued to make reports were advised in November to discontinue them. The fact that so many of the iron and steel companies made nine monthly reports without protest or apparent difficulty is a sufficient answer to the objections (other than those concerning legal authority) which were made by the companies which procured the injunction.

LUMBER.

During the year ending June 30, 1921, the work relative to lumber may be classified under two general heads--first, that having to do with summarization for publication of data on the cost, prices, investments and profits of the lumber industry during the war, and second, negotiations with representatives of the lumber industry looking toward the adoption of schedules for current reporting of production, costs stocks, prices, profits, and other information relative to general condition of the industry.

Lumber cost and profits during the war.--Some work was done in summarizing data already in the hands of the Commission covering investment, costs, prices, and profits for the years 1917 and 1918, but it was not completed during the year.

Current industrial reports.--Conferences with representatives of the industry having for their objects the adoption of a schedule for collecting current data as to production, stocks, costs, prices, and other information regarding the industry, which were begun prior to June 30, 1920, were continued through the summer and fall of the present fiscal year. In view of the temporary injunction in the Maynard Coal Case consideration was given to a plan for the voluntary submission of the data desired, but it was finally decided to defer further work on this subject until such time as the Commission's power to secure and compile the data as been finally passed upon by the courts.

PAPER.

Monthly paper reports.--The collection and compilation of statistics concerning the paper industry, which was begun in 1917, was continued throughout the fiscal year. The statistics obtained from the paper industry itself relate chiefly to the production, shipment, and stocks of paper and pulp, by grades. The statistics obtained from publishers relate chiefly to the consumption, stocks, and prices of news-print paper. The information so collected was compiled and published in monthly and special bulletins for the benefit of those engaged in the paper industry, the consumers, and the public.

In addition to the data collected by the Commission there was also included in its current bulletins data on the imports and exports of paper supplied by the Bureau of Foreign and Domestic Commerce, Department of Commerce.

Post-office envelopes.--In accordance with requests of the Post Office Department, examinations were made of the books of certain paper-manufacturing companies, and reports submitted to the Post-Office Department depended on certain questions of cost which the parts concerned had agreed should be determined by the Federal Trade Commission. The first of these examinations and reports was for the purpose of determining if there had been any increases or decreases in the cost of envelope paper, stamped envelopes, and wrappers to be supplied during the last four months of 1920. The second examination made at the request of the President just before the close of the fiscal year, was to ascertain the cost of stamped envelopes and wrappers and the paper from which they were made as compared with costs on October 1, 1920.

EXPORT TRADE DIVISION.

The foreign trade activities of the Commission may be divided into two groups: (1) administration of the Export Trade Act (Webb-Pomerene law);¹ (2) investigation of trade conditions in and with foreign countries where associations, combinations, or practices of manufacturers, merchants or traders, or other conditions may affect of the Federal Trade Commission Act (p. 74).

PURPOSE OF THE EXPORT TRADE ACT.

The primary purpose of the Export Trade Act was to facilitate the moving of American goods to foreign markets, to serve as an encouragement to exporters, and to enable them to compete successfully with buying and selling combinations of other countries.

In 1916 the Federal Trade Commission in its report to Congress on Cooperation in American Export Trade emphasized the rapid growth of trade in foreign countries and the encouragement by foreign Governments of buying and selling combinations with which American exporters must deal and compete. To meet this important national need, the Export Trade Act was passed on April 10, 1918.

PROVISIONS OF THE ACT.

The act authorizes the formation of “associations” entered into for the sole purpose of engaging in export trade, these associations to be exempt from the antitrust laws of the United States, with the proviso that there shall be through the association no restraint of the export trade of any domestic competitor, no enhancing or depression of prices, or substantial lessening of competition within the United States.

Section 1 of the act defines “export trade” and “association.”

Sections 2 and 3 provide exemption from the antitrust laws under certain conditions.

Section 4 extends the jurisdiction of the Commission under the Federal Trade Commission act to “unfair methods of competition used in export trade against competitors engaged in export trade, even though the acts constituting such unfair methods are done without the territorial jurisdiction of the United States.”

Section 5 provides for the filing of papers by associations² with the Federal Trade Commission, and other details of administration.

¹ See Exhibit 5.

² See Exhibits 6 and 7.

In order to meet the many inquiries concerning the act, the Commission has printed a leaflet, entitled "Foreign Trade Series No. 1" covering a discussion of and practice and procedure under the act. Copies of this publication may be obtained from the Export Trade Division upon request.

ASSOCIATIONS OPERATING UNDER THE ACT.

At the close of the fiscal year ending June 30, 1921, there were 48 associations operating under the act. These are listed as follows:

American Locomotive Sales Corporation, 30 Church Street, New York City.
American Milk Products Corporation, 302 Broadway, New York City.
American Paper Exports (Inc.), 136 Liberty Street, New York City.
American Pitch Pine Export Co., 522 Audubon Building, New Orleans, La.
American Provisions Export Co., 226 West Dams Street, Chicago, Ill.
American Soda Pulp Export Association, 200 Fifth Avenue, New York City.
American Tanning Materials Corporation, 106 Wall Street, New York City.
American Textile Machinery Corporation, 60 Federal Street, Boston, Mass.
American Webbing Manufacturers' Export Corporation, 395 Broadway, New York City.
Associated Button Exporters of America (Inc.), 1182 Broadway, New York City.
Atlantic & Gulf Export Co., 501 West Building, Jacksonville, Fla.
Automatic Pearl Button Export Co. (Inc.), 301-315 Mulberry Avenue, Muscatine, Iowa.
Canned Foods Export Corporation, care of National Cannery Association, Washington, D.C.
Carolina Wood Export Corporation, 1203 Bank of Commerce Building, Norfolk, Va.
Cement Export Co. (Inc.), 30 East Forty-second Street, New York City.
Chalmers (Harvey) & Son Export Corporation, rear 31 East Main Street, Amsterdam, N.Y.
Consolidated Steel Corporation, 165 Broadway, New York City.
Copper Export Association (Inc.), 60 Broadway, New York City.
Davenport Pearl Button Export Co., 1231 West Fifth Street, Davenport, Iowa.
Douglas Fir Exploitation & Export Co., 260 California Street, San Francisco, Calif.
Export Clothes Pin Association of America (Inc.), 90 West Broadway, New York City.
Florida Hard Rock Phosphate Export Association, 2 Rector Street, New York City.
Florida Pebble-Phosphate Export Association, Rector Street, New York City.
Foundry Equipment Export Corporation, 1021 North Delaware Avenue, Philadelphia, Pa.
General Alcohol Export corporation, 60 Wall Street, New York City.
Grand Rapids Furniture Export Association, 214 Lyon Street NW., Grand Rapids, Mich.
Gulf Pitch Pine Export Association, 1212 Whitney-Central Building, New Orleans, La.
Locomotive Export Association, 30 Church Street, New York City.

Millers Export Association (Inc.), The, 17 Battery Place, New York City.
 Mississippi Valley Trading & Navigation Co., 708 Equitable Building, St. Louis, Mo
 Namusa Corporation, 30 Church Street, New York City.
 Pan American Trading Co., 490 Broome Street, New York City.
 Pennsylvania Millers' Export Association, 524 Bourse Building, Philadelphia, Pa.
 Phosphate Export Association, 2 Rector Street, New York City.
 Phosphate Export Association & Florida Hard Rock Phosphate Export Association, 2 Rector Street,
 New York city.
 Pipe Fittings & Valve Export Association, The, care of A. E. Rowe, secretary, Branford, Conn.
 Redwood Export co, 260 California Street, San Francisco, Calif.
 United Paint & Varnish Export Co, The, 601 Canal Road, Cleveland, Ohio,
 United States Alkali Export Association (Inc.), 25 Pine Street, New York, City.
 United States Forest Products Co, care of Corporation Trust Co. Of Delaware, Dover, Del.
 United States Handle Export Co, The, Piqua, Ohio.
 United States Maize Products Export Association, 17 Battery Place, New York City.
 United States Office Equipment Export Association, 350 Broadway, New York City.
 United States Provision Export Corporation, 327 South La Salle Street, Chicago, Ill.
 Walnut Export Sales co. (Inc.), 616 South Michigan Avenue, Chicago, Ill.
 Walworth International Co., 800 First Street, South Boston, Mass.
 Wisconsin Cannery Export Association, Manitowoc, Wis.
 Wood Pipe Export Co., 701 White Building, Seattle, Wash.

MEMBERSHIP OF ASSOCIATIONS.

The membership of Webb-Pomerene associations includes about a thousand plants and factories scattered over 41 States of the Union and employing a large number of workers. Commodities of all sorts and kinds are shipped to all corners of the globe.

Some of the associations are composed of small concerns which otherwise could not hold their own in foreign markets. Others are formed by well-established houses, which nevertheless are benefited by cooperation under the act. Several represent a large percentage of the industry in which they are engaged.

EXPORTS DURING 1920 TOTAL \$221,000,000.

In spite of obstacles encountered by all exporters during the year 1920, goods to the total amount of about \$221,000,000 were exported by associations operating under the act.

Steel, copper, and cement exported were valued at more than \$127,000,000 and were shipped to all parts of the world.

Lumber totaled about 344,500,000 feet. Pitch pine was shipped to Europe, South America, Central America, and the West Indies;

walnut to Mexico, Canada, England, and the European continent. Principal shipments of redwood were consigned to Australia; and fir was exported to the United Kingdom, Cuba, Mexico, South America, Africa, Oceania, and the Far East.

Milk, meat, and other foodstuffs totaled in value approximately \$8,000,000, and were shipped to Great Britain, Europe, Cuba, Mexico, Central America, and China.

The value of locomotives, machinery, pipes and valves, and foundry equipment, including wood pipe and tool handles, is estimated at more than \$25,000,000. Textile machinery was exported chiefly to France, Spain, and Italy. Large orders for locomotives are noted from Belgium and Rumania.

Paper was shipped to Europe, Asia, Africa, and South America. Phosphate rock to the value of over \$8,000,000 was exported to the United Kingdom, Europe, and Japan.

Tanning materials were sent chiefly to the United Kingdom; alcohol to Europe, Asia, and New Zealand; and alkali was exported to all parts of the world.

Paint and varnish were exported to the West Indies, South and Central America, Australia, and China; and world-wide markets have been established for furniture and office equipment, soda pulp, webbing and other materials, clothespins, and general merchandise.

BENEFITS DERIVED UNDER THE ACT.

Out of the experience of associations operating under the act many lessons of economy and saving have been brought to light.

The old practice by foreign purchasers of playing out American competitors one against another is wiped out when competitors combine to sell in the foreign market through a Webb-Pomerene association.

Collection of information concerning foreign market conditions, shipping facilities and requirements, foreign lists and packing practices, and the exchange of constructive ideas among members of such an association have led to more efficient placing and filling of orders.

The economical advantages of joint advertising, joint selling offices and agents, and the pooling of administrative expense are apparent in the substantial reduction of overhead reported by these associations.

Distribution of orders among the several members makes it possible to complete foreign shipments in less time and with more satisfactory results than formerly, when each member concern took its own orders and wrestled alone with the problem of filling them.

In most cases orders are taken and filled by the association, shipments being prepared and inspected by agents of the association.

The efficiency of this plan is evidenced by the satisfaction of foreign purchasers and a very noticeable decrease in claims from foreign consignees.

Out of cooperation under the act new ideas for economical manufacture have been developed. The elimination of many unnecessary varieties and grades which may sell to advantage in the domestic market, but for which there is no demand abroad, this standardization and specialization of goods, and an effort to advertise the specialized goods abroad have proved good business.

A number of associations have adopted joint, uniform brands and trade-marks. One lumber export association states that "every piece or bundle of lumber loaded for export" bears the brand of the association's trade-mark, which is registered in 31 foreign countries.

The adoption of attractive, durable, and uniform packages, the staging of lectures, demonstrations, and exhibits to familiarize foreign customers with their products, these and other plans have been tried out by associations in the effort to develop foreign markets.

One association calls attention to the fact that foreign buyers show more confidence in placing orders with association than was formerly accorded to members exporting individually. This has been corroborated in a number of instances by American Government officials in foreign countries.

Another states that the act has been of great service "in enabling us to carry on the export business much more efficiently than it ever has been in the past," and "only through the solid front that our organization enables us to present are we at all able to hold our own."

INVESTIGATION OF TRADE CONDITIONS IN AND WITH FOREIGN COUNTRIES.

The last report to Congress, under section 6(*h*) of the Federal Trade Commission act, was issued in 1915. But the Commission has kept such investigation up to date, with special reference to combinations in foreign countries and such practices of merchants or traders as may affect the foreign trade of the United States.

COMBINATIONS IN FOREIGN COUNTRIES.

As a result of concentration during the war period and the necessity for reorganization and the rebuilding of trade since the Armistice, there is noted a well-defined tendency toward further combination and group action by trade interests in foreign countries. This movement has been actively encouraged by foreign Governments, in some instances even to the extent of financial backing and participation.

The extension of industrial combines and the development of export and import combines abroad are of vital importance to American industry and trade.

The plan of a combination of 62 British shoe manufacturers to control the South African market for footwear was brought to light in a recent report by a committee on the boot and shoe industry of the Union of South Africa. One of the objects of this combination was stated to be "to keep out American competition, which was bound to become prominent before long."

The formation of the British Dyestuffs Corporation (Ltd.), in July, 1919, marks a consolidation of dye interests with Government participation, which controls 75 per cent of the total output of dyes in the United Kingdom. As stated in a recent report by the British Board of Trade, "The greater financial and commercial strength of the amalgamation enables it to compete to better advantage in the home market and in the world markets with the greater and powerful dye-making concerns of Germany, Switzerland, and America."

Various export and import combines have been formed in all parts of the world. Among these may be mentioned the British Woolen Trades Export Corporation, the Canadian Export Paper Company, the "Ditag" and the Union of German Exporters, the Roubaix Exportation and the Comptoir for the Exportation of Metallurgical Products of France, the Swedish Wood Export Association, an association of Holland importers of American goods, the Purchasing and Selling Association of Cotton Spinners in Czechoslovakia, the Commercial Import Association of Brazil, the Chile Nitrate Association, an Australian association to control the exportation of shoes, and the textile syndicates of Japan.

During the past year the Commission has received frequent requests from Government departments, trade associations, and individual business concerns, to which has been furnished such information as is available concerning foreign combinations.

PRACTICES OF MERCHANTS IN FOREIGN TRADE.

In the matter of investigations of foreign trade practices under section 6 (*h*) of the Federal Trade Commission act, the services of the Commission have been utilized by the Commerce Department, State Department, the Department of Justice, and other governmental and private offices.

Some 50 complaints against American concerns (not Webb law associations) have been investigated during the past year, involving breach of contract, fraud, and other practices injurious to American foreign trade. Some of these complaints are found to be without merit, and report of the Commission may serve to clear the respondent of unjust accusation. Others are made against "fly-by-night" concerns that are difficult and sometimes impossible to locate;

but, for the most part, the trouble is due largely to negligence or procrastination.

An American concern receives an order and payment from a firm in Europe, or Africa, or some other foreign market. For one reason or another the goods are never sent, and no refund is made. After a long period of waiting and unsatisfactory correspondence the purchaser appeals to the American consul, and the case is reported back to the States for investigation.

Or goods are shipped to a foreign consignee, and upon receipt are found to be imperfect or unsatisfactory.

Apples of inferior grade are substituted for fruit of a kind specifically ordered and well known by a certain trade name which has acquired a reputation of superiority for shipping and keeping qualities.

Left-drive automobiles are sent to India or other British colonies in spite of specific orders for right-drive machines, to conform to the rule of the road in those countries; or second-hand machines are shipped instead of new ones ordered.

Goods are exported under brands or labels that deceive and mislead the public. Products sold by sample are found to be below sample, cloth having defects in the weaving, leather perforated with holes, enamel-ware utensils lacking handles, steel wire that is in short lengths and useless to the buyer. These are but a few illustrations of transactions of which complaint is made.

In some cases the respondent may not be willing to accept the complainant's report on the condition of the goods upon receipt, but after inspection by competent authority, with report by the Government officials, the justice or injustice of the claim may be made clear to him.

In a majority of cases the shippers are found to be willing to make satisfactory adjustment when the facts are presented to them.

Complaints against American traders loom large in the eyes of foreign purchasers and have an important bearing on the reputation of our country in foreign trade. A trifling instance may be magnified in the telling, and the world's trade is so upset at this time that an incident of this sort, ventilated in the press abroad, may do irreparable damage.

Such transactions are seized upon by competitors as propaganda against American goods, serving as illustrations of the unreliability which they claim for the American exporter, even though an overwhelming majority of such exporters are and have been reliable in fulfilling their contracts and order.

Frequent reports are received from consuls, trade commissioners, and other officials of our Government abroad. As stated by an official in a New Zealand port, "such transactions have a tendency to

disturb American business in general"; and, as reported by an official in South America, "an attitude of hostility toward reasonable complaints would soon wipe out an advantage gained for American trade in this market during the war."

The Commission is assured that the adjustment of even a small complaint goes far toward the establishment of confidence and good will in foreign markets.

COOPERATION WITH OTHER GOVERNMENTAL AGENCIES.

A number of governmental agencies are interested directly or indirectly in the foreign trade of the United States. It is impossible to separate exportation and importation from commodity interests, finance, transportation and shipping, trade promotion and regulation, and other phases of foreign trade and commerce.

In order to prevent overlapping and duplication of effort, there is a very close cooperation through the weekly meetings of the Economic Liaison Committee, which are attended by representatives from 15 Government bureaus, including the Federal Trade Commission. This committee serves as a clearing house of current governmental activities in the interest of foreign trade.

ENEMY TRADE DIVISION.

PATENTS.

During the fiscal year ending June 30, 1921, the Commission continued its supervision of the outstanding licenses issued under the act of October 6, 1917, commonly known as the "enemy trade act," section 10 © of which vested in the President power which he, by Executive order of October 12, 1917, delegated to the Commission to issue to citizens of the United States and to corporations organized within the United States licenses under enemy owned or controlled patents, trademarks, and copyrights. This legislation was designed to secure to America the continued enjoyment of the many vital and important inventions long monopolized by alien enemies, particularly Germany, through patents taken out in this country. Copies of the pertinent sections of the act will be found in the exhibits appended hereto.

Of a total of 279 applications received since the passage of the act, 63 were denied either as based on patents not enemy owned or for the reason that it did not appear to be in the public interest that license issue, while 89 licenses issued, as follows: Patent, 72; trademark, 4; copyright, 13. In many instances a group of patents were embraced in one license, particularly in the case of dyes, and in certain apparatus, such as gyroscopic compasses, where a dozen or more patents combined to produce a single commercial article, which explains the apparent discrepancy between the number of applications disposed of and the relatively few licenses issued.

Two new applications only were received during the year just ended, one of which licenses issued to Paul A. Flanders, of New York City, for apparatus for the production of bromid-of-silver post cards and similar copies, the other covering a certain trademark registration hereinafter referred to. In addition, two applications pending at the close of the preceding fiscal year were disposed of -- the one of Coppus Engineering Co., based on patents covering propeller, being denied as based on patents not enemy owned, the other, a trade-mark application, being withdrawn by applicant.

The Commission's authority to issue licenses automatically ceases with the signing of a treaty or a proclamation of peace, which together with the fact that the Alien Property Custodian has seized the majority, if not all, of the more important enemy patents (carrying them beyond the jurisdiction of the Commission to license),

operated to reduce the number of applications to a minimum. Of the 89 licenses issued, 11 have for various reasons been surrendered or canceled, the remaining 78 being still in active operation under the supervision of the Commission. In two cases transfer of license was approved by the Commission, in each instance to an American corporation taking over the business and good will of the original licensee.

While the licenses cover a wide range of subjects, the most important are doubtless those embracing the dye, drug, and chemical industries, the monopoly of which Germany had long controlled through ownership of patents secured in this country. Other important licenses cover the Imhoff system of sewage disposal, the Rueping process of impregnating wood, Bosch magnetos, gyroscopic compasses, and other machinery and apparatus of various types.

The act provides that a certain royalty, the rate to be fixed in the discretion of the Commission, but not exceeding 5 per cent of gross sales or 5 per cent of the value of use of the licensed invention, be payable at specified semiannual periods to the Alien Property Custodian, who shall deposit the same in a joint trust for the owner of the patent and the licensee, such fund to be subject to the disposition of the courts in event the owner during the year following peace avails himself of the privilege accorded him by the act to file suit to recover his rights under his patent and to enjoin the licensee from further use and enjoyment thereof. In each case the rate of royalty has been fixed by the Commission after full consideration of the peculiar circumstances incident thereto; a uniform rate being established, however, for all licensees operating under the same classes of patents. Total royalties reported for the year just ended aggregate \$131,354.48, of which amount \$124,476.51 accrued under patents, \$6,739.70 under trade-marks and \$138.27 under copyrights. Reports covering the full fiscal year in some instances are not yet in; hence the figures given are approximate only, and it is estimated that when all licenses will aggregate almost a million dollars.

In this connection it may be stated that during the year just closed a personal audit was mad of the reports rendered under each license, with the result that additional payment was directed to be made the Alien Property Custodian in amount aggregating \$15,247.11, representing unreported royalty accruing under various licenses. In a few instances it developed that overpayment had been made amounting in all to \$315.40, and in such instances licensee was instructed to take proper credit on next accounting rendered. In addition, through personal effort in connection with the accounting rendered. In addition, through personal effort in connection with the audit referred to, payment to the custodian in cash or security was secured in the amount of \$44,-

218.15, covering operations previously reported and on which payment in some instances was long overdue.

Section 10 (*f*) recites the terms and conditions under which the "owner" may within a year after peace apply to the courts for the recovery from licensee of all use and enjoyment of the licensed subject matter, all of which is fully set out in appended exhibits; but at the time this legislation was enacted no seizure of patents was contemplated, and all seizures and sales authorized by subsequent legislation were made with full recognition of the rights existing under previously issued Federal Trade Commission licenses. Hence, practically all of the more important patents thus transferred to American ownership were burdened with previously existing licenses, which remained under the supervision and jurisdiction of the Commission. In such cases the Commission has felt that it was without authority of law to revise the issued licenses with respect to the recipient of the royalty accruing thereunder and has directed that such royalty continue to be deposited in the Treasury as specifically provided by the act under which license was granted.

TRADE-MARKS AND COPYRIGHTS.

Only one new application for trade-mark license was received during the fiscal year, being filed by the Meadows Oil & Chemical Corporation, of New York City, for the use of the trade-mark "Ichthyol."

This name originated with the Ichthyol Gesellschaft Cordes, Hermann & Co., of Hamburg, Germany, by whom it was registered in connection with certain medicinal preparations used in the treatment of skin diseases, such preparations being derived from a peculiar deposit of shale known as Seefeld shale, found in the Austrian Tyrol, and it is alleged that their particular medicinal value lies in the inherent qualities of the shale from which they are made and of which there is no other known deposit in the world.

The Meadows Corporation, the applicant for license, controlling a deposit of shale in this country, alleged to be similar in therapeutic and medicinal qualities, petitioned the Commission for license to use the trade-mark "Ichthyol" in marketing its product. After an exhaustive hearing, following denial of the application, the Commission affirmed its action of denial on the ground that it was not shown to be in the public interest to grant the desired license. This denial followed the expressed policy of the Commission to favorably consider applications for license under trade-mark registration only where the alleged mark is the name of an article covered by a patent simultaneously sought to be licensed or where the mark is the name of an article manufactured under an expired patent.

Since the passage of the act only four trade-mark licenses have been issued, one to Lehn & Fink, of New York City, for the use of the trade-mark "Pebeco" for tooth paste; that to Anchor Packing Co., of Philadelphia, covering the trade-mark "Tauril" for sheet packing; the Draeger Oxygen Apparatus Co. (Now the American Atmos Corporation), of Pittsburgh, being licensed to use the trade-mark "Pulmotor," covering life-saving apparatus; and Abbott Laboratories, of Chicago, being licensed, with certain restrictions, to use the trade-mark "Veronal" in marketing a widely used sedative originally introduced into this country under that name, the patent covering the manufacture of this product being simultaneously licensed to the same firm. Subsequent to the issue of license, Lehn & Fink purchased the trade-mark "Pebeco," which had been seized by the Alien Property Custodian, and at licensee's request the issued license was thereupon canceled by the Commission. With this exception the issued licenses are still in operation and under the supervision of the Commission.

No new application for license under enemy copyright registration was filed during the year. The one application of Rudolph Presburg, of New York City, based on the dramatic composition "Der Weibsteufel," pending at the close of the preceding year, was withdrawn by applicant and the fee refunded. Of a total of 18 applications based on copyright registration filed since the passage of the act, 13 licenses issued, all of which are still in full force and effect. Most important perhaps of these are the licenses issued to the San Carlo Grand Opera Co., of New York City, authorizing the production and presentation of the operas "The Jewels of The Madonna"; "The Secret of Suzanne;" "Hansel & Gretel;" and "Salome," all covered by enemy copyright registrations. Other licenses granted cover the publication of a Greek and English dictionary, technical works on dyestuffs and condiments, and books descriptive of submarine warfare.

All of which is respectfully submitted.

HUSTON THOMPSON, *Chairman.*
NELSON B. GASKILL.
JOHN GARLAND POLLARD.
VICTOR MURDOCK.
JOHN F. NUGENT.

EXHIBIT 1.

FEDERAL TRADE COMMISSION ACT.

AN ACT To create a Federal Trade Commission, to define its powers and duties, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a commission is hereby created and established, to be known as the Federal Trade Commission (hereinafter referred to as the commission), which shall be composed of five commissioners, who shall be appointed by the President, by and with the advice and consent of the Senate. Not more than three of the commissioners shall be members of the same political party. The first commissioners appointed shall continue in office for terms of three, four, five, six, and seven years, respectively, from the late of the taking effect of this act, the term of each to be designated by the President, but their successors shall be appointed for terms of seven years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the commissioner whom he shall succeed. The commission shall choose a chairman from its own membership. No commissioner shall engage in any other business, vocation, or employment. Any commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. A vacancy in the commission shall not impair the right of the remaining commissioners to exercise all the powers of the commission.

The commission shall have an official seal, which shall be judicially noticed.

SEC. 2. That each commissioner shall receive a salary of \$10,000 a year, payable in the same manner as the salaries of the judges of the courts of the United States. The commission shall appoint a secretary, who shall receive a salary of \$5,000 a year, payable in like manner, and it shall have authority to employ and fix the compensation of such attorneys, special experts, examiners, clerks, and other employees as it may from time to time find necessary for the proper performance of its duties and as may be from time to time appropriated for by Congress.

With the exception of the secretary, a clerk to each commissioner, the attorneys, and such special experts and examiners as the commission may from time to time find necessary for the conduct of its work, all employees of the commission shall be a part of the classified civil service, and shall enter the service under such rules and regulations as may be prescribed by the commission and by the Civil Service Commission.

All of the expenses of the commission, including, all necessary expenses for transportation incurred by the commissioners or by their employees under their orders, in making any investigation, or upon official business in any other places than in the city of Washington, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the commission.

Until otherwise provided by law, the commission may rent suitable offices for its use.

The Auditor for the State and Other Departments shall receive and examine all accounts of expenditures of the Commission.

SEC. 3. That upon the organization of the commission and election of its chairman, the Bureau of Corporations and the offices of Commissioner and

deputy Commissioner of Corporations shall cease to exist; and all pending investigations and proceedings of the Bureau of Corporations shall be continued by the commission.

All clerks and employees of the said bureau shall be transferred to and become clerks and employees of the commission at their present grades and salaries. All records, papers, and property of the said bureau shall become records, papers, and property of the commission, and all unexpended funds and appropriations for the use and maintenance of the said bureau, including any allotment already made to it by the Secretary of Commerce from the contingent appropriation for the Department of Commerce for the fiscal year nineteen hundred and fifteen, or from the departmental printing fund for the fiscal year nineteen hundred and fifteen, shall become funds and appropriations available to be expended by the commission in the exercise of the powers, authority, and duties conferred on it by this act.

The principal office of the commission shall be in the city of Washington, but it may meet and exercise all its powers at any other place. The commission may, by one or more of its members, or by such examiners as it may designate, prosecute any inquiry necessary to its duties in any part of the United States.

SEC. 4. That the words defined in this section shall have the following meaning when found in this act, to wit:

“Commerce” means commerce among the several States or with foreign nations, or in any Territory of the United States or in the District of Columbia, or between any such Territory and another, or between any such Territories and any State or foreign nation, or between the District of Columbia and any State or Territory or foreign nation.

“Corporation” means any company or association incorporated or unincorporated, which is organized to carry on business for profit and has shares of capital or capital stock, and any company or association, incorporated or unincorporated, without shares of capital or capital stock, except partnerships, which is organized to carry on business for its own profit or that of its members.

“Documentary evidence” means all documents, papers, and correspondence in existence at and after the passage of this act.

“Acts to regulate commerce” means the act entitled “An act to regulate commerce,” approved February fourteenth, eighteen hundred and eighty-seven, and all acts amendatory thereof and supplementary thereto.

“Antitrust acts” means the act entitled “An act to protect trade and commerce against unlawful restraints and monopolies,” approved July second, eighteen hundred and ninety; also the sections seventy-three to seventy-seven, inclusive, of an act entitled “An act to reduce taxation, to provide revenue for the Government, and for other purposes,” approved August twenty-seventh, eighteen hundred and ninety-four; and also the act entitled “An act to amend sections seventy-three and seventy-six of the act of August twenty-seventh, eighteen hundred and ninety-four, entitled ‘An act to reduce taxation, to provide revenue for the Government, and for other purposes,’” approved February twelfth, nineteen hundred and thirteen.

SEC. 5. That unfair methods of competition in commerce are hereby declared unlawful.

The commission is Hereby empowered and directed to prevent persons, partnerships, or corporations, except banks, and common carriers subject to the acts to regulate commerce, from using unfair methods of competition in commerce.

Whenever the commission shall have reason to believe that any such person, partnership, or corporation has been or is using any unfair method of competi-

tion in commerce, and if it shall appear to the commission that a proceeding by it in respect thereof would be to the interest of the public, it shall issue and serve upon such person, partnerships or corporation a complaint starting its charges in their respect, and containing a notice of a hearing upon a day and at a place therein fixed at least thirty days after the service of said complaint. The person, partnership, or corporation so complained of shall have the right to appear at the place and time so fixed and show cause why an order should not be entered by the commission requiring such person, partnership, or corporation to cease and desist from the violation of the law so charged in said complaint. Any person, partnership, or corporation may make application, and upon good cause shown may be allowed by the commission, to intervene and appear in said proceeding by counsel or in person. The testimony in any such proceeding shall be reduced to writing and filed in the office of the commission. If upon such hearing the commission shall be of the opinion that the method of competition in question is prohibited by this act, it shall make a report in writing in which it shall state its findings as to the facts, and shall issue and cause to be served on such person, partnership, or corporation an order requiring such person, partnership, or corporation to cease and desist from using such method of competition. Until a transcript of the record in such hearing shall have been filed in a circuit court of appeals of the United States, as hereinafter provided, the commission may at any time, upon such notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any report or any order made or issued by it under this section.

If such person, partnership, or corporation fails or neglects to obey such order of the commission while this same is in effect, the commission may apply to the circuit court of appeals of the United States, within any circuit where the method of competition in question was used or where such person, partnership, or corporation resides or carries on business, for the enforcement of its order, and shall certify and file application transcript of the entire record in the proceeding, including all testimony taken and the report and order of the commission. Upon such filing of the application and transcript the court shall cause notice thereof to be served upon such person, partnership, or corporation and thereupon shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript a decree affirming, modifying, or setting aside the order of the commission. The findings of the commission as to the facts, if supported by testimony, shall be conclusive. If either party shall apply to the court for leave to adduce additional evidence, and shall show to the satisfaction of the court that such additional evidence is material, and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the commission, the court may order such additional evidence to be taken before the commission and to be adduced upon the hearing in such manner and upon such terms and conditions as to the court may seem proper. The commission may modify its findings as to the fact, or make new findings, by reason of the additional evidence so threat, and it shall file such modified or new findings, which, If supported by testimony, shall be conclusive, and its recommendation, If any, for the modification or setting aside of its original order,

with the return of such additional evidence. The judgment and decree of the court shall be final, except that the same shall be subject to review by the Supreme Court upon certiorari as provided in section two hundred and forty of the Judicial Code.

Any party required by such order of the commission to cease and desist from using such method of competition may obtain a review of such order in said circuit court of appeals by filing in the court a written petition praying that

the order of the commission be set beside. A copy of such petition shall be forthwith served upon the commission, and thereupon the commission forthwith shall certify and file in the court a transcript of the record as hereinbefore provided. Upon the filing of the transcript the court shall have the same jurisdiction to affirm, set aside, or modify the order of the commission as in the case of an application by the commission for the enforcement of its order, and the findings of the commission as to the facts, if supported by testimony, shall in like manner be conclusive.

The jurisdiction of the circuit court of appeals of the United States to enforce, set aside, or modify orders of the commission shall be exclusive.

Such proceedings in the circuit court of appeals shall be given precedence over other cases pending therein, and shall be in every way expedited. No order of the commission or judgment of the court to enforce the same shall in any wise relieve or absolve any person, partnership, or corporation from any liability under the antitrust acts.

Complaints, orders, and other processes of the commission under this section may be served by anyone duly authorized by the commission, either (a) by delivering a copy thereof to the person to be served, or to a member of the partnership to be served, or to the president, secretary, or other executive officer or a director of the corporation to be served; or (b) by leaving a copy thereof at the principal office or place of business of such person, partnership or corporation; or (c) by registering and mailing a copy thereof addressed to such person, partnership, or corporation at his or its principal office or place of business. The verified return by the person so serving said complaint, order, or other process setting forth the manner of said service shall be proof of the same, and the return post-office receipt for said complaint, order, or other process registered and mailed as aforesaid, shall be proof of the service of the same.

SEC. 6. That the commission shall also have power--

(a) To gather and compile information concerning, and to investigate from time to time the organization, business, conduct, practices, and management of any corporation engaged in commerce, excepting, banks and common carriers and it subject to the act to regulate commerce, relation to other corporations and to individuals, associations, and in partnerships.

(b) To require, by general or Special orders, corporations engaged in commerce, excepting, banks, and common carriers subject to the act to regulate commerce, or any class of them, or any of them, respectively, to file with the commission in such form as the commission may prescribe annual or special, or both annual and special, reports or answers in writing to specific questions, furnishing to the commission such information as it may require as to the organization, business, conduct, practices, management, and relation to other corporations, partnerships, and individuals of the respective corporations filing such reports or answers in writing. Such reports and answers shall be made under oath, or otherwise, as the commission may prescribe, and shall be filed with the commission within such reasonable period as the commission may prescribe, unless additional time be granted in any case by the commission.

(c) Whenever a final decree has been entered against any defendant corporation in any suit brought by the United States to prevent and restrain any violation of the antitrust acts, to make investigation, upon its own initiative, of the manner in which the decree has been or is being carried out, and upon the application of the Attorney General it shall be its duty to make such investigation. It shall transmit to the Attorney General a report embodying its findings and recommendations as a result of any such investigation, and the report shall be made public in the discretion of the Commission.

(d) Upon the direction of the President or either House of Congress to investigate and report the facts relating to any alleged violations of the antitrust acts by any corporation.

(e) Upon the application of the Attorney General to investigate and make recommendation for the readjustment of the business of any corporation alleged to be violating the antitrust acts in order that the corporation may thereafter maintain its Organization, management, and conduct of business in accordance with law.

(f) To make public from time to time such portions of the information obtained by it hereunder, except trade secrets and names of customers, as it shall deem expedient in the public interest; and to make annual and special reports to the Congress and to submit therewith recommendations for additional legislation; and to provide for the publication of its reports and decisions in such form and manner as may be best adapted for public information and use.

(g) From time to time to classify corporations and to make, rules and regulations for the purpose of carrying out the provisions of this act.

(h) To investigate, from time to time, trade conditions in and with foreign countries where associations, combinations, or practices of manufacturers, merchants, or traders, or other conditions, may affect the foreign trade of the United States, mid to report to Congress thereon, with such recommendations as it deems advisable.

SEC. 7. That in any suit in equity brought by or under the direction of the Attorney General as provided in the antitrust acts, the court may, upon the conclusion of the testimony therein, if it shall be then of opinion that the complainant is entitled to relief, refer said suit to the commission, as a master in chancery, to ascertain and report an appropriate form of decree therein. The commission shall proceed upon such notice to the parties and under such rules of procedure as the court may prescribe, and upon the coming in of such report such exceptions may be filed and such proceedings had in relation thereto as upon the report of a master in other equity causes, but the court may adopt or reject such report, in whole or in part, and enter such decree as the nature of the case may in its judgment require.

SEC. 8. That the several departments and bureaus of the Government when directed by the President shall furnish the commission, upon its request, all records, papers, and information in their possession relating to any corporation subject to any of the provisions of this act, and shall detail from time to time such officials and employees to the commission as he may direct.

SEC. 9. That for the purposes of this act the commission, or its duly authorized agent or agents, shall at all reasonable times have access to, for the purpose of examination, and the right to copy any documentary evidence of any corporation being investigated or proceeded against; and the commission shall have power to require by subpoena the attendance and testimony of witnesses and the production of all such documentary evidence relating to any matter under investigation. Any member of the commission may sign subpoenas, and members and examiners of the commission may administer oaths and affirmations, examine witnesses, and receive evidence.

Such attendance of witnesses, and the production of such documentary evidence, may be required from any place in the United States, at any designated place of hearing. And in case of disobedience to a subpoena the commission may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of documentary evidence.

Any of the district courts of the United States within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpoena issued to any corporation or other person, issue an order requiring

such corporation or other person to appear before the commission, or to produce documentary evidence if so ordered, or to give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court is a contempt thereof.

Upon the application of the Attorney General of the United States, at the request of the Commission, the district courts of the United States shall have jurisdiction to issue writs of mandamus commanding any person or corporation to comply with the provisions of this act or any order of the Commission made in pursuance thereof.

The Commission may order testimony to be taken by deposition in any proceeding or investigation pending under this act at any stage of such proceeding or investigation. Such depositions may be taken before any person designated by the commission and having power to administer oaths. Such testimony shall be reduced to writing by the person taking the deposition, or under his direction, and shall then be subscribed by the deponent. Any person may be compelled to appear and depose and to produce documentary evidence In the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the commission as hereinbefore provided.

Witnesses summoned before the commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

No person shall be excused from attending and testifying or from producing documentary evidence before the Commission or in obedience to the subpoena of the Commission on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to criminate him or subject him to a penalty or forfeiture. But no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify, or produce evidence, documentary or otherwise, before the commission in obedience to a subpoena issued by it: *Provided*, That no natural person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying.

SEC. 10. That any person who shall neglect or refuse to attend and testify, or to answer any lawful inquiry, or to produce documentary evidence, if in his power to do so, in obedience to the subpoena or lawful requirement of the commission, shall be guilty of an offense and upon conviction thereof by a court of competent jurisdiction shall be punished by a fine of not less than \$1,000 nor more than \$5,000, or by imprisonment for not more than one year, or by both such fine and imprisonment.

Any person who shall willfully make, or cause to be made, any false entry or statement of fact in any report required to be made under this act, or who shall willfully make, or cause to be made, any false entry in any account, record, or memorandum kept by any corporation subject to this act, or who shall willfully neglect or fail to make, or to cause to be made, full, true, and correct entries in such accounts, records, or memoranda of all facts and transactions appertaining to the business of

such corporation, or who shall willfully remove out of the jurisdiction of the United States, or willfully mutilate, alter, or by any other means falsify any documentary evidence of such corporation, or who, shall willfully refuse to submit to the commission or to any of its authorized agents, for the purpose of inspection and taking copies, any documentary evidence of such corporation in his possession or within his control, shall be deemed guilty of an offense against the United States, and shall be subject, upon conviction in any court of the United States of competent jurisdiction, to a fine of not less

than \$1,000 nor more than \$5,000, or to imprisonment for a term of not more than three years, or to both such fine and imprisonment.

If any corporation required by this act to file any annual or special report shall fail so to do within the time fixed by the commission for filing the same, and such failure shall continue for thirty days after notice of such default, the corporation shall forfeit to the United States the sum of \$100 for each and every day of the continuance of such failure, which forfeiture shall be payable into the Treasury of the United States and shall be recoverable in a civil suit in the name of the United States brought in the district where the corporation has its principal office or in any district in which it shall do business. It shall be the duty of the various district attorneys, under the direction of the Attorney General of the United States, to prosecute for the recovery of forfeitures. The costs and expenses of such prosecution shall be paid out of the appropriation for the expenses of the courts of the United States.

Any officer or employee of the commission who shall make public any information obtained by the commission, without its authority, unless directed by a court, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding \$5,000, or by imprisonment not exceeding one year, or by fine and imprisonment, in the discretion of the court.

SEC. 11. Nothing contained in this act shall be construed to prevent or interfere with the enforcement of the provisions of the antitrust acts or the acts to regulate commerce, nor shall anything contained in the act be construed to, alter, modify, or repeal the said antitrust acts or the acts to regulate commerce or any part or parts thereof.

Approved, September 26, 1914.

EXHIBIT 2.

PROVISIONS OF THE CLAYTON ACT WHICH CONCERN THE FEDERAL TRADE COMMISSION.

“Commerce,” as used herein, means trade or commerce among the Several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States: *Provided*, That nothing in this act contained shall apply to the Philippine Islands.

The word “person” or “persons” wherever used in this act shall be deemed to include corporations and associations existing under or authorized by the laws of either the United States, the laws of any of the Territories, the laws of any State, or the laws of any foreign country.

SEC. 2. That it shall be unlawful for any person engaged in commerce, in the course of such commerce, either directly or indirectly to discriminate in price between different purchasers of commodities, which commodities are sold for use, consumption, or resale within the United States or any Territory thereof or the District of Columbia or any insular possession or other place under the jurisdiction of the United States, where the effect of such discrimination may be to substantially lessen competition or tend to create a monopoly in any line of commerce: *Provided*, That nothing herein contained shall prevent discrimination in price between purchasers, of commodities, on account of differences in the grade, quality, or quantity of the commodity sold, or that makes only due allowance for difference in the cost of Selling or transportation, or discrimination in price in the same or different communities made in good faith to meet competition: *And provided further*, That nothing herein contained shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade.

SEC. 3. That it shall be unlawful for any person engaged in commerce, in the course of such commerce, to lease or make a sale. or contract for sale of goods, wares, merchandise, machinery, supplies or other commodities, whether patented or unpatented, for use, consumption, or resale within the United States or any Territory thereof or the District of Columbia or any insular possession or other place under the jurisdiction of the United States, or fix a price charged therefore or discount front, or rebate upon, such price, on the condition, agreement or understanding that the lessee or purchaser thereof shall not use or deal in the goods, wares, merchandise, machinery, supplies, or other commodities of a competitor or competitors of the lessor or seller, where the effect of such lease, sale, or contract for sale or such condition, agreement or understanding may be to substantially lessen competition or tend to, create a monopoly in any line of commerce.

SEC. 7. That no corporation engaged in commerce shall acquire, directly or

indirectly, the whole or any part of the stock or other share capital of another

corporation engaged also in commerce, where the effect of such acquisition maybe to substantially lessen competition between the corporation whose stock is so acquired and the corporation making the acquisition, or to restrain such commerce in any section or community, or tend to create a monopoly of any line of commerce.

No corporation shall acquire, directly or indirectly the whole or any part of the stock or other share capital of two or more corporations engaged in commerce where the effect of such acquisition, or the use of such stock by the voting or granting of proxies or otherwise, may be to substantially lessen competition between such corporations, or any of them, whose stock or other share capital is so acquired, or to restrain such commerce in any section or community, or tend to create a monopoly of any line of commerce.

This section shall not apply to corporations purchasing such stock solely for investment and not using the same by voting or otherwise to bring about, or in attempting to bring about, the substantial lessening of competition. Nor shall anything contained in this section prevent a corporation engaged in commerce from causing the formation of subsidiary corporations for the actual carrying on of their immediate lawful business, or the natural and legitimate branches or extensions thereof, or from owning and holding all or a part of the stock of such subsidiary corporations, when the effect of such formation is not to substantially lessen competition.

Nor shall anything herein contained be construed to prohibit any common carrier subject to the laws to regulate commerce from aiding in the construction of branches or short lines so located as to become feeders to the main line of the company so aiding in such construction or from acquiring or owning all or any part of the stock of such branch lines, nor to prevent any such common carrier from acquiring and owning all or any part of the stock of a branch or short line constructed by an independent company where there is no substantial competition between the company owning the branch line so constructed and the company owning the main line acquiring the property or an interest therein, nor to prevent such common carrier from extending any of its lines through the medium of the acquisition of stock or otherwise of any other such common carrier where there is no substantial competition between the company extending its lines and the company whose stock, property, or an interest therein is so acquired.

Nothing contained in this section shall be held to affect or impair any right heretofore legally acquired: *Provided*, That nothing in this section shall be held or construed to authorize or make lawful anything heretofore prohibited or made illegal by the antitrust laws, nor to exempt any person from the penal provisions thereof or the civil remedies therein provided.

SEC. 8. That from and after two years from the date of the approval of this act no person at the same time shall be a director in any two or more corporations, any one of which has capital, surplus, and undivided profits aggregating more than \$1,000,000, engaged in whole or in part in commerce, other than banks, banking associations, trust companies and common carriers subject to the act to regulate commerce, approved February fourth, eighteen hundred and eighty-seven, if such corporations are or shall have been theretofore, by virtue of their business and location of operation, competitors, so that the elimination of competition by agreement between them would constitute a violation of any of the provisions of any of the antitrust laws. The

eligibility of a director under the foregoing provision shall be determined by the aggregate amount of the capital, surplus, and undivided profits, exclusive of dividends declared but not paid to stockholders, at the end of the fiscal year of said corporation next preceding the election of directors, and when a director has been elected in

accordance with the provisions of this act it shall be lawful for him to continue as such for one year thereafter.

When any person elected or chosen as a director or officer or selected as an employee of any bank or other corporation subject to the provisions of this act is eligible at the time of his election or selection to act for such bank or other corporation in such capacity his eligibility to act in such capacity shall not be affected and he shall not become or be deemed amenable to any of the provisions hereof by reason of any crime in the affairs of such bank or other corporation from whatsoever cause, whether specifically excepted by any of the provisions hereof or not, until the expiration of one year from the date of his election or employment.

SEC. 11. That authority to enforce compliance with sections two, three, seven and eight of this act by the persons respectively subject thereto is hereby vested in the Interstate Commerce Commission where applicable to common carriers, in the Federal Reserve Board where applicable to banks, banking associates and trust companies, and in the Federal Trade Commission where applicable to all other character of commerce, to be exercised as follows:

Whenever the Commission or Board vested with jurisdiction thereof shall have reason to believe that any person is violating or has violated any of the provisions of sections two, three, seven and eight of this act, it shall issue and serve upon such person a complaint stating its charges in that respect, and containing a notice of a hearing upon a day and at a place therein fixed at least thirty days after the service of said complaint. The person so complained of shall have the right to appear at the place and time so fixed and show cause why an order should not be entered by the commission or board requiring such person to cease and desist from the violation of the law so charged in said complaint. Any person may make application, and upon good cause shown may be allowed by the commission or board, to intervene and appear in said proceeding by counsel or in person. The testimony in any such proceeding shall be reduced to writing and filed in the office of the commission or board. If upon such hearing the commission or board, as the case may be, shall be of the opinion that any of the provisions of said sections have been or are being violated, it shall make a report in writing in which it shall state its findings as to the facts, and shall issue and cause to be served on such person an order requiring such person to cease and desist from such violations, and divest itself of the stock held or rid itself of the directors chosen contrary to the provisions of sections seven and eight of this act, if any there be, in the manner and within the time fixed by said order. Until a transcript of the record in such case shall have been filed in a circuit court of appeals of the United States, as hereinafter provided, the commission or board may at any time, upon such notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any report or any order made or issued by it under this section.

If such person fails or neglects to obey such order of the Commission or Board while the same is in effect, the commission or board may apply to the circuit Court of appeals of the United States, within any circuit where the violation complained of was or is being committed or where such person resides or carries on business, for the enforcement of its order, and shall certify and file with its application a transcript of the entire record in the proceeding including all the testimony taken and the report and order of the commission or board. Upon such filing of the application and transcript

the court shall cause notice thereof to be served upon such person and thereupon shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript a decree affirming, modifying, or setting aside the order of the

commission or board. The findings of the commission or board as to the facts, if supported by testimony, shall be conclusive. If either party shall apply to the court for leave to adduce additional evidence, and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the commission or board, the court may order such additional evidence to be taken before the commission or board and to be adduced upon the hearing in such manner and upon such terms and conditions as to the court may seem proper. The commission or board may modify its findings as to the facts, or make new findings, by reason of the additional evidence so taken, and it shall file such modified or new findings, which, if supported by testimony, shall be conclusive, and its recommendation, if any, for the modification or setting aside of its original order, with the return of such additional evidence. The judgment and decree of the court shall be final, except that the same shall be subject to review by the Supreme Court upon certiorari as provided in section two hundred and forty of the Judicial Code.

Any party required by such order of the commission or board to cease and desist from a violation charged may obtain a review of such order in said circuit court of appeals by filing in the court a written petition praying that the order of the commission or board be set aside. A copy of such petition shall be forthwith served upon the commission or board, and thereupon the commission or board forthwith shall certify and file in the court a transcript of the record as hereinbefore provided. Upon the filing of the transcript the court shall have the same jurisdiction to affirm, set aside, or modify the order of the commission or board as in the case of an application by the commission or board for the enforcement of its order, and the finding of the commission or board as to the facts, if supported by testimony, shall in like manner be conclusive.

The jurisdiction of the circuit court of appeals of the United States to enforce, set aside, or modify orders of the commission or board shall be exclusive.

Such proceedings in the circuit court of appeals shall be given precedence over other cases pending therein, and shall be in every way expedited. No order of the commission or board or the judgment of the court to enforce the same shall in any wise relieve or absolve any person from any liability under the antitrust acts.

Complaints, orders, and other processes of the commission or board under this section may be served by anyone duly authorized by the commission or board, either (a) by delivering a copy thereof to the person to be served, or to a member of the partnership to be served, or to the president, secretary, or other executive officer or a director of the corporation to be served; or (b) by leaving a copy thereof at the principal office or place of business of such person; or (c) by registering and mailing a copy thereof addressed to such person at his principal office or place of business. The verified return by the person so serving said complaint, order, or other process setting forth the manner of said service shall be proof of the same, and the return post-office receipt for said complaint, order, or other process registered and mailed as aforesaid shall be proof of the service of the same.

Approved, October 15, 1914.

EXHIBIT 3.

RULES OF PRACTICE BEFORE THE FEDERAL TRADE COMMISSION.

I. SESSIONS.

The principal office of the commission at Washington, D. C., is open each business day from 9 a.m. to 4:30 p.m. The Commission may meet and exercise all its powers at any other place, and may, by one or more of its members, or by such examiners as it may designate, prosecute any inquiry necessary to its duties in any part of the United States.

Sessions of the commission for hearing contested proceedings will be held as ordered by the commission.

Sessions of the commission for the purpose of making orders and for the transaction of other business, unless otherwise ordered, will be held at the office of the commission at Washington, D. C., on each business day at 10.30 a. m. Three members of the commission shall constitute a quorum for the transaction of business.

All orders of the commission shall be signed by the Secretary.

II. COMPLAINTS.

Any person partnership, corporation, or association may apply to the commission to institute a proceeding in respect to any violation of law over which the Commission has jurisdiction.

Such application shall be in Writing, signed by or in behalf of the applicant, and shall contain a short and simple statement of the facts constituting the alleged violation of law and the name and address of the applicant and of the party complained of.

The Commission shall investigate the matters complained of in such application, and if upon investigation the commission shall have reason to believe that there is a violation of law over which the commission has jurisdiction, the Commission shall issue and serve upon the party complained of a complaint, stating its charges and containing a notice of a hearing upon a day and at a place therein fixed at least 40 days after the service of said complaint.

III. ANSWERS.

Within 30 days from the service of the complaint, unless such time be extended by order of the commission, the defendant shall file with the commission an answer to the complaint. Such answer shall contain a short and simple statement of the facts Which constitute the ground of defense. It shall specifically admit or deny or explain each of the facts alleged in the complaint, unless the defendant is without knowledge, in which

case he shall so state, such statement operating as a denial. Answers in typewriting must be on one side of the paper only, on paper not more than 8½ inches wide and not more than 11 inches long, and weighing not less than 16 pounds to the ream, folio base, 17 by 22 inches, with left-hand margins not less than 1½ inches wide, or they may be printed in 10 or 12 point type on good unglazed paper 8 inches wide by 10½ inches long, with inside margins not less than 1 inch wide. Three such answers must be furnished.

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IV. SERVICE.

Complaints, orders, and other processes of the Commission may be served by anyone duly authorized by the commission, either (a) by delivering a copy thereof to the person to be served, or to a member of the partnership to be served, or to the president, secretary, or other executive officer, or a director of the corporation or association to be served; or (b) by leaving a copy thereof at the principal office or place of business of such person, partnership, corporation, or association; or (c) by registering and mailing a copy thereof addressed to such person, partnership, corporation, or association at his or its principal office or place of business. The verified return by the person so serving said complaint, order, or other process, setting forth the manner of said service, shall be proof of the same, and the return post-office receipt for said complaint, order, or other process, registered and mailed as aforesaid, shall be proof of the service of the same.

V. INTERVENTION.

Any person, partnership, corporation, or association desiring to intervene in a contested proceeding shall make application in writing, setting out the grounds on which he or it claims to be interested. The commission may, by order, permit intervention by counsel or in person to such extent and upon such terms as it shall deem just.

Applications to intervene must be on one side of the paper only, on paper not more than 8½ inches wide and not more than 11 inches long, and weighing not less than 16 pounds to the ream, folio base, 17 by 22 inches, with left-hand margin not less than 1½ inches wide, or they may be printed in 10 or 12 point type on good unglazed paper 8 inches wide by 10½ inches long, with inside margins not less than 1 inch wide.

VI. CONTINUANCES AND EXTENSIONS OF TIME.

Continuances and extensions of time will be granted at the discretion of the commission.

VII. WITNESSES AND SUBPOENAS.

Witnesses shall be examined orally, except that for good and exceptional cause for departing from the general rule the commission may permit their testimony to be taken by deposition.

Subpoenas requiring the attendance of witnesses from any place in the United States at any designated place of hearing may be issued by any member of the commission.

Subpoenas for the production of documentary evidence (unless directed to issue by a commissioner upon his own motion) will issue only upon application in writing, which must be verified and must specify, as near as may be, the documents desired and the facts to be proved by them.

Witnesses summoned before the commission shall be paid the same fees and mileage

that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken, and the persons taking the same, shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

VIII. TIME FOR TAKING TESTIMONY.

Upon the joining of issue in a proceeding by the Commission the examination of witnesses therein shall proceed with all reasonable diligence and with the least practicable delay. Not less than 5 nor more than 10 days' notice shall be

given by the Commission to counsel or parties of the time and place of examination of witnesses before the Commission, a commissioner, or an examiner.

IX. OBJECTIONS TO EVIDENCE.

Objections to the evidence before the Commission, a commissioner, or an examiner shall, in any proceeding, be in short form. stating the grounds of objections relied upon, and no transcript filed shall include argument or debate.

X. MOTIONS.

A motion in a proceeding by the Commission shall briefly state the nature of the order applied for, and all affidavits, records, and other helpers upon which the same is founded, except such as have been previously filed or served in the same proceeding, shall be filed with such motion and plainly referred to therein.

XI. HEARINGS ON INVESTIGATIONS.

When a matter for investigation is referred to a single commissioner for examination or report, such commissioner may conduct or hold conferences or hearings thereon, either alone or with other commissioners who may sit with him, and reasonable notice of the time and place of such hearings shall be given to parties in interest and posted.

The general counsel or one of his assistants, or such other attorney as shall be designated by the Commission, shall attend and conduct such hearings, and such hearings may, in the discretion of the commissioner holding same, be public.

XII. HEARINGS BEFORE EXAMINERS.

When issue in the case is set for trial it shall be referred to an examiner for the taking of testimony. It shall be the duty of the examiner to complete the taking of testimony with all due dispatch, and he shall set the day and hour to which the taking of testimony may from time to time be adjourned. The taking of the testimony both for the commission and the respondent shall be completed within 30 days after the beginning of the same unless, for good cause shown, the commission shall extend the time. The examiner shall, within 10 days after the receipt of the stenographic report of the testimony, make his proposed finding as to the facts and his proposed order thereon, and shall forthwith serve copy of the same on the parties or their attorneys, who, within 10 days after the receipt of same, shall file in writing their exceptions, if any, to such proposed findings and order, and said exceptions shall specify the particular part or parts of the proposed findings of fact or proposed order to which exception is made, and said exceptions shall include any additional findings and any change in or addition to the proposed order which either party may think proper. Citations to the record shall be made in support of such exceptions. Where briefs are filed the same shall contain a copy of such exceptions. Argument on the exceptions to the proposed findings and order, if exceptions be filed, shall be had at the final argument on the

merits.

XIII. DEPOSITIONS IN CONTESTED PROCEEDINGS.

The Commission may order testimony to be taken by deposition in a contest proceeding.

Depositions may be taken before any person designated by the Commission and having power to administer oaths.

Any party desiring to take the deposition of a witness shall make application in writing, setting out the reasons why such depositions should be taken, and stating the time when, the place where, and the name and post-office address of the person before whom it is desired the deposition be taken, the name and post-office address of the witness, and the subject matter or matters concerning which the witness is expected to testify. If good cause be shown, the commission will make and serve upon the parties or their attorneys an order wherein the commission shall name the witness whose deposition is to be taken, and specify the time when, the place where, and the person before whom the witness is to testify, but such time and place, and the person before whom the deposition is to be taken, so specified in the commission's order, may or may not be the same as those named in said application to the commission.

The testimony of the witness shall be reduced to writing by the officer before whom the deposition is taken, or under his direction, after which the deposition shall be subscribed by the witness and certified in usual form by the officer. After the deposition has been so certified it shall, together with a copy thereof made by such officer or under his direction, be forwarded by such officer under seal in an envelope addressed to the commission at its office in Washington, D. C. Upon receipt of the deposition and copy the commission shall file in the record in said proceeding such deposition and forward the copy to the defendant or the defendant's attorney.

Such depositions shall be typewritten on one side only of the paper, which shall be not more than 8 ½ inches wide and not more than 11 inches long and weighing not less than 16 pounds to the ream, folio base, 17 by 22 inches, with left-hand margin not less than 1 1/2 inches wide.

No deposition shall be taken except after at least 6 days' notice to the parties. and where the deposition is taken in a foreign country such notice shall be at least 15 days.

No deposition shall be taken either before the proceeding is at issue or, unless under special circumstances and for good cause shown, within 10 days prior to the date of the hearing thereof assigned by the commission, and where the deposition is taken in a foreign country it shall not be taken after 30 days prior to such date of hearing.

IX. DOCUMENTARY EVIDENCE.

Where relevant and material matter offered in evidence is embraced in a document containing other matter not material or relevant and not intended to be put in evidence, such document will not be filed, but a copy only of such relevant and material matter shall be filed.

X. BRIEFS.

Unless otherwise ordered, briefs may be filed at the close of the testimony in each contested proceeding. The presiding commissioner or examiner shall fix the time within which briefs shall be filed and service thereof shall be made upon the adverse parties.

All briefs must be filed with the secretary and be accompanied by proof of service upon the adverse parties. Fifteen copies of each brief shall be furnished for the use of the commission, unless otherwise ordered.

Application for extension of time in which to file any brief shall be by petition in writing, Stating the facts upon which the application rests, which must be filed with the commission at least 5 days before the time for filing the brief.

Every brief shall contain, in the order here stated--

(1) A concise abstract, or statement of the case.

(2) A brief of the argument, exhibiting, a clear statement of the points of fact or law to be discussed, with the reference to the pages of the record and the authorities relied upon in support of each point.

Every brief of more than 10 pages shall contain on its top flyleaves a subject index with page references, the subject index to be supplemented by a list of all cases referred to, alphabetically arranged, together with references to pages where the cases are cited.

Briefs must be printed in 10 or 12 point type on good unglazed paper 8 inches by 10½ inches, with inside margins not less than 1 inch wide, and with double leaded text and single-leaded citations.

Oral arguments will be had only as ordered by the Commission.

XVI. ADDRESS OF THE COMMISSION.

All communications to the commission must be addressed to Federal Trade Commission, Washington, D. C., unless otherwise specifically directed.

EXHIBIT 4.

EXTRACTS FROM THE TRADING WITH THE ENEMY ACT AND
EXECUTIVE ORDER OCTOBER 12, 1917

The act of Congress approved October 6, 1917, known as the trading with the enemy act, contains the following provisions:

SEC. 10.

* * * * *

(b) Any citizen of the United States, or any corporation organized within the United States, may, when duly authorized by the President, pay to an enemy or ally of enemy any tax, annuity, or fee which may be required by the laws of much enemy or ally of enemy nation in relation to patents and trademarks, prints, labels, and copyrights; and any such citizen or corporation may file and prosecute an application for letters patent or for registration of trademark, print, label, or copyrights in the country of an enemy, or of an ally of enemy, after first submitting such application to the President and receiving license so to file and prosecute, and to pay the fees required by law and customary agents' fees, the maximum amount of which in each case shall be subject to the control of the President.

(c) Any citizen of the United States or any corporation organized within the United States desiring to manufacture, or cause to be manufactured, a machine, manufacture, composition of matters or design, or to carry on, or to use any trademark, print, label, or cause to be carried on a process under any patent or copyrighted matter owned or controlled by an enemy or ally of enemy at any time during the existence of a state of war may apply to the President for a license; and the President is hereby authorized to grant such a license, nonexclusive or exclusive as he shall deem best, provided lie shall be of the opinion that such grant is for the public welfare, and that the applicant is able and intends in good faith to manufacture, or cause to be manufactured, the machine, manufacture, composition of matter, or design, or to carry on, or cause to be carried on, the process or to use the trademark, print, label, or copyrighted matter. The President may prescribe the conditions of this license, including the fixing of prices of articles and products necessary to the health of the military and naval forces of the United States or the successful prosecution of the war, and the rules and regulations under which such license may be granted and the fee which shall be charged therefore not exceeding \$100, and not exceeding one per centum of the fund deposited as hereinafter provided. Such license shall be a complete defense to any suit at law or in equity instituted by the enemy or ally of enemy owners of the letters patent, trademark, print, label, or copyright, or otherwise, against the licensee for infringement or for damages, royalty, or other money award on account of anything done by the licensee under such license, except as provided in subsection (f) hereof.

(d) The licensee shall file with the President a full statement of the extent of the use and enjoyment of the license, and of the prices received in such form and at such stated periods (at least annually) as the President may prescribe; and the licensee shall pay at such times as many be required to the alien property custodian not to exceed five per centum of the gross sums received by the licensee from the sale of said inventions or use of the trademark, print, label,

or copyrighted matter or, if the President shall so order, five per centum of the value of the use of such inventions, trademarks, prints, labels, or copyrighted matter to the licensee as established by the President; and sums so paid shall be deposited by said alien property custodian forthwith in the Treasury of the United States as a trust fund for the said licensee and for the owner of the said patent, trade-mark, print, label, or copyright registration as hereinafter provided, to be paid from the Treasury upon order of the court, as provided in sub-division (f) of this section, or upon the direction of the alien property custodian.

(e) Unless surrendered or terminated is provided in this act, any license, granted hereunder shall continue during the term fixed in the license or in the absence of any such limitation during the term of the patent, trademark, print, label, or copyright registration under which it is granted. Upon violation by the licensee of any of the provisions of this act, or of the conditions of the license, the President may, after due notice and hearing, cancel any license granted by him.

(f) The owner of any patent, trade-mark, print, label, or copyright under which a license is granted hereunder may, after the end of the war and until the expiration of one year thereafter, file a bill in equity against the licensee in the, district court of the United States for the district in which the said licensee resides, or, if a corporation, in which it has its principal place of business (to which suit the Treasurer of the United States shall be made a party), for recovery from the said licensee for all use and enjoyment of the said patented invention, trade-mark, print, label, or copyrighted matter: *Provided, however,* That whenever suit is brought, as above, notice shall be filed with the alien property custodian within thirty days after date of entry of suit: *Provided further,* That the licensee may make any and all defenses which would be available were no license granted. The court on due proceedings had may adjudge and decree to the said owner payment of a reasonable royalty. The amount of said judgment and decree, when final, shall be paid on order of the court to the owner of the patent from the fund deposited by the licensee, so far as such deposit will satisfy said judgment and decree; and the said payment shall be in full or partial satisfaction of said judgment and decree, as the facts may appear; and if, after payment of all such judgments and decrees, there shall remain any balance of said deposit, such balance shall be repaid to the licensee on order of the Alien Property Custodian. If no suit is brought within one year after the end of the war, or no notice is filed as above required, then the licensee shall not be liable to make any further deposits, and all funds deposited by him shall be repaid to him on order of the alien property custodian. Upon entry of suit and notice filed as above required, or upon repayment of funds as above provided, the liability of the licensee to make further reports to the President shall cease.

If suit is brought, as above provided, the court may, at any time, terminate the license, and may, in such event, issue an injunction to restrain the licensee from infringement thereafter, or the court, in case the licensee, prior to suit, shall have made investment of capital based on possession of the license, may continue the license for such period and upon such terms and with such royalties as it shall find to be just and

reasonable.

(g) Any enemy, or ally of enemy, may institute and prosecute suits in equity against any person other than a licensee under this act to enjoin Infringement of letter patent, trade-mark, print. label, and copyrights ill the United States, owned or controlled by said enemy or ally of enemy in the same manner and to the extent that he would be entitled so to do if the United States was not at war: *Provided*, That no final judgment or decree shall be entered in favor of

such enemy or ally of enemy by any court except after thirty days' notice to the alien property custodian. Such notice shall be in writing and shall be served in the same manner as civil process of Federal Court.

(h) All powers of attorney Heretofore or hereafter granted by an enemy or ally of enemy to any person within the United States, in so far as they may be requisite to the performance of acts authorized in subsections (a) and (g) of this section, shall be valid.

(i) Whenever the publication of an invention by the granting of a patent may, in the opinion of the President, be detrimental to the public safety or defense, or may assist the enemy or endanger the successful prosecution of the war, he may order that the invention be kept secret and withhold the grant of a patent until the end of the war: *Provided*, That the invention disclosed in the application for said patent may be held abandoned upon it being established before or by the Commissioner of Patents that, in violation of said order, said invention has been published or that, in application for a patent therefor has been filed in any other country, by the inventor or his assigns or legal representatives without the consent or approval of the commissioner or under a license of the President.

When an applicant whose patent is withheld as herein provided, and who faithfully obeys the order of the President above referred to shall tender his invention to the Government of the United States for its use, he shall, if he ultimately receives a patent, have the right to sue for compensation in the Court of claims, such right to compensation to begin from the date of the use of the, invention by the Government.

By the Executive order of October 12, 1917, the power and authority to administer the above section was vested in the Federal Trade Commission, as follows:

XVII. I further hereby vest in the Federal Trade Commission the power and authority to issue licenses under such terms and conditions as are not inconsistent with law or to withhold or refuse the same, to any citizen of the United States or any corporation organized within the United States to file and prosecute applications in the country of an enemy or ally of enemy for letters patent or for registration of trademark, print, label, or copyright, and to pay the fees required by law and the customary agents' fees, the maximum amount of which in each case shall be subject to the control of such commission; or to pay to any enemy or ally of enemy any tax, annuity, or fee which may be required by the laws of such enemy or ally of enemy nation in relation to patents, trademarks, prints, labels, and copyrights.

XVIII. I hereby vest in the Federal Trade Commission the power and authority to issue, pursuant to the provisions of section 10 (c) of the trading-with-the-enemy act, upon such terms and conditions as are not inconsistent with law, or to withhold or refuse a license to any citizen of the United States or any corporation organized within the United States, to manufacture or cause to be manufactured a machine, manufacture, composition of matter, or design, or to carry on or cause to be carried on a process under any patent, or to use any trade-mark, print, label, or copyrighted matter owned or controlled by all enemy or ally of enemy, at any time during the present war;

and also to fix the prices of articles and products manufactured under such licenses necessary to the health of the military and the naval forces of the United States, or the successful prosecution of the war; and to prescribe the fee which may be charged for such license, not exceeding \$100 and not exceeding 1 per

cent of the fund deposited by the licensee with the alien property custodian as provided by law.

XIX. I hereby further vest in the said Federal Trade Commission the executive administration of the provisions of section 10 (d) of the trading-with-the-enemy act, the power and authority to prescribe the form of, and time and manner of filing statements of the extent of the use and enjoyment of the license and of the prices received and the times at which the licensee shall make payments to the alien property custodian, and the amounts of said payments, in accordance with the trading-with-the-enemy act.

XX. I further hereby vest in the Federal Trade Commission the power and authority, whenever in its opinion the publication of an invention or the granting of a patent may be detrimental to the public safety or defense or may assist the enemy, or endanger the successful prosecuting of the war, to order that the invention be kept secret and the grant letters patent withheld until the end of the war.

XXI. The said Federal Trade Commission is hereby authorized to take all such measures as may be necessary or expedient to administer the powers hereby conferred.

EXHIBIT 5.

[PUBLIC--NO. 126--65TH CONGRESS.]

[H. R 2316.]

An Act To promote export trade, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States Of America in Congress assembled, That the words “export trade” wherever used in this act mean solely trade or commerce in goods, wares, or merchandise exported, or in the course of being exported from the United States or any Territory thereof to any foreign nation; but the words “export trade” shall not be deemed to include the production, manufacture, or selling for consumption or for resale, within the United States or any Territory thereof, of such goods, wares, or merchandise, or any act in the course of such production, manufacture, or selling for consumption or for resale.

That the words “trade within the United States” wherever used in this act mean trade or commerce among the several States or in any Territory of the United States, or in the District of Columbia, or between any such Territory and another, or between any such Territory or Territories and any State or States or the District of Columbia, or between the District of Columbia and any State or States.

That the word “association” wherever used in this act means any corporation or combination, by contract or otherwise, of two or more persons, partnerships, or corporations.

SEC. 2. That nothing contained in the act entitled “An act to protect trade and commerce against unlawful restraints and monopolies,” approved July second, eighteen hundred and ninety, shall be construed as declaring to be illegal an association entered into for the sole purpose of engaging in export trade and actually engaged solely in such export trade, or an agreement made or act done in the course of export trade by such association, provided such association, agreement, or act is not in restraint of trade within the United States, and is not in restraint of the export trade of any domestic competitor of such association: *And provided further,* That such association does not, either in the United States or elsewhere, enter into any agreement, understanding, or conspiracy, or do any act which artificially or intentionally enhances or depresses prices within the United States of commodities of the class exported by such association, or which substantially lessens competition within the United States or otherwise restrains trade therein.

SEC. 3. That nothing contained in section seven of the act entitled “An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes,” approved October fifteenth, nineteen hundred and fourteen, shall be construed to forbid the acquisition or ownership by any corporation of the whole or any part of the stock or other capital of any corporation organized solely for the purpose of engaging in export trade, and actually engaged solely in such export trade, unless the effect of such acquisition or ownership may be to restrain trade or substantially lessen competition within the United States.

SEC. 4. That the prohibition against “unfair methods of competition” and the remedies provided for enforcing said prohibition contained in the act entitled “An act to create a Federal trade commission, to define its powers and

duties, and for other purposes," approved September twenty-sixth, nineteen hundred and fourteen, shall be construed as extending to unfair methods of competition used in export trade against competitors engaged in export trade, even though the acts constituting such unfair methods are done without the territorial jurisdiction of the United States.

SEC 5. That every association now engaged solely in export trade, within sixty days after the passage of this act, and every association entered into hereafter which engages solely in export trade, within thirty days after its creation, shall file with the Federal Trade Commission a verified written statement setting forth the location of its offices or places of business and the names and addresses of all its officers and of all its stockholders or members, and if a corporation, a copy of its certificate or articles of incorporation and by-laws, and if unincorporated a copy of its articles or contract of association, and on the first day of January of each year thereafter it shall make a like statement of the location of its offices or places of business and the names and addresses of all its officers and of all its stockholders or members and of all amendments to and changes in its articles or certificate of incorporation or in its articles or contract of association. It shall also furnish to the commission such information as the commission may require as to its organization, business, conduct, practices, management, and relation to other associations, corporations, partnerships, and individuals. Any association which shall fail so to do shall not have the benefit of the provisions of section two and section three of this act, and it shall also forfeit to the United States the sum of \$100 for each and every day of the continuance of such failure, which forfeiture shall be payable into the Treasury of the United States, and shall be recoverable in a civil suit in the name of the United States brought in the district where the association has its principal office, or in any district in which it shall do business. It shall be the duty of the various district attorneys, under the direction of the Attorney General of the United States, to prosecute for the recovery of the forfeiture. The costs and expenses of such prosecution shall be paid out of the appropriation for the expenses of the courts of the United States.

Whenever the Federal Trade Commission shall have reason to believe that an association or any agreement made or act done by such association is in restraint of trade within the United States or in restraint of the export trade of any domestic competitor of such association, or that an association either in the United States or elsewhere has entered into any agreement, understanding, or conspiracy, or done any act which artificially or intentionally enhances or depresses prices within the United States of commodities of the class exported by such association, or which substantially lessens competition within the United States or otherwise restrains trade therein it shall summon such association, its officers, and agents to appear. Therefore it, and thereafter conduct an investigation into the alleged violations of law. Upon investigation, if it shall conclude that the law has been violated, it may make to such association recommendations for the readjustment of its business, in order that it may thereafter maintain its organization and management and conduct its business in accordance with law. If such association fails to comply with the recommendations of the Federal Trade Commission, said commission shall refer its findings and recommendations to the Attorney General of the United States for such action thereon as he may deem proper.

For the purpose of enforcing these provisions the Federal Trade Commission shall have all the powers, so far as applicable, given it in "An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes."

Approved, April 10, 1918.

EXHIBIT 6.

FEDERAL TRADE COMMISSION,
WASHINGTON, D. C.

FIRST REPORT FROM EXPORT ASSOCIATIONS,
DUE WITHIN 30 DAYS AFTER CREATION.

1. Name

Address

(Here insert address of principal office.)

2. *Statement.*--This corporation or association was organized or entered into for the sole purpose of engaging in export trade, and is now or about to be solely engaged in the export trade as defined in the export trade act, approved April 10, 1918, viz: "Trade or commerce in goods, wares, or merchandise exported or In the course of being exported from the United States or any territory thereof, to any foreign nation."

3. There is hereunto annexed and made a part hereof a schedule, showing In paragraph "A" *the location of its offices or places of business*; In paragraph "B," *the names and addresses of all its officers and directors*; in paragraph "C" *the names and addresses of all Its stockholders or members*; in paragraph "D," the products to be exported; and in paragraph "E," the capital authorized and paid in.

4. There is also annexed (F) a brief statement describing its methods and plan under which it Is doing business a statement of its relations with other associations, corporations, and Individuals, and such other information as this company or association deems should be In the export files of the Federal Trade Commission.

5. If a corporation, a copy of its certificate or articles of incorporation and by-laws is annexed and filed, and if unincorporated, a copy of its articles of contract of association.

By -----

STATE OF -----

ss:

COUNTY OF -----

-----, being first duly sworn, on oath deposes and says that he is an officer, to-wit,
----- of the above-named corporation or association; that he has read the foregoing report and schedules annexed and that the same are in all respects true and correct.

(Verifying officer sign here.)

Subscribed and sworn to before me this ----- day of -----, 19---

SCHEDULE 1.

(A) The following are the locations of all offices and places of business:

(B) The following officers or directors, as at January 1, 1919:

Names.	Office held.	Addresses.
-----	-----	-----
-----	-----	-----

(C) The following were stockholders or members January 1, 1919:

Names.	Addresses.	Number of shares.
-----	-----	-----
-----	-----	-----

(D) It desires to be classified as engaged in exporting the following products, viz:

(Please limit to products now or about to be exported and supplement by letter when others are taken on.)

(E) Capital:

- (1) Authorized preferred, \$----; par value, \$----; issued, \$----; paid in, \$----
- (2) Authorized common, \$----; par value, \$----; issued, \$----; paid in, \$----

(F) The following briefly describes the methods and plan under which our business is done and states our relations with other associations, corporations, and individuals, with such other information as we deem should be In the export files of the Federal Trade Commission:

NOTES.

1. The information required by this report is to be furnished to the Federal Trade Commission under "An act to promote export trade, and for other purposes," approved April 10, 1918 (the export trade act), which provides in section 5 thereof as follows:

SEC. 5. That every association now engaged solely in export trade, within sixty days after the

passage of this act, and every association entered into hereafter which engages solely in export trade, within thirty days after its creation, shall file with the Federal Trade Commission a verified written statement setting forth the location of its offices or places of business and the names

and addresses of all its officers and of all its stockholders or members, and if a corporation, a copy of its certificate or articles of incorporation and by-laws, and if unincorporated, a copy of its articles or contract of association, and on the first day of January of each year thereafter it shall make a like statement of the location of its offices or places of business and the names and addresses of all its officers and of all its stockholders or members and of all amendments to and changes in its articles or certificates of incorporation or in its articles or contract of association. It shall also furnish to the commission. such information. as the commission may require as to its organization, business, conduct, practices, management, and relation to other associations, corporations, partnerships, and individuals. Any association which shall fail (so to do) shall not have the benefit of the provisions of section two and section three of this act, and it shall also forfeit to the United States the sum of \$100 for each and every day of the continuance of such failure, which forfeiture shall be payable into the Treasury of the United States, and shall be recoverable in a civil suit in the name of the United States brought in the district where the association has its principal office, or in any district in which it shall do business. It shall be the duty of the various district attorneys, under the direction of the Attorney General of the United States, to prosecute for the recovery of the forfeiture. The costs and expenses of such prosecution shall be paid out of the appropriation for the expenses of the courts of the United States. * * *

2. The word "association" wherever used in the "export trade act" or in this report means "any corporation or combination, by contract or otherwise, of two or more persons, partnerships, or corporations."

EXHIBIT 7.

FEDERAL TRADE COMMISSION,

WASHINGTON, D. C.

REPORT FROM EXPORT ASSOCIATIONS,

DUE JANUARY 1, ----

1. Name -----

Address -----

(Here insert address of principal office.)

2. *Statement.--This* corporation or association was organized or entered into for the sole purpose of engaging in export trade and is now solely engaged in the export trade as defined in the export trade act, approved April 10, 1918, viz: "Trade or commerce in goods, wares, or merchandise exported or in the course of being exported from the United States or any Territory thereof, to any foreign nation."

3. There is hereunto annexed and made a part hereof a schedule, showing in paragraph "A" *the location of its offices or places of business*; in paragraph "B," the *names and addresses* of nil its *officers and directors*; in paragraph "C," the *names and addresses* of all its *stockholders or members*; in paragraph "D," all *amendments* to and changes in its articles or certificate of incorporation, or articles or contract of association and by-laws, since its last report to the Federal Trade Commission.

4. There is also annexed (E) a brief statement describing its methods and plan under which it is doing business, a statement of its relations with other associations, corporations, and individuals, and such other information as this company or association deems should be in the export files of the Federal Trade Commission.

By -----

State of -----

ss:

County of -----

-----, being first duly sworn, on oath deposes and says that he is an officer, to wit, ----- of the above-named corporation or association; that he has read the foregoing report and schedules annexed and that the same are In all respects true and correct.

(Verifying officer sign here.)

Subscribed and sworn to before me this ----- day of -----, 19---

Notary Public.

SCHEDULE 1.

(A) The following are the locations of all offices and places of business:

(B) The following were officers or directors, as at January 1, 1919:

Names.	Office held.	Addresses.
-----	-----	-----
-----	-----	-----

(C) The following were stockholders or members January 1, 1919:

Names.	Addresses.	Number of shares.
-----	-----	-----
-----	-----	-----
-----	-----	-----

(D) Since the last report to the Federal Trade Commission the articles of or certificate of incorporation, articles of association, and by-laws have been amended or changed as follows:

(E) The following briefly describes the methods and plan under which our business is done and states our relations with other associations, corporations, and individuals, with such other information as we deem should be in the export files of the Federal Trade Commission:

NOTES.

1. The information required by this report is to be furnished to the Federal Trade Commission under "An act to promote export trade, and for other purposes," approved April 10, 1918 (the export trade act), which provides in section 5 thereof, as follows:

SEC. 5. That every association now engaged solely in export trade, within sixty days after the passage of this act, and every association entered into hereafter which engages solely in export trade, within thirty days after its creation, shall file with the Federal Trade Commission a verified written statement setting forth the location of its offices or places of business and the names and addresses of all its officers and of all its stockholders or members, and if a corporation, a copy of its certificate or articles of incorporation and by-laws, and if unincorporated, a copy of its articles or contract of association, and on the first day of January of each year thereafter it shall make a like statement of the location of its offices or places of business and the names and addresses of all its officers and of all its stockholders or members

and of all amendments to and changes in its articles or certificate of incorporation or in its articles or contract of association. It shall also furnish to the Commission such information as the Commission may require as to its organization, business, conduct, practices, management, and relation to other associations, corporations, partnerships, and individuals. Any association which shall fail so to do shall not have the benefit of the provisions of section two and section three of this act, and it shall also forfeit to the United States the sum of \$100 for each

and every day of the continuance of such failure, which forfeiture shall be payable into the Treasury of the United States, and shall be recoverable in a civil suit in the name of the United States brought in the district where the association has its principal office, or in any district in which it shall do business. It shall be the duty of the various district attorneys, under the direction of the Attorney General of the United States, to prosecute for the recovery of the forfeiture. The costs and expenses of such prosecution shall be paid out of the appropriation for the expenses of the courts of the United States * * *

2. The word "association" wherever used in the "export trade act" or in this report means "any corporation or combination, by contract or otherwise, of two or more persons, partnerships, or corporations."

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EXHIBIT 8.

PROCEEDINGS PENDING AND DISPOSED OF.

PROCEEDINGS PENDING JUNE 30, 1921.

Complaint No. 25.--Federal Trade Commission v. J. F. Hillerich & Son Co. Charge: Unfair methods of competition in connection with the manufacture, marketing, and sale of baseball bats by fixing resale prices and refusing to supply those who do not agree to maintain such selling prices, or who do not sell at the prices fixed, in alleged violation of section 5 of the Federal Trade Commission act; price discrimination, the effect of which may be to substantially lessen competition or tend to create a monopoly, in alleged violation of section 2 of the Clayton Act. Status: This proceeding is awaiting decision of the Supreme Court of the United States in the Beech-Nut Packing Co. case, now pending on a writ of certiorari to the United States Circuit Court of Appeals, second circuit, which court reversed an order of the Commission against the Beech-Nut Packing Co. to cease and desist the practice in question.

Complaint No. 28.--Federal Trade Commission v. Ward Baking Co. Charge: Stifling and suppressing competition by fixing resale prices and refusing to sell to those who will not agree to maintain such standard resale prices or who do not resell at such standard selling prices, in alleged violation of section 5 of the Federal Trade Commission act. Status: (Ante, complaint No.25.)

Complaint No. 30.--Federal Trade Commission v. Western Clock Co. Charge: Attempting to eliminate competition in the sale of certain alarm clocks by fixing resale prices and refusing to sell to those who fail to maintain such prices, in alleged violation of section 5 of the Federal Trade Commission act; price discrimination, the effect of which may be to substantially lessen competition or tend to create a monopoly in alleged violation of section 2 of the Clayton Act. Status: (Ante, complaint No.25).

Complaint No. 40.--Federal Trade Commission v. The Colorado Milling & Elevator Co. Charge: Attempting to eliminate competition by fixing resale prices and by refusing to sell to those who will not agree to maintain such prices, in alleged violation of section 5 of the Federal Trade Commission act. Status: (Ante, complaint No.25).

Complaint No. 82.--Federal Trade Commission v. Photo-Engravers' club of Chicago. Charge: Adopting a standard scale of uniform prices at which the members sell their products, with the intent of stifling and suppressing competition in the manufacture and sale of photo-engravings, the respondent having entered into an agreement with the Chicago Photo-Engravers' Union No.5, I. P. E U., by the terms of which the respondent's members employ only union labor in their manufacturing plants and the members of the Union do not accept employment from any manufacturing photo-engraver not a member of the respondent club. In furtherance of such agreement the union has adopted a rule whereby union labor is to cease working in photo-engraving plants which do not maintain such standard scale of prices, and has initiated a series of fines and threats to withdraw labor, thereby compelling members to maintain such prices against their will, all in alleged violation of section 5 of the Federal Trade Commission Act. Status: This proceeding is pending before the commission.

Complaint No. 87.--Federal Trade Commission v. Crescent Manufacturing Co. Charge: stifling and suppressing competition in the manufacture, marketing, and sale of baking powder, spices, teas, coffees, and flavoring extracts by fixing resale prices and refusing to sell those who will not agree to maintain such specified standard resale prices, in alleged violation of section 5 of the Federal Trade Commission act. Status: (Ante, complaint No. 25).

Complaint No. 89.--Federal Trade Commission v. L. E. Waterman Co. Charge: Stifling and suppressing competition in the manufacture, marketing, and sale of fountain pens by fixing standard specified resale prices and by refusing to sell to those who will not agree to maintain such prices, in alleged violation of section 5 of the Federal Trade Commission act. Status: (Ante, complaint No.25).

Complaint No. 90.--Federal Trade Commission v. Cluett, Peabody & Co. (Inc.). Charge: Stifling and suppressing competition in the manufacture, marketing, and sale of men's collars by fixing and maintaining resale prices, requiring the purchasers to maintain such prices, and refusing to sell to those who refuse to maintain such prices, in alleged violation of section 5 of the Federal Trade Commission act. Status: (Ante, complaint No.25).

Complaint No. 91.--Federal Trade Commission v Massachusetts Chocolate Co. Charge: Stifling and suppressing competition in the manufacture, marketing, and sale of candy by fixing resale prices and refusing to sell to those who will not agree to maintain such specified standard resale prices, in alleged violation of section 5 of the Federal Trade Commission act. Status: (Ante, complaint No.25).

Complaint No. 123.--Federal Trade Commission v. American Co. Charge: Price discrimination and price fixing on condition that the purchasers shall not use or deal in the product of competitors, the effect of which is to substantially lessen competition and to tend to create a monopoly in the tin-can business in alleged violation of sections 2 and 3 of the Clayton Act; stifling and suppressing competition in the manufacture and sale of tin cans by attempting to induce customers to enter into long-term contracts by giving certain customers more favorable terms than others in reference to allowances for leaky cans and storage privileges, by rebating if prices are lowered, and by other discriminations, in alleged violation of section 5 of the Federal Trade Commission act. Status: This proceeding is at issue on the complaint of the Commission and the answer of the respondent, and Is now in preparation for trial.

Complaint No. 141.--Federal Trade Commission v. The Evans Dollar Pen Co. Charge: Stifling and suppressing competition in the manufacture, marketing, and sale of its fountain pens, as a means of securing the trade of dealers and with the purpose of eliminating competition in the selling price of its fountain pens by fixing certain specified standard resale prices and by refusing to sell to those who will not agree to maintain such resale prices, in alleged violation of section 5 of the Federal Trade Commission act. Status: (Ante, complaint No.25).

Complaint No. 157.--Federal Trade Commission v. Saenger Amusement Co). Charge: Stifling and suppressing competition in the purchase and sale, lease and

exhibition of moving-picture films by forcing exchanges to accept its terms on threat to cause exhibitors to refuse to handle otherwise; causing contracts between exhibitors and exchanges to be broken by divers means and methods, including prior exhibition of films in neighboring theaters after "first exhibition" had been advertised by the other; threatening withdrawal of patronage if exchanges continued to supply exchanges; threatening curtailing supply unless exhibitors dealt with respondent; inducing employees of competitors to leave their employment, all in alleged violation of section 5 of the Federal Trade

Commission act. Status: The final determination of this case is suspended awaiting the outcome of cases involving the same industry now before the Commission.

Complaint No. 163.--Federal Trade Commission v. Armour & Co. Charge: Stifling and suppressing competition in the manufacture and sale of dairy products by concealing its control of and affiliation with Beyer Bros. Co., a creamery company, while directing the efforts and business of said company; discriminating in prices paid for butter fat or cream; and by purchasing and offering to purchase butter fats or cream in certain localities at prices unwarranted by trade conditions and so high as to be prohibitive to small competitors, in alleged violation of section 5 of the Federal Trade Commission act. Status: This proceeding is at issue upon the complaint of the Commission and answer of the respondent and is in course of trial.

Complaint No. 167.--Federal Trade Commission v. United Electric Co. Charge: Stifling and suppressing competition in the manufacture, marketing, selling, and reselling of its vacuum cleaning machines by fixing standard resale prices and refusing to sell to those who fail to maintain such prices, in alleged violation of section 5 of the Federal Trade Commission act; price fixing and establishing discounts or rebates on condition that the purchasers shall not use or deal in the goods of competitors, the effect of which is to substantially lessen competition or to tend to create a monopoly, in alleged violation of section 3 of the Clayton Act. Status: (Ante, complaint No.25).

Complaint No. 168.--Federal Trade Commission v. The National Wholesale Druggists' Association et al. Charge: Engaging in a combination or conspiracy among themselves with the intent, purpose, and effect of discouraging, stifling, and suppressing competition in the wholesale drug trade and of unfairly hampering and obstructing certain of their competitors by inducing or compelling manufacturers to refuse to recognize competitors as jobbers and as entitled to the benefits such competitors as jobbers would receive, by means of oral and written notices to manufacturers to the effect that certain competitors, not eligible to membership in the association, were not entitled to recognition as jobbers; the appointment of committees to confer with manufacturers to the end that they adopt sales methods in harmony with the policies of the association, written and oral notices by the secretary of the association to manufacturers to the effect that competitors are selling below the manufacturers' established resale price, or that such competitors are persistent price cutters; the compilation and distribution among manufacturers and wholesalers of lists of so-called legitimate jobbers, and by bringing influence to bear on various local associations of drug jobbers and wholesalers to adopt policies in harmony with the policies of the association, in alleged violation of section 5 of the Federal Trade Commission act. Status: This proceeding is at issue upon the complaint of the Commission and answer of the respondent and is in preparation for trial.

Complaint No. 170.--Federal Trade Commission v. Kryptok Sales Co. Charge: Stifling and suppressing competition in the sale of "Kryptok" spectacle lenses by fixing and maintaining resale prices, requiring dealers to maintain such resale prices, and refusing to sell to those who will not maintain such resale prices, in alleged violation of section 5 of the Federal Trade Commission act. Status: (Ante, complaint No.25).

Complaint No. 171.--Federal Trade Commission v. The Goodyear Tire & Rubber Co. Charges: Stifling and suppressing competition in the sale of automobile tires by fixing and maintaining resale prices, requiring dealers to maintain such resale prices, and refusing to sell to those who will not maintain such

which are such as are ordinarily furnished by retail dealers; compelling dealers to carry excessive stocks, refusing to allow dealers to make adjustments on unsatisfactory tires; requiring dealers who also handle automobiles to specify Goodyear tires on all automobiles, motor trucks, and motor cycles ordered by them; requiring dealers to permit respondent to make inventories of all tires handled by such dealers; compelling dealers to refrain from selling competitor's tires as substitutes for respondent's when such dealer is unable to furnish the particular size of respondent's tire requested; selling tire-applying machinery to dealers, but restricting the use of it to respondent's tires; selling consumers direct at the same price as dealers when such consumers will agree to use respondent's tires exclusively, in alleged violation of section 5 of the Federal Trade Commission act; selling its products on the condition, agreement, or understanding that the purchasers shall not use or deal in the goods of a competitor, the effect of which is to substantially lessen competition or tend to create a monopoly, in alleged violation of section 3 of the Clayton Act. Status: (Ante, complaint No.25).

Complaint No. 173.--Federal Trade Commission v. D. M. Ferry & Co. Charge: Stifling and suppressing competition in the sale of garden and flower seeds by fixing and maintaining resale prices, requiring dealers to maintain such resale prices, and refusing to sell to those who will not maintain such resale prices, in alleged violation of section 5 of the Federal Trade Commission act. Status: (Ante, complaint No.25).

Complaint No. 182.--Federal Trade Commission v. The Hoover Suction Sweeper Co. Charge: Stifling and suppressing competition in the sale of vacuum cleaners by fixing and maintaining resale prices, requiring dealers to maintain such resale prices, and refusing to sell to those who will not maintain such resale prices, in alleged violation of section 5 of the Federal Trade Commission act. Status.: (Ante, complaint No.25).

Complaint No. 183.--Federal Trade Commission v. The Vortex Manufacturing Co. Charge: Stifling and suppressing competition in the manufacture and marketing of metal holders, paraffin paper cups and dishes by fixing and maintaining resale prices, requiring dealers to maintain such resale prices, and refusing to sell to those who will not maintain such resale prices, in alleged violation of section 5 of the Federal Trade Commission act; selling and making contracts of sale of metal holders, paraffin paper cups and dishes on the condition, agreement, and understanding that the purchasers thereof shall not use or deal in the products of competitors, the effect of which is to substantially lessen competition or tend to create a monopoly, In alleged violation of section 3 of the Clayton Act. Status: (Ante, complaint No.25).

Complaint No. 184.--Federal Trade Commission v. Enders Sales Co. (Inc.). Charge: Stifling and suppressing competition in the sale of safety razors and blades by fixing and maintaining resale prices, requiring dealers to maintain such resale prices, and refusing to sell to those who will not maintain such resale prices, in alleged violation of section 5 of the Federal Trade Commission act; and discriminating in price between different purchasers of respondent's product, the effect of which may be to substantially lessen competition or tend to create a monopoly, in alleged violation of section 3 of the Clayton Act. Status: (Ante, complaint No.25).

Complaint No. 189.--Federal Trade Commission v. H. L. Hildreth Co. Charge: Stifling and suppressing competition in the sale of candy by fixing and maintaining resale prices, requiring dealers to maintain such resale prices, and refusing to sell to those who will not maintain such resale prices, in alleged violation of section 5 of the Federal Trade Commission act. Status: (Ante, complaint no. 25).

Complaint No. 196.--Federal Trade Commission v. DeMiracle Chemical Co. Charge: Stifling and suppressing competition in the sale of depilatories and other toilet specialties by fixing and maintaining resale prices, requiring dealers to maintain such resale prices, and refusing to sell to those who will not maintain such resale prices, in alleged violation of section 5 of the Federal Trade Commission act. Status: (Ante, complaint No. 25).

Complaint No. 205.--Federal Trade Commission v. The Tobacco Products Corporation et al. Charge: Stifling and suppressing competition by concealing its ownership and control of other corporations and holding them out as independent companies; paying commissions to its customers and its competitor's customers with the understanding that the customers will not advertise the goods of competitors, and by paying to one of its customers a rebate proportionate to the increased amount of purchases made in one year over the preceding year, in alleged violation of section 5 of the Federal Trade Commission act ; discriminating in price between different purchasers of respondent's products, the effect of which may be to substantially lessen competition or tend to create a monopoly, in alleged violation of section 2 of the Clayton Act; and acquiring the whole of the stock and share capital of various tobacco companies, where the effect of such acquisition may be and is to substantially lessen competition and create a monopoly, in alleged violation of section 7 of the Clayton Act; and several of the individual respondents. acting as directors in several of respondent corporations, thereby through agreements eliminating competition among these corporations, in alleged violation of section 8 of the Clayton Act. Status: This proceeding is at issue upon the complaint of the Commission and answer of the respondent and is now in preparation for trial.

Complaint No. 206.--Federal Trade Commission v. Marinello Co. et al. Charge: Stifling and suppressing competition in the sale of cosmetics, toilet articles, and preparations by fixing and maintaining resale prices, requiring dealers to maintain such resale prices, and refusing to sell their products to those who will not maintain such resale prices; maintaining a school of cosmeticians and granting to graduates of such schools licenses to practice the "Marinello System" and use the name "Marinello" upon condition that the licensees shall maintain such resale prices and not deal in the products of competitors; threatening to revoke the licenses of such graduates who refuse to maintain such resale prices and deal exclusively in the products of respondents, and threatening to establish competitive shops adjust to those of their competitors and others who refuse to deal exclusively in respondent's products and who do not maintain the resale prices of such products, in alleged violation of section 5 of the Federal Trade Commission act; selling cosmetics, toilet articles, and preparations under condition, agreement, or understanding that the purchasers thereof shall not use or deal in the products of competitors, the effect of which is to substantially lessen competition or tend to create a monopoly, in alleged violation of section 3 of the Clayton Act. Status: (Ante, complaint No.25).

Complaint No. 207.--Federal Trade Commission v. The Cleveland Macaroni Co. Charge: Using unfair methods of competition in the sale of macaroni, noodles, and kindred products, viz, giving premiums of jewelry, silverware, and other personal property to salesmen of jobbers handling respondent's products, and giving dinners to jobbers and their salesmen, retail buyers, customers, and prospective customers of respondent, and competitor's customers and prospective customers, as an inducement to influence them to purchase respondent's macaroni, noodles, and kindred products, and to refrain from purchasing those of respondent's competitors, in alleged violation of section 5 of

the Federal Trade Commission act. Status : This proceeding is now before the Commission for final disposition.

Complaint No. 213.--Federal Trade Commission v. American Thermos Bottle Co. Charge: Stifling and suppressing competition in the sale of temperature-retaining vessels by fixing and maintaining resale prices, requiring dealers to retain such resale prices, and refusing to sell to those who will not maintain such resale prices, in alleged violation of section 5 of the Federal Trade Commission act; discriminating in price between different purchasers of respondent's products, the effect of which may be to substantially lessen competition or tend to create a monopoly, in violation of section 2 of the Clayton Act. Status : (Ante, complaint *No.25*).

Complaint No. 215.--Federal Trade Commission v. Minerals Separation (Ltd). et al. Charge: Stifling and suppressing competition in lines of commerce dependent upon apparatus and processes and other commodities used in the separation and concentration of ores, by entering into and enforcing and attempting to enter into and enforce agreements which are for the purposes of preventing independent concerns from selling or licensing any independent commodities without respondents' permission, permitting no independent concern to manufacture, license, or lease independent commodities except by the payment of an exorbitant commission for such permission; of discriminating in the amount of commissions exacted from different independent concerns; of compelling mine operators and others not in respondents' employ to surrender to them the ownership and control of inventions respecting the separation and concentration of ores; of preventing mine operators and others from publishing any data or other information respecting the separation or concentration of ores except with respondents' permission; of compelling mine operators and others not in respondents' employ to withhold advice and information regarding apparatus and other commodities from anyone against whom the respondents may be engaged in patent litigation; of exacting from mine operators an exorbitant royalty for the use of commodities controlled by respondent, including operations involving the use of commodities not controlled by respondent and discriminating as to royalties between different mine operators; by false and malicious disparagement of independent commodities, concerns, and those dealing with independent concerns, false assertions of exclusive rights under patents and otherwise in excess of those actually possessed by respondents, threats of suits for patent infringement not made in good faith, threats to withhold licenses from mine operators and others unless they refrain from using independent commodities, and intimidation of independent concerns and others to join in the aforesaid agreement, in alleged violation of section 5 of the Federal Trade Commission act; discriminating in price between different purchasers of the products handled by respondents, the effects of which may be to substantially lessen competition or tend to create a monopoly, in alleged violation of section 2 of the Clayton Act ; selling commodities handled by respondents on the condition, agreement, or understanding that the purchases thereof shall not use or deal in the goods of a competitor the effect of which is to simultaneously lessen competition or tend to create a monopoly, in alleged violation of section 3 of the Clayton Act. Status: This proceeding is at issue on complaint of the Commission and answer of the respondent and is now in course of trial.

Complaint No. 217.--Federal Trade Commission v. Klaxon Co. Charge: Stifling and suppressing competition in the sale of automobile horns by fixing and maintaining resale prices, requiring dealers to maintain such resale prices, and refusing to sell to those who will not maintain such resale prices; selling

and making contracts for sale of its products to dealers in automobile accessories upon the condition, agreement, or understanding that said dealers shall at all times carry a stock of Klaxon warning signals in the minimum amount of \$300, in alleged violation of section 5 of the Federal Trade Commission act, selling and making contracts for sale of its products on the condition, agreement, or understanding that the purchasers thereof shall not use or deal in the warning signals of competitors, the effect of which is to substantially lessen competition or tend to create a monopoly, in alleged violation of section 3 of the Clayton Act. Status : (Ante, complaint No.25).

Complaint No. 218.--Federal Trade Commission v. The Proctor & Gamble Co., and the Proctor & Gamble Distributing Co. Charge : Stifling and suppressing competition in the sale of soap and kindred articles by fixing and maintaining resale prices, requiring dealers to maintain such resale prices, refusing to sell to those who will not maintain such resale prices, and refusing to sell mixed car-load lots of its products unless the purchaser thereof will also buy from them respondents' "Ivory" soap, in alleged violation of section 5 of the Federal Trade Commission act. Status : (Ante, complaint No.25).

Complaint No. 227.--Federal Trade Commission v. Helvetia Milk Condensing Co. Charge : Using unfair methods of competition in the sale of evaporated milk, viz, guaranteeing its customers against decline in the price of goods purchased and not resold at the time of any subsequent decline in the market price, and in the event of such decline refunding to such purchasers an amount equal to the difference between the purchase price of the undisposed goods and the market price to which they had declined, in alleged violation of section 5 of the Federal Trade Commission act. Status : Negotiations are pending for an agreed statement of facts upon which to submit this case to the Commission for final determination.

Complaint No. 228.--Federal Trade Commission v. The De Laval Separator Co. Charge : Stifling and suppressing competition in the sale of cream separators by fixing and maintaining resale prices, requiring dealers to maintain such resale prices, and refusing to sell to those who will not maintain such resale prices, in alleged violation of section 5 of the Federal Trade Commission act; selling and making contracts for sale of its cream separators on the condition, agreement, or understanding that the purchasers thereof shall not use or deal in the cream separators of a competitor, the effect of which is to substantially lessen competition or tend to create a monopoly, in alleged violation of section 3 of the Clayton Act. Status : (Ante, complaint No.25).

Complaint No. 237.--Federal Trade Commission v. General Chemical Co. Charge : Stifling and suppressing competition in the sale of baking powder by fixing and maintaining resale prices, requiring dealers to maintain such resale prices, and refusing to sell to those who will not maintain such resale prices, in alleged violation of section 5 of the Federal Trade Commission act. Status : (Ante, complaint No.25).

Complaint No. 240.--Federal Trade Commission v. Buffalo Specialty Co. Charge : Stifling and suppressing competition in the sale of liquid veneer, tire fluids, and similar products by fixing and maintaining resale prices, requiring dealers to maintain such resale prices, and refusing to sell to those who do not maintain such resale prices, in alleged violation of section 5 of the Federal Trade Commission act; and discriminating in price between different purchasers of respondent's products, the effect of which may be to substantially lessen competition or tend to create a monopoly, in alleged violation of section 2 of the Clayton Act. Status: (Ante, complaint No.25).

Complaint No. 250.--Federal Trade Commission v. Borden's Farm Products Co. (Inc.). Charge: Acquiring and owning the whole of the stock and share

capital of the Alexander Campbell Milk Co., the effect of such acquisition being to substantially lessen competition between the respondent and the Alexander Campbell Milk Co. and tend to create a monopoly, in alleged violation of section 7 of the Clayton Act. Status : This proceeding is now before the Commission for final determination.

Complaint No. 259.--Federal Trade Commission v. Oldbury Electro-Chemical Co., J. L. & D. S. Biker (Inc.), and Central Railway Signal Co. Charge : Using unfair methods of competition in the manufacture and sale of railway signal fuses by an alleged combination between the respondents whereby the Oldbury Co., through its sales agent, J. L. & D. S. Biker (Inc.), refuses to manufacture and sell any chlorate of potash in addition to the amount required by the Central Railway Signal Co., and thus giving the latter a monopoly in the manufacture and sale of the railway signal fuses, in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is at issue upon the complaint of the Commission and answer of the respondent and is in course of trial.

Complaint No. 266.--Federal Trade Commission v. Pictorial Review Co. Charge : Using unfair methods of competition in the sale of paper dress patterns, consisting of selling patterns to dealers under a contract permitting the dealers to return all unsold patterns on the termination of contract at three-fourths of the cost thereof, upon the condition that during the continuance of such contracts they have sold no patterns except those manufactured by respondent or shall have sold such patterns at the prices fixed by respondent, in alleged violation of section 5 of the Federal Trade Commission act; selling and making contracts for sale of its paper dress patterns on the condition, agreement, or understanding that the purchasers thereof shall not use or deal in the patterns of competitors, the effect of which is to substantially lessen competition or tend to create a monopoly in violation of section 3 of the Clayton Act. Status : This proceeding is at issue upon the complaint of the Commission and answer of the respondent and is in course of trial.

Complaint No. 269.--Federal Trade Commission V. American Graphophone Co., Columbia Graphophone Co., and Columbia Graphophone Manufacturing Co. Charge : Using unfair methods of competition in connection with the sale of asking machines and records, viz. the American Graphophone Co. and Columbia Graphophone Manufacturing Co. fix and maintain certain specified resale prices by issuing catalogues periodically, addressing circular letters to retail dealers, and printing notices upon the paper envelopes designed and commonly used as wrappers or containers for Columbia records; respondent's American Graphophone Co. and Columbia Graphophone Manufacturing Co. through the Columbia Graphophone Co. require retail dealers to maintain specified resale prices fixed upon Columbia products and refuse to sell their products to dealers will not agree to maintain such specified resale prices, in alleged violation of section 5 of the Federal Trade Commission act. Status : (Ante, complaint No. 25).

Complaint No. 272.--Federal Trade Commission v. Wm. Waltke & Co. Charge : Stifling and suppressing competition in the sale of soaps and toilet industries by fixing and maintaining resale prices, requiring dealers to retain such prices, and refusing to sell to those who will not retain such resale prices, in alleged violation of section 5 of the Federal Trade Commission act. Status: (Ante, complaint No.25).

Complaint No. 293.--Federal Trade Commission v. Non-Derrick Drilling Machine Co. (Inc.). Charge: Using unfair methods of competition in connection with the sale of its corporate stock, consisting of publishing, advertising, and circulating extravagant, false, and misleading statements, promises, and pre-

dictions concerning the business, organization, assets, capital stock, financial standing, and prospective profits of respondent, find concealing from the public material facts relating to and affecting the plans, organization, business, and capital stock of the respondent, and making, publishing, and circulating false statements regarding the existence, character, strength, efficiency, and operation of a drilling device or apparatus for the manufacture of which the respondent was ostensibly organized, and also falsely stating, representing, and advertising that it is engaged in business as a drill contractor, whereas its activities have been confined solely to the sale of its capital stock, in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is now before the Commission for final determination.

Complaint No. 303.--Federal Trade Commission v. Utah-Idaho Sugar Co., Amalgamated Sugar Co., E. R. Wooley, A. P. Cooper, and E. F. Cullen. Charge : Using unfair methods of competition in connection with the manufacture and sale of beet sugar, consisting in the circulation of false and misleading reports concerning the business methods and financial standing of competitors and the inability of competitors to produce sugar, due to the alleged fact that all the producing territory is controlled by respondent; making long-term contracts with growers in territories where competitors were intending to erect factories; causing railroads to delay building tracks and other facilities for competitors and causing banks to withhold credit; spying upon the private and business affairs of competitors; establishing factories and buying up supplies in territories about to be occupied by competitors; preventing manufacturers of machinery from supplying competitors; secretly paying others to institute litigation against competitors and furnishing money to secret agents for the purpose of acquiring the controlling interest in the business of competitors in alleged violation of section 5 of the Federal Trade Commission act. Status: This proceeding is at issue upon the complaint of the Commission and the answer of the respondent and is shortly to be transmitted to the Commission for its final determination.

Complaint No. 306.--Federal Trade Commission v. High Rock Knitting Co. Charge: Stifling and suppressing competition in the sale of knit wholesaler by fixing and maintaining certain specified standard prices at which the knit underwear manufactured and sold by respondent shall be resold to the purchasers thereof; requiring purchasers to agree to maintain or resell such knit underwear at such standard selling prices; refusing to sell its products to dealers who will not agree to maintain such specified standard resale prices and compelling wholesalers, jobbers, and dealers to refuse to sell its products to other wholesalers, jobbers, and dealers who do not maintain the resale prices fixed by respondent in alleged violation of section 5 of the Federal Trade Commission act. Status : (Ante, complaint No.25).

Complaint No. 308.--Federal Trade Commission v. The Ohio Cities Gas Co. Charge : Using unfair methods of competition in the business of purchasing and selling refined oil and gasoline and the leasing and loaning of oil pumps, storage tanks, or containers and their equipments by selling, leasing, or loaning oil pumps, storage tanks, or containers, etc., at prices which do not represent a reasonable return on the investment, many such sales, leases, or loans being made at prices below the cost of producing and vending the same, and many of the contracts for the lease or loan of such devices, etc., providing, or being entered into, with the understanding that the lessee or borrower shall not place in such devices or use in connection therewith any refined oil or gasoline of a competitor in alleged violation of section 5 of the Federal Trade Commission act; and leasing and making contracts for the lease of its devices, etc., on the condition, agreement, or understanding that the lessees thereof shall not use

or purchase or deal in the products of a competitor or competitors of respondent in alleged violation of section 3 of the Clayton Act. Status : This proceeding is at issue upon the complaint of the Commission and answer of the respondent and is in course of trial..

Complaint No. 321.--Federal Trade Commission v, The Columbus Oil Co. Charge : (Ante, complaint No. 308). Status : This proceeding is now therefore the Commission for final determination.

Complaint No. 324.--Federal Trade Commission v. The Factory Oil Co. Charge : (Ante, complaint No. 308). Status : This proceeding is at issue upon the complaint of the Commission and answer of the respondent and is in course of trial.

Complaint No. 338.--Federal Trade Commission v. United States Food Products Corporation, Liberty Yeast Corporation, the Fagin Co., and Herman Cheifetz. Charge : Using unfair methods of competition in the manufacture, sale, and distribution of yeast and other products by concealing from the public flue fact that the Fagin Co. and Herman Cheifetz are. selling agents of the respondents, United States Food Products Corporation and Liberty Yeast Corporation, and permitting them to be advertised as wholly independent, and that the yeast manufactured by said selling agents are in fact the yeast of the United States Food Products Corporation and the Fagin Co.; enticement of employees of competitors by means of increased salaries and other considerations; including employees of competitors to deliver samples of respondent's yeast from wagon of such competitors, obtaining valuable trade secrets, formulas, and methods of competitors the rough enticement of their employees; circulating false, misleading, and disparaging statements concerning the business and practices of competitors; selling yeast at prices which are less then the cost of producing, and selling the same in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is now before the Commission for final disposition.

Complaint No. 339.--Federal Trade Commission v. The Pictorial Review Co. and The Oklahoma Publishing Co. Charge: Unfair methods of competition in the sale of magazines and periodicals by the procuring by the Pictorial Review Co., through the Oklahoma Publishing Co., a list of dealers throughout the State of Oklahoma handling magazines of competitors and the number of copies sold by such dealers, without disclosing to the dealers the purpose for which it was sought, in alleged violation of section 5 of the Federal Trade Commission act. Status: The determination of this case is being suspended pending the final outcome of the Commission's appeal to the Supreme Court of the United States in the Curtis Publishing Co. Case, complaint No. 15.

Complaint No. 342.--Federal Trade Commission v. Curtis & Co., Manufacturing Co. And Curtis Pneumatic Machinery Co. Charge: Stifling and suppressing competition in the manufacture and sale of various automobile assessors, particularly compressors, outfits, tanks, and pneumatic machinery, by fixing and maintaining certain specified standard prices at which the various automobile accessories manufactured and sold by respondents shall be resold to the purchasing public; requiring purchasers to agree to maintain or resell such automobile accessories at said standard selling prices; and refusing to sell their products to dealers who will not agree to maintain such specified standard resale prices, in alleged violation of section 5 of the Federal Trade Commission act; and by entering into contracts and giving or allowing rebates or discounts to purchasers on the condition, agreement, or understanding that they shall purchase all of their needs and requirements of certain commodities sold by respondents from respondents, in alleged violation of section 3 of the Clayton Act; and by discriminating in price between the different purchasers of the products

manufactured, handled, and sold by respondent, in alleged violation of section 2 of the Clayton Act. Status: (Ante, complaint No.25).

Complaint No. 351.--Federal Trade Commission v. Armour & Co. Using unfair methods of competition by acquiring the capital stock of E. H. Stanton Co., engaged in a similar business to that of respondent, and prior to such acquisition directly in competition with respondent, with the effect of substantially lessening competition between these two companies, restraining commerce in certain sections of the United States, and tending to create a monopoly in the purchase of live stock and sale of meat and meat products, In alleged violation of section 7 of the Clayton Act. Status : This proceeding is at issue upon the complaint of the Commission and answer of the respondent and is now before the Commission for final determination.

Complaint No. 353.--Federal Trade Commission v. The Domestic Engineering Co. (Inc.), et al. Charge: Stifling and suppressing competition in the sale of electric lighting system, by adopting and maintaining a system of fixed prices at which its products ("Delco Light") shall be resold by its distributors; by requiring purchasers to agree to maintain standard selling prices; by refusing and threatening to refuse to sell its products to dealers who do not agree to maintain such standard system of prices, in alleged violation of section 5 of the Federal Trade Commission act; and by making contracts conditional upon purchasers dealing exclusively in respondent's products, and by refusing to sell its products unless purchasers comply with the terms of such exclusive contracts, with the effect of lessening competition and tending to create a monopoly, in alleged, violation of section 3 of the Clayton Act. Status: (Ante, complaint No.25).

Complaint No. 355.--Federal Trade Commission v. Adder Machine Co. Charge: Unfair methods of competition by giving to purchasers of its products at the end of each calendar year, or at the end of a definite period, certain rebates or discounts based or estimated upon the aggregate of the purchases made by such dealers during the calendar year or fixed period, with the object of causing such purchasers to confine their purchases to respondent's products and to hinder its competitors from making sales to such purchasers except at a loss; and giving rebates or discounts based on the number of machines used by a purchaser irrespective of make or manufacture, thereby giving an undue advantage to the large purchaser and hindering the small user or purchaser of such machines from obtaining the same discounts and rebates as a large purchaser, In alleged violation of section 5 of the Federal Trade Commission act. Status: This proceeding is at issue upon the complaint of the Commission and answer of the respondent and is now before the Commission for final determination.

Complaint No. 361.--Federal Trade Commission v. Accounting Machine Co. (Inc.). Charge: (Ante, complaint No. 355). Status : (Ante, complaint No. 355).

Complaint No. 862.--Federal Trade Commission v. Burroughs Adding Ma(Inc.). Charge: (Ante, complaint No. 355). Status : (Ante, complaint No. 855).

Complaint No. 364.--Federal Trade Commission v. The Dalton Adding Machine Co. Charge: (Ante, complaint No.355). Status : (Ante, complaint No. 355).

Complaint No. 365.--Federal Trade Commission v. Ellis Adding-Typewriter Co. Charge : (Ante, complaint No.355). Status : (Ante, complaint No.355).

Complaint No. 366.--Federal Trade Commission v. International Money Machine Co. Charge: (Ante, complaint No. 355). Status : (Ante, complaint No. 355).

Complaint No. 367.--Federal Trade Commission v. Marchant Calculating Machine Co. Charge : (Ante, complaint No.355). Status : (Ante, complaint No.355).

Complaint No 369.--Federal Trade Commission v. Rockford Milling Machine Co. Charge : (Ante, complaint No.355). Status : (Ante, complaint No.355).

Complaint No. 370.--Federal Trade Commission v. Teetor Adding Machine Co. Charge : (Ante, complaint No.355). Status : (Ante, complaint No.355).

Complaint No. 370.--Federal Trade Commission v. Standard Oil Co. of Kentucky. Charge: (Ante, complaint No. 305). Status : This case is at issue upon the complaint of the Commission and answer of the respondent and is in course of trial.

Complaint No. 395.--Federal Trade Commission v. David Davis Sons. Charges : Using unfair methods of competition by deceptively increasing and falsifying the weight of sponges by loading them with foreign material and selling such loaded sponges by weight, thereby creating a fictitious price for said sponges, defrauding and misleading customers, and causing prejudice and injury to competitors, in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is at issue upon the complaint of the Commission and answer of the respondent, and is in course of trial.

Complaint No. 399.--Federal Trade Commission v. American Dental Trade Association, The Dental Manufacturers' Club, American Retail Dental Dealers' Association, et al. Charge : Using unfair methods of competition by combining and conspiring with the intent of monopolizing the business of manufacturing and selling dental goods, and with the intent of stifling and suppressing competition by enforcing adherence to resale prices fixed by respondents, in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is at issue upon the complaint of the Commission and answer of the respondent, and is now before the Commission for final determination.

Complaint No. 400.--Federal Trade Commission v. The Music Publishers' Association of the United States, National Association of Sheet Music Dealers, Thomas F. Delaney, individually and as president; E. Grant Ege, individually and as vice president; J. M. Priaulx, individually and as secretary and treasurer of the National Association of Sheet Music Dealers; Walter Fischer, J. Elmer Harvey, Charles W Homeyer, William J. Kearney, Edward P. Little, Holmes T. Maddox, L. W Miller, Harold Orth, Gustav Schirmer, S. Ernest Philpitt, Paul A. Schmitt, Clayton F. Summy, Charles H. Willis, W. H. Witt, Harvey J. Wood, individually and as directors of the National Association of Sheet Music Dealers, and all the members of said association. Charge : Using unfair methods of competition by conspiring with the intent and effect of stifling competition in the business of selling musical publications, and fixing and maintaining standard resale prices; and by agreeing upon policies of increase in price and upon uniform rates and schedules of prices of certain classes of musical publications, with the result that the price of such publications were increased and enhanced, in alleged violation of section 5 of the Federal Trade Commission act. Status: This proceeding is at issue upon the complaint of the Commission and answer of the respondent, and is in course of trial.

Complaint No. 402.--Federal Trade Commission v. S. J. Cox et al. Charge : Using unfair methods of competition in the sale of stocks and securities by circulating false information and false advertising and suppressing other facts relating to the Prudential

Trust & Securities Co., the Prudential Oil & Refining Co., and the General Oil Co., all of Texas, for the purpose of misleading and deceiving the general public into buying stock and stock subscriptions, inc alleged violation of section 5 of Federal Trade Commission act. Status:

This proceeding is at issue upon the complaint of the Commission and answer of the respondent, and is in course of trial.

Complaint No. 404.--Federal Trade Commission v. Buffalo Steam Roller Co. Charge : Using unfair methods of competition by giving and offering to give to public officials and employees of both its customers and prospective customers, and its competitors' customers and prospective customers gratuities of different kinds, including sums of money and expenses to the respondent's place of business for the purpose of inspecting the respondent's products, as an inducement to influence their employers to purchase or contract to purchase road machinery, steam rollers, and kindred products from the respondent, or to influence such employers to refrain from dealing or contracting to deal with competitors of respondent, in alleged violation of section 5 of the Federal Trade Commission act. Status: This proceeding is at issue upon the complaint of the Commission and answer of the respondent and is in course of trial.

Complaint No. 405.--Federal Trade Commission v. J. H. Haney, W. A. McKey, and W. M. Dutton, copartners, doing business under the firm name and style of I. H. Haney & Co. Charge : Stifling and suppressing competition in the sale of automobile tire pumps by adopting and maintaining a system of fixed prices at which its products shall be resold, with the effect of eliminating competition among dealers, and by refusing to sell to dealers who do not agree to maintain such standard resale prices, in alleged violation of section 5 of the Federal Trade Commission act. Status : (Ante, complaint No. 25).

Complaint No. 414.--Federal Trade Commission v. Marshall Oil Co., a corporation, trading as Tungsten Manufacturing Co. Charge : Stifling and suppressing competition in the sale of spark plugs by fixing and maintaining certain specified standard prices at which the spark plugs manufactured and sold by respondent shall be resold to the purchasers thereof; requiring purchasers to agree to maintain or resell such spark plugs at said standard selling prices; and refusing to sell its products to dealers who will not agree to maintain such specified standard resale prices, in alleged violation of section 5 of the Federal Trade Commission act. Status : (Ante, complaint No.25).

Complaint No. 424.--Federal Trade Commission v. Lautz Bros. & Co. Charge: Using unfair methods of competition in the sale of soap and washing powders by guaranteeing its jobbers in the wholesale grocery trade against the decline in price of goods purchased and not resold by such customers at the time of any subsequent decline in the respondent's list price thereof; and in the event of decline in price of goods giving to such jobbers rebates equal to the difference between the purchase price of such products as were undisposed of and respondent's lower list price therefor, subsequently made, with the effect of obtaining for respondent an unfair and undue advantage over competitors who do not follow this practice; relieving respondent's jobbers from risk of loss and encouraging such jobbers to hold in stock excessively large quantities of respondent's product for the purpose of realizing a speculative profit thereby, and deterring respondent from reducing list prices of its product in accordance with reductions in cost of manufacturing, in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is at issue upon the complaint of the Commission and answer of the respondent and is in preparation for trial.

Complaint No. 425.--Federal Trade Commission v. Fels & Co. Charge : Using unfair methods of competition in the sale of soap and soap powders. (Ante, complaint No.424.) Status : (Ante, complaint No.424).

Complaint No. 426.--Federal Trade Commission v. The Globe Soap Co. Using unfair methods of competition in the sale of soap, soap powders,

and other cleansing compounds. (Ante, complaint No. 424.) Status : (Ante, complaint No.424).

Complaint No. 427.--Federal Trade Commission v. B. T. Babbitt (Inc.). Charge : Using unfair methods of competition in the sale of soap, soap powders, and other cleansing compounds. (Ante, complaint No. 424.) Status : (Ante, complaint No.424).

Complaint No. 428.--Federal Trade Commission v. Curtice Brothers Co. Charge: Using unfair methods of competition in the sale of canned food products. (Ante, complaint No. 424.) Status: (Ante, complaint no. 424).

Complaint No. 429.--Federal Trade Commission v. Joseph Campbell Co. Charge: Using unfair methods of competition in the sale of canned soups. (Ante, complaint No. 424.) Status: (Ante, complaint No. 424).

Complaint No. 430.--Federal Trade Commission v. Russell Grader Manufacturing Co. Charge: (Ante, complaint No. 404). Status : (Ante, complaint No.404).

Complaint No. 431.--Federal Trade Commission v. The Barber Asphalt Paving Co. Charge: (Ante, complaint No. 404). Status : (Ante, complaint No. 404).

Complaint No. 432.--Federal Trade Commission v. The Dyar Supply Co. Charge : (Ante, complaint No.404). Status : (Ante, complaint No.404).

Complaint No. 433.--Federal Trade Commission v. Chas. Hvass & Co. (Inc.)-Charge : (Ante, complaint No.404). Status : (Ante, complaint No.404).

Complaint No. 434.--Federal Trade Commission v. The Austin-Western Road Machinery Co. Charge: (Ante, complaint No.404). Status : (Ante, complaint No.404).

Complaint No. 435.--Federal Trade Commission v. Stockland Road Machinery Co. Charge: (Ante, complaint No.404). Status : (Ante, complaint No.404).

Complaint No. 436.--Federal Trade Commission v. Gallon Iron Works & Manufacturing Co. Charge : (Ante, complaint No. 404). Status : (Ante, complaint No.404).

Complaint No. 437.--Federal Trade Commission v. J. D. Adams, R. E. Adams, et al., copartners doing business under the name and style of J. D. Adams & Co. Charge : (Ante, complaint No.404). Status : (Ante, complaint No.404).

Complaint No. 438.--Federal Trade Commission v. The Barr Sales Co. Charge : (Ante, complaint No.404). Status : (Ante, complaint No 404).

Complaint No. 439.--Federal Trade Commission v. The Good Roads Machinery Co. Charge: (Ante, complaint No.404). Status : (Ante, complaint No.404).

Complaint No. 440.--Federal Trade Commission v. The Chamberlain Road Machine Co. Charge: (Ante, Complaint No.404). Status : (Ante, complaint No. 404).

Complaint No. 441.--Federal Trade Commission v. Acme Road Machinery Co. Charge : Ante, complaint No.404). Status: (Ante complaint No.404).

Complaint No. 444.--Federal Trade Commission v. The Gates Rubber Co. and J. R. Hunt and William H. Klinefelter, copartners, doing business under the firm name and style of J. R. Hunt & Co. Charge : Stifling and suppressing competition in the sale of fan belts, tires, brake linings, tire patches, and other automobile accessories by fixing and maintaining certain specified standard prices at which such products shall be resold to the purchasers thereof; requiring purchasers to agree to maintain or resell the above-mentioned commodities at said standard selling prices; refusing to sell said commodities to jobbers or dealers who will not agree to maintain or resell the said commodities at standard resale prices fixed by respondents, or who do not resell such products at such fixed prices; inducing and requiring jobbers or dealers to spy upon others dealing in the said commodities who have not maintained said standard prices

or who have resold to jobbers or dealers to whom respondents have directed that the said products should not be resold; refusing to sell to jobbers or dealers engaged in the mail-order business; and employing divers other means, in alleged violation of section 5 of the Federal Trade Commission act. Status: (Ante, complaint No.25).

Complaint No. 446.--Federal Trade Commission v. Van Camp Packing Co. and Van Camp Products Co. Charge : Using unfair methods of competition in the sale of canned food products. (Ante, complaint No.424.) Status : This proceeding has been consolidated with complaint No.227 (ante).

Complaint No. 449.--Federal Trade Commission v. Wilson & Co. (Inc.). Charge : That the respondent purchased all the property of the Morton Gregson Co., a Nebraska corporation, theretofore engaged in the same line of business as respondent and in active competition with it, and thereafter organized under the laws of the State of Delaware a subsidiary corporation called the "Morton Gregson Company," which proceeded to take over the property thus purchased and to operate the business of the said Nebraska corporation, with the effect of eliminating competition previously existing between Morton Gregson Co., the Nebraska corporation, and the respondent, in alleged violation of section 5 of the Federal Trade Commission act and section 7 of the Clayton Act. Status : This proceeding is at issue upon the complaint of the Commission and answer of the respondent and is in preparation for trial.

Complaint No. 450.--Federal Trade Commission v. Wilson & Co. (Inc.), Charge : That the respondent acquired the whole of the common or voting stock of the Paul O. Reyman Co., a corporation, the effect of such acquisition being to enable respondent to completely dominate the business and policy of said Paul O. Reyman Co., to restrain competition between said respondent and said Paul O. Reyman Co., and to tend to create a monopoly in the sale of meats and like products, in alleged violation of section 5 of the Federal Trade Commission act and section 7 of the Clayton Act. Status : This proceeding is at issue upon the complaint of the Commission and answer of the respondent and is in preparation for trial.

Complaint No. 451.--Federal Trade Commission v. The Cudahy Packing Co. Charge : That respondent acquired 55 per cent of the shares of capital stock of the Nagle Packing Co., a competitor; 95 per cent of the capital stock of the D. E. Wood Butter Co., a competitor; and that a subsidiary corporation, the Dow Cheese Co., purchased the business and good will of a competitor, the A. C. Dow Co., with the effect that respondent has dominated the business of the Nagle Packing Co. and the D. E. Wood Butter Co. and has eliminated competition theretofore existing between the three above-mentioned companies and the respondent, In alleged violation of section 5 of the Federal Trade Commission act and section 7 of the Clayton Act. Status: This proceeding is at issue upon the complaint of the Commission and answer of the respondent and is in preparation for trial.

Complaint No. 452.--Federal Trade Commission v. Morris & Co. Charge: That the respondent acquired approximately 75 per cent of the capital stock of the Crescent City Stock Yard & Slaughter House Co., a competitor; that it acquired stock in the Bluefield Produce & Provision Co.; that it acquired the whole of the capital stock of the Holland Butterine Co. and held the same out to the public as wholly independent and without connection with respondent; that it acquired 66 per cent of the common stock of the Providence Churning Co., a competitor, and organized a corporation to take over and succeed to the business and property of said Providence Churning Co.; that it acquired one-half of the entire capital stock of the Eskerson Co., a competitor; that it

acquired one-half of the capital stock of the Jacob Marty Co., a competitor; that it acquired one-half of the capital stock of the C. A. Straubel Co., a competitor; and acquired \$64,300 of the capital stock of the Sherman, White Co., whose entire stock was \$123,700; and that the result of such acquisition is the domination by respondent of some of the above-mentioned companies, the elimination of competition theretofore existing between the above-mentioned companies and the respondent, and the creation of conditions which tend to create a monopoly, in alleged violation of section 5 of the Federal Trade Commission act and section 7 of the Clayton Act. Status : This proceeding is at issue upon the complaint of the Commission and answer of the respondent and is in preparation for trial.

Complaint No. 453.--Federal Trade Commission v. Swift & Co. Charge : That respondent purchased 956 shares of the total 966 shares of the capital stock of the Moultrie Packing Co., a competitor, causing the same to be transferred on the books of the company to officers and employees of the respondent, who at a stockholders' meeting of said company elected as directors and stockholders for the transfer of property of the said company to respondent; that it purchased all the capital stock of the Andalusia Packing Co., a competitor, and acquired the business of the company by a procedure similar to that employed in acquiring the Moultrie Packing Co.; and acquired one-half of the capital stock of the England, Walton Co. (Inc.), a competitor, securing control of the remaining stock of said company by receiving said stock as security for money loaned to Mulford & Bryan to purchase it, and that the result of such acquisitions is the elimination of competition theretofore existing between the above-mentioned companies and the respondent and the creation of conditions which tend to create a monopoly, in alleged violation of section 5 of the Federal Trade Commission act and section 7 of the Clayton Act. Status: This proceeding is at issue upon the complaint of the Commission and answer of the respondent and is in course of trial.

Complaint No. 454.--Federal Trade Commission v. Swift & Co. and United Dressed Beef Co. Charge: That the respondent caused its subsidiary, United Dressed Beef Co., to acquire all of the capital stock of J. J. Harrington & Co.(Inc.), which acquisition resulted in the control by Swift & Co. of the business theretofore conducted and controlled by said J. J. Harrington & Co. (Inc.), elimination of competition between respondents, Swift & Co and United Dressed Beef Co. and J. J. Harrington & Co. (Inc.), and a tendency to create for respondent, Swift & Co., a monopoly, in alleged violation of section 5 of the Federal Trade Commission act and section 7 of the Clayton Act. Status : This proceeding is at issue upon the complaint of the Commission and answer of the respondent and is in preparation for trial.

Complaint No. 455.--Federal Trade Commission v. Armour & Co. Charge : That respondent acquired three-fifths of the capital stock of Harold L. Brown Co. (Inc.), a competitor, which company had previously acquired the capital stock and business of Beyer Bros. Commission Co.; and also the capital stock and business of Beyer Bros. Co.; that it acquired, as vendee and pledgee, a controlling amount of the capital stock of the Eau Claire Creamery Co.; that it acquired through its agents 503 of the 1,000 shares of stock of the Loudon Packing Co., an Ohio corporation, which corporation transferred all its business and property to the Loudon Packing Co., a Delaware corporation, in consideration of all the stock of the Delaware corporation, consisting of 1,000 shares, 503 of which are held by agents of respondent in trust for respondent; that it acquired one-half of the capital stock of the A. S. Kinimmonth Produce Co.; that it acquired the entire capital stock of the Pacific Creamery, which

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company the respondent held out and advertised as wholly independent without connection with respondent; and acquired 501 shares of the capital stock of Smith, Richardson & Conroy, a Florida corporation, and that the result of such acquisitions by respondent is the domination by respondent of the business of some of the above-mentioned companies, the elimination of competition between respondent and above-mentioned companies, and the creation of conditions which tend to create a monopoly, in alleged violation of section 5 of the Federal Trade Commission act and section 7 of the Clayton Act Status: This proceeding is at issue upon the complaint of the Commission and answer of the respondent and is now in course of trial.

Complaint No. 456.--Federal Trade Commission v. Western Meat Co. Charge: That the respondent acquired all of the capital stock of the Nevada Packing Co., which acquisition resulted in the elimination of competition theretofore existing between respondent and said Nevada Packing Co., and the creation of a monopoly in meat and its by-products in communities adjacent to Reno, Nev., in violation of section 5 of the Federal Trade Commission act and section 7 of the Clayton Act. Status : This proceeding is at issue upon the complaint of the Commission and answer of the respondent and is soon to be presented to the Commission for its final determination.

Complaint No. 457.--Federal Trade Commission v. Western Meat Co. and Nevada Packing Co. Charge : That respondents have violated section 5 of the Federal Trade Commission act and section 8 of the Clayton Act by having F. L. Washburn, a director of both the Western Meat Co. and the Nevada Packing Co. (between which companies competition existed), and illegally acquiring by the Western Meat Co. of the capital stock of the Nevada Packing Co., which acquisition suspended between respondents competition which theretofore existed between them and tended to create a monopoly. Status : Ante, complaint No.456).

Complaint No. 459.--Federal Trade Commission v. United Typothetae of America, Benjamin P. Moulton, Arthur E. Southworth, Charles L. Kinsley, George H. Gardner, E. H. James, Fred W. Gage, and Joseph A. Borden. Charge : Using unfair methods of competition by inaugurating a campaign known as the "three-year plan," for the purpose of collecting assessments from manufacturers and merchants who sell paper, printing presses, type, ink, and other supplies to employing printers and other associations allied to the printing industry, the money to be used mainly for the purpose of inducing employing printers to use a uniform system of cost accounting and a standard price list compiled by the respondent; using coercive methods to obtain subscriptions to the "three-year plan" fund; adopting, through its "trade matter committee," a practice of attempting to control the matter of terms on which manufacturers of printing presses, etc., sell their output to printing establishments, and attempting to have such manufacturers refuse to place any of their presses, etc., in any printing establishment until a cash payment equal to 25 per cent of the amount of the total purchase price be paid; urging printers to adopt a "standard cost system" and "standard price list," for the purpose of establishing a uniform scale of prices throughout the printing industry, in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent and is in course of trial.

Complaint No. 461.--Federal Trade Commission v. E. I. du Pont de Nemours & Co. Charge: Using unfair methods of competition by giving gratuities of different kinds to employees of competitors' customers to influence them to refuse to use the product of competitors of respondent, to inaugurate strikes

in case such competitors' products were used, and the actually inauguration of a strike for a period of 16 days when their employer used the product of a competitor, and by reason of such strike succeeded in intimidating others to discontinue the use of any product which competed with that of respondent, in alleged violation of section 5 of the Federal Trade Commission act, and by entering into an agreement with various producers of coal whereby respondent was to furnish blasting powder at a fixed price on the condition that said producers would not use the product of any competitor, and that the effect of such agreement has been to substantially lessen competition, in alleged violation of section 3 of the Clayton Act. Status : This proceeding is now before the Commission for final determination.

Complaint No. 468--Federal Trade Commission v. H. A. Metz & Co. (Inc.). Charge : Using unfair methods of competition In the sale of dyestuffs and chemicals by giving and offering to give to employees of both its customers and prospective customers and its competitors' customers and prospective customers sums of money as an inducement to influence their employers to purchase or contract to purchase from the respondent, or to influence such employers to refrain from dealing or contracting to deal with competitors of respondent, in alleged violation of section 5 of the Federal Trade Commission act. Status This proceeding is at issue upon the complaint of the Commission and answer of the respondent and is in preparation for trial.

Complaint No. 472-- Federal Trade Commission v. Pioneer Paper Co. Charge : Using unfair methods of competition by falsely advertising its products as "rubber" and using the terms "one ply," "two ply," and "three ply to designate and describe the different degrees of thickness of its product when the different degrees of thickness consists of but one layer or ply, with the effect of misleading and deceiving the public and giving respondent's products an undue preference over products of competitors who do not use such methods, in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is awaiting the decision of the Supreme Court of the United States in the Winsted Hosiery case now pending on a writ of certiorari to the United States Circuit Court of Appeals, Second Circuit, which court reversed an order of the Commission against the Winsted Hosiery Co. to cease and desist the practices in question.

Complaint No. 473--Federal Trade Commission v. Western Elaterite Roofing Co. Charge : (Ante, complaint No.472). Status : (Ante, complaint No.472).

Complaint No. 474--Federal Trade Commission v. Sifo Products Co. Charge: (Ante, complaint No.472). Status : (Ante, complaint No.472).

Complaint No. 475--Federal Trade Commission v. Oertell Roofing Manufacturing Co. Charge : (Ante, complaint No.472). Status : (Ante, complaint No. 472).

Complaint No. 476--Federal Trade Commission v. Stowell Manufacturing Co. (Charge: (Ante, complaint No.472). Status : (Ante, complaint No.472).

Complaint No. 477--Federal Trade Commission v. Beckman-Dawson Co. Charge : (Ante, complaint No.472). Status : (Ante, complaint No.472).

Complaint No. 478--Federal Trade Commission v. Durable Roofing Manufacturing Co. Charge: (Ante, complaint No. 472). Status : (Ante, complaint No.472).

Complaint No. 479--Federal Trade Commission v. McHenry-Millhouse Manufacturing Co. Charge: (Ante, complaint No. 472). Status : (Ante, complaint No.472).

Complaint No. 480--Federal Trade Commission v. International Roofing Manufacturing Co. Charge: (Ante, complaint No. 472). Status : (Ante. complaint No. 472).

Complaint No. 481.--Federal Trade Commission v. Amalgamated Roofing Co. Charge : (Ante, complaint No.472). Status : (Ante, complaint No.472).

Complaint No. 482.--Federal Trade Commission v. The Chatfield Manufacturing Co. Charge: (Ante, complaint No.472). Status : (Ante, complaint No. 472).

Complaint No. 483.--Federal Trade Commission v. H. W. Johns-Mansville Co. Charge : (Ante, complaint No.472). Status : (Ante, complaint No.472).

Complaint No. 484.--Federal Trade Commission v. Keystone Roofing Manufacturing Co. Charge : (Ante, complaint No.472). Status : (Ante, complaint .No.472).

Complaint No. 485.--Federal Trade Commission v. The Barrett Co. Charge : (Ante, complaint No.472). Status : (Ante, complaint No.472).

Complaint No. 486.--Federal Trade Commission v. Patent Vulcanite Roofing Co. Charge : (Ante, complaint No.472). Status : (Ante, complaint No.472).

Complaint No. 487.--Federal Trade Commission v. Philip Carey Manufacturing Co. Charge: (Ante, complaint No.472). Status : (Ante, complaint No. 472).

Complaint No. 488.--Federal Trade Commission v. H. F. Watson Co. Charge : (Ante, complaint No.472).. Status : (Ante, complaint No.472).

Complaint No. 489.--Federal Trade Commission v. The Paraffine Co. (Inc.). Charge : (Ante, complaint No.472). Status : (Ante, complaint No.472).

Complaint No. 490.--Federal Trade Commission v. Sylvester L. Weaver, trading as the Weaver Roof Co. Charge : (Ante, complaint No.472). Status :(Ante, complaint No.472).

Complaint No. 496.--Federal Trade Commission v. Universal Road Machinery Co. Charge: (Ante, complaint No.404). Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent and is In preparation for trial.

Complaint No. 497.--Federal Trade Commission v. New England Road Machinery Co. Charge: (Ante, complaint No.404). Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent and is In preparation for trial.

Complaint No. 499.--Federal Trade Commission v. The Bayer Co. (Inc.) Charge : Using unfair methods of competition by publishing in newspapers advertisements containing statements and implications to the effect that the word "aspirin" is only properly used to designate the product of respondent; that respondent's said product is the only genuine, unadulterated, and safe drug product manufactured and sold as aspirin; that the products manufactured and sold by competitors as and for aspirin are spurious and adulterated and composed of other materials, such as talcum powder and the like, all of which statements and implications are false and misleading to the purchasing public, in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is at issue upon the complaint of the Commission and answer of the respondent.

Complaint No. 500.--Federal Trade Commission v. Pennsylvania Salt Manufacturing Co. Charge : Using unfair methods of competition in the sale of salt by entering into certain understandings with dealers that they shall maintain specified standard resale prices prescribed and determined by respondent, and refusing to sell to dealers who do not maintain said specified standard resale prices, with the effect of stifling and suppressing competition, in alleged violation of section 5 of the Federal Trade Commission act. Status: (Ante, complaint No.25).

Complaint No. 503.--Federal Trade Commission v. The Upjohn Co. Charge : Using unfair methods of competition in the sale of pharmaceutical supplies by

entering into agreements with dealers to maintain prices specified by respondent refusing to sell to dealers who will not maintain such prices, and by maintaining in its business a system of giving cumulative discounts, or discounts based upon accumulations of purchases during a year, in alleged violation of section 5 of the Federal Trade Commission act. Status : (Ante, complaint No.25).

Complaint No. 504.--Federal Trade Commission v. F. Hecht, Louis Friedhelm, and T. I. Glynn, partners styling themselves F. Hecht & Co. and T. I. Glynn Leather Co. (Inc.). Charge: Using unfair methods of competition by selling to customers in foreign countries leather which does not conform in value to the samples sent to said customers, the leather sold by samples and billed as "calf" being of the inferior grade known to the trade as "kips," and leather sold by samples and billed as "cabretta" being an inferior grade of sheepskin, in alleged violation of section 5 of the Federal Trade Commission act. Status: Awaiting argument.

Complaint No. 512.--Federal Trade Commission v. The Ronald Press Co. Charge : Using unfair methods of competition by entering into agreements and understandings with wholesalers, jobbers, and dealers throughout the United States for the sale to them of periodicals of respondent upon the condition that such wholesalers, jobbers, and dealers resell at prices fixed by respondent, refusing to sell to those who do not observe the prices fixed, inducing others to refuse to sell respondent's publications to dealers who do not maintain such prices, with the effect of injuring competitors who do not practice the aforesaid policy, eliminating competition in prices between dealers in periodicals and enhancing the prices of said periodicals, in alleged violation of section 5 of the Federal Trade Commission act. Status : (Ante, complaint No.25).

Complaint No. 515.--Federal Trade Commission v. The Helier & Merz Co. Charge : (Ante, complaint No.506). Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent and is now ready for trial.

Complaint No. 516.--Federal Trade Commission v. The Mountain City Mill Co., a Corporation, styling itself the Chattanooga Bakery. Charge : Using un fair methods of competition by adopting the scheme of offering to pay to traveling salesmen employed by the wholesale grocers through whom respondent markets its products, certain prices or bonuses, with the effect of inducing the salesmen employed by the said wholesale grocers through whom respondent markets its products to flood the market with respondent's goods and to exclude from such channels of distribution the bakery products of respondent's competitors, in alleged violation of section 5 of the Federal Trade Commission act. Status: This proceeding is awaiting the decision of the United States Circuit Court of Appeals, Second Circuit in the Kinney-Rome case now pending on a competition for review of the order of the Commission filed in that case against the Kinney-Rome Co.

Complaint No. 517.--Federal Trade Commission v. The Franklin Import & Export Co. (Inc.). Charge : Using unfair methods of competition by giving and offering to give to employees of both its customers and prospective customers, and its competitors' customers and prospective customers, sums of money as an inducement to influence their employers to purchase or contract to purchase from the respondent, or to influence such employers to refrain from dealing or contracting to deal with competitors of respondent, in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent and is in preparation for trial.

Complaint No. 519.--Federal Trade Commission v. Colgate & Co. Charge : Using unfair methods of competition by pursuing the policy of fixing and maintaining resale prices at which each of its products shall be sold by its customers, circulating among its customers a list of such resale prices, urging customers to adhere to such resale prices, refusing to sell to those who fail to observe such resale prices, and guaranteeing its customers against the decline in price of goods purchased and not resold by such customers at the time of any subsequent decline in the respondent's list price therefor, and paying rebates equal in amount to the difference between the price paid to respondent for such products. actually on hand and unsold and the reduced price therefor subsequently put into effect by respondent, in alleged violation of section 5 of the Federal Trade Commission act. Status : (Ante, complaint No.25).

Complaint No. 520.--Federal Trade Commission v. Procter & Gamble Distributing Co. Charge: Using unfair methods of competition in the sale of soap. (Ante, complaint No.424.) Status: This proceeding is at issue upon the complaint of the Commission and the answer of the respondent and is in preparation for trial.

Complaint No. 522.--Federal Trade Commission v. Rub-No-More Co. Charge: Using unfair methods of competition in the sale of soaps. (Ante, complaint No. 424.) Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent and is in preparation for trial.

Complaint No. 524.--Federal Trade Commission v. The Sheets Elevator Co. Charge : Using unfair methods of competition in the sale of poultry feed and similar products by adopting a policy of resale price maintenance, inducing and coercing dealers to observe such resale prices, and refusing to sell to those dealers who fail to observe such resale prices, and urging others not to sell respondent's products to dealers who fail to observe such resale prices, in alleged violation of section 5 of the Federal Trade Commission act. Status: (Ante, complaint No.25).

Complaint No. 525.--Federal Trade Commission v. New York Color & Chemical Co. Charge: (Ante, complaint No.506). Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent and is now ready for trial.

Complaint No. 526.--Federal Trade Commission v. Louis Rosenthal, doing business under the name and style of the United Chemical & Color Co. Charge : (Ante, complaint NO.506). Status: This proceeding Is at issue upon the complaint of the Commission and the answer of the respondent and is now ready for trial.

Complaint No. 528.--Federal Trade Commission v. Arkansas Distributing Co. Charge : (Ante, complaint No.506). Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent and is now ready for trial.

Complaint No. 529.--Federal Trade Commission v. Max B. Kaesche, doing business under the name and style of F. Bredt & Co. Charge : (Ante, complaint No.517). Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent and is now ready for trial.

Complaint No. 531.--Federal Trade Commission v. Armour & Co. Charge: Organizing apparently Independent companies for the purpose of taking over the business and property of the Lookout Refining Co. and the Chattanooga Oxygen Gas Co. and the Harris Tannery Co.; competitors of respondent, the capital stock of the independent companies being held by officers and employees or agents of respondents with the purpose or effect of restraining and eliminating competition and tending to create a monopoly in alleged violation

of section 5 of the Federal Trade Commission act and section 7 of the Clayton Act. Status: This proceeding is at issue upon the complaint of the Commission and the answer of the respondent and is now ready for trial.

Complaint No. 532.--Federal Trade Commission v. L. Richardson, H. Smith Richardson, and L. Richardson, Jr., copartners, doing business under the name and style of The Vick Chemical Co. Charge: Using unfair methods of competition by adopting the practice of fixing prices at which its product shall be resold, refusing to sell and threatening to refuse to sell to dealers who failed to maintain such resale prices, with the purpose and effect of eliminating competition in price among dealers handling the product of respondent, depriving said dealers of the opportunity to resell such products at prices which they may deem adequate, and unduly securing the trade of dealers in such products and obtaining their aid and cooperating in enlarging the sale thereof, to the prejudice of competitors who do not follow this practice, in alleged violation of section 5 of the Federal Trade Commission act. Status : (Ante, complaint No.25).

Complaint No. 535.--Federal Trade Commission v. The Silvex Co. and Aircraft & Motor Products Co. Charge: Using unfair methods of competition by publishing in periodicals, magazines, etc., advertisements containing misleading statements as to Government approval of the spark plugs manufactured by respondents, and denying similar claims of competitors, in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is now before the Commission for final determination.

Complaint No. 540.--Federal Trade Commission v. Royal Baking Powder Co. Charge : Using unfair methods of competition by unfairly representing and charging that its competitors' products contain alum, to wit, sodium aluminum sulphate (SaS) and are harmful, unhealthful, deleterious, and dangerous to users and consumers of such baking powders, in alleged violation of section 5 of the Federal Trade Commission act. Status: This proceeding is at issue upon the complaint of the Commission and the answer of the respondent and is in preparation for trial.

Complaint No. 541.--Federal Trade Commission v. Story & Clark Piano Co. Charge : Using unfair methods of competition by circulating and causing to be circulated advertisements so worded as to deceive the purchasing public into the belief that its pianos and player pianos are newly manufactured and unused musical instruments, when in fact they are not; advertising unused pianos and player pianos of its own manufacture upon which were stenciled resale prices which were calculated to deceive the purchasing public into the belief that such stenciled prices were prices representing the manufacturers' bona fide resale prices, when in fact such prices were not the manufacturers' bona fide resale prices, but were abnormally and unreasonably high and fictitious prices from which respondent could and did offer and make radical reductions and abnormal discounts, which left the net resale price far below such stenciled prices, but equal to reasonable and full resale values usually received by respondent's competitors for pianos and player pianos of similar grade and quality, in alleged violation of section 5 of the Federal Trade Commission act. Status: This proceeding is at issue upon the complaint of the Commission and the answer of the respondent and is now ready for trial.

Complaint No. 544.--Federal Trade Commission v. Valvoline Oil Co. Charge : Using unfair methods of competition in the business of purchasing and selling refined oil and gasoline and the leasing and loaning of oil pumps, storage tanks, or containers and their equipments by selling, leasing, or loaning oil pumps, storage tanks, or containers, etc., at prices which do not represent a reasonable

return on the investment, many such sales, leases, or loans being made at prices below the cost of producing and vending the same, and many of the contracts for the lease or loan of such devices, etc., providing, or being entered into, with the understanding that the lessee or borrower shall not place in such devices or use in connection therewith any refined oil or gasoline of a competitor in alleged violation of section 5 of the Federal Trade Commission act; and leasing and making contracts for the lease of its devices, etc., on the condition, agreement, or understanding that the lessees thereof shall not use or purchase or deal in the products of a competitor or competitors of respondent in alleged violation of section 3 of the Clayton Act. Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No. 545.--Federal Trade Commission *v.* Irving Abraham, doing business under the name and style of Abraham Bros. Charge : (Ante, complaint No. 517). Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent and is now ready for trial.

Complaint No. 549.--Federal Trade Commission *v.* Cement Securities Co. Charge : Using unfair methods of competition by purchasing the whole of the stock and share capital of the Oklahoma Portland Cement Co., a competitor; purchasing and acquiring \$392,300 of preferred stock of a total of \$400,000, and \$195,750 of the common stock of a total of \$199,750 of the United States Portland Cement Co.; and purchasing and acquiring all of the preferred stock of the Nebraska Cement Co., in alleged violation of section 5 of the Federal Trade Commission act and section 7 of the Clayton Act. Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No. 550.--Federal Trade Commission *v.* B. S. Pearsall Butter Co. Charge : Using unfair methods of competition by adopting and maintaining a practice of offering, giving, and allowing certain benefits and advantages to purchasers in the way of free advertising, services of specialty salesmen, and payment of dealers' license fees, on the condition that such purchasers agree to purchase all or a large percentage of their supplies of butterine and oleomargarine from the respondent, in alleged violation of section 5 of the Federal Trade Commission act; and entering into contracts with a large number of purchasers of its said products at prices, in quantities, and for periods therein specified upon the condition, agreement, or understanding in the case of each contract that the purchaser named therein shall purchase all or a large percentage of the oleomargarine and butterine needed by said purchaser of the respondent, in alleged violation of section 3 of the Clayton Act. Status : This proceeding is before the Commission for final determination.

Complaint No. 551.--Federal Trade Commission *v.* Armour & Co. Charge : (Ante, complaint No.550). Status: This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No. 552.--Federal Trade Commission *v.* Swift & Co. Charge : (Ante, complaint No. 550). Status: This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No. 553.--Federal Trade Commission *v.* Downey-Farrell Co. Charge : (Ante, complaint No.550) Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No. 554.--Federal Trade Commission *v.* Wm. J. Moxley (Inc.). Charge : (Ante, complaint No.550). Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No. 555.--Federal Trade Commission *v.* The Ed. S. Vail Butterine Co.

Charge : (Ante, complaint No.550). Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No. 556.--Federal Trade Commission v. The G. H. Hammond Co. Charge : (Ante, complaint No.550). Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No 557.--Federal Trade Commission v. Morris & Co. Charge : (Ante, complaint No.550). Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No 558.--Federal Trade Commission v. Wilson & Co. Charge:(Ante, complaint No.550). Status: This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No. 559.--Federal Trade Commission v. Troco Nut Butter Co. Charge : (Ante, complaint No.550). Status : This proceeding is at Issue upon the complaint of the Commission and the answer of the respondent.

Complaint No. 560.--Federal Trade Commission v. Friedman Manufacturing Co. Charge : (Ante, complaint No.550). Status : This proceeding is at issue . upon the complaint of the Commission and the answer of the respondent.

Complaint No. 568.--Federal Trade Commission v. Rueckheim Bros. & Eckstein. Charge : (Ante, complaint No.562). Status : This proceeding is awaiting the decision of the United States Circuit Court of Appeals, Second Circuit, in the Kinney-Rome case now pending on a petition for review of the order of the Commission filed in that case against the Kinney-Rome Co.

Complaint No. 566.--Federal Trade Commission v. The F. J. O'Neill Medicine Co. Charge: Using unfair methods of competition by simulating in the marketing of its products, the trade-mark, advertising matter, form of contracts for special agency, the containers, and the product itself of the A. H. Lewis Medicine Co., with the design of deceiving and misleading the purchasing public and causing purchasers to believe that respondent's product is one and the same as that manufactured and sold by A. H. Lewis Medicine Co., and by printing on its advertising matter respondent's trade name or mark and the words "Registered U. S. Pat. Office," when said trade name or mark has not been registered in the United States Patent Office, in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No. 568.--Federal Trade Commission v. Darling & Co. Charge : Using unfair methods of competition by causing through its agents, servants, and employees, its competitor's trucks to be followed and their business spied upon for the purpose of ascertaining and acquiring a list of the dealers from whom respondent's competitors obtain their raw material and offering and purchasing said raw material from said dealers at and for prices greatly in excess of those paid by its competitors and at prices unwarranted by trade conditions and so high as to be prohibitive to its competitors, in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is before the Commission for final determination.

Complaint No. 578.--Federal Trade Commission v. Owens-Bottle~Machine Co. and L. S. Stoehr. Charge: That respondents have violated section 3 of the Clayton Act by

entering into licensing agreements for the use of its glass-blowing machines with the principal manufacturers in the United States of glass bottles, jars, and other glass products, upon the express condition, agreement, and understanding in each licensing agreement that the licensee named therein shall not use respondent's machine in connection with the machines or devices of competitors, with the effect of excluding and debarring competitors of respondent from securing sales of their machines or devices in commerce and lessening competition therein; that respondent has violated section 7 of the Clayton Act by acquiring 4,836 shares of the capital stock of the Whitney Glass Works, a competitor, the whole of the capital stock of the American Bottle Co.,

a competitor, and the whole of the capital stock of the Graham Glass Co., with the effect of eliminating competition in sections and communities theretofore served by said companies; and that respondents have violated section 8 of said Clayton Act by having L. S. Stoehr a director of both the American Bottle Co. and the Graham Glass Co., since respondent acquired the capital stock of said companies. Status : This proceeding is now before the Commission for final determination.

Complaint No. 576.--Federal Trade Commission v. P. A. Starck Piano Co. Charge : Using unfair methods of competition in falsely advertising reduced prices, special sales, and economical shipping methods, and falsely advertising that the fictitious prices stenciled on its pianos are the manufacturers' bona fide resale prices when such is not the fact, but are abnormally and unreasonably high fictitious values so that radical reductions may be made therefrom, in alleged violation of section 5 of the Federal Trade Commission act. Status: This proceeding is now before the Commission for final determination.

Complaint No. 578.--Federal Trade Commission v. Swift & Co., Libby, McNeill & Libby (of Illinois), and Libby, McNeill & Libby (Ltd.) (of Honolulu). Charge : That the respondent, Libby, McNeill & Libby, a subsidiary of the respondent, Thomas Pineapple Co., acquired all of the share capital of the Thomas Pineapple Co., the share capital, property, and business of Honolulu Pineapple Co., Kahaluu Pineapple & Range Co. (Ltd.), and Koolau Fruit Co. (Ltd.), with the effect of substantially lessening competition in the sale of pineapples in the Territory of Hawaii and creating a condition which tended to create for respondents a monopoly in the growing and sale of pineapples, in alleged violation of section 7 of the Clayton Act and section 5 of the Federal Trade Commission act Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent and is now ready for trial.

Complaint No. 579.--Federal Trade Commission v. The Atlanta Wholesale Grocery, City Salesmen's Association, J. J. Barnes-Fain Co., Kelley Bros. Co., McCord Stewart Co., Marett-Streeter Co., Oglesby Grocery Co., H. L. Singer Co., Walker Bros. Co., A. McD. Wilson Co., Conley & Ennis, Johnson-Fluker & Co., McDaniel & Co., Paradies & Rich, R. W. Davis & Co., Charles I. Brennan, J. N. Hirsch, O. T. Camp, and R. O. Estes. Charge : Using unfair methods of competition by conspiring and confederating together to prevent the Unity Grocery Co. and the Merchants' Wholesale Grocery Co. from obtaining commodities dealt in by them from manufacturers and other usual sources from which a wholesale dealer in groceries must obtain supplies, and inducing manufacturers of grocery products and brokers representing such manufacturers, by boycott and threats of boycott and other unlawful means, to refuse to sell their products to the above-named grocery companies, and informing such manufacturers and brokers that they would refuse to buy from them if they sold to the above-named grocery companies, in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No. 580.--Federal Trade Commission v. D. Fairfax Bush, William Dette, George A. Crocker, Jr., and Leah R. Crocker, copartners doing business under the firm name and style of Crocker Bros.; W. A. Rogers, D. B. Meacham, A. D. Fowler, J. K. Pollock, W. T. Shepard, and W. S. Rogers, copartners doing business under the firm name and style of Rogers, Brown & Co.; Frank Samuel, S. M. Tomlinson, and S. A.

Cochran, copartners doing business under the firm name and style of Frank Samuel; W. F. B. Leavitt and Charles D. Robb, copartners doing business under the firm name and style of C. W. Leavitt & Co. Charge: Using unfair methods of competition by selling ferromanganese imported from respondents' British principals at prices substantially less than the

actual market value at the time of exportation from England plus freight and expenses incident to importation and sale in the United States, with the intent of stifling the industry which had developed in the United States by persons other than respondent during the late war owing to the British embargo on the exportation thereof, in alleged violation of section 5 of the Federal Trade Commission act. Status: This proceeding is at issue upon the complaint of the Commission and the answer of the respondent, and is in the course of trial.

Complaint No. 581.--Federal Trade Commission v. L. B. Silver Co. Charge: Using unfair methods of competition by false and misleading circulars, advertisements, etc., setting forth that it is a breeder of hogs, whereas it is not a breeder, but buys its hogs from farmers; representing that the Ohio Improved Chester breed of hogs are superior to the Chester White breed and offering to sell the latter at 25 per cent less, but when requested to deliver the Chester Whites fails to do so upon one pretext or another; false statements that the Ohio Improved Chester hogs are not susceptible to cholera and other diseases, that it has bred these hogs for 53 years, and other false and misleading statements, in alleged violation of section 5 of the Federal Trade Commission act. Status: This proceeding is before the Commission for final determination.

Complaint No. 583.--Federal Trade Commission v. G. Slocum, doing business under the name and style of Ginso Chemical Co. and Ginso Chemical Co., a Missouri corporation. Charge: Using unfair methods of competition by marketing germicide, one of its products, under the name of "B-D Bacili Destroy," thus simulating the trademark "B-K Bacili-Kil," a germicide manufactured by the General Laboratories, which has built up a valuable good will for its products; simulating the copyrighted circular and labels of the said General Laboratories, with the effect of misleading and deceiving the purchasing public into believing that the product of respondents is the product of said General Laboratories; false and misleading advertising that respondent's product is a powerful and useful disinfectant and germicide, although in fact it has little or no antiseptic or germicidal value, in alleged violation of section 5 of the Federal Trade Commission act. Status: This proceeding is before the Commission for final determination.

Complaint No. 584.--Federal Trade Commission v. John Bene & Sons (Inc.). Charge: Using unfair methods of competition by circulating false and misleading statements regarding an analysis made by it of samples of one of its competitor's goods to the effect that such products were harmful, dangerous, and of no benefit, in alleged violation of section 5 of the Federal Trade Commission act. Status: This proceeding is at issue upon the complaint of the Commission and the answer of the respondent and is now ready for trial.

Complaint No. 585.--Federal Trade Commission v. Larabee Flour Mills Corporation. Charge: Using unfair methods of competition by offering to give and giving to any grocer, dealer, or merchant who purchased 25 barrels of respondent's flour known as Larabee's Best Flour a 10-year guaranteed gold-filled watch; and offering to give and giving for each 25 barrels of flour thereafter ordered or sold to such grocer, dealer, or merchant a similar watch to any one of his clerks or the cashier, to be designated by him, until everyone in the store of such grocer, dealer, or merchant had received one of such watches, which practice operates to the detriment and disadvantage of competitors selling and dealing in flour and not engaged in such practice, in alleged

violation of section 5 of the Federal Trade Commission act. Status: This proceeding is awaiting the decision of the United States Circuit Court of Appeals, Second Circuit, in the Kinney-Rome case now pending on a petition for review of the order of the Commission filed in that case against the Kinney-Rome Company.

Complaint No. 586.--Federal Trade Commission v. Southern Macaroni Manufacturing. Charge: Using unfair methods of competition by offering and giving to jobbers and salesmen of jobbers handling respondent's products bonuses and cash prizes based on the increase in the sales of one or more of respondent's products, and graduated according to the percentage of such increase; and conducting, in pursuance of said offers of bonuses and cash prizes, correspondence encouraging and setting forth the advantages of those who made special efforts to sell respondent's goods by reason of said offers, with the effect of tending to cause and create extra and abnormal financial interest to said jobbers and said salesmen of jobbers in the sale of respondent's products and thereby tending to induce said jobbers and said salesmen of jobbers to give special attention and efforts to selling respondent's products, in alleged violation of section 5 of the Federal Trade Commission act. Status: This proceeding is awaiting the decision of the United States Circuit Court of Appeals, Second Circuit, in the Kinney-Rome case now pending on a petition for review of the order of the Commission filed in that case against the Kinney-Rome Co.

Complaint No. 587.--Federal Trade Commission v. Tide-Water Oil Co., Tide Water Oil Sales Corporation, and Tide Water Oil Co. of Massachusetts. Charge: (Ante, complaint No. 305). Status: This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No. 588.--Federal Trade Commission v. Esco Hosiery Co. (Inc.). Charge: Using unfair methods of competition by labeling, advertising, stamping, and branding on packages containing hosiery bought and sold by it representations that the hose contained in said packages are silk, when in truth and in fact the material in said hose is not all silk, but only a portion of such material in such hose is silk, the remaining portion being composed of material of inferior quality and of less value than silk, with the effect of misleading and deceiving the trade and general public, in alleged violation of section 5 of the Federal Trade Commission act. Status: This proceeding is awaiting the decision of the Supreme Court of the United States in the Winsted Hosiery case, now pending on a writ of certiorari to the United States Circuit Court of Appeals, Second Circuit, which court reversed the decision of the Commission to cease and desist the practices in question.

Complaint No. 589.--Federal Trade Commission v. Ex-Zact Food Products Co. Charge: Using unfair methods of competition by offering to give a bonus or cash commission of 10 per cent on all sales of products manufactured by respondent and other premiums to salesmen, wholesalers, and jobbers handling the products of the respondent and those of its competitors, with the effect of creating a direct and personal interest in the sale of respondent's products and inducement to push respondent's products in preference to products of competitors, in alleged violation of section 5 of the Federal Trade Commission act. Status: This proceeding is at issue upon the complaint of the Commission and the answer of the respondent and is now ready for trial.

Complaint No. 591.--The Federal Trade Commission v. One-piece Bifocal Lens Co., a corporation. Charge: Using unfair methods of competition by adopting an elaborate system of licensing and price fixing by which respondent's product is manufactured in part by certain licensee manufacturers to a specified degree of utility, and thereupon sold by such manufacturing licensee to other finishing or retailing licensees who

complete the product and sell and distribute the same, the price or prices thereof being at all stages in the progress of the article prescribed and rigidly maintained by the express terms and conditions of its licensing agreements and by the refusal of respondent to sell to those who do not maintain such resale prices, in alleged violation of section 5 of the Federal

Trade Commission act; and by agreements with certain of its so-called licensees, upon the agreement or understanding that such licensees shall not use or deal in the product of a competitor or competitors of respondent, with the effect of substantially lessening competition or tending to create a monopoly, in alleged violation of section 3 of the Clayton Act. Status: (Ante, complaint No. 25).

Complaint No. 594.--Federal Trade Commission v. Butterick Co., Federal Publishing Co., Standard Fashion Co., Butterick Publishing Co., New Idea Pattern Co., and Designer Publishing Co. Charge: Using unfair methods of competition by entering into contracts with approximately 20,000 retail dry goods dealers whereby its paper dress patterns are to be resold at certain prices fixed and established by respondents, and refusing to sell to those who do not maintain such resale prices, in alleged violation of section 5 of the Federal Trade Commission act; and entering into contracts whereby its dealers are prohibited from dealing in patterns manufactured by competitors of respondents, and enforcing such contracts by refusal to sell to such dealers who do not maintain such agreements and by threats of suits and institution of suits for damages, in alleged violation of section 3 of the Clayton Act. Status: This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No. 595.--Federal Trade Commission v. Dove Oil Co. Using unfair methods of competition in the sale of stock and securities by circulation of false statements as to the location and proven production of its property, with the effect of deceiving the purchasing public as to the true value of the stock of respondent, in alleged violation of section 5 of the Federal Trade Commission act. Status: This proceeding is before the Commission for final determination.

Complaint No. 599.--Federal Trade Commission v. International Fur Exchange (Inc.), Funsten Bros. & Co., F. C. Taylor Fur Co., and Mallory, Mitchell & Faust. Charge: Using unfair methods of competition by refusing to advertise in newspapers except upon condition that the advertising matter from competitors setting forth the prices said competitors are willing to pay for furs purchased from trappers and hunters, be declined; and that by reason of the position of respondents in the fur purchasing business, newspapers have been so coerced, with the effect of depriving the owners of furs of the means of knowing the prices competitors of said respondents are willing to pay therefor, in alleged violation of section 5 of the Federal Trade Commission act. Status: This proceeding is at issue upon the complaint of the Commission and the answer of the respondent and is in course of trial.

Complaint No. 601.--Federal Trade Commission v. Sealwood Co. Charge: Using unfair methods of competition by giving and offering to give to employees, who in the regular course of their employment use shellac, or who direct its use by others, or who are required to purchase shellac or recommend the purchase of shellac to their respective employers, gratuities, such as money, liquor, cigars, meals, and other personal property, as inducements to said employees to influence their respective employers to purchase from respondent its said substitute for shellac (sealwood) and the reducer used in connection therewith, with the effect of excluding the products of its competitors unfairly, in alleged violation of section 5 of the Federal Trade Commission act. Status: This proceeding is before the Commission for final determination.

Complaint No. 602.--Federal Trade Commission v. Check Writer Manufacturers (Inc.), and William Hutter. Charge: Using unfair methods of com-

petition by falsely and fraudulently representing themselves to be distributors and sales agents for the Todd Protectograph Co., of Rochester, N. Y., which corporation was and is engaged in the business of manufacturing and selling in interstate commerce various types of check-protecting machines; selling secondhand and rebuilt check-protecting machines, representing them to be new machines; mutilating trade-marks and patent notices on check-protecting machines and substituting therefor fictitious numbers; falsely and fraudulently advertising in newspapers, circulars, letters, and other forms of advertising; that they carried in stock new machines manufactured by the said Todd Protectograph Co.; advertising and offering to sell new machines manufactured by the said Todd Protectograph Co., and when they have received orders for such machines have filled them in many instances with secondhand machines, in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is before the Commission for final determination.

Complaint No. 603.--Federal Trade Commission v. Southern Hardware Jobbers' Association, Beck & Gregg Hardware Co., Dinkins-Davidson Hardware Co., Crumley-Sharp Hardware Co., King Hardware Co., George E. King and John Donnan. Charge: Using unfair methods of competition by conspiring and confederating together to prevent the Merchants' Cooperative Association and American Purchasing Co. from purchasing supplies for certain retail hardware dealers in the States of Georgia, Alabama, and Florida, either directly from the manufacturers or through the W. A. Ray Hardware Co., by boycott or threats of boycott of the products of any manufacturer who might sell his products to such purchasing agencies. Status: This proceeding is now before the Commission for final determination.

Complaint No. 604.--Federal Trade Commission v. David Kahn and Benjamin Shatkum, doing business under the firm name and style of Shatkum & Kahn. Charge : Using unfair methods of competition by manufacturing and selling fountain pens in which are inserted gold-plated pen points upon which are stamped "14k. gold plate," the words of this stamp being so arranged that the word "plate" occurs near the heel of the pen point and is obscured by the barrel or holder of the pen into which it is inserted, while the words "14k. gold" remain visible; and manufacturing and selling fountain pens in which are inserted gold-plated pen points upon which are stamped "Tribunal 14 Special," the words of this stamp being so arranged that the figure "14" occurs in a prominent place in the center of the pen point with the word "Special" below it and the word "Tribunal," above it, the effect of which is to lead the public into the belief that the pen points are 14 karat gold, in alleged violation of section 5 of the Federal Trade Commission act. Status: This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No. 606.--Federal Trade Commission v. The Mennen Co. Charge: That the respondent in the sale of talcum powder, tooth paste, shaving soap and other toilet articles has adopted a plan of grouping its actual and prospective customers according to an arbitrary classification, and allowing customers in one of such classifications discounts on quantity purchases and refusing discounts of any kind to customers in the other classifications, which practice has a tendency to lessen competition and to create a monopoly, in alleged violation of section 2 of the Clayton Act and section 5 of the Federal Trade Commission act. Status: This proceeding is at issue upon the complaint of the Commission and the answer of the respondent and is in course of trial.

Complaint No. 607.--Federal Trade Commission v. Iowa-Nebraska-Minnesota Wholesale Grocers' Association, its officers and members. Charge: Using

unfair methods of competition by adopting a plan of boycott and withdrawal of patronage from manufacturers and jobbers as a means of coercing such manufacturers and jobbers to refrain from selling to nonmember competitors of the respondent, with the effect that nonmember competitors have been and are being hampered and obstructed in obtaining necessary supplies of the commodities dealt in by them, and have in many instances been entirely deprived of such supplies, and have in other instances been compelled to pay therefor prices far in excess of those required to be paid by their competitors, who are members of respondent association, in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent and is now ready for trial.

Complaint No. 608.--Federal Trade Commission v. Amico Oil Co. of Kansas. Charge : Using unfair methods of competition in the sale of stocks and securities by false and misleading statements as to the location, productivity, value, and earning power of respondent's leased oil properties, in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is now before the Commission for final determination.

Complaint No. 609.--Federal Trade Commission v. Philadelphia Wholesale Drug Co., Frank R. Rohrman, Russell T. Blackwood, A. T. Pollard, Harry Z. Krupp, H. C. Clapham, G. U. Fohr, A. R. Hossko, J. N. G. Long, O. W. Osterlund, H. J. Soigfried, F. P. Strooper. Charge : Using unfair methods of competition by conspiring, confederating, and agreeing together to discriminate against and restrict the purchase of the products of the Mennen Co. by themselves and the resale by them to customers of their retail stores, by means of a publication called the Druco News, a monthly edition, in which certain statements were made suggesting a boycott on the Mennen Co. products on the ground that the Mennen Co. had refused to allow the respondent the same discount on quantity purchases as were allowed to other purchasers of like quantities, in alleged violation of section 5 of the Federal Trade Commission act. Status: This proceeding is now before the Commission for final determination.

Complaint No. 616.--Federal Trade Commission v. Quaker Oil Products Corporation. Charge: (Ante, complaint No.506). Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent and is in course of trial.

Complaint No. 617.--Federal Trade Commission v. Southern Manufacturing Co. Charge : Using unfair methods of competition by giving to salesmen of grocery jobbers profit-sharing coupons as a means of inducing such salesmen to favor respondent's product over that of competing producers, the number of such coupons given away depending on the amount of sales made by such salesmen, in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is awaiting the decision of the United States Circuit Court of Appeals, Second Circuit, in the Kinney-Rome case now pending on a petition for review of the order of the Commission filed in that case against the Kinney-Rome Co.

Complaint No. 618.--Federal Trade Commission v. Eastern Road Machinery Co. Charge: Using unfair methods of competition by paying money to employees of customers and public officials, purchasing liquor, cigars, theater tickets, etc., for employees and public officials, and paying hotel and railway expenses of public

officials for the purpose of inspecting respondent's machinery, and as an inducement to influence such public officials and employees to favor, recommend, purchase, or contract to purchase road-making machinery from the respondent, in alleged violation of section 5 of the Federal Trade Commis-

sion act. Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent, and the answer of the respondent, and is now ready for trial.

Complaint No. 619.--Federal Trade Commission v. Fawn Creek Oil & Gas Co. Charge : Using unfair methods of competition by false and misleading advertising in connection with the sale of stock In regard to its holdings in proven oil fields, the disposition of money received from the sale of its stock, and references to issuance of promotion stock and stock bonuses, in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is before the Commission for final determination.

Complaint No. 662.--Federal Trade Commission v. Deep Wells Oil Co., George B. Mechem & Co., and George B. Mechem. Charge : Using unfair methods of competition in the sale of the capital stock of the respondent oil companies issued in exchange for oil and gas leases which were in part nonexistent and for an agreement to drill certain test wells, which agreement was not carried out by the respondent, Mechem, principal stockholder, which stock was sold by respondent, George B. Mechem & Co., by means of false and misleading statements concerning its business and property, in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No. 663.--Federal Trade Commission v. Marx Finstone. Charge Using unfair methods of competition in the manufacture and sale of fountain pens by marketing fountain pens in boxes or containers labeled with fictitious resale prices many times greater than the fair market value of the pens, thereby enabling dealers to defraud the purchasing public or mislead it into the belief that a high-grade pen is being sold at a reduced price, in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No. 664.--Federal Trade Commission v. Benjamin Shatkum & David Kahn, partners, styling themselves Shatkun & Kahn. Charge : Using unfair methods of competition in the manufacture and sale of fountain pens by marketing fountain pens in boxes or containers labeled with fictitious resale prices many times greater than the fair market value of the pens, thereby enabling dealers to defraud the purchasing public or mislead it into the belief that a high-grade pen is being sold at a reduced price, in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No. 665.--Federal Trade Commission v. Abraham Shatkum, doing business under the trade name and style of United States Novelty Co. Charge: Using unfair methods of competition in the manufacture and sale of fountain pens by marketing fountain pens in boxes or containers labeled with fictitious resale prices many times greater than the fair market value of the pens, thereby enabling dealers to defraud the purchasing public or mislead it into the belief that a high-grade pen is being sold at a reduced price, in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No. 666.--Federal Trade Commission v. Charles J. McNally, doing business under the trade name and style of Macfountain Pen & Novelty Co. Charge : Using unfair methods of competition in the sale of fountain pens by marketing fountain pens in boxes or containers labeled with fictitious resale prices many times greater than the fair market value of the pens, thereby enabling dealers to defraud the purchasing public or mislead it into the belief that a high-grade pen is being sold at a reduced price, in alleged violation of section

5 of the Federal Trade Commission act. Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No. 667.--Federal Trade Commission v. N. Shure Co. Charge : Using unfair methods of competition in the sale of fountain pens by marketing fountain pens in boxes or containers labeled with fictitious resale prices many times greater than the fair market value of the pens, thereby enabling dealers to defraud the purchasing public or mislead it into the belief that a high-grade pen is being sold at a reduced price, in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No. 668.--Federal Trade Commission v. Meyer Levin, Morris L. Levin, Isaac P. Levin, and Max Levin, partners, styling themselves Levin Brothers. Charge : Using unfair methods of competition in the sale of fountain pens by offering and selling fountain pens in boxes or containers labeled with fictitious resale prices many times greater than the fair market value of the pens and equipping certain of these fountain pens with pen points which are stamped "14 k. gold plated," by having said pen points so inserted that the words "gold plated" are hidden, thereby misleading the purchasing public in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No. 670.--Federal Trade Commission v. James Kelley. Charge : Using unfair methods of competition in the sale of fountain pens and boxes therefor by marketing fountain pens in boxes or containers labeled with fictitious prices many times greater than the fair market value of the pens, thereby enabling dealers to defraud the purchasing public or mislead it into the belief that a high-grade pen is being sold at a reduced price, in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No. 671.--Federal Trade Commission v. Everett Jones, trading under the name and style of the Standard Pen Co. Charge : Using unfair methods of competition by offering and selling fountain pens fitted with pen points stamped "14k. gold plated" with said points so inserted as to make invisible the word "plated," and also sells circulars to accompany the pens when resold, which circulars purport to describe the pens and includes false and misleading statements as to price and guaranty, in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No. 672.--Federal Trade Commission v. Karl Guggenheim (Inc.). Charge : Using unfair methods of competition by offering and selling fountain pens in boxes stamped with fictitious resale prices many times greater than the fair market value of the pens and marking certain of its pen points "14k. gold," when, in fact, no part of said pen is gold, thereby misleading and defrauding the purchasing public, in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No. 673.--Federal Trade Commission v. Ed. Hahn, a copartnership, doing business under the name of Ed. Hahn. Charge : Using unfair methods of competition in the sale of fountain pens and boxes therefor by marketing fountain pens in boxes or containers labeled with fictitious prices many times greater than the fair market value

of the pens, thereby enabling dealers to defraud the purchasing public or mislead it into the belief that a high-grade pen is being sold at a reduced price, in alleged violation of section 5

of the Federal Trade Commission act. Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No. 674.--Federal Trade Commission v. Davidson, Leay, Adanis Co. Charge : Using unfair methods of competition in the purchase and sale of eggs, poultry, butter, and other produce by adopting the practice, at Clarkson, Ky., of paying prices higher than prevailing market prices, with the intent of stilling and suppressing competition and establishing a monopoly in the purchase of produce at that point, in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is at Issue upon the complaint of the Commission and the answer of the respondent.

Complaint No. 676.--Federal Trade Commission v. Harry Friedman, trading under the name and style of Rex Hosiery Co. Charge : Using unfair methods of competition in the wholesale sale of hosiery by labeling hosiery with the words "American silk," when such hosiery in fact contains no genuine silk, in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding Is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No. 677.--Federal Trade Commission v. W. A. Shoffner and L. I. Young, partners, styling themselves the Alamance Hosiery Mills. Charge : Using unfair methods of competition in the manufacture and sale of hosiery labeled as "American silk," when such hosiery contains no genuine silk, with the effect of misleading and deceiving the purchasing public, in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No. 678.--Federal Trade Commission v. Brown Durrell Co. Charge : Using unfair methods of competition in the wholesale distribution of hosiery and underwear by falsely labeling it "Worsted," "Fine wool" "Merino," "All wool," "Natural wool," or "Cashmere," when such hosiery and under-wear is made of mixed cotton and wool, with the effect of deceiving the purchasing public, in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is at issue upon the complaint of the commission and the answer of the respondent.

Complaint No. 679.--Federal Trade Commission v. Nolde & Horst Co. Charge : Using unfair methods of competition in the manufacture and sale of hosiery by labeling hosiery made of mixed cotton and wool in approximately equal parts as "Worsted," "Fine wool," "Merino," "All wool," "Natural wool," or "Cashmere," with the effect of misleading and deceiving the purchasing public in alleged violation of section 5 of the Federal Trade Commission act. Status: This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No. 680.--Federal Trade Commission v. Hancock Knitting Mills. Charge : Using unfair methods of competition in the manufacture and sale of hosiery by labeling hosiery made wholly of cotton or of cotton and wool in approximately equal parts, as "Silk lisle," Best silk lisle," or "Oriental sylk," or "Men's cashmere half hose," with the effect of misleading and deceiving the purchasing public, in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No. 681.--Federal Trade Commission v. Fidelity Knitting Mills. Charge : Using unfair methods of competition in the manufacture and sale of hosiery by labeling hosiery made wholly of cotton or of cotton and wool in approximately equal

parts, as “Silk lisle” or “Cashmere,” with the effect of misleading and deceiving the purchasing public, in alleged violation of section

5 of the Federal Trade Commission act. Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No. 682.--Federal Trade Commission v. Joseph Kahn, Jacob Frank, and Jerome Frank, partners, styling themselves Kahn & Frank Charge : Using unfair methods of competition in the wholesale distribution of hosiery by labeling hosiery containing no genuine silk, as "Ladies' silk boot hose," "Ladies' art silk hose," etc., with the effect of misleading and deceiving the purchasing public, in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is at issue upon the complaint of the Commission and the . answer of the respondent.

Complaint No. 683.--Federal Trade Commission v. J. Reed Thompson, Andrew N. Thompson, George L. Thompson, and A. Walter Thompson, partners, styling themselves Thompson Brothers. Charge : Using unfair methods of competition in the manufacture and sale of hosiery by labeling hosiery containing no genuine silk as "Ladies' silk boot hose," "Ladies' art silk hose," etc., with the effect of misleading and deceiving the purchasing public, in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No. 684.--Federal Trade Commission v. Charles Daum, Thomas J. Rogers, and Harry Spritzer, partners, styling themselves the Daum, Rogers, Spritzer Co. Charge : Using unfair methods of competition in the wholesale distribution of hosiery made of Cotton and silk, cotton, and wool, or silk fiber, and wool, as "Men's silk half hose," "Cashmere hose," or "Silk and wool," with the effect of misleading and deceiving the purchasing public, in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No. 685.--Federal Trade Commission v. Aristo Hosiery Co. Charge: Using unfair methods of competition in the manufacture and sale of hosiery by labeling hosiery made of mixed cotton and wool as "Worsted ribbed hose," "Worsted fashioned hose," "Wool fashioned hose," "Women's black cashmere hose," "Black cashmere," "Fashioned cashmere hose," "Women's black wool hose, fashioned," "Ladies' high grade cashmere," with the effect of misleading and deceiving the purchasing public, in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No. 686.--Federal Trade Commission v. Rockford Mitten & Hosiery Co. Charge: Using unfair methods of competition In the manufacture and sale of hosiery made of mixed cotton and wool by labeling it "Worsted ribbed hose," "Worsted fashioned hose," "Wool fashioned hose," "Women's black cashmere hose," "Black cashmere," "Fashioned cashmere hose," "Women's black wool hose, fashioned," "Ladies' high grade cashmere," with the effect of misleading and deceiving the purchasing public, in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent,

Complaint No. 687.--Federal Trade Commission v. John T. Moore, Clarence G. Fisher, Edward J. Murphy, and W. K. Mathews, partners, styling themselves Moore & Fisher. Charge: Using unfair methods of completion in the wholesale distribution of hosiery made of mixed cotton and silk by labeling it as "World's best pure thread

silk” or “Silk plated” and by placing on hosiery containing no genuine silk the label “Silk isle” and by labeling hosiery made of mixed cotton and wool as “Cashmere,” with the effect of misleading and

deceiving the purchasing public, in alleged violation of section 5 of the Federal Trade Commission act. Status: This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No. 688.--Federal Trade Commission v. Reber Manufacturing Co. Charge: Using unfair methods of competition in the manufacture and sale of hosiery made of mixed cotton and silk by labeling it "World's best pure thread silk" or "Silk plated," and by labeling hosiery containing no genuine silk as "Silk lisle," and by labeling hosiery made of mixed cotton and wool as "Cashmere," with the effect of misleading and deceiving the purchasing public in alleged violation of section 5 of the Federal Trade Commission act. Status: This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No. 689.--Federal Trade Commission v. Everett F. Boyden, trading under the name and style of George E. Boyden & Son. Charge : Using unfair methods of competition by selling hosiery made of cotton and wool in approximately equal parts as, "Cashmere," with the effect of misleading and deceiving the purchasing public, in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No 693.--Federal Trade Commission v. Carbo Oil Co. (Ohio). Charge : Using unfair methods of competition in the sale of oil by attempting to imitate the products of the Vacuum Oil Co., known to the trade as "Mobil-Oil," by designating its product as "Mobile A Oil," and falsely representing it as the product of the Vacuum Oil Co. bought by the respondent from the United States Government and by holding itself out as "Distributors of the U. S. A. oils," when in fact it sells no product which has been the property of the Federal Government, and by stenciling on its containers the letters "U. S. A.," with the effect of misleading and deceiving the purchasing public, in alleged violation of section 5 of the Federal Trade Commission act. Status: This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No. 694.--Federal Trade Commission v. The Chamber of Commerce of Minneapolis; the Officers, Board of Directors, and Members of The Chamber of Commerce of Minneapolis; Manager Publishing Co.; John H. Adams; and John F. Fleming. Charge : Using unfair methods of competition by engaging in a confederation and conspiracy to annoy and embarrass and destroy the business of the Equity Cooperative Exchange, a competitor of the respondent chamber of commerce and its members, in the selling, buying, and distribution of grain, by (a) the publication of false and misleading statements concerning the said cooperative exchange, particularly in the publications of the respondent publishing company, (b) the instigation and preparation for trial of certain litigation, (c) refusal to make available to said cooperative exchange and its members the telegraphic market quotation service supplied by the respondents, (d) the boycott of and persistent refusal to buy grain from the said cooperative exchange, (e) the suppression of competition among members of the respondent chamber of commerce and discrimination against nonmembers, and (f) by the means of contracts binding country shippers to ship all or a greater part of their grain to the respondent chamber of commerce members, in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent and is now in course

of trial.

Complaint No 695.-Federal Trade Commission v. Associated Oil Co. (Inc.), Adey-Johnston Co. (Inc.), E. A. Adey, jr., S.B. Coleman, and B. V. Johnston.

Charge: Using unfair methods of competition in the sale of the corporate stock of the respondent, Associated Oil Co., by the use of false and misleading statements concerning the business and property of such oil company, with the effect of misleading and deceiving the purchasing public, in alleged violation of section 5 of the Federal Trade Commission act. Status: This proceeding is at issue upon the complaint of the Commission and the answer of the respondent and is now in course of trial.

Complaint No. 696.--Federal Trade Commission V. Alfred Klesner, doing business under the trade name and style of Shade Shop, Hooper & Klesner. Charge : Using unfair methods of competition by appropriating and simulating the trade name and style of "The shade shop" adopted by one Sammons for the conduct of his business in the city of Washington and by false and misleading statements made for the purpose of deceiving the purchasing public to the erroneous belief that the shop owned and operated by the respondents is identical with the Sammons shop, in alleged violation of section 5 of the Federal Trade Commission act. Status: This proceeding is at issue upon the complaint of the Commission and the answer of the respondent and is now in course of trial.

Complaint No. 697.--Federal Trade Commission v. New York Hosiery Works. Charge: Using unfair methods of competition in the wholesale distribution of hosiery, by placing on hosiery made of cotton and silk the labels "Ladies' silk hose," "Men's silk half hose," "Silk hose," "Silk half hose," or "Pure silk," with the effect of misleading and deceiving the purchasing public, in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No 698.--Federal Trade Commission v. Pilling and Madeley. Charge : Using unfair methods of competition in the wholesale distribution of hosiery by labeling hosiery containing no genuine silk as "Gordon silk hose," "Women's two tone silk hose," or "Pure thread silk hose," with the effect of misleading and deceiving the purchasing public, In alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No. 699.--Federal Trade Commission v. Oscar Schmied. Charge: Using unfair methods of competition in the wholesale distribution of hosiery by labeling hosiery made of cotton and silk as "Ladies' silk hose," "Men's silk half hose," "Silk hose," or "Silk half hose," with the effect of misleading and deceiving the purchasing public, in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No. 701.--Federal Trade Commission v. Samuel E. Bernstein. Charge : Using unfair methods of competition in the sale of cutlery, by labeling an inferior grade of American cutlery as "Sheffield" without other marks to show the true place of origin, with the effect of misleading and deceiving the purchasing public into the belief that the respondent's cutlery is of the good quality manufactured in Sheffield, England, in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is at issue upon the complaint of the Commission and answer of the respondent and is in course of trial.

Complaint No. 702.--Federal Trade Commission v. Western Electric Co. (Inc.). Charge : Using unfair methods of competition in the manufacture and sale of

telephonic appliances, equipment, and supplies while functioning as the manufacturing department of the American Telephone & Telegraph Co. and competing with other manufacturers and dealers for the business of independent tele-

phone companies by (a) contracting for the sale of its goods at fixed prices on condition that purchasers will not use the telephonic equipment sold by competitors of the respondent, (b) making false and misleading statements to the effect that Independent companies using its equipment will thereby secure better terms from the "Bell System" for toll service or will be unable to secure long distance or toll connections without the use of respondent's equipment, (c) utilizing the influence of banks to induce independent telephone companies to purchase their appliances, equipment, and supplies from the respondent, (d) procuring the cancellation of contracts entered into between independent telephone companies and respondent's competitors by special reductions in its prices to such prospective customers, and (e) falsely representing that certain of its competitors are going out of business or closing branch offices and that the customers of said competitor will thereupon be unable to secure repair parts and additional equipment, in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No 703.--Federal Trade Commission v. Morgan Razor Works. Charge : Using unfair methods of competition in the sale of razor strops by adopting the trade names established by the Torrence Co. with the effect of misleading and deceiving the purchasing public into the belief that the razor strops sold by the respondent are the products of J. S. Torrence Sales Co., in alleged violation of section 5 of the Federal Trade Commission act. Status: This proceeding is at issue upon the complaint of the Commission and the answer of the respondent and is in course of trial.

Complaint No. 704.--Federal Trade Commission v. Wagner Razor Strop Co. Charge : Using unfair methods of competition in the sale of razor strops by adopting the trade names established by the Torrence Co. with the effect of misleading and deceiving the purchasing public into the belief that the razor strops sold by the respondent are the products of J. S. Torrence Sales Co., in alleged violation of section 5 of the Federal Trade Commission act. Status: This proceeding is at issue upon the complaint of the Commission and the answer of the respondent and is in course of trial.

Complaint No 705.--Federal Trade Commission v. S Davidson Co., D. R Davidson, S. Davidson, and M. A. Davidson. Charge : Using unfair methods of competition in the sale of ship chandlery by giving expensive gifts and large sums of money in the form of cash commissions to officers and employees of ships to induce them to purchase ship-chandlery supplies from the respondent, in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is at issue on the complaint of the Commission and the answer of the respondent.

Complaint No. 706.--Federal Trade Commission v. Consolidated Oil Co. (Manchurian Linseed Oil Co., Standard Linseed Co., Southern States Turpentine Co., and Standard Paint & Lead Co.). Charge : Using unfair methods of competition in the sale of oil by designating a low-quality oil product as "Glidden core oil" in simulation of the trade name of a favorably known core oil of superior quality formerly manufactured by the Glidden Co. and by selling a roof paint composed of 98 per cent coal tar as "Graphite carbon roof paint" and "Carbon roof paint" to mislead the purchasing public into the belief that the respondent's roof paint is of good quality with the graphite of free carbon as the chief constituent material, in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent and is in

course of trial.

Complaint No. 707.--Federal Trade Commission v. Buffalo-Springfield Roller Co. Charge: Using unfair methods of competition in the sale of rollers and old machinery by offering and giving to public officials and prospective customers and competitor's customers, gratuities including money, liquor, cigars, meals, theater tickets, and entertainment as an inducement to influence said public officials and employees to purchase from respondent its rollers and other old machinery, in alleged violation of section 5 of the Federal Trade Commission act. Status: This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No 709.--Federal Trade Commission v. Cigar Manufacturers' Association of Tampa, Fla., an incorporated association, its officers, and member cigar manufacturers. The Tampa Box Co., a corporation, D. N. Holway, J. W. Young, and J. Van Roe, copartners under the firm name and style of D. N. Holway & Co., George F. Weidman, T. D. Fisher, and J. A. B. Anderson, copartners under the firm name and style of Weidman-Fisher & Co. Charge : That the respondent cigar manufacturers attempted to restrain competition in the sale of cigars and to create a monopoly of the supply of an essential element in the sale of cigars by entering into an agreement with the respondent, cigar box manufacturers, the intent and effect of which was to vest in the respondent association control of the supply of cigar boxes upon which the manufacture of cigars in Tampa and vicinity are dependent, the respondent association employing its control of the supply of cigar boxes to deny and to withhold from non-members and competing cigar makers their necessary supply of boxes, in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent and is in course of trial.

Complaint No 710.--Federal Trade Commission v. Tide Water Oil Co. and Tide Water Oil Sales Corporation. Charge : Using unfair methods of competition in the sale of lubricating oils by inserting in their advertising matter a facsimile copy of a letter from the Bethman Motor Co. to the Tide Water Oil Co. containing a statement to the effect that Henry Ford & Son (Inc.) recommended for exclusive use in Fordson tractors the respondents' heavy special Veedol oil, which statement was known to the respondents to be false and was calculated to mislead the purchasing public and owners of Fordson tractors, in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent and is in course of trial.

Complaint No. 711.--Federal Trade Commission v. A. L. Bramble, trading under the name and style of A. L. Bramble Co. Charge: Using unfair methods of competition in the sale of ship chandlery by giving expensive gifts and large sums of money in the form of cash commissions to officers and employees of ships to induce them to purchase ship chandlery supplies from the respondent, in alleged violation of section 5 of the Federal Trade Commission act. Status: This proceeding is at issue upon the complaint of the Commission and answer of the respondent.

Complaint No. 712.--Federal Trade Commission v. Lee Canfield, P. E. Canfield, and George B. Shaler, partners styling themselves the Best Oil Co., and M. E. Cornell. Charge : Using unfair methods of competition by attempting to imitate the products of the Vacuum Oil Co. by simulating its trade names and by the employment of the respondent, M. E. Cornell, who in the course of former employment with the Vacuum Oil Co. came into the possession of valuable trade secrets, who states to purchasers of

the respondent's products that such products are the Same as those of the Vacuum Oil Co., and suggests

that they be sold from the Vacuum Oil Co.'s containers as "Genuine mobile oils," thereby causing customers and prospective customers to believe that the products of the respondents are those of the Vacuum Oil Co., in alleged violation of section 5 of the Federal Trade Commission act. Status: This proceeding is at issue upon the complaint of the Commission and the answer of the respondent, and is in course of trial.

Complaint No. 713.--Federal Trade Commission v. Hall-Marvin Co. and the Reynolds-Thompson Co. Charge : Using unfair methods of competition in that the respondents, controlled by the same stockholders, carry on their business in such a manner as to mislead the purchasing public into the belief that their business and goods are the same as those of the long established and favorably known Herring-Hall-Marvin Safe Co., and to further the deception, have established their office at 393 Broadway, New York, directly opposite the principal office of said Herring-Hall-Marvin Safe Co., and display their advertising matter in such a manner as to create the false impression that the respondents and the Herring-Hall-Marvin Safe Co. are one and the same, all in alleged violation of section 5 of the Federal Trade Commission act. Status: This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No 715.--Federal Trade Commission v. United Allegretti Co. Charge : Using unfair methods of competition in that the name under which the respondent was incorporated, the names, brands, and marks of its goods, and its advertising matter simulate those of the long established and favorably known Allegretti Chocolate Cream Co., with the purpose of deceiving the public and leading the public to believe that its candies are the same as those manufactured and sold by the said original Allegretti Co., in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent, and is in course of trial.

Complaint No 716.--Federal Trade Commission v. Simon Adelson, trading under the name and style of United States Refining Co. Charge : Using unfair. methods of competition in the manufacture and sale of paints and other products by using false advertising matter and deceptive labels to lead the purchasing public into the erroneous belief that his product is ground in pure linseed oil or is pure white lead and is procured from or manufactured by the United States Government, in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No. 717.--Federal Trade Commission v. United Chemical Products Corporation. Charge : Using unfair methods of competition in the manufacture and sale of dyestuffs and chemicals by giving cash commissions to dyers and other employees of its customers and prospective customers as an inducement to influences such employees to recommend to their employers the purchase of the respondent's product in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No. 718.--Federal Trade Commission v. Wood & Co. (Inc.). Charge : Using unfair methods of competition by loaning to proprietors of hotels and restaurants sets of coffee urns without consideration other than that the customers receiving same enter into agreements or understandings with the respondent that they

will purchase their coffee, teas, and spices from the respondent, the effect of which is to substantially lessen competition and create a monopoly, in alleged violation of section 5 of the Federal Trade Commission act.

Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No. 719.-Federal Trade Commission v. Commercial Importing Co. (Inc.). Charge: Using unfair methods of competition by loaning to proprietors of hotels and restaurants sets of coffee urns without consideration other than that the customers receiving same enter into agreements or understandings with the respondent that they will purchase their coffee, teas, and spices from the respondent, the effect of which is to substantially lessen competition and create a monopoly In alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No. 720.--Federal Trade Commission v. Richardson & Holland (Inc.). Charge : Using unfair methods of competition by loaning to proprietors of hotels and restaurants sets of coffee urns without consideration other than that the customers receiving same enter into agreements or understandings with the respondent that they will purchase their coffee, teas, and spices from the respondent, the effect of which is to substantially lessen competition and create a monopoly, in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No 721.-Federal Trade Commission v. D. Davies & Co. Charge : Using unfair methods of competition by loaning to proprietors of hotels and restaurants sets of coffee urns without consideration other than that the customers receiving same enter into agreements or understandings with the respondent that they will purchase their coffee, teas, and spices from the respondent, the effect of which is to substantially lessen competition and create a monopoly, in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No. 722.--Federal Trade Commission v. Matthews & Kerr (Inc.) Charge : Using unfair methods of competition by loaning to proprietors of hotels and restaurants sets of coffee urns without consideration other than that the customers receiving same enter into agreements or understandings with the respondent that they will purchase their coffee, teas, and spices from the respondent, the effect of which is to substantially lessen competition and create a monopoly, in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No 723.--Federal Trade Commission v. Defiance Tea & Coffee Co. (Inc.). Charge: Using unfair methods of competition by loaning to proprietors of hotels and restaurants sets of coffee urns without consideration other than that the customers receiving same enter into agreements or understandings with the respondent that they will purchase their coffee, teas, and spices from the respondent, the effect of which is to substantially lessen competition and create a monopoly, in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No 724.--Federal Trade Commission v. Martin Marks Coffee Co. Charge : Using unfair methods of competition by loaning to proprietors of hotels and restaurants sets of coffee urns without consideration other than that the customers receiving same enter into agreements or understandings with the respondent that they will purchase their coffee, teas, and spices from the respondent, the effect of which is

to substantially lessen competition and create

a monopoly, in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No. 725.--Federal Trade Commission v. C. H. Korb and W. M. Dwyer, doing business under the firm name and style of Korb & Dwyer. Charge: Using unfair methods of competition by advertising for sale "several hundred thoroughly rebuilt Dalton adding and listing machines," thus falsely representing the second-hand machines that they had for sale as rebuilt, when in fact they had only been repaired, with the effect of misleading and deceiving the purchasing public in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is at issue upon the complaint of the Commission and answer of the respondent.

Complaint No. 726.--Federal Trade Commission v. Constantine Calevas, Joseph Garcia, and E. A. Piller, partners styling themselves Garcia, Piller & Co. and Calevas Brothers. Charge : Using unfair methods of competition in the sale of ship chandlery, including stewards' supplies, deck engine and cabin supplies, by giving to captains and other officers of vessels valuable gifts, cash commissions, and gratuities to induce them to purchase supplies from the respondents, in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No. 727.--Federal Trade Commission v. Austin Bond, doing business under the trade name and style of Bond Brothers & Co., New York. Charge : Using unfair methods of competition in the buying, packing, and selling of overissued, unused newspapers by simulating and appropriating the trademark and code address of the long established and favorably known "Bond Brothers & Co." engaged in the export and import of overissued and unused newspapers with the effect of misleading and deceiving the purchasing public, in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No 728.--Federal Trade Commission v. American Safety Razor Corporation. Charge; Using unfair methods of competition by the use of advertising matter containing false and misleading statements concerning the quality of material and workmanship entered into shaving brushes sold by it and by placing deceptive labels on the containers of such brushes with the effect of misleading and deceiving the purchasing public, in alleged violation of section 5 of the Federal Trade Commission act. Status: This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No. 729.--Federal Trade Commission v. South Bend Bait Co. Charge : Tending to create a monopoly in the manufacture and sale of fishing tackle and artificial bait by making price discriminations between customers by varying its rates of trade discount in accordance with its classification of customers and without regard of the quantity purchased, in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No 730.--Federal Trade Commission v. Frank Dalby and Walter Hardwick, doing business as a partnership under the firm name and style of Dalby & Hardwick. Charge : Using unfair methods of competition by engaging in the practice of obtaining from their competitor, the Gordon-Van Tine Co., estimates and bids on

numerous items of building material without disclosing the fact that they were its competitors, and using said estimates and bids in

seeking customers in competition with said company and for the purpose of underbidding it and of injuring it by putting it to the expense of making estimates and bids from which no orders could follow, all in alleged violation of section 5 of the Federal Trade Commission act. Status: This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No 731.--Federal Trade Commission v. The Excelsior Shoe Co. Charge : Using unfair methods of competition by the unauthorized use of the words "Boy Scouts" as a trade-mark for its shoes and in the advertisement, thereby creating the erroneous belief that its shoes have been approved by the Boy Scouts of America and are labeled as aforesaid by the authority of the said organization, in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No 732.--Federal Trade Commission v. Winthrop Chemical Co. (Inc.). Charge : Using unfair methods of competition by advertising and claiming the exclusive right to manufacture and sell "Veronal," when in truth and in fact three licensees of the Federal Trade Commission, under the authority contained in the trading with the enemy act, have acquired full right and authority to make and sell said preparation, with the effect of misleading and deceiving the purchasing public, in violation of section 5 of the Federal Trade Commission act. Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No. 733.--Federal Trade Commission v. E. F. Houghton & Co. Charge : Using unfair methods of competition in the manufacture and sale of textile-mill supplies, including soaps and greases, by offering and giving cash commissions or gratuities to finishers and other employees in textile mills as an inducement to recommend the purchase of respondent's products in preference to the products of competitors of the respondent, in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No. 734.--Federal Trade Commission v. International Paint and Oil Co. Charge : Using unfair methods of competition by labeling as "Tar-pen-tine" its coal-tar distillate, which is capable of being used for some of the purposes for which turpentine can be used, which labeling closely simulates the word "turpentine" that the purchasing public is deceived and misled to believe that the respondent's product is turpentine or similar thereto, in alleged violation of section 5 of the Federal Trade Commission act. Status: This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No. 735.--Federal Trade Commission v. Bartlett Manufacturing Co. Charge : Using unfair methods of competition by marking the dial or face of certain of its clocks "Made in U.S. A.," thereby conveying the impression, which is furthered by false representations to customers, that the chocks are made in the United States, when in truth and in fact the works or the principal parts of said clocks which are not exposed or open to view are made in Wurtemberg, Germany, and are 50 marked and are of a cheaper grade and of less monetary value than similar American products, with the effect of misleading and deceiving the purchasing public, in violation of section 5 of the Federal Trade Commission act. Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No. 736.--Federal Trade Commission v. Sulloway Mills. Charge: Using

unfair methods of competition by the use of false and deceptive labels on hosiery made of wool and other material in approximately equal propor-

tions, which create the belief that its hosiery was made wholly of wool, in alleged violation of section 5 of the Federal Trade Commission act. Status: This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No 737.--Federal Trade Commission v. Margaret Newson and George B. Ketchum, doing business under the name and style of The Model Market. Charges : Using unfair methods of competition by offering and giving to captains and other officers of vessels, cash commissions and gratuities to induce them to purchase their meats, poultry, fish, vegetables, and other food products from the respondents, in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No. 738.--Federal Trade Commission v. Thatcher Manufacturing Co. Charge : Using unfair methods of competition by acquiring from the Owens Bottle Machine Co. the exclusive right to manufacture and sell milk bottles produced by the first automatic bottle-making machine. Subsequently another bottle-making machine was invented and licensed by the Hartford Fairmont Co.; and that the respondent, by taking over the control of the Hartford Fairmont Co. and its licensees, tends to eliminate competition and create a monopoly in the manufacture and sale of milk bottles, in alleged violation of section 5 of the Federal Trade Commission act and section 7 of the Clayton Act. Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No. 739.--Federal Trade Commission v. F. G. McFarlane. Charge : Using unfair methods of competition by offering and giving to officers of vessels and agents of the owners of such vessels valuable gifts, cash commissions, and gratuities, and lavish entertainment to induce them to purchase ship chandlery, steward's supplies, deck, engine, and cabin supplies from the respondent, in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No. 740.--Federal Trade Commission v. Prichard & Constance (Inc.) . Charge : Using unfair methods of competition in the manufacture of cosmetics and toilet articles by adopting and maintaining a system of fixing the resale price of its products and refusing to sell until prospective customers have given written assurance that the resale prices fixed by respondent will be maintained, in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No. 741.--Federal Trade Commission v. Eskay Harris Feature Film Co. Charge : Using unfair methods of competition by the adoption of the title "Black Beauty" for a film reconstructed by it from an old film entitled "Your Obedient Servant," with the purpose and effect of appropriating the value created by the advertising campaign of the Vitagraph Co. for its bona fide production "Black Beauty," and by falsely claiming the control of the motion-picture rights and title of "Black Beauty" and threatening to prosecute any infringement, in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No. 742.--Federal Trade Commission v. F. B. Dunn, R T. Harris L. G. Wright, T. E. Lester, S. H. Miles, George F. Barton, F. L. McCoy, and J. H. Darby. Charge : Using unfair methods of competition in the sale of the capital stock of the

Congressional Oil Co. By the use of said company as a

device for the disposition of certain oil leases at exclusive and fictitious prices; by published false and misleading statements relative to the company's property, earnings, and prospects, and by deceiving the purchasing public by numerous fraudulent schemes of promotion, in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No. 743.-Federal Trade Commission v. Ernst Bischoff Company (Inc.). Charge : Using unfair methods of competition in the manufacture and sale of textile mill supplies, including dyestuffs, soaps, and oils, by offering and giving cash commissions or gratuities to dyers, finishers, and other employees in textile mills as an inducement to recommend the purchase of respondent's product in preference to the products of competitors of the respondent, in alleged violation of section 5 of the Federal Trade Commission act. Status: This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No. 744.-Federal Trade Commission v. Wm. Robinson, doing business under the name and style of Southern Machine Works. Charge : Using unfair methods of competition in the business of repairing ships and furnishing repair parts by giving to engineers and other officers and employees of vessels valuable gifts and gratuities as an inducement to have the ships operated by them for the owners thereof repaired by the respondent, in alleged violation of section 5 of the Federal Trade Commission act. Status: This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No. 745.-Federal Trade Commission v. Austin, Nichols & Co. (Inc.) (Virginia). Charge : That Austin, Nichols & Co. (Inc.) entered into an agreement with Wilson & Co. (Inc.) for the acquisition of the Wilson & Co. (Whiteland, Ind.) vegetable canning plant and control of the Fame Canning Co. and Wilson Fisheries Co. in anticipation of a consent decree resulting from the prosecution of a suit in equity brought by the Attorney General of the United States, by which decree Wilson & Co. (Inc.) were perpetually enjoined from engaging in business unrelated to the meat-packing industry. The respondent, incorporated to effect the consolidation of all the properties, now holds control thereof and is charged with the suppressing of competition, tending to create a monopoly in the grocery and food product business, in alleged violation of section 7 of the Clayton Act. Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No. 746.--Federal Trade Commission v. W. J. Chapman. Charge : Using unfair methods of competition by offering and giving to captains of vessels cash gratuities to induce them to purchase ship chandlery, steward's supplies, deck engine and cabin supplies from the respondent, in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No. 747.--Federal Trade Commission v. The Standard Electric Manufacturing Co. Charge : That the respondent with the purpose and effect of lessening competition and creating a monopoly in the manufacture and sale of electrical appliances enters into tying contracts with dealers whereby they, in consideration of a 10 per cent rebate, agreed to refrain from dealing in the products of competitors of the respondent, and that the respondent refuses to sell its appliances to dealers who fail to maintain its standard resale prices, all in alleged violation of section

5 of the Federal Trade Commission act. Status: This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No. 750.--Federal Trade Commission v. Benjamin H. Cappe, trading under the name and style of Asbestos Roofing Co. Charge : Using unfair methods of competition by publishing false and deceptive statements as to the quality of respondent's "asbestos liquid roofing," which falsely represents his product as made of the same material as those which enter into a favorably known roof-coating preparation, the product of a prominent manufacturer of asbestos products, and by simulation of its trade name, with the effect of misleading and deceiving the purchasing public in violation of section 5 of the Federal Trade Commission act. Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No 751.--Federal Trade Commission v. Crystal Ice & Storage Co. Charge : That the respondent by acquiring control of the Mt. Hood Ice Cream Co. and Hazelwood Ice Cream Co. and the Norman Ice Cream Co. tends to suppress competition, restrain commerce, and create a monopoly in the manufacture and sale of ice cream in the Oregon and Washington territory served by said companies and the respondent, in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No. 752.--Federal Trade Commission v. Juvenile Shoe Co. (Inc.), Charge : Using unfair methods of competition by simulating the name, trade-mark, labels, tags, and stamping of the Juvenile Shoe Corporation, a previously incorporated manufacturer of children's shoes of superior quality selling for higher prices than the shoes sold by the respondent, with the effect of misleading and deceiving the purchasing public, in violation of section 5 of the Federal Trade Commission act. Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No. 753.--Federal Trade Commission v. De Soto Paint Manufacturing Co. Charge : Using unfair methods of competition in the manufacture and sale of paints, stains, varnishes, etc., by paying rebates or bonuses to certain purchasers of its "De Soto heavy body paints," and by giving certificates redeemable for cash to professional or contracting painters as a means of inducing them to further the sale of respondent's products to the exclusion of products of competitors of the respondent, in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No. 754.--Federal Trade Commission v. H. Skourap and D. E. Toplon, partners, styling themselves National Products Co. Charge : Using unfair methods of competition by means of combination sales and false statements concerning their groceries which mislead the public to believe that staple products are sold at prices below current retail prices, whereas the listing of other items included in the combination offer at prices greater than current retail prices results in a price for the whole substantially the same or greater than prices charged by retailers for like assortments as a whole, in alleged violation of section 5 of the Federal Trade Commission act. Status: This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No. 755.--Federal Trade Commission v. Clara L. Doll, doing business under the trade name of Burham Safety Razor Co. Charge : Using unfair methods of

competition by assembling, packing, and selling safety razors in individual boxes or containers, which are stamped, marked, or branded with fictitious, misleading, and excessive prices calculated to mislead and deceive the purchasing public as to the grade or quality of the said safety razors, in alleged violation of section 5 of the Federal Trade Commission act. Status: This pro-

ceeding is at issue upon the complaint of the Commission and the answer of the respondent

Complaint No. 756.--Federal Trade Commission v. Mucklestone Oil Co. and M. Mucklestone. Charge : Using unfair methods of competition in the sale of capital stock of the respondent company by the use of numerous false and misleading statements with respect to the location, ownership, productivity, and value of respondent's oil interests, with the effect of misleading and deceiving the purchasing public, in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No. 757.--Federal Trade Commission v. Burk-Rex Oil Co. and James A. Buie. Charge : Using unfair methods of competition in the sale of capital stock of the respondent company by the use of numerous false and misleading statements with respect to the purpose of the sale of such stock, salaries paid officers and directors, nonassessability of the stock, value and location of oil leases, and earning power, with the effect of misleading and deceiving the purchasing public, in alleged violation of section 5 of the Federal Trade Commission act Status : This proceeding is at issue upon the complaint of the Commission and answer of the respondent.

Complaint No. 758.--Federal Trade Commission v. Gerald D. Grosner, trading under the name and style of Grosner's. Charge : Using unfair methods of competition by advertising and selling at retail underwear composed but partly of wool as "Natural wool," "Natural Australian wool," and "Fine natural Australian worsted," with the effect of misleading and deceiving the purchasing public, in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No. 759.--Federal Trade Commission v. Union Pencil Co. (Inc.). Charge : Using unfair methods of competition in the sale of pencils with the purchaser's name imprinted thereon by falsely advertising that the pencils are "engraved in gold" when in fact gold leaf is not used, but a substance known as "autofoil," with the effect of misleading and deceiving the purchasing public, in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is at issue upon the complaint of the Commission and answer of the respondent.

Complaint No. 760.--Federal Trade Commission v. United States Steel Corporation, American Bridge Co., American Sheet & Tin Plate Co., Carnegie Steel Co., National Tube Co., American Steel & Wire Co., Illinois Steel Co., Minnesota Steel Co., Clairton Steel Co., Union Steel Co., The Lorain Steel Co., and the Tennessee Coal, Iron & Railroad Co. Charge : Using unfair methods of competition and discrimination in prices, in that the United States Steel Corporation and its subsidiaries in fixing the price of steel which is made and used in such centers as Chicago, Duluth, and Birmingham upon the price f. o. b. mill at Pittsburgh, plus the freight rates from Pittsburgh to such centers, operates as a discrimination in price in favor of Pittsburgh fabricators as against fabricators in Chicago, Duluth, and Birmingham districts, in violation of section 2 of the Clayton Act and section 5 of the Federal Trade Commission act. Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No. 761.--Federal Trade Commission v. The Prest-O-Lite Co. (Inc.). Charge : The respondent sells its acetylene gas in metal containers on which is etched

a notice to the effect that the device is sold and licensed for sale and use only while filled by the respondent and when sold for not less than

the fixed price, the cylinder being exchangeable in the Prest-O-Lite system only when filled and issued by the respondent. Unfair methods of competition and a tendency to create a monopoly in the sale of acetylene gas are charged, in that, as the respondent sells its metal cylinders containing acetylene gas and passes title to the purchasers thereof, said notices are false and misleading and tend to deceive the purchasing public; that the respondent refuses to refill cylinders not of its issue or which have been issued by it but refilled by competitors; that the respondent maintains for its products a fixed resale price and eliminates all competition as to price between dealers in its products by refusing to supply dealers who resell its products at less than the price indicated, all in alleged violation of section 5 of the Federal Trade Commission act and section 3 of the Clayton Act. Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No. 762.--Federal Trade Commission v. Dixie Manufacturing Co. (Inc.), (New York). Charge: Using unfair methods of competition in the purchase and resale of razors by printing on the containers in which its razors were sold fictitious and excessive prices calculated to deceive the purchasing public as to the grade or quality of said razors, and by falsely representing itself as having a large factory from which it sells direct to the consumer and by making other numerous false and misleading statements in advertising its razors, with the effect of misleading and deceiving the purchasing public, in alleged violation of section 5 of the Federal Trade Commission act. Status: This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No. 763.--Federal Trade Commission v. Hygrade Knitting Co. (Inc.). Charge : Using unfair methods of competition by simulating the incorporating name and the names, brands, and marks of the goods of the Hygrade Knitting Mills, a long-established New Jersey corporation, with the purpose and effect of deceiving and misleading the purchasing public into the belief that the goods of the respondent are those of Hygrade Knitting Mills, in alleged violation of section 5 of the Federal Trade Commission act. Status: Answer to the Commission's complaint in this proceeding has not yet been received.

Complaint No. 764.--Federal Trade Commission v. Paul Balme, trading under the name and style of B. Paul. Charge : Using unfair methods of competition in the manufacture and sale of a hair dye, designated as "Henna D'Oreal," which simulates the trade name and wrapping of a hair dye sold by F. L. Leben (Inc.), long and favorably known as "L'Oreal Henne," and by falsely advertising his product as a new French coloring providing the only harmless coloring in the world, with the effect of misleading and deceiving the purchasing public in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No. 765.--Federal Trade Commission v. National Furniture Co. Charge : Using unfair methods of competition in the sale of furniture and house furnishing goods at retail by falsely advertising "No extra charge for credit," whereas substantial discounts from quoted or marked prices are in fact given when goods are sold for cash, in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No. 766.--Federal Trade Commission v. Julius Lansburgh Furniture Co.

Charge: Using unfair methods of competition in the sale of furniture and house-furnishing goods at retail by falsely advertising "No extra charge"

for credit,” whereas substantial discounts from quoted or marked prices are in fact given when goods are sold for cash, in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No. 767.--Federal Trade Commission v. Wichita-Engle Oil Co., E. U. Engle, C. T. Engle, and W. S. Pratt. Charge : Using unfair methods of competition in the sale of the capital stock of the respondent company by the use of false and misleading statements respecting the location, owners, productivity, and value of respondent's oil interests, with the effect of misleading and deceiving the purchasing public, in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No 768.--Federal Trade Commission v. Keen & Collins (Inc.). Charge : Using unfair methods of competition by falsely advertising that it features gowns of the well and favorably known “Harry Collins” models, whereas the respondent has never had for sale any gowns of the Harry Collins model, with the effect of misleading and deceiving the purchasing public and injuring the business of the owner of the Harry Collins models, in alleged violation of section 5 of the Federal Trade Commission act. Status: Answer to the Commission's complaint in this proceeding has not yet been received.

Complaint No. 769.--Federal Trade Commission v. Beckwith-Chandler Co., C. W. Shocum, A. F. Adams, C. H. Bull, M. D. Campbell, A. N. Merrill, John F. Young. W. D. Ramsey, and Halsey Tolman. Charge : Using unfair methods of competition in the sale of varnish by giving cash commissions and gratuities to foremen finishers and other employees of automobile and carriage manufacturers and purchasers of varnish in large quantities without the knowledge or consent of their employers, to induce them to recommend the purchase of and giving preference to the respondent's varnish to the exclusion of the varnish of respondent's competitors, in alleged violation of section 5 of the Federal Trade Commission act. Status : This proceeding is at issue upon the complaint of the Commission and the answer of the respondent.

Complaint No. 770.--Federal Trade Commission v. Simons, Hatch & Whitten Co. Charge : Using unfair methods of competition in the wholesale distribution of hosiery by labeling and advertising hosiery made of animal or vegetable fiber product containing no silk as “Pure silk,” by labeling a cotton product as “Silk lisle,” and by labeling a cotton and wool product as “Cashmere” or “Wool,” with the effect of misleading and deceiving the purchasing public, in alleged violation of section 5 of the Federal Trade Commission act. Status : Answer to the Commission's complaint in This proceeding is not yet due.

Complaint No. 771.--Federal Trade Commission v. Louis Philippe (Inc.) and Park & Tilford. Charge : Using unfair methods of competition in the manufacture and sale of a face cream, known as “Creme angelus,” containing no lemon juice, by falsely labeling and advertising it as a French product made with and compounded from real lemons, with the effect of misleading and deceiving the purchasing public and hindering competitors from marketing similar toilet preparations which do contain the juice of lemons, in alleged violation of section 5 of the federal Trade Commission act. Status : Answer to the Commission's complaint in this proceeding is not yet due.

Complaint No. 772.--Federal Trade Commission v. Geneva Cutlery Corporation

Charge : Using unfair methods of competition in the manufacture and sale of razors by printing fictitious and excessive prices on the containers in which its razors are sold, with the effect of misleading and deceiving the purchasing public as to the quality of its product and assisting retailers in the use

of unfair methods of competition against respondent's competitors, who do not falsely price mark their product, in alleged violation of section 5 of the Federal Trade Commission act. Status: Answer to the Commission's complaint in this proceeding is not yet due.

Complaint No. 773.--Federal Trade Commission v. The J. R Torrey Razor Co. Charge : Using unfair methods of competition in the manufacture and sale of razors by printing fictitious and excessive prices on the containers in which its razors are sold, with the effect of misleading and deceiving the purchasing public as to the quality of its product and assisting retailers in the use of unfair methods of competition against respondent's competitors, who do not falsely price mark their product, in alleged violation of section 5 of the Federal Trade Commission act. Status : Answer to the Commission's complaint in this proceeding is not yet due.

Complaint No 774.--Federal Trade Commission v. Pinene Manufacturing Co. (Inc.). Charge: Using unfair methods of competition by falsely advertising its product "Pinene" as equal to turpentine and a chemically correct substitute therefor, whereas said product is in fact the petroleum distillate with a small proportion of turpentine, with the effect of misleading and deceiving the purchasing public and by further misleading the purchasing public by the use of the name "Pinene," the respondent's product containing little, if any, pinene, in alleged violation of section 5 of the Federal Trade Commission act. Status : Answer to the Commission's complaint in this proceeding is not yet due.

Complaint No. 775.--Federal Trade Commission v. Swift & Co., National Leather Co. Charge: That the respondent, Swift & Co., by reason of its acquisition of a controlling interest in England, Walton & Co. (Inc.) and its subsidiaries and the subsequent organization by Swift & Co. of respondent National Leather Co. and the transfer thereto of the Swift & Co. interest in England, Walton & Co. and in numerous other corporations engaged in tanning and the manufacture and sale of leather and by-products, the corporate stock of which had been acquired by Swift & Co., has been for the purpose and effect of substantially lessening competition and of creating a combination in restraint of trade in the manufacture and sale of leather, in alleged violation of section 5 of the Federal Trade Commission act and section 7 of the Clayton Act. Status : Answer to the Commission's complaint in this proceeding is not yet due.

Complaint No. 776.--Federal Trade Commission v. Armstrong Paint & Varnish Works, United States Roofing Paper and Paint Factories (Inc.), and Abe Hochman and Harry Goldfish, partners, doing business under the trade name of Army & Navy Stores. Charge : Using unfair methods of competition by offering for sale paints, varnishes, and roofing paper, labeled "U. S.," with a reproduction of a picture of Uncle Sam, with the purpose and effect of misleading the purchasing public into the belief that the goods were made for the Army or Navy or according to Government specifications, and by labeling its products in such manner as to indicate they were manufactured by the respondent United States Roofing Paper and Paint Factories (Inc.), and by the use of numerous false and misleading statements by the respondents, Hochman and Goldfish, as to the value and quality of the paints, varnishes, and roofing paper offered for sale, with the effect of misleading and deceiving the purchasing public, in alleged violation of section 5 of the Federal Trade Commission act. Status : Answer to the Commission's complaint in this proceeding is not yet due.

Complaint No 777.--Federal Trade Commission v. Phillips Brothers & Co. Charge : Using unfair methods of competition in the manufacture and sale of pork sausage by labeling its product so as to simulate in size, style of type,

typographical arrangement, and general appearance the labeling of a similar and favorably known product marketed since 1859 by the Jos. Phillips Co., with the effect of misleading and deceiving the purchasing public, in alleged violation of section 5 of the Federal Trade Commission act. Status Answer to the Commission's complaint in this proceeding is not yet due.

Complaint No 778.--Federal Trade Commission v. Tide Water Oil Co. and Tide Water Oil Sales Corporation. Charge : That the respondents by maintaining a system of rebates and discounts based and graduated on the separate purchases of their petroleum products by dealers during a definite period and on purchases of carload lots thereof, thereby causing the purchasers to confine their purchases to the respondents, has indulged in the practice which tends to substantially lessen competition and create a monopoly, in alleged violation of section 5 of Federal Trade Commission act and section 2 of the Clayton Act. Status : Answer to the Commission's complaint in this proceeding is not yet due.

Complaint No 779.--Federal Trade Commission v. J. H. Dodson and F. M. Davis, partners, styling themselves the National Manufacturing Co. Charge : Using unfair methods of competition in the purchase and resale of razors and cutlery specialties by making numerous false and misleading statements in their advertising matter as to the manufacture, quality, value, and price of the razors and the hone given as a premium therewith, with the effect of misleading and deceiving the purchasing public, in alleged violation of section 5 of the Federal Trade Commission act. Status : Answer to the Commission's complaint in this proceeding is not yet due.

Complaint No 780.--Federal Trade Commission v. Amory & Moore (Inc.). Charge : Using unfair methods of competition by offering and giving valuable gifts, cash commissions, and gratuities to captains, officers, and other employees of vessels without the consent of the owners thereof to induce them to purchase ship chandlery supplies from the respondent, in alleged violation of section 5 of the Federal Trade Commission act. Status : Answer to the Commission's complaint is not yet due.

Complaint No 781.--Federal Trade Commission v. The Salt Producers' Association, Michigan Salt Association, Michigan Salt Works, International Salt Co. of New York, Worcester Salt Co., The Colonial Salt Co., Morton Salt Co., Ohio Salt Co., Mulkey Salt Co., Inland Delray Salt Co., Diamond Crystal Salt Co., Stearns Salt & Lumber Co., The Buckley & Douglas Lumber Co., Cutler Magner Co., Union Salt Co., Carey Salt Co., Barton Salt Co., Anthony Salt Co., and D. B. Doremus. Charge : Using unfair methods of competition which have a tendency to substantially lessen competition by the respondent association fixing and maintaining their prices in substantial conformity with the prices quoted by the respondent, Morton Salt Co., the largest salt producer in the United States, and issued by said respondent to the members of respondent association; and by agreement allowing discounts to those customers only who are listed in the trade directory of wholesale dealers approved for said purpose by the respondent association, in alleged violation of section 5 of the Federal Trade Commission act and section 2 of the Clayton Act. Status : Answer to the Commission's complaint in this proceeding is not yet due.

Complaint No 782.--Federal Trade Commission v. D. J. Carpenter, trading under the name and style of U.S. Salvage Co. Charge: Using unfair methods of competition by publishing false and misleading statements as to the value and quality of his goods and his source of supply and by the use of a trade name indicating salvage operations and

business relations with the Government, when in fact the respondent does not conduct a salvage business and has no contract

with the United States, but is engaged in the main in selling goods which were never owned by the United States or manufactured for it, with the effect of misleading and deceiving the purchasing public, in alleged violation of section 5 of the Federal Trade Commission act. Status : Answer to the Commission's complaint this proceeding is not yet due.

Complaint No 783--Federal Trade Commission v. A Lisner, trading under the name and style of Palais Royal. Charge : Using unfair methods of competition by advertising and offering for sale certain toilet articles made of imitate cellulose or some other compound as "white ivory," with the effect of misleading and deceiving the purchasing public, in alleged violation of section 5 of the Federal Trade Commission act. Status : Answer to the Commission's complaint inn this proceeding is not yet due.

Complaint No 784--Federal Trade Commission v. M. G. Gibbs, trading under the name me and style of People's Drug Stores. Charge : Using unfair methods of competition by advertising and offering for sale toilet articles made of nitrate cellulose or some other compound as "pyralin ivory," with the effect of misleading and deceiving the purchasing public, in alleged violation of section 5 of the Federal Trade Commission Act. Status : Answer to the Commission's complaint in this proceeding is not yet due.

Complaint No. 785--Federal Trade Commission v. J. H. Crites, John G. Dee, W. J. Ross, M. W. McQuaid, and M. L. Chandler. Charge : Using unfair methods (of competition in the sale of the share stock of the O-Tex Production Co. by the use of numerous false and misleading statements as to the said company's drilling operations and the productivity of its properties, to tho effect of misleading and deceiving the purchasing public, in alleged violation of section 5 of the Federal Trade Commission act. Status : Answer to the Commission's complaint in this proceeding is not yet due.

Complaint No 786--Federal Trade Commission v. Kelly Dry Dock & Shipbuilding Co. (Inc.). Charge : Using unfair methods of competition by offering and giving to officers and other employees of vessels, without the knowledge and consent of their employers, cash commissions and gratuities as an inducement to have their vessels repaired and the repair parts furnished by the respondent, in alleged violation of section 5 of the Federal Trade Commission act. Status : Answer to the Commission's complaint in this proceeding is not yet due.

Complaint No. 787--Federal Trade Commission v. Baeder, Adamson & Co. Charge : Using unfair methods of competition in the manufacture and sale of glue, sandpaper, etc., by offering and giving cash commissions and gratuities to superintendents and other employees of cabinet manufacturing establishments, etc., without the knowledge or consent of their employers, as an inducement to favor and recommend the purchase of respondent's products in preference to those of its competitors, in alleged violation of section 5 of the Federal Trade Commission act. Status : Answer to the Commission's complaint in this proceeding is not yet due.

Complaint No. 788--Federal Trade Commission v. Diamond Holfast Rubber Co. Charge : Using unfair methods of competition in that respondent by changing its corporate name from Diamond Holfast Patch Co. to Diamond Holfast Rubber Co., and thereby simulating the corporate name of the Diamond Rubber Co., a well-known subsidiary of the B. F. Goodrich Co., and by marking its products within labels which feature the word "Diamond" and closely resemble the labels used by the Diamond

Rubber Co., aims to mislead the purchasing public to believe the products of the respondent are the products of the Diamond Rubber Co., in alleged violation of section 5 of the Federal Trade Commission act. Status : Answer to the Commission's complaint in this proceeding is not yet due.

PROCEEDINGS DISPOSED OF.

Complaint No. 126 (May 7, 1918).--Federal Trade Commission v. Ironite Co., Master Builders' Co., and United Products Co. Charge : Stifling and suppressing competition in connection with the manufacture and sale of cement and concrete hardener containing crushed iron particles by entering into an agreement by which a consent decree was obtained with the intent and purpose of securing a patent monopoly by threatening suit for alleged infringement against those who refuse to enter into license agreements, by misleading statements as to the extent and effect of the consent decree, by concealing the true agreement by which the suit was settled, by misleading statements as to the scope of their patents, by false and disparaging statements regarding competitors, and by resale price fixing, in alleged violation of section 5 of the Federal Trade Commission act. Disposition : After hearing this proceeding was dismissed, it appearing to the Commission that the decree in Equity 16-373 made and entered in the United States District Court for the Southern District of New York, March 20, 1920, is full and ample, affording all relief which would be afforded by an order to cease and desist in this proceeding.

Complaint No. 135 (May 13, 1918).--Federal Trade Commission v. Standard Oil Co. of Louisiana. Charge: Unfair methods of competition in the sale of petroleum and in the sale of automatic measuring pumps, tanks, etc., the product of the Gilbert & Barker Manufacturing Co. (post, complaint int No. 130), by falsely representing the products of certain of its competitors to be unsatisfactory, defective, and that such would not operate and was being sold at exorbitant prices; by inducing competitors' customers to cancel orders; selling and lending pumps, etc., without adequate consideration; threatening to sell oil direct by retail unless dealers used the Gilbert & Barker product ; and by holding itself out to be the agent of its competitors, as well as of the Gilbert & Barker Manufacturing Co., quoting exorbitant prices, in alleged violation of section 5 of the Federal Trade Commission act; price discrimination, the effect of which may be to substantially lessen competition or tend to create a monopoly in alleged violation of section 2 of the Clayton Act. Disposition : After hearing this proceeding was dismissed without prejudice.

Complaint No. 159 (June 10, 1918).--Federal Trade Commission v. The United Rendering Co., M. L. Shoemaker & Co. (Inc.), The Berg Co., The D. B. Martin Co., Consolidated Dressed Beef Co., Baugh & Sons Co., Winfield S. Allen, Nathan Berg, F. W. English, Christopher Offenhauser. Charge : Stifling and suppressing competition in the business of refining animal fats and the manufacture and sale of products therefrom, by engaging in a combination or conspiracy to purchase and offer to purchase raw materials in certain local areas at prices unwarranted by trade conditions and prohibitive to small competitors, thus punishing the latter for refusing to enter into a working arrangement to eliminate competitive bidding, and by interfering with competitors' business by causing their trucks to be followed for the purpose of spying on competitors' business and customers, in alleged violation of section 5 of the Federal Trade Commission act. Disposition : After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 224 (Dec. 2, 1918).--Federal Trade Commission v. National Bridge Co.. Daniel B. Lutten, and Frank H. Drury. Charge : Using unfair methods of competition, consisting of threats of patent infringement and demands for royalty

made to municipalities, bridge builders, and contractors; procuring consent decrees for patent infringements in favor of respondent and publishing them without showing that they were entered by consent; publishing and

circulating among bridge contractors and builders false and misleading advertisements to the effect that such consent decrees were entered after full trials upon the merits, in alleged violation of section 5 of the Federal Trade Commission act. Disposition : After hearing this proceeding was dismissed, relief having been granted in the courts.

Complaint No. 248 (Feb. 6, 1919).--Federal Trade Commission v. Aluminum Co. of America. Charge: Acquiring and owning a large part of the stock and share capital of the Aluminum Rolling Mill Co., the effect of such acquisition being to substantially lessen competition between the respondent and the Aluminum Rolling Mill Co., and tend to create a monopoly, in alleged violation of section 7 of the Clayton act. Disposition: After hearing an order was entered requiring respondent to divest itself of the stock acquired in violation of section 7 of the Clayton Act.

Complaint No. 251 (Feb. 6, 1919).--Federal Trade Commission v. American Sheet & Tin Plate Co. Charge: Discriminating in price between different purchasers of the products manufactured and sold by respondent, the effect of which may be to substantially lessen competition or tend to create a monopoly, in alleged violation of section 2 of the Clayton Act. Disposition : After hearing an order was entered dismissing this proceeding without prejudice.

Complaint No. 268 (Apr. 8, 1919).--Federal Trade Commission v. The Aeolian Co. Charge : Stifling and suppressing competition in the sale of pipe organs, perforated music rolls, musical instruments of the phonograph type, and parts and accessories thereto, and phonograph records, by fixing and maintaining resale prices, requiring dealers to maintain such resale prices, refusing to sell to those who will not retain such resale prices, maintaining a system of requiring dealers who deal in other types of phonograph instruments, records, or talking machines to advertise, promote, and sell respondent's products as the best and unqualified leaders of any and all goods of the phonograph type, and refusing to sell and prohibit dealers who sell Aeolian instruments, parts, and accessories from selling the perforated music rolls therefor to anyone other than the purchaser of an Aeolian pipe organ, in alleged violation of section 5 of the Federal Trade Commission act. Disposition : After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act except as to the charge of refusing to permit dealers to sell its pipe-organ music rolls except to purchasers of its pipe organs, which charge was dismissed without prejudice.

Complaint No. 277 (May 27, 1919).--Federal Trade Commission v. Boston Piano & Music Co. Charge : Using unfair methods of competition in connection with the sale of talking machines by purchasing talking machines under the brand name of "Masterphone" selling such machines by the use of a sales plan consisting of false representations and fraudulent schemes and practices, such as providing the salesmen with what purports to be order blanks, which are in reality, when signed, binding contracts of purchase; extravagant statements regarding the quality and nature of the machine and records, the facility with which they may be disposed of, the representation that machines are sent on approval, and that respondent operates its own factory; that under respondent's plan a dealer can lose no money; that respondent will conduct an advertising campaign for the benefit of such dealers; and that the salesmen will return and lend their personal aid in a selling campaign, in alleged violation of section 5 of the Federal Trade Commission act. Disposition : After hearing this

proceeding was dismissed without prejudice.

Complaint No. 305 (July 18, 1919).-Federal Trade Commission v. Thomas K. Brushart, doing business under the trade name of Motor Fuel & Lubricating Co
Charge: Using unfair methods of competition in the business of purchasing

and selling refined oil and gasoline and the leasing and loaning of oil pumps, storage tanks, or containers and their equipments by selling, leasing, or loaning oil pumps, storage tanks, or containers, etc., at prices which do not represent a reasonable return on the investment, many such sales, leases, or loans being made at prices below the cost of producing and vending the same, and many of the contracts for the lease or loan of such devices, etc., providing, or being entered into, with the understanding that the lessee or borrower shall not place in such devices or use in connection therewith any refined oil or gasoline of a competitor in alleged violation of section 5 of the Federal Trade Commission act; and leasing and making contracts for the lease of its devices, etc., on the condition, agreement, or understanding that the lessees thereof shall not use or purchase or deal in the products of a competitor or competitors of respondent in alleged violation of section 3 of the Clayton Act. Disposition : After hearing an order was entered requiring respondent to cease and desist from using this practice, under section 5 of the Federal Trade Commission act and section 3 of the Clayton Act. (NOTE -- Commission's order was reversed by the United States Circuit Court of Appeals, Sixth Circuit, June 29, 1921.)

Complaint No.307 (July 18, 1919) -Federal Trade Commission v. St. Louis Lightning Rod Co., Monarch Lightning Rod Co., and Franklin Lightning Rod Co. Charge : Using unfair methods of competition by respondents, who are engaged in the manufacture and sale of lightning rods, fixtures, and ornaments generally, by concealment of the true ownership of respondent companies; use of trade names employed by competitors, spying upon competitors' businesses, misbranding of products, disparagement of competitors, and the payment of large sums of money to employees of its competitors for confidential information, In alleged violation of section 5 of the Federal Trade Commission act. Disposition : After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No.310 (July 18, 1919).--Federal Trade Commission v. Oklahoma Producing & Refining Corporation of America. Charge: (Ante, complaint No. 305). Disposition : After hearing this proceeding was dismissed without prejudice.

Complaint No.315 (July 18, 1919).--Federal Trade Commission v. Kentucky Independent Oil Co. Charge: (Ante, complaint No.305). Disposition : After hearing this proceeding was dismissed.

Complaint No.319 (July 18, 1919).--Federal Trade Commission v. Hickok Producing Co. Charge : (Ante, complaint No.305). Disposition : After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No.322 (July 18, 1919).--Federal Trade Commission v. The Carbonless Oil Co. Charge : (Ante, complaint No.305). Disposition : After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 325. (July 18, 1919).--Federal Trade Commission v. The American Oil & Supply Co. Charge : (Ante, complaint No.305). Disposition : After hearing this proceeding was dismissed.

Complaint No. 328 (July 18, 1919).--Federal Trade Commission v. The Springfield Oil Products Co. (Inc.). Charge: (Ante, complaint No.305). Disposition : After hearing

this proceeding was dismissed.

Complaint No. 329 (July 18, 1919).--Federal Trade Commission v. The Lubric Oil Co. Charge: (Ante, complaint No. 305). Disposition: After hear-

ing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 332 (July 18, 1919).--Federal Trade Commission v. The Lubric Oil Co. Charge: (Ante, complaint No.805).

Complaint No. 341 (Sept. 2, 1919).--Federal Trade Commission v. W. A. Case & Son Manufacturing Co. (Inc.). Charge : Use of unfair methods of competition in the manufacture and sale of water-closet tanks by advertising such water-closet tanks at " Vitro," and advertising, holding out, and selling such product as being composed of vitreous material, whereas in fact it is a compound of asbestos fiber, rosin, and lime, in alleged violation of section 5 of the Federal Trade Commission act. Disposition : After hearing this proceeding was dismissed for failure of proof.

Complaint No.343 (Sept. 2, 1919).--Federal Trade Commission v. Guarantee Veterinary Co. and George L. Owens. Charge Unfair methods of competition in the distribution of advertising matter containing false and misleading statements as to the medicinal ingredients contained in the "Sal-Tonik" blocks sold by respondents; that the respondents operate a number of factories in various parts of the United States, the total produce of one of which are purchased and indorsed by the Quartermaster Department of the United States Army; and that the respondents own and operate certain large and extensive machinery necessary for the manufacture of said product, in alleged violation of section 5 of the Federal Trade Commission act. Disposition : After bearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No.344 (Sept. 2, 1919).--Federal Trade Commission v. The Oakes Co. Charge : Using unfair methods of competition in the sale of automobile fans (pressed steel) by employing a private detective agency to spy upon the business of one of its competitors; attempting to induce a certain manufacturer to refrain from selling its products to the competitor of respondent by statements that a salesman of said manufacturer was selling supplies to the competitor at too low a price and by intimating that there was collusion between the salesman of said competitor; by threatening that if the manufacturer continued to sell respondent's competitor at such prices, respondent would engage in the same line of business as the manufacturer; making false and misleading statements as to the cost of manufactured of the roller-bearing type fan manufactured by a competitor of respondent, causing the purchasing public to believe that its competitors who manufacture the roller-bearing type of fan are selling same at more than a fair price; and offering to sell and selling the roller-bearing fans at less than cost, in alleged violation of section 5 of the Federal Trade Commission act. Disposition : After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 347 (Sept. 2, 1919).--Federal Trade Commission v. Ward & Mackey Biscuit Co. Charge: Unfair methods of competition in the sale of stock and securities by circulating false statements concerning the identity of persons promoting the corporation, its assets, financial standing and prospects, facilities and equipment in connection with the sale of its stock; and assuming its corporate name because of its similarity to "Ward-Makey Co.," a corporation previously engaged in the same line of business, widely advertised, and successfully operated in the same city, in alleged

violation of section 5 of the Federal Trade Commission act. Disposition : After hearing this proceeding was dismissed without prejudice.

Complaint No. 350 (Sept. 2, 1919).--Federal Trade Commission v. H. Norwood Ewing, doing business under the firm name and style of Liberty Paper Co. Charge : Using unfair methods of competition in the sale of paper products by respondent selling its paper products in commerce under the firm name and style of Liberty Paper Co., the name of a company long established and well known and engaged in the manufacture and sale in like territory of various paper products, with the effect of causing embarrassment and confusion, and of securing to the respondent the benefit of the advertising of the original corporation of the same name; and falsely representing to the public and the paper-buying trade that respondent is a manufacturer of paper, when in fact he is not a manufacturer of paper, but a purchaser of paper in bulk, which is converted into the finished product, thereby gaining an advantage over other jobbers who are not and do not hold themselves out to be manufacturers of paper, in alleged violation of section 5 of the Federal Trade Commission act. Disposition : After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 352 (Sept. 2, 1919).--Federal Trade Commission v. L. I. Wolper and H. B. Wolper, copartners, trading under the name and style of Errant-Knight Co., Lewis Grocery Co., and Ira Lester Co. Charge : Use of unfair methods of competition in the sale of groceries by circulating false statements regarding respondent's business and its ability to sell goods at prices lower than other dealers; and selling certain staple commodities, such as sugar and flour, at a loss, and charging prices on other products sold in combination so that the assortment as a whole yields respondent a satisfactory profit, in alleged violation of section 5 of the Federal Trade Commission act. Disposition : After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 356 (Sept. 2, 1919).--Federal Trade Commission v. Remington Typewriter Co. Charge: Using unfair methods of competition by giving to purchasers of its products at the end of each calendar year, or at the end of a definite period, certain rebates or discounts based or estimated upon the aggregate of the purchases made by such dealers during the calendar year or fixed period, with the object of causing such purchasers to confine their purchases to respondent's products, and to hinder its competitors from making sales to such purchasers except at a loss; and giving rebates or discounts based on the number of machines used by a purchaser irrespective of make or manufacture, thereby giving an undue advantage to the large purchaser and hindering the small user or purchaser of such machines from obtaining the same discounts and rebates as a large purchaser, in alleged violation of section 5 of the Federal Trade Commission act; and by adopting and maintaining the practice of giving rebates or discounts to purchasers on condition that they purchase all or a large percentage of their typewriters, parts and supplies therefor, from the respondent; and by entering upon contracts upon the express condition that purchasers named therein would purchase all or a large percentage of their typewriting, calculating, or adding machines from respondent, with the effect of preventing competitors of respondent from selling their products to aforesaid purchasers, with the further effect of substantially lessening competition and tending to create a monopoly, in alleged

violation of section 3 of the Clayton Act. Disposition : After hearing this proceeding was dismissed.

Complaint No.357 (Sept. 2, 1919).--Federal Trade Commission v. Royal Type-writer Co. Charge : (Ante, complaint No. 356). Disposition : After hearing this proceeding was dismissed.

Complaint No. 358 (Sept. 2, 1919).--Federal Trade Commission v. L. C. Smith & Bros. Typewriter Co. Charge : Unfair methods of competition by giving to purchasers of its products at the end of each calendar year, or at the end of a definite period, certain rebates or discounts based or estimated upon the aggregate of the purchases made by such dealers during the calendar year or fixed period, with the object of causing such purchasers to confine their purchases to respondent's products and to hinder its competitors from making sales to such purchasers except at a loss; and giving rebates or discounts based on the number of machines used by a purchaser irrespective of make or manufacture, thereby giving an undue advantage to the large purchaser and hindering the small user or purchaser of such machines from obtaining the same discounts and rebates as a large purchaser, in alleged violation of section 5 of the Federal Trade Commission act. Status: This proceeding is at issue upon the complaint of the Commission and answer of the respondent and is in course of trial. Disposition : After hearing this proceeding was dismissed.

Complaint No. 359 (Sept. 2, 1919).--Federal Trade Commission v. Underwood Typewriter Co. Charge: (Ante, complaint No.358). Disposition: After hearing this proceeding was dismissed.

Complaint No. 360 (Sept. 2, 1919).--Federal Trade Commission v. Woodstock Typewriter Co. Charge : (Ante, complaint No.358). Disposition : After hearing this proceeding was dismissed.

Complaint No. 368 (Sept. 2, 1919).--Federal Trade Commission v. Corona Typewriter Co. (Inc.). Charge: (Ante, complaint No.358). Disposition: After hearing this proceeding was dismissed.

Complaint No. 368 (Sept. 2, 1919).--Federal Trade Commission v. The Noiseless Typewriter Co. Charge: (Ante, complaint No.358). Disposition: After hearing, this proceeding was dismissed.

Complaint No. 374 (Sept. 2, 1919).--Federal Trade Commission v. Lasker & Bernstein. Charges : Using unfair methods of competition by deceptively in creasing and falsifying the weight of sponges by loading them with foreign material and selling such loaded sponges by weight, thereby creating a fictitious price for said sponges, defrauding and misleading customers, and causing prejudice and injury to competitors, in alleged violation of section 5 of the Federal Trade Commission act. Disposition : After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 375 (Sept. 2, 1919).--Federal Trade Commission v. Joseph Bloch (Inc.). Charge: (Ante, complaint No.374). Disposition : After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 376 (Sept. 2, 1919).--Federal Trade Commission v. Max Fuchs Co. Charge : (Ante, complaint No. 374). Disposition: This proceeding was dismissed, the respondent corporation having been dissolved.

Complaint No. 377 (Sept. 2, 1919).--Federal Trade Commission v. American Sponge & Chamois Co. Charge : (Ante, complaint No. 374). Disposition : After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 378 (Sept. 2, 1919).--Federal Trade Commission v. Meyer Bros. Drug Co. Charge : (Ante, complaint No.374). Disposition : After hearing this proceeding was dismissed.

Complaint No. 379 (Sept. 2, 1919).--Federal Trade Commission v. H. L. Eitman
Sponge Co. Charge: (Ante, complaint No. 374). Disposition : After hearing an order
was entered requiring respondent to cease and desist from using the practice
complained of under section 5 of the Federal Trade Commission act.

Complaint No. 380 (Sept. 2, 1919).--Federal Trade Commission v. Greek American Sponge Co. Charge: (Ante, complaint No. 374). Disposition: After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 381 (Sept. 2, 1919).--Federal Trade Commission v. Van Schaack & Sons. Charge: (Ante, complaint No. 374). Disposition: After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 382 (Sept. 2, 1919).--Federal Trade Commission v. The Jos. Niehaus Co. Charge : (Ante, complaint No.374). Disposition : After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 383 (Sept. 2, 1919).--Federal Trade Commission v. National Sponge & Chamois Co. Charge: (Ante, complaint No. 374). Disposition : After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 384 (Sept. 2, 1919).--Federal Trade Commission v. Atlantic Sponge Co. Charge : (Ante, complaint No. 374). Disposition : After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 385 (Sept. 2, 1919).--Federal Trade Commission v. A. Isaacs & Co. Charge: (Ante, complaint No. 374). Disposition: After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 386 (Sept. 2, 1919).--Federal Trade Commission v. Albert Bloch & Sons. Charge: (Ante, complaint No. 374). Disposition : After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 387 (Sept. 2, 1919).--Federal Trade Commission v. Freirich & Mansell. Charge: (Ante, complaint No. 374). Disposition: After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 388 (Sept. 2, 1919).--Federal Trade Commission vs Louis Clonney & Co. Charge : (Ante, complaint No. 374). Disposition : This proceeding was dismissed, the respondents having sold the business.

Complaint No. 389 (Sept. 2, 1919).--Federal Trade Commission v. Schroeder & Tremayne. Charge : (Ante, complaint No. 374). Disposition : After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 390 (Sept. 2, 1919).--Federal Trade Commission v. S. Perlman & Co. Charge: (Ante, complaint) No. 374). Disposition : After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 391 (Sept. 2, 1919).--Federal Trade Commission v. F. L. Lampel. Charge : (Ante, complaint No.374). Disposition : After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under

section 5 of the Federal Trade Commission act.

Complaint No. 392 (Sept. 2, 1919).--Federal Trade Commission v. Emil Bloch.
Charge : (Ante, complaint No. 374). Disposition : After hearing an

order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 393 (Sept. 2, 1919).--Federal Trade Commission v. Florida Sponge & Chamois Co. Charge: (Ante, complaint No.374). Disposition : After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 391 (Sept. 2, 1919).--Federal Trade Commission v. Levy Bros. Charge : (Ante, complaint No.374). Disposition : After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 396 (Sept. 2, 1919).--Federal Trade Commission v. John K. Chayney. Charge: (Ante, complaint No.374). Disposition: After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 397 (Sept. 2, 1919).--Federal Trade Commission v. George M. Emmanuel & Co. Charge: (Ante, complaint No. 374). Disposition : After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 398 (Sept. 2, 1919).--Federal Trade Commission v. R B. Blaum. Charge : (Ante, complaint No.374). Disposition: After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 401 (Sept.12, 1919).--Federal Trade Commission v. Commonwealth Co. Charge : Using unfair methods of competition in the sale of groceries, by advertising to sell groceries in combination orders at a fixed aggregate price, well known and staple articles being sold at less than cost, while less familiar articles are sold at increased prices sufficient to give respondent a satisfactory profit on the aggregate sales, with the effect of deceiving and misleading the public, in alleged violation of section 5 of the Federal Trade Commission act. Disposition : After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 458 (Nov. 25, 1919).--Federal Trade Commission v. D. A. Winslow, J. Jones, and D. H. Robishaw, a copartnership, doing business under the name and style of D. A. Winslow & Co. Charge : Using unfair methods of competition by giving and offering to give to employees of both its customers and prospective customers, and its competitors' customers and prospective customers, gratuities of different kinds, including large sums of money, as an inducement to influence their employers to purchase or contract to purchase from respondent, or to influence such employers to refrain from dealing or contracting to deal with competitors of respondent, in alleged violation of section 5 of the Federal Trade Commission act. Disposition : After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 460 (Oct.28, 1919).--Federal Trade Commission v. Raymond Bros. Clark Co. Charge : Using unfair methods of competition by taking possession of products intended for delivery to one of its competitors and declining to allow delivery of the same to the competitor unless the shipper of said products paid to the respondent the sum of \$100 as and for a jobber's profit upon the sale of said goods; attempting to coerce and compel T. A. Snider Preserve Co. to refuse to recognize one of its competitors as a jobber and to refuse to sell to it by representing that said competitor

was not a legitimate jobber but was engaged in the retail grocery business, and by

threatening to withdraw its patronage if said company sold to or recognized said competitor as a jobber and refused to pay the \$100 aforementioned; that the purpose and effect of the aforesaid acts is to cut off supplies of respondent's competitors, to suppress competition, and to interfere with the right to said competitor to obtain supplies, in alleged violation of section 5 of the Federal Trade Commission act. Disposition : After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 462 (Nov.25, 1919).--Federal Trade Commission v. Sunbeam Chemical Co. (Inc.). Charge: Using unfair methods of competition by falsely advertising that it has obtained injunctions against competitors, restraining them from manufacturing dye soaps; threatening suits against any person dealing in or advertising the products of competitors, with the effect of intimidating customers and prospective customers of competitors and inducing them to refuse to deal in such products of competitors and causing publications to refuse to accept advertising from said competitors and canceling contracts already entered into for such publication; by purchasing from dealers such stocks of competitors as said dealers had on hand, thereby removing such products from the market and to obtain for respondent the exclusive trade of dealers handling dyestuffs; and by making derogatory and false statements regarding the quality and usefulness of the soap so sold by competitors, all in alleged violation of section 5 of the Federal Trade Commission act. Disposition: After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 492 (Nov. 25, 1919).--Federal Trade Commission v. The Great Republic Tire & Rubber Manufacturing Co. Charge: Using unfair methods of competition in the sale of automobile tires and inner tubes by adopting and using as its corporate title "The Great Republic Tire & Rubber Manufacturing Company," and by using as a brand name on automobile tires and inner tubes sold by it the words "Great Republic," which corporate title and brand name so closely resemble the brand name of "Republic" and the corporate title "The Republic Rubber Company," of a competitor which has widely and extensively advertised its automobile and inner tubes and created a valuable good will thereby, as to deceive and mislead the purchasing public and cause them to believe that the respondent and the Republic Rubber Co. are one and the same, and by holding itself out to the purchasing public that it is a manufacturer of automobile tires and inner tubes, when in fact it is not, thereby inducing the public to give to the respondent such preference as might be given by them to manufacturers over dealers in the purchase of the products of the respondent or in investing in its corporate stock, in alleged violation of section 5 of the Federal Trade Commission act. Disposition : After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 494 (Nov. 25, 1919).--Federal Trade Commission v. Super-Tread Tire Co. Charge : Using unfair methods of competition in the sale of automobile tires by advertising as new, old and discarded automobile tires repaired and coated with rubber coating, with the effect of deceiving and misleading the public. Disposition : After hearing this proceeding was dismissed for failure of proof.

Complaint No. 501 (Nov. 25, 1919).--Federal Trade Commission v. Wholesale Grocers' Association of El Paso, Tex.; The F. S. Ainsa Grocery (Inc.); M.

Ainsa & Sons (Inc.) ; American Grocery Co. (Inc.) ; Bray & Co. (Inc.) ; The James A. Dick Co.; Tie 11 Lesinsky Co.; Trueba-Zozaya-Seggerman (Inc.) ; Western Grocery Co. (Inc.); Dan T White and John H. Grant, doing business under the name of White-Grant Co.; J. W. Lorentzen & Co.; W. H. Constable Co. (Inc.); H. W. Taylor and H. C. Smith, doing business under the name of Taylor & Smith; John H. McMahon, doing business under the name of John McMahon & Co.; W. T Bush; and The George H. Griggs Co. Charge: Using unfair methods of competition by combining and conspiring to prevent the Standard Grocery Co. from obtaining commodities dealt in by it from manufacturers and manufacturers' agents and other usual sources of supply; hampering and obstructing and attempting to hamper and obstruct the said Standard Grocery Co. by inducing and compelling and attempting to induce and compel manufacturers of grocery products and their agents to refuse to sell to said Standard Grocery Co. upon the terms, conditions, and at the prices usually accorded to dealers who buy and sell in wholesale quantities, and to compel said Standard Grocery Co. to pay for the commodities purchased by it prices higher than those charged to other dealers who buy and sell in wholesale quantities, with the effect of stifling and suppressing competition in the sale of grocery products at wholesale, in alleged violation of section 5 of the Federal Trade Commission act. Disposition: After hearing an order was entered requiring respondent to cease and desist from the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 505 (Dec. 24, 1919).--Federal Trade Commission v. The C. D. Kenny Co. Charge : Using unfair methods of competition in the sale of sugar by adopting the policy of refusing to sell sugar unless a customer will at the same the purchase from respondent the same number of pounds of coffee, thereby coercing a customer into purchasing a quantity of coffee in excess of his needs or demands, and coercing, during the recent shortage in sugar, customers into purchasing an inferior grade of coffee, at prices above the fair market value of same, in order that such customers might purchase sugar from respondent to satisfy their needs and requirements, in alleged violation of section 5 of the Federal Trade Commission act. Disposition : After hearing this proceeding was dismissed.

Complaint No. 506 (Dec. 30, 1919).-- Federal Trade Commission v. Sparrows Point Store Co. Charge : Using unfair methods of competition by giving and offering to give to employees of both its customers and prospective customers gratuities of different kinds, including large sums of money, as an inducement to influence their employers to purchase or contract to purchase from the respondent, or to influence such employers to refrain from dealing or contracting to deal with competitors of respondent, in alleged violation of section 5 of the Federal Trade Commission act. Disposition : After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 513 (Dec. 30, 1919).--Federal Trade Commission v. The Champion Blower & Forge Co. Charge : Using unfair methods of competition by threatening in bad faith, with the intent, purpose, and effect of intimidating customers of competitors, to institute suits against customers of its competitors for alleged infringements of patents of respondent, and advertising its products as covered by letters patent of the United States owned and controlled by the respondent, when in truth and fact said

patents have long since expired and have no legal force or effect, in alleged violation of section 5 of the Federal Trade Commission act. Disposition : After hearing this proceeding was dismissed.

Complaint No. 523 (Dec. 30, 1919).--Federal Trade Commission v. Louis Wolper, Jacob Wolper, and Albert Wolper), partners, styling themselves Alben-Earley. Charge : (Ante, complaint No. 401). Disposition: After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 530 (Dec. 30, 1919).--Federal Trade Commission v. Vacuum Cleaner Specialty Co. (Inc.), Imperial Vacuum Cleaner Co., F. R Muenzen, W. H. Kappelle, J. P. McGrath, A. J. Muenzen, J. M. Leddy, and J. G. Waschen. Charge : Using unfair methods of competition by the respondent Vacuum Cleaner Specialty Co. holding itself out by advertising and otherwise that it is a vacuum-cleaner specialist and an impartial adviser, when, as a matter of fact, it is the agent of the respondent Imperial Vacuum Cleaner Co. and invariably recommends the "Imperial" cleaner, the product of the respondent Imperial Vacuum Cleaner Co.; by disparaging of competitors' devices; and by tampering with and failing to properly adjust such competitive cleaners as they demonstrate, while properly adjusting those in which it has an interest, thus giving prospective customers the impression that such competitive cleaners are less efficient than they are in fact and facilitating the sale of the cleaners in which respondent is especially interested, in alleged violation of section 5 of the Federal Trade Commission act. Disposition: After hearing this proceeding was dismissed as to all except the Vacuum Cleaner Specialty Co., and as to that company an order was entered requiring it to cease and desist from using the practice contained under section 5 of the Federal Trade Commission act.

Complaint No. 533 (Jan. 7, 1920).--Federal Trade Commission v. American Mutual Seed Co. Charge : Using unfair methods of competition by making use of catalogs and other advertising matter to carry certain false and misleading statements concerning the grade and quality of the seeds sold by respondent, in alleged violation of section 5 of the Federal Trade Commission act. Disposition : After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 536 (Jan. 7, 1920).--Federal Trade Commission v. The Taiyo Trading Co. (Inc.). Charge: Using unfair methods of competition by selling matches manufactured in Japan in containers or boxes similar in size and style and material to those containing matches manufactured in Sweden and with Swedish inscriptions, which have become well known to the trade and purchasing public to be of a certain quality and to be manufactured in Sweden; with the effect of deceiving the trade and general public into the belief that the matches contained in the boxes or containers, so inscribed, are in fact manufactured in Sweden, whereas they are manufactured in Japan, in alleged violation of section 5 of the Federal Trade Commission act. Disposition : After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 537 (Jan. 7, 1920).--Federal Trade Commission v. Shibakawa & Co. (Inc.). Charge : Using unfair methods of competition by labeling safety matches, one of its products, in Swedish, which matches are made in Japan, and upon the boxes containing such matches in some inconspicuous type is the statement "Made in Nippon," but the name of the brand printed in Swedish is an exact duplication of the

name of a brand of matches made in Sweden and imported into the United States and resold by a competitor of respondent, with the effect of confusing the trade and enabling respondent to compete unfairly for the trade of its competitors, and misleading the purchasing public

into the belief that the matches sold by respondent were in fact made in Sweden, in alleged violation of section 5 of the Federal Trade Commission act. Disposition : After hearing this proceeding was dismissed for want of sufficient proof.

Complaint No. 539 (Feb. 4, 1920).--Federal Trade Commission v. Royal Baking Powder Co. Charge : Using unfair methods of competition by misbranding and falsely advertising its product as containing substantially the same ingredients as the product of its predecessor, Price Baking Powder Co., which predecessor's product had a large trade and valuable good will for 60 years and had a standard retail price of 40 to 50 cents per can of 12 ounces and other sizes in like proportions, and that the prices advertised by respondent, although about half the former prices of its said predecessor's product, were still much in excess of the current and reasonable prices of baking powders such as respondent was in fact selling, thus injuring and restraining the business of its competitors and deceiving and misleading purchasers and consumers, in alleged violation of section 5 of the Federal Trade Commission act. Disposition : After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 542 (Jan. 14, 1920).--Federal Trade Commission v. Edwin S Jones, doing business under the name and style of Philadelphia Textile Chemical Works. Charge : Using unfair methods of competition by giving and loaning to employees of his customers, without the knowledge and consent of their employers, sums of money as an inducement to influence their said employers to purchase or contract to purchase from the respondent soap and wood oil, or to influence such customers to refrain from dealing or contracting to deal with competitors of the respondent, in alleged violation of section 5 of the Federal Trade Commission act. Disposition : After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 543 (Jan. 21, 1920).--Federal Trade Commission v. Ricco Co. (Inc.). Charge: Using unfair methods of competition by giving and offering to give to employees of both its customers and prospective customers, and its competitors' customers and prospective customers, sums of money as an inducement to influence their employers to purchase or contract to purchase from the respondent, or to influence such employers to refrain from dealing or contracting to deal with competitors of respondent, in alleged violation of section 5 of the Federal Trade Commission act. Disposition : After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 547 (Feb. 4, 1920).--Federal Trade Commission v. Big Four Grocery Co. Charge: Using unfair methods of competition by offering, through advertisements, for sale to the general public, groceries and other merchandise in combination lots or assortments at and for certain fixed prices, it being necessary for the purchaser to buy the entire lot or assortment to obtain such prices which are advertised and held out to be less than the average retail price charged for such merchandise by competitors of respondent ; and advertising price lists, comparing the prices charged by it to the average retail prices charged by its competitors, such retail prices so advertised being false and misleading and calculated to mislead the trade and general public into the

belief that such average retail prices are higher than they are in truth and in fact, in alleged violation of section 5 of the Federal Trade Commission act. Disposition : After hearing an order was entered requiring respondent to cease

and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 548 (Feb. 4, 1920).-Federal Trade Commission v. Vacuum Oil Co. Charge : Using unfair methods of competition by maintaining in its business a system of giving cumulative discounts or rebates in the sale of its products whereby purchasers of its products obtain at the end of each calendar year, or at the end of a definite period, certain rebates or discounts based and estimated upon the aggregate of the separate purchases made by such dealers during the calendar year, or such fixed period; selling lubricating oils to automotive manufacturers for use in their machines, being sold at list prices, that is to say, prices to consumers, less 40 per cent discount, irrespective of amount, and an additional 5 per cent on carload lots ; and giving and offering to give an additional rebate of the cost of a half gallon of oil per machine sold to all such manufacturers who will agree to recommend in their instruction booklets issued to purchasers, or attach to their machines a plate recommending the use of the respondent's lubricating oils, in alleged violation of section 5 of the Federal Trade Commission act. Disposition: After hearing this proceeding was dismissed without prejudice.

Complaint No. 562 (Feb. 5, 1920) -Federal Trade Commission v. Shotwell Manufacturing Co. Charge : Using unfair methods of competition by giving and offering to give valuable premiums and presents, consisting of watches, valuable jewelry, and other valuable personal property to the salesmen of merchants and jobbers handling the products of the respondent and of respondent's competitors, as an inducement to influence such salesmen to push the sale of respondent's products to the exclusion of similar products of its competitors, in alleged violation of section 5 of the Federal Trade Commission act. Disposition : After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 564 (Dec. 23, 1919).--Federal Trade Commission v. Turner & Harrison Pen Manufacturing Co. (Inc.). Charge : Using unfair methods of competition by selling and offering to sell gold-plated pen points, upon which are stamped "14 karat gold plated," the words of this stamp being so arranged that the word "Plated" occurs near the heel of the pen point and is obscured by the barrel or holder of the pen point into which it is inserted, while the words "14 karat gold" remain visible; with the effect of misleading the trade and general public into the belief that such pen points are 14 karat gold pens, when in truth and in fact they are only gold plated, in alleged violation of section 5 of the Federal Trade Commission act. Disposition: After hearing this proceeding was dismissed, the practice complained of having been discontinued prior to the issuance of this complaint.

Complaint No. 565 (Dec. 23, 1919).--Federal Trade Commission v. C. Howard Hunt Pen Co. Charge : (Ante, complaint No.564). Disposition : After hearing this proceeding was dismissed, the practice complained of having been discontinued prior to the issuance of this complaint.

Complaint No. 567 (Dec. 23, 1919).--Federal Trade Commission v. Acme Coal Mining Co. Charge: Using unfair methods of competition by organizing, with full knowledge of the existence of the Wittenberg Coal Co. and of the wide-spread use and meaning of its trade name "Acme" when used in connection with coal, under the corporate name of "Acme Coal Mining Company," for the purpose of appropriating

for the respondent the good will established by the said Wittenberg Coal Co. for its brand name "Acme" when used in connection with coal, with its principal office in the same city in which the Wittenberg Coal Co. also has an office for the transaction of its business of selling coal, in

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alleged violation of section 5 of the Federal Trade Commission act. Disposition: After hearing this proceeding was dismissed, there being no evidence of unfair methods of competition in interstate commerce.

Complaint No. 569 (Feb. 28, 1920).--Federal Trade Commission v. Edward Perlman and Samuel Gerber, copartners trading under the name and style of Liberty Wholesale Grocers. Charge: Using unfair methods of competition by advertising, through the medium of catalogs and other advertising matter, for sale to the general public groceries in combination lots or assortments at and for certain fixed prices, it being necessary for the purchaser to buy the entire lot or assortment to obtain such prices, which are advertised and held out to be less than the average retail price charged for such groceries; and representing, through advertisements, that respondents are regularly engaged in the business of merchandising grocers at wholesale and that purchasers from respondents save from 30 to 50 per cent on goods purchased from them, when in truth respondents are in no sense engaged in the business of merchandising groceries at wholesale, but sell goods direct to consuming purchasers in comparatively small combination lots, and the prices paid by respondents for the goods so sold in combination lots or assortments, as a whole, are substantially the same or greater than the prices which retail grocers generally obtain for like assortments as a whole, in alleged violation of section 5 of the Federal Trade Commission act. Disposition: After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 570 (Feb. 28, 1920).--Federal Trade Commission v. Consaco Sales Co. (Inc.). Charge: (Ante, complaint No. 536). Disposition: After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 571 (Feb. 28, 1920) --Federal Trade Commission v. Cupples Co Charge: Using unfair methods of competition by putting up in boxes bearing the brand "The Best Black Eagle" with wording on the box or label pasted on said box bearing distinctive Scandinavian words, matches imported by respondent from Japan, with the effect of deceiving the purchasing public into the belief that said matches are of Scandinavian origin and manufacture, in alleged violation of section 5 of the Federal Trade Commission act. Disposition: After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 572 (Feb. 28, 1920).--Federal Trade Commission v. William H. Plunkett, trading as Plunkett Chemical Co. Charge: Using unfair methods of competition by circulating false and misleading statements in advertisements disparaging drip cans, the products of competitors, and stating that such drip disinfectors have been condemned by the United States Public Health Service, when such is not the fact, in alleged violation of section 5 of the Federal Trade Commission act. Disposition: After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 574 (Feb. 28, 1920).--Federal Trade Commission v. Waverly Brown, Mrs. Waverly Brown, T F. Conley, Illinois Storage Co., Chicago Storage Co., Chicago

Storage Sales Co., and Tyrolia Talking Machine Co. Charge: Using unfair methods of competition by advertising to deceive the purchasing public) into the belief, that slightly used phonographs of standard make of highest value are being offered for sale by private owners at abnormal and

unusual reductions from full standard resale values, when in fact said phonographs are not privately owned, but are new and unused and of grade and quality much inferior to phonographs of the standard makes which they are made to imitate, and are manufactured by respondents and sold to purchasers for less than one-third of the standard resale prices at which they are listed in respondent's advertising matter; and that phonographs so advertised have been stored for safekeeping with one or the other of respondents, Illinois Storage Co. or Chicago Storage Co. or Chicago Storage Sales Co., and are being offered for sale for the purpose of reimbursing one or the other of said respondents for unpaid storage charges, when in fact such phonographs have never been so stored, nor do said respondents now nor have they or any of them at any time since March, 1919; conducted a storage or warehouse business of any kind, but respondents have been and are using the titles Illinois Storage Co., Chicago Storage Co., and Chicago Storage Sales Co. as sham trade names for the purpose and with the effect of accomplishing said deceptions in selling phonographs of their own manufacture, in alleged violation of section 5 of the Federal Trade Commission act. Disposition: After hearing an order was entered requiring respondents to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 575 (Feb. 28, 1920).--Federal Trade Commission v. P. Tyrrell Ward, trading under the name and style of Household Storage Co. Charge : Using unfair methods of competition by putting in catalogues and advertising matter false and misleading statements that respondent is regularly engaged in the storage or warehouse business, and by reason thereof comes into possession of a single phonograph, or of single lots of phonographs, which have never been removed from the cases in which they left the factory; these new phonographic being advertised by respondent as of value vastly in excess of the value at which respondent is offering them for sale to the public, such offers of sale being limited to a single phonograph, or a single lot of phonographs, and will not be so offered again, when in fact respondent is not now, and for more than a year last has not been engaged in the storage or warehouse business, but is regularly engaged in the business of merchandizing phonograph of a grade and quality which are manufactured to sell at resale and are customarily sold at resale by respondent in the regular course of his business at less than one-third of the resale price at which they are listed in respondent's catalogue, respondent using said trade name for the purpose and with the effect of accomplishing deceptions in the sale of phonographs, in alleged violation of section 5 of the Federal Trade Commission act. Disposition : After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 577 (Feb. 28, 1920).--Federal Trade Commission v. Holland Piano Manufacturing Co. Charge : Using unfair methods of competition by stenciling abnormally and unreasonably high, fictitious prices on pianos manufactured by it and allowing radical reductions therefrom, with the effect that the purchasing public is led to believe that the pianos are sold at reduced prices, when in truth such prices are equal to the full resale prices received for pianos of equal quality and grade, in alleged violation of section 5 of the Federal Trade Commission act. Disposition : After hearing an order was entered requiring respondent to cease and desist from using the practice

complained of under section 5 of the Federal Trade Commission act.

Complaint No. 582 (Mar. 31, 1920).--Federal Trade Commission v. Universal Motor Co. and Universal Products. Charge : Using unfair methods of competition by advertising and selling and offering for sale to the trade and general

public lighting plants for which they have adopted and assumed the trade names of Universal Lighting Unit, Universal Unit Lighting Plants, and Universal Farm Lighting Unit, when the trade name "Universal" had previously become well known and established as the product of the Universal Battery Co. and its predecessor Universal Electric Storage Battery Co., with the effect of confusing the trade and general public and misleading dealers, customers, and prospective customers into the belief that the lighting plants of the respondents and Universal Battery Co. are one and the same, in alleged violation of section 5 of the Federal Trade Commission act. Disposition : After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 290 (May 12, 1920).--Federal Trade Commission v. Bankers Petroleum & Refining Co. Charge: Using unfair methods of competition in the sale of stocks and securities by false statements concerning the location and value of its leases, its refinery, and available source of crude oil, and soliciting subscriptions to and sales of stock by the use of letters, circulars, and other advertising matter containing false and misleading statements and representations concerning respondent's business and alleged benefits which purchasers might derive from purchasing and investing in its said stock, in alleged violation of section 5 of the Federal Trade Commission act. Disposition : After hearing this proceeding was dismissed for failure of proof.

Complaint No. 592 (May 12, 1920).--Federal Trade Commission v. The Mebane Iron Bed Co. Charge: Using unfair methods of competition by manufacturing bed springs similar in appearance to the bed springs produced by the Mebane Bedding Co., which latter company had extensively advertised its products, so that such products had become widely and favorably known and had built up a favorable good will for its products and for the name "Mebane," with the effect of deceiving and misleading the purchasing public and causing it to believe that the respondent and the Mebane Bedding Co. are one and the same, in alleged violation of section 5 of the Federal Trade Commission act. Disposition : After hearing this proceeding was dismissed without prejudice.

Complaint No. 593 (May 12, 1920).--Federal Trade Commission v. A E. Lind, doing business under the assumed name and style of United States Salvage Co. Charge: Using unfair methods of competition by advertising a "Sale of Army and Navy paints" without having for sale any such products for or acquired from the United States Government, with the effect of misleading the purchasing public, in alleged violation of section 5 of the Federal Trade Commission act. Disposition : After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 596 (Apr. 27, 1920).--Federal Trade Commission v. United Indigo & Chemical Co. Charge: Using unfair methods of competition by giving to employees of its customers and purchasers, and of the employees of its competitors, dinners, theater tickets, cigars, prize-fight tickets, and lavish entertainments to such employees, payments of cash commissions, bonuses, prizes, and gratuities to the employees of its customers and purchasers and to the employees of its competitors, in order to induce such employees to push and favor the sale of the products of the respondent over the goods of its competitors, in alleged violation of section 5 of the Federal Trade

Commission act. Disposition : After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 597 (Apr. 27, 1920)--Federal Trade Commission v. Samuel Weinberg, doing business under the trade name and style of the International

Flaxol Co. Charge : Using unfair methods of competition by selling a certain product which respondent has named and advertises as "Flaxol," thereby indicating that it is a product or derivative of flax and the equivalent of linseed oil, the well-known product of flax, when in fact "Flaxol" contains only a small and immaterial amount of linseed oil, is not a product or derivative of flax or the equivalent of linseed oil, and the natural and probable effect of such holding out of the commodity is to mislead the public into believing that "Flaxol" is produced from flax, in alleged violation of section 5 of the Federal Trade Commission act. Disposition: After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 598 (Apr. 29, 1290) --Federal Trade Commission v. Everybody's Mercantile Co. Charge: Using unfair methods of Competition by giving and offering to give customers and prospective customers, as an inducement to secure their trade and patronage, certain papers, coupons, or certificates which are redeemable in various prizes or premiums consisting of personal property of unequal values, the distribution of which is determined by chance or lot, in alleged violation of section 5 of the Federal Trade Commission act. Disposition : After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 600 (Apr. 27, 1920) --Federal Trade Commission v. Lewis Pelstring. Charge : Using unfair methods of competition by advertising paints under the names of "Government Supply House," "Pelstring's Government Supply House," etc., with the effect of misleading the purchasing public into the belief that such products were formerly the property of the United States Government, when in fact said products were bought from other dealers in the ordinary course of business and were never the property of the United States Government, in alleged violation of section 5 of the Federal Trade Commission act. Disposition : After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 605 (May 4, 1920) --Federal Trade Commission v. Adolph Braude & Louis Braude, doing business as Franklin Knitting Mills. Charge : Using unfair methods of competition by conducting its business of buying and selling knitted goods as wholesale merchants or jobbers under the trade name of Franklin Knitting Mills, which assumed trade name leads the customers and public generally to believe that the respondent firm operating under said firm name is a manufacturer of the goods sold by it, when such is not the fact, but respondent is a merchant or jobber and buys the goods so sold ; and by adopting the name of Franklin Knitting Mills when there was in existence a corporation whose legal corporate name was "Franklin Knitting Mills (Inc.)," a long established firm which was engaged in the same general business at the time respondent adopted its name in alleged violation of section 5 of the Federal Trade Commission act. Disposition : After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 610 (May 4, 1920) --Federal Trade Commission v. Montgomery Ward & Co. Charge : Using unfair methods of competition by advertising in printed catalogues that a liquid roofing cement which It offers for sale contains no coal tar,

when in truth and in fact said liquid roofing cement does contain which fact is well known to the respondent in alleged violation of

order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 611 (May 12, 1920).--Federal Trade Commission v. The Star Provision Co., Malone Oil Co., and B. Marx, trading under the name and style of Liberty Oil Products Co. Charge : Using unfair methods of competition by soliciting trade in various lubricating-oil compounds and adulterated linseed oils by means of circulars and circular letters mailed to prospective customers without disclosing to the purchasing public the component ingredients of said compounds, and creating the erroneous impression in said circulars and circular letters that such oils and compounds are pure lard, fish, sperm, or linseed oils and falsely stating in said circulars and circular letters that such oils and compounds will meet the requirements of all mechanical and industrial uses, in alleged violation of section 5 of the Federal Trade Commission act. Disposition : After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 612 (May 12, 1920).--Federal Trade Commission v. Great Western Oil Co. Charge: Using unfair methods of competition by falsely advertising that its product which is a mixture of benzol and gasoline and sold under the trade name "Crystal-Pep" has been indorsed by the Automobile Association of America and the United States Bureau of Mines, when such is not the fact, in alleged violation of section 5 of the Federal Trade Commission act. Disposition : After hearing this proceeding was dismissed, the respondent having discontinued the practice prior to the issuance of this complaint.

Complaint No. 613 (June 29, 1920).--Federal Trade Commission v. T C. Hurst and Floyd Hurst, a copartnership doing business under the name and style of T C. Hurst & Son. Charge : Using unfair methods of competition by giving sums of money and other gratuities to officers and employees of ships as an inducement to influence their employers or the owners of said ships to purchase goods from the respondent, in alleged violation of section 5 of the Federal Trade Commission. act. Disposition : After hearing an order was entered requiring respondent to cease and desist from the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 614 (June 29, 1920).--Federal Trade Commission v. Norden Ship Supply Co. Charge : (Ante, complaint No.613). Disposition : After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 615 (June 29, 1920) -Federal Trade Commission v. Marine Equipment Co. (Inc.). Charge: (Ante, complaint No.613.) Disposition : After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 621 (July 29, 1920).--Federal Trade Commission v. United States Color and Chemical Co. (Inc.). Charge : Using unfair methods of competition by offering and giving cash gratuities and commissions to employees of its customers as an inducement to said employees to favor the purchases of respondent's dyestuffs and chemicals, in alleged violation of section 5 of the Federal Trade Commission act. Disposition: After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 622 (May 5, 1920)--Federal Trade Commission v. Federal Press (Inc.), and C. W. Parker. Charge : Using unfair methods of competition by publishing books entitled "Who's Who in the Northwest," "Who's

Who and Why," etc., made up similar in size, color, binding, and general appearance to the publication of A. N. Marquis & Co.'s "Who's Who in America," well known through years of circulation and usage, and by making use of clippings from the Marquis publication in soliciting the purchase of their books, and by false and misleading statements as to their business connections with the effect of misleading and deceiving the purchasing public, in alleged violation of section 5 of the Federal Trade Commission act. Disposition: After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 627 (July 2, 1920).--Federal Trade Commission v. John W. Focke. Charge : Using unfair methods of competition in the sale of ship chandlery by giving valuable gifts and cash commissions to captains and other officers of ships to induce them to purchase ship chandlery and supplies from the respondent, in alleged violation of section 5 of the Federal Trade Commission act. Disposition : After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 628 (July 2, 1920).--Federal Trade Commission v. George D. Flood and W. H. Calvert, partners, styling themselves Flood & Calvert. Charge : Using unfair methods of competition in the sale of ship chandlery by giving valuable gifts and cash commissions to captains and other officers of ships to induce them to purchase ship chandlery and supplies from the respondent, in alleged violation of section 5 of the Federal Trade Commission act. Disposition : After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 629 (July 2, 1920).--Federal Trade Commission v. John R Adams, W. J. Adams, and George T. Adams, partners styling themselves John R. Adams & Co. Charge : Using unfair methods of competition in the sale of ship chandlery by giving valuable gifts and cash commissions to captains and other officers of ships to induce them to purchase ship chandlery and supplies from the respondent, in alleged violation of section 5 of the Federal Trade Commission act. Disposition : After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 630 (Sept. 8, 1920) --Federal Trade Commission v. Gulf Iron & Machine Co. (Inc.). Charge: Using unfair methods of competition in the business of repairing ships and furnishing repair parts by giving to captains and other officers and employees of vessels valuable gifts, cash commissions, and gratuities as an inducement to have the ships operated by them for the owners thereof repaired by the respondent, in alleged violation of section 5 of the Federal Trade Commission act. Disposition : After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 631 (Sept. 8, 1920).--Federal Trade Commission v. T. J. Anderson, doing business under the trade name and style of Seaboard Transportation & Shipping Co. Charge : Using unfair methods of competition in the business of repairing ships and furnishing repair parts by giving to captains and other officers and employees of vessels valuable gifts, cash commissions, and gratuities as an inducement to have the ships operated by them for the owner thereof repaired by the respondent, in alleged

violation of section 5 of the Federal Trade Commission act. Disposition : After hearing an order was

entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 632 (Sept. 8, 1920)--Federal Trade Commission v. Albert P. J. Voight, doing business under the trade name and style of Voight Machine Shop. Charge : Using unfair methods of competition in the business of repairing ships and furnishing repair parts by giving to captains and other officers and employees of vessels valuable gifts, cash commissions, and gratuities as an inducement to have the ships operated by them for the owners thereof repaired by the respondent, in alleged violation of section 5 of the Federal Trade Commission act. Disposition : After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 633 (Sept. 8, 1920) --Federal Trade Commission v. J. Bader, doing business under the trade name and style of Vulcan Iron Works. Charge : Using unfair methods of competition in the business of repairing ships and furnishing repair parts by giving to captains and other officers and employees of vessels valuable gifts, cash commissions, and gratuities as an inducement to have the ships operated by them for the owners thereof repaired by the respondent, in alleged violation of section 5 of the Federal Trade Commission act. Disposition : After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 634 (Sept. 8, 1920)--Federal Trade Commission v. Gray's Engineering Works (Inc.). Charge : Using unfair methods of competition in the business of repairing ships and furnishing repair parts by giving to captains and other officers and employees of vessels valuable gifts, cash commissions, and gratuities as an inducement to have the ships operated by them for the owners thereof repaired by the respondent, in alleged violation of section 5 of the Federal Trade Commission act. Disposition : After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 635 (Sept. 8, 1920) --Federal Trade Commission v. John P. McDonough, doing business under the trade name and style of McDonough Iron Works. Charge : Using unfair methods of competition in the business of repairing ships and furnishing repair parts by giving to captains and other officers and employees of vessels valuable gifts, cash commissions, and gratuities as an inducement to have the ships operated by them for the owners thereof repaired by the respondent, in alleged violation of section 5 of the Federal Trade Commission act. Disposition : After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 636 (Sept. 9, 1920)--Federal Trade Commission v. Marine Iron Works (Inc.). Charge : Using unfair methods of competition in the business of repairing ships and furnishing repair parts by giving to captains and other officers and employees of vessels valuable gifts, cash commissions, and gratuities as an inducement to have the ships operated by them for the owners thereof repaired by the respondent, in alleged violation of section 5 of the Federal Trade Commission act. Disposition : After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 637 (Sept. 8, 1920).--Federal Trade Commission v. A. V. McFadden and Carl McFadden. partners styling themselves the Texas Iron Works. Charge: Using unfair methods of competition in the business of re-

pairing ships and furnishing repair parts by giving to captains and other officers and employees of vessels valuable gifts, cash commissions, and gratuities as an inducement to have the ships operated by them for the owners thereof repaired by the respondent, in alleged violation of section 5 of the Federal Trade Commission act. Disposition : After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 638 (Sept. 8, 1920).--Federal Trade Commission v. R. Kellogg, J. C. Currie, and J. H. Giddens, partners styling themselves the Port Arthur Marine Engineering Works. Charge: Using unfair methods of competition in the business of repairing ships and furnishing repair parts by giving to captains and other officers and employees of vessels valuable gifts, cash commissions, and gratuities as an inducement to have the ships operated by them for the owners thereof repaired by the respondent, in alleged violation of section 5 of the Federal Trade Commission act. Disposition: After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 639 (Sept. 9, 1920).--Federal Trade Commission v. Johnson Iron Works (Ltd.) . Charge : Using unfair methods of competition in the business of repairing ships and furnishing repair parts by giving to captains and other officers and employees of vessels valuable gifts, cash commissions, and gratuities as an inducement to have the ships operated by them for the owners thereof repaired by the respondent, in alleged violation of section 5 of the Federal Trade Commission act. Disposition : After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 640 (Sept. 17, 1920).--Federal Trade Commission v. Everett Supply Company (Inc.). Charge : Using unfair methods of competition in the sale of ship chandlery by giving expensive gifts, liquor, cigars, meals, theater tickets, automobile drives, and other forms of entertainment, amusement, or diversion, totaling approximately \$850 per month, to captains and other officers of ships to induce them to purchase ship chandlery and supplies from the respondent, in alleged violation of section 5 of the Federal Trade Commission act. Disposition: After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 641 (Sept. 9, 1920).--Federal Trade Commission v. Stern Foundry & Machinery Co. (Inc.). Charge : Using unfair methods of competition in the business of repairing ships and furnishing repair parts by giving to captains and other officers and employees of vessels valuable gifts, cash commissions, and gratuities as an inducement to have the ships operated by them for the owners thereof repaired by the respondent, in alleged violation of section 5 of the Federal Trade Commission act. Disposition : After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 642 (Sept. 9, 1920).--Federal Trade Commission v. Crescent City Machine & Manufacturing Works (Inc.). Charge : Using unfair methods of competition in the business of repairing ships and furnishing repair parts by giving to captains and other officers and employees of vessels valuable gifts, cash commissions, and gratuities as an inducement to have the ships operated by them for the owners thereof repaired by the respondent, in alleged violation of section 5 of the Federal

Trade Commission act. Disposition: After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 643 (Sept. 14, 1920)--Federal Trade Commission v. Alex. Dussel Iron Works (Inc.). Charge: Using unfair methods of competition in the business of repairing ships and furnishing repair parts by giving to captains and other officers and employees of vessels valuable gifts, cash commissions, and gratuities as an inducement to have the ships operated by them for the owners thereof repaired by respondent, in alleged violation of section 5 of the Federal Trade Commission act. Disposition : After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 644 (Sept. 9, 1290)--Federal Trade Commission v. The Union Iron Works, (Inc.). Charge: Using unfair methods of competition in the business of repairing ships and furnishing repair parts by giving to captains and other officers and employees of vessels valuable gifts, cash commissions, and gratuities as an inducement to have the ships operated by them for the owners thereof repaired by respondent, in alleged violation of section 5 of the Federal Trade Commission act. Disposition : After hearing an order was entered re requiring the respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 645 (Sept. 9, 1920)--Federal Trade Commission v. William J. Tierney, doing business under the trade name and style of New Orleans Machine Works. Charge : Using unfair methods of competition in the business of repairing ships and furnishing repair parts by giving to captains and other officers and employees of vessels valuable gifts, cash commissions, and gratuities as an inducement to have the ships operated by them for the owners thereof repaired by respondent, in alleged violation of section 5 of the Federal Trade Commission act. Disposition : After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 646 (Sept. 9, 1920)--Federal Trade Commission v. C. A. Simpson, doing business under the trade name and style of C. A. Simpson & Co. Charge : Using unfair methods of competition in the sale of ship chandlery by giving valuable gifts and cash commissions to captains and other officers of ships to induce them to purchase ship chandlery and supplies from the respondent, in alleged violation of section 5 of the Federal Trade Commission act. Disposition : After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 647 (Sept. 9, 1920)--Federal Trade Commission v. Cowles Ship Supply Co. (Inc.). Charge: Using unfair methods of competition in the sale of ship chandlery by giving valuable gifts, cash commissions, and expensive entertainments to captains and other officers of ships to induce them to purchase ship chandlery supplies from the respondent, in alleged violation of section 5 of the Federal Trade Commission act. Disposition : After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 649 (Sept. 9, 1920)--Federal Trade Commission v. Home Industry Iron Works (Inc.). Charge : Using unfair methods of competition in the business of repairing ships and furnishing repair parts by giving to captains and other officers and employees of vessels valuable gifts, cash commissions and gratuities as an inducement to have the ships operated by them for the owner thereof repaired by respondent, in

alleged violation of section 5 of the Federal Trade Commission act. Disposition :
After hearing an order was entered requiring respondent to cease and desist from using
the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 650 (Sept. 14, 1920).--Federal Trade Commission v. Henderson Ship Building Co. (Inc.). Charge : Using unfair methods of Competition in the business of re pairing ships and furnishing repair parts by giving to captains and her officers and employees of vessels valuable gifts, cash commissions, and gratuities as an inducement to have the ships operated by them for the owners thereof repaired by respondent, in alleged violation of section 5 of the Federal Trade Commission act. Disposition : After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 651 (Sept. 9, 1920).--Federal Trade Commission v. D. C. Hodges, doing business under the trade name and style of Hodges Boiler & Machine Works. Charge : Using unfair methods of competition in the business of repairing ships and furnishing repair parts by giving to captains and her officers and employees of vessels valuable gifts, cash commissions, and gratuities as an inducement to have the ships operated by them for the owners thereof repaired by respondent, in alleged violation of section 5 of the Federal Trade Commission act. Disposition : After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 652 (Sept. 9, 1920).--Federal Trade Commission v. McKenzie Oerting, doing business under the trade name and style of McKenzie Oerting Co. Charge: Using unfair methods of competi tion in the sale of ship chandlery by giving expensive gifts and large sums of money in the form of cash commissions to captains and other officers and employees of ships to induce them to purchase ship chandlery and supplies from the respondent, in alleged violation of section 5 of the Federal Trade Commission act. Disposition : After hearing, an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 653 (Sept. 14, 1920).--Federal Trade Commission v. Gulf Machine Works. Charge: Using unfair methods of competition in the business of repairing ships and furnishing repair parts by giving to captains and other officers and employees of vessels valuable gifts, cash commissions, and gratuities as an inducement to have the ships operated by them for the owners thereof repaired by respondent, in alleged violation of section 5 of the Federal Trade Commission act. Disposition : This proceeding was dismissed, the respondent having sold and discontinued the business.

Complaint No. 654 (Sept. 9, 1920).--Federal Trade Commission v. Runyan Co. Charge : Using unfair . methods of competition in the sale of ship chandlery by giving expensive gifts and large sums of money in the form of cash commission to captains and other officers and employees of ships to induce them to purchase ship chandlery and supplies from the respondent, in alleged violation of section 5 of the Federal Trade Commission act. Disposition : After hearing, an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 655 (Sept. 9, 1920).--Federal Trade Commission v. J. K. A. Hussey and L. T. Copp, partners styling themselves Hussey & Copp. Charge : Using unfair methods of competition in the sale of ship chandlery by giving cash commissions and gratuities to captains and other officers of ships to induce them to purchase ship chandlery and supplies from the respondent, in alleged violation of section 5 of the

Federal Trade Commission act.

and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 656 (Sept. 17, 1920).--Federal Trade Commission v. W. A. Rhea, Charge : Using unfair methods of competition in the sale of ship chandlery by giving cash commissions and gratuities to captains and other officers of ships to induce them to purchase ship chandlery and supplies from the respondent, in alleged violation of section 5 of the Federal Trade Commission act. Disposition : After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 657 (Sept. 18, 1920).--Federal Trade Commission v. Eugene Richardson, W. R. Richardson, and J. W. Richardson, partners styling themselves Richardson Brothers. Charge: Using unfair methods of competition in the sale of ship chandlery by giving cash commissions and gratuities to captains and other officers of ships to induce them to purchase ship chandlery and supplies from the respondent, in alleged violation of section 5 of the Federal Trade Commission act. Disposition : After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 658 (Sept. 18, 1920).--Federal Trade Commission v. Charleston Dry Dock & Machine Co. Charge : Using unfair methods of competition in the business of repairing ships and furnishing repair parts by giving to captains and other officers and employees of vessels valuable gifts, cash commissions, and gratuities as an inducement to have the ships operated by them for the owners thereof repaired by respondent, in alleged violation of section 5 of the Federal Trade Commission act. Disposition : After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 659 (Sept. 17, 1920).--Federal Trade Commission v. Charleston Iron Works. Charge: Using unfair methods of competition in the business of repairing ships and furnishing repair parts by giving to captains and other officers and employees of vessels valuable gifts, cash commissions, and gratuities as an inducement to have the ships operated by them for the owners thereof repaired by respondent, in alleged violation of section 5 of the Federal Trade Commission act. Disposition: After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 660 (Sept. 17, 1920).--Federal Trade Commission v. Savannah Ship Chandlery & Supply Co. Charge : Using unfair methods of competition in the sale of ship chandlery by giving valuable gifts, cash commissions, and gratuities to captains and other officers and employees of ships as an inducement for them to purchase ship chandlery from the respondent, in violation of section 5 of the Federal Trade Commission act. Disposition : After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 661 (Sept. 18, 1920).--Federal Trade Commission v. C. G. Wilkinson, doing business under the trade name and style of Wilkinson Machine Co. Charge : Using unfair methods of competition in the business of repairing ships and furnishing repair parts by giving to captains and other officers and employees of vessels valuable gifts, cash commission, and gratuities as an inducement to have the

ships operated by them for the owners thereof repaired by the respondent, in alleged violation of section 5 of the Federal Trade Commission act. Disposition: After hearing an order was entered requiring respondent to cease

desist from using the practice complained of under section 5 of the Fed-I Trade Commission act.

Complaint No. 669 (July 2, 1920).--Federal Trade Commission v. George C. LeGendre and George Chadwick LeGendre, partners, styling themselves George LeGendre & Son. Charge : Using unfair methods of competition in the sale of ship chandlery by giving valuable gifts, cash commission, and gratuities to captains and other officers and employees of ships as an inducement for them to chase ship chandlery from the respondent, in violation of section 5 of the Federal Trade Commission act. Disposition : After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 675 (Nov. 29, 1920).--Federal Trade Commission v. Marine Supply Co. Charge: Using unfair methods of competition in the sale of ship chandlery by giving valuable gifts, cash commissions, and gratuities to captains and other officers and employees of ships as an inducement for them to chase ship chandlery from the respondent, in violation of section 5 of the Federal Trade Commission act. Disposition: After hearing an order was entered requiring respondent to cease and desist from using the practice com-Lined of under section 5 of the Federal Trade Commission act.

Complaint No. 690 (Nov. 30, 1920).--Federal Trade Commission v. Standard Co. of Ohio. Charge: Using unfair methods of competition in the business purchasing and selling refined oil and gasoline by selling, leasing, and loaning oil pumps, storage tanks, or containers and their equipments below cost with the understanding that dealers shall not place in such devices the refined oil or gasoline of competitors and making exclusive dealing contracts to that act, in alleged violation of section 5 of the Federal Trade Commission act and section 3 of the Clayton Act. Disposition : After hearing an order was entered requiring respondent to cease and desist the practice herein complained under section 5 of the Federal Trade Commission act and section 3 of the Clayton Act. (NOTE.--The order to cease and desist of the Commission was versed by the United States Circuit Court of Appeals, Sixth Circuit, on Jan. 1921.)

Complaint No. 691 (Dec. 3, 1920).--Federal Trade Commission v. Thomas Duggan and W. C. Duggan, partners, styling themselves as Duggan & Son. Charge : Using unfair methods of competition in the sale of ship chandlery by ,giving expensive gifts, meals, theater tickets, automobile trips, and other entertainment to officers and employees of ships to induce them to purchase ship chandlery from the respondent, in alleged violation of section 5 of the Federal Trade Commission act. Disposition : After hearing an order was entered requiring respondent to cease and desist the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 692 (December 3, 1920).--Federal Trade Commission v. Paul Forbriger and August Bentkamp, partners styling themselves Paul Forbriger Co. Charge : Using unfair methods of competition in the sale of Swiss "Inventic" watches by attempting to restrict jobbers to the American source f supply by means of intimidation and threats of suits for damages and by preventing jobbers from advertising the sale of such watches at less than the by price by inducing the publishers of said journals to refuse such advertisements, in alleged violation of section 5 of the Federal Trade Commission act. Disposition : After hearing an order was entered

requiring respondent to cease and desist the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 700 (Dec. 28, 1920).--Federal Trade Commission v. Albany Chemical Co. Charge: That the respondent, subsequent to the cancellation of

the United States trade-mark "Aspirin" upon the expiration of the patent, the property of the Bayer Company (Inc.) for acetyl salicylic acid, obtained State registration of the word "Aspirin" as its trade-mark and thereupon made numerous erroneous deceptive statements concerning aspirin and respondent's right to the use of the word and informed dealers in drugs and medicines that the use of the word in connection with products other than those of the respondent would be regarded as an infringement of its property rights in said trade-mark, in alleged violation of section 5 of the Federal Trade Commission act. Disposition : After hearing an order was entered requiring respondent to cease and desist the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 708 (Jan. 8, 1921).--Federal Trade Commission v. Accounting Machine Company (Inc.). Charge : Using unfair methods of competition advertising its calculating machines under the trade name "Amco" by publishing numerous false and misleading statements to the effect that its product has been adopted by the United States Government, city of New York, and numerous nationally known industrial concerns named in such advertising matter, and that 85 per cent of the leading concerns of the United States solved their accounting problems by the use of the Anno machines, in alleged violation of section 5 of the Federal Trade Commission act. Disposition : After hearing an order was entered requiring respondent to cease and desist practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 714 (Jan. 27, 1921).--Federal Trade Commission v. Brothers Law Co. Charge: Using unfair methods of competition by making use of numerous false and misleading statements in advertising its groceries, using the combination sale method to lead the purchasing public to believe that its groceries are being sold to the consumer at wholesale prices, at less than the value of the goods, and at less than the goods can be bought from other grocers selling in competition with the respondent, in alleged violation of section 5 of the Federal Trade Commission act. Disposition : After hearing this proceeding was dismissed without prejudice.

Complaint No. 748 (Mar. 29, 1921).--Federal Trade Commission v. McCloskey Varnish Co. Charge : Using unfair methods of competition in the sale of varnish which is not procured from the Government or manufactured for its use or made in accordance with any Government formula or specifications as "Government Spar," with the effect of misleading and deceiving the purchasing public, in alleged violation of section 5 of the Federal Trade Commission act. Disposition : After hearing an order was entered requiring respondent to cease and desist the practice complained of under section 5 of the Federal Trade Commission act.

Complaint No. 749 (Mar. 29, 1921).--Federal Trade Commission v. Orleans Iron Works (Inc.). Charge : Using unfair methods of competition in the business of repairing ships and furnishing repair parts by giving to captains and other officers and employees of vessels valuable gifts, cash commissions, and gratuities as an inducement to have the ships operated by them for the owners thereof repaired by respondent, in alleged violation of section 5 of the Federal Trade Commission act. Disposition : After hearing an order was entered requiring respondent to cease and desist from using the practice complained of under section 5 of the Federal Trade Commission act.