

January 2, 1925.

MEETING OF THE FEDERAL TRADE COMMISSION

Friday - January 2, 1925 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Nugent,
Charles W. Hunt,
Huston Thompson.

Mr. Gaskill absent.

The minutes of the meeting of December 31, 1924, were read and approved.

The Chairman presented the following matters and action as indicated was taken by the Commission:

(1) Letter of December 31st from the Department of State transmitting copy of a report entitled, "Consolidation of Textile Concerns" from the American Consulate at Breslau, Germany, dated December 5, 1924.

On motion of the Chairman, the papers were referred to the Export Trade Division for attention.

(2) File 1-3127 - F.T.C. vs. Gilbert Johnson & Company.
Letter of December 31st from the Department of Justice (William J. Donovan, Assistant Attorney General) replying further to the Commission's letter of December 15th and reporting information from the Postmaster General that the operations of this concern are under investigation by the Postoffice Department and in the opinion of the Postmaster General, the Federal Trade Commission should withhold proceedings for the present. The Department of Justice concurred in this opinion.

The letter was read and on motion of the Chairman, the Commission directed that this case be placed on Suspense in the usual course pending proceedings by the Postoffice Department.

(3) File 1-2548 - F.T.C. vs. Turnbow Production Company.
Letter of December 31st was received from the Department of Justice (William J. Donovan, Assistant Attorney General) replying further to the Commission's letter of December 15th and stating that the Department of Justice has been advised that the Postmaster General is not now investigating the Turnbow Production Company of Houston, Texas and W. C. Turnbow, its chief promoter, nor is any such action contemplated and that the Postmaster General has no objection to the Federal Trade Commission taking such action as it deems proper. The letter stated that in view of these facts the Department of Justice had no request to make with reference to the withholding of proceedings by the Commission.

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The letter was read and on motion of the Chairman, was ordered filed in view of the facts as set forth in a letter of December 18th from the Postmaster General advising of the issuance of a fraud order on August 5, 1924, against the Blue Bird Oil Corporation and the Furbow Oil Corporation; and the dismissal of the application for complaint pending before the Commission under date of December 22, 1924 because of the proceedings by the Post-office Department.

Formal docket cases appearing on the weekly Conference Calendar for final determination were considered and action as indicated was taken by the Commission:

(1) Docket 1006 - Hills Brothers.

It was agreed that this case be laid over until next Conference Day for further consideration.

(2) Docket 1096 - Waterproof Paint & Varnish Company.

It was agreed that this case be laid over until next Conference Day for further consideration.

(3) Docket 1122 - Glidden Company and Forest City Paint & Varnish Company.

It was agreed that this case be laid over until next Conference Day for further consideration.

From the Circulating Calendar, the Commission considered the matter and action as indicated was taken:

(1) Letter of December 12th from Mr. Thomas Creigh, General Counsel, Cudahy Packing Company, Chicago, addressed to Commissioner Caskill and transmitting pamphlet, entitled, "Position of the Cudahy Packing Company in respect to the Federal Trade Commission growing out of the Summary of Report on the Meat Packing Industry".

The letter and the pamphlet were circulated December 22nd. Notations by the Commissioners were read and thereafter, it was ordered upon motion of Mr. Nugent, that the letter be acknowledged and filed without action.

Thereupon, at the hour of 10:30 A.M., the Commission adjourned to meet Monday, January 5, 1925, at 10 a.m.

Attest:

Otis B. Johnson
Otis B. Johnson,
Secretary.

Vernon W. Van Fleet,
Chairman.

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Saturday - January 3, 1925 - No meeting held.

Sunday - January 4, 1925 - No meeting held.

MEETING OF THE FEDERAL TRADE COMMISSION

Monday - January 5, 1925 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Nugent,
Charles W. Hunt,
Austin Thompson.

Mr. Gaskill absent.

The minutes of the meeting of January 2, 1925, were read and approved.

The Chairman presented the following matters and action as indicated was taken by the Commission:

(1) Letter of December 23rd from the American Petroleum Institute (R. L. Welch, General Secretary, New York City) informing the Commission of the purpose of the Institute to create for the industry a uniform system of accounting applicable to oil and of the purpose of the writer to recommend to the Institute that the industry seek the cooperation of the Commission with the permanent committee of the industry to be later appointed.

The letter was referred to the Secretary for acknowledgment and to the Chief Economist for the preparation of a suggested reply.

(2) Letter of January 2nd from Senator William J. Harris, Georgia, enclosing a letter dated December 15th from the Atlanta Cotton Oil Company, Atlanta, Georgia, referring to previous correspondence with reference to an investigation by the Federal Trade Commission of trading in cotton oil on the New York Produce Exchange and the trading in lard on the Chicago Board of Trade. The letter from the oil company renewed the request for an investigation and the letter from Senator Harris requested the Commission to advise him concerning the matter.

The correspondence was referred to the Chief Examiner for attention and preparation of suggested reply for the signature of the Chairman.

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(3) Letter of January 3rd from the Public Buildings Commission (Edward Clark, Secretary and Disbursing Clerk) advising of the resignation of Mr. Clark.

The letter was referred to the Secretary for acknowledgment and attention.

(4) Letter of January 2nd from the Treasury Department (Garrard B. Winston, Acting Secretary) acknowledging the Commission's letter of December 22nd and granting permission to Messrs. LeClair Hoover, Lewis F. Bond, C. G. Farwell and Walter Meleen, agents of the Commission, to inspect the income tax returns filed for the years 1917 to 1923, inclusive by certain principal meat packing corporations under the Packer Consent Decree of 1920.

The letter was read and referred to the Chief Economist for attention.

(5) Docket 880 - Douglas Fir Exploitation & Export Company, et al.

Letter of December 26th from the National Bank of Commerce (M. F. Backus, President) commending the Commission on the dismissal of the complaint in this case.

The letter was read and ordered filed after acknowledgment by the Secretary.

(6) Letter of December 23rd from Senator Earle B. Mayfield, Texas, enclosing copy of a letter dated December 18th from Mr. Robert Bain of Austin, Texas, complaining of prices for coal charged by the McAlester Coal Company, Austin, Texas. The Senator requested the Commission to give the matter attention and advise of the factors that would justify the difference in the prices as set out by Mr. Bain, provided the facts as stated are true.

The correspondence was read and after discussion, was referred to the Chief Examiner for attention and for preparation of suggested reply.

(7) Letter of December 29th from Senator Frank P. Willis, Ohio, endorsing the application of Miss Helen L. Broderick for employment as typist-clerk with the Commission.

The letter was referred to the Secretary for attention.

(8) 34-582 - Mid-West Retail Coal Association of St. Louis vs. Robinson-Crescent Coal Company.

Letter of December 29th from the Legal Department of the State of Missouri, Jefferson City, Missouri, (Ellison A. Penlton, Assistant Attorney General) replying to the Commission's letter of December 26th relative to advertisements by the New Mount Olive Coal Company and stating that the Commission's letter has been forwarded to the Prosecuting Attorney of St. Louis City, as the false advertising laws of the State of Missouri are enforced by the prosecuting attorneys and not by the Attorney General.

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The letter was read and ordered filed.

Mr. Hunt presented a memorandum of December 26th from the Chief Examiner transmitting application of Mr. Joseph E. Sheehy for employment accompanied by a file of endorsements, etc., and with the recommendation by the Chief Examiner that Mr. Sheehy be appointed to fill the vacancy caused by the resignation of Attorney Henry E. Maulsby of the New York Office, to position as Examiner in Professional Grade 2 at the minimum salary thereof, to-wit: \$2400. per annum and that Mr. Sheehy be assigned to the New York Office.

Mr. Hunt reported his examination of the application and approved the recommendation of the Chief Examiner and moved that the appointment be made.

The motion by Mr. Hunt was adopted by the Commission and the appointment authorized as recommended with the direction that the same be effective upon taking the oath of office and entering on duty.

Mr. Van Fleet presented file 1-3408 - Tanners' Council of America vs. William L. Surrrell Company, et al, and after reporting the facts and the submission of the case direct to the Commission under the rule of December 3, 1924, by the Chief Examiner with recommendation for dismissal, moved that the application for complaint be dismissed for the reason that the practice complained of was discontinued in 1922.

The motion was seconded by Mr. Hunt and adopted by the Commission and it was so ordered.

Mr. Nugent presented the following listed applications for complaint and action as indicated was taken by the Commission:

(1) File 1-3424 - David Berman vs. Hopkins & Sons.

Mr. Nugent submitted memorandum of January 5, 1925, reviewing the facts and concurring in the recommendation of the Board of Review for dismissal.

After consideration, on motion of Mr. Nugent, the application was dismissed by the Commission.

(2) File 1-3456 - Hibernia Commercial & Savings Bank vs. United States Pencil Company.

Mr. Nugent submitted memorandum of January 5, 1925, reviewing the record and thereafter offered the following motion:

Moved, that the Chief Examiner be directed to negotiate with respondent for a stipulation covering the matters as set out in memorandum of January 5th

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by Mr. Nugent and in event of respondent's compliance, to prepare such stipulation and after signature, present it to the Commission for approval; that if the stipulation be approved, that the application herein be dismissed and that should the respondent decline to stipulate, that complaint issue. Also that, in the meantime, this application be placed on the Suspense Calendar to again be brought to the attention of the Commission when the stipulation mentioned is presented, or upon information from the Chief Examiner that the respondent declines to stipulate.

The motion was seconded by Mr. Van Fleet and adopted by the Commission and it was so ordered.

Accordingly, the file was referred to the Chief Examiner via the Docket Section.

(3) File 1-3056 - "New York Commercial" vs. Banner Silk Knitting Mills.

Mr. Nugent submitted memorandum of January 5, 1935, reviewing the record and concurring in the recommendation of the Board of Review that complaint issue.

After consideration, on motion of Mr. Nugent, the Commission directed that complaint issue charging the Banner Silk Knitting Mills, Inc., a corporation with violation of Section 5 of the Federal Trade Commission Act.

The draft of complaint which came forward with the files was referred to the Chief Counsel, via Docket Section, for approval as to form and substance under the rule, with the direction that upon such approval, the complaint be served by the Secretary without reference back to the Commission.

At this time (10:45 a.m.) Mr. Gaskill entered the meeting.

PRESENT:

Vernon W. Van Fleet, Chairman,
Nelson C. Gaskill,
John F. Nugent,
Charles W. Hunt,
Huston Thompson.

Mr. Hunt presented the following listed Export Trade complaint and applications for complaint and action as indicated

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was taken by the Commission:

- (1) File 50-78 - Foreign Trade complaint of A. Dunlop & Company of Johannesburg, South Africa vs. The Wabash Cabinet Company of Wabash, Ind.

Mr. Hunt submitted memorandum of January 3, 1925, reviewing the complaint and concurring in the recommendation of the Export Trade Division that final report be made to the Department of Commerce, the papers returned to that office and the records in this office closed.

After consideration, the recommendation of the Export Trade Division was approved and it was so ordered. Draft of letter prepared by the Export Trade Division to the Secretary of Commerce was approved and ordered forwarded after signature by the Chairman.

- (2) File 1-2617 - James Grocery Company, Inc. vs. Skinner Manufacturing Company.

Mr. Hunt stated that this case was submitted direct to the Commission under the rule of December 3, 1924 by the Chief Examiner.

Mr. Hunt submitted memorandum of January 2nd reviewing the record and concurring in the recommendation of the Chief Examiner for dismissal.

After consideration, on motion of Mr. Hunt, the application for complaint was dismissed by the Commission.

- (3) File 1-3621 - Tanners' Council of America vs. Duratex Corporation.

Mr. Hunt stated that this application was submitted direct to the Commission under the rule of December 3, 1924 by the Chief Examiner.

Mr. Hunt submitted memorandum of December 31st reviewing the record and concurring in the recommendation of the staff for dismissal.

After consideration, on motion of Mr. Hunt, the application for complaint was dismissed by the Commission.

- (4) File 1-3222 - Irish Trade Commission to America vs. Bardwil Brothers, et al.

Mr. Hunt submitted memorandum of December 31, 1924 reviewing the record and concurring in the recommendation of the Board of Review for complaint.

After consideration, on motion of Mr. Hunt, seconded by Mr. Thompson, the Commission directed that complaint issue charging Aaron Bardwil and George Bardwil, partners, trading as Bardwil Brothers with violation of the Federal Trade Commission Act.

The draft of complaint which came forward with the files was referred to the Chief Counsel, via Docket Section, for approval as to form and substance under the rule, with the direction that upon such approval, the complaint be referred to the Secretary for service, without reference back to the Commission.

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- (4) File 1-3465 - Tanners' Council of America
W. M. Pickering & Company.

Mr. Hunt submitted memorandum of December 29th, reviewing the record and concurring in the recommendation of the Board of Review for dismissal.

After consideration, on motion of Mr. Hunt, the application for complaint was dismissed by the Commission.

- (5) File 1-3293 - D. Wiesenfeld, Inc. vs. Franklin Knitting Mills, Inc.

Mr. Hunt submitted memorandum of December 29, 1924, reviewing the facts in the case and concurring in the recommendation of the Board of Review for dismissal.

After consideration, on motion of Mr. Hunt, the application for complaint was dismissed by the Commission.

Mr. Thompson presented the following listed applications for complaint and action as indicated was taken by the Commission:

- (1) File 1-3255 - Harold P. Curtis vs. Treloar Arsonie-Gold Trust.

Mr. Thompson stated that this application was submitted direct to the Commission by the Chief Examiner under the rule of December 3, 1924.

Mr. Thompson submitted memorandum of January 5th, reviewing the facts in the case and concurring in the recommendation of the staff for dismissal.

After consideration on motion of Mr. Thompson, the application for complaint was dismissed by the Commission.

- (2) File 1-3546 - Irish Trade Commission to America vs. W. Rizcallah & Company, et al.

Mr. Thompson submitted memorandum of January 5th, reviewing the facts in the case and concurring in the recommendation of the Board of Review for complaint.

After consideration, on motion of Mr. Thompson, the Commission directed that complaint issue charging Wadeh Rizcallah, Selin Katin, Redie Katin, partners, trading as W. Rizcallah & Company, with violation of Section 5 of the Federal Trade Commission Act.

The draft of complaint which came forward with the files was referred to the Chief Counsel, via Docket Section, for approval as to form and substance under the rule, with the direction that upon such approval, the complaint be referred to the Secretary for service without reference back to the Commission.

- (3) File 1-3548 - Irish Trade Commission to America vs. Shanghai Lace Corporation.

Mr. Thompson submitted memorandum of January 5th, reviewing the record and concurring in the recommendation of the Board of Review for complaint.

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After consideration, on motion of Mr. Thompson, the Commission directed that complaint issue charging the Orange Lake Corporation with violation of the Federal Trade Commission Act.

The draft of complaint which came forward with the files was referred to the Chief Counsel, via Pocket Section, for approval as to form and substance under the rule with the direction that upon such approval the complaint be referred to the Secretary for service without reference back to the Commission.

- (4) File 1-2767 - Indiana Bakers' Association (C. K. Quigg) vs. Krug Baking Company.

Mr. Thompson stated that this application was submitted direct to the Commission by the Chief Examiner under the rule of December 3, 1924.

Mr. Thompson recited the facts in the case and thereafter, offered the following motion:

Moved, that the application for complaint be dismissed and that the record be referred to the Economic Division for their information in connection with the investigation of the Bread Industry.

The motion was adopted by the Commission and it was so ordered.

- (5) File 1-2344 - F.T.C. vs. Twinplex Sales Company.

Mr. Thompson submitted memorandum of January 5th reviewing the record and concurring in the recommendation of the Board of Review and recommending complaint.

After consideration, on motion of Mr. Thompson, the Commission directed that complaint issue charging Twinplex Sales Company, a corporation, with violation of Section 5 of the Federal Trade Commission Act.

The draft of complaint which came forward with the files was referred to the Chief Counsel, via Pocket Section, for approval as to form and substance under the rule, with the direction that upon such approval, the complaint be referred to the Secretary for service without reference back to the Commission.

- (6) File 1-2862 - Northern Lumber Company, et al, vs. Blackwell Lumber Company, et al.

Mr. Thompson submitted memorandum of January 5th reviewing the record, concurring in the recommendation of the Board of Review and recommending that complaint issue.

After consideration, on motion of Mr. Thompson, the Commission directed that complaint issue charging the Shevlin-Hixon Company, et al with violation of Section 5 of the Federal Trade Commission Act.

It was directed that the complaint which came forward with the files be amended and enlarged to include as parties respondent, all of the parties shown by the record to have followed the practices charged in the first draft of complaint against the Shevlin-Hixon Company.

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The draft of complaint which came forward with the was referred to the Chief Counsel to be reviewed pursuant to the Commission's direction, the same to be served by the Secretary without further action by the Commission, upon its approval by the Chief Counsel under the rule.

The following matters of general business forwarded to the Commission by the heads of the several divisions were presented by the Secretary and action as indicated was taken by the Commission:

(1) Letter of January 2nd from Mr. John F. Huck, Special Agent, of the Economic Division, requesting leave without pay for a period of three months, commencing January 5, 1925. The application was approved by the Chief Economist.

On notice of Mr. Nugent, the leave was granted by the Commission.

(2) Letter of December 31, 1924, from the Personnel Classification Board (F. J. Bailey, Chairman), transmitting copy of a letter of December 8, 1924, from the Attorney General of the United States to the Personnel Classification Board setting forth the Attorney General's opinion concerning the intent of those provisions of Section 9 of the Classification Act of 1923, which relate to the opening of efficiency ratings to inspection by the employees.

The opinion of the Attorney General after setting forth his examination of the questions, submitted by the Personnel Classification Board, stated: "It, therefore, would seem to be clear that the inspection of efficiency ratings was intended to be available to all employees of a department, regardless of grade or class.", and that the authority of the Board goes only to the matter of determining the procedure to be followed in the inspection. The letter from the Board stated that the Board proposes to issue regulations requiring that individual notices of ratings be sent to all employees and requiring also that Efficiency Rating Form No. 6 be made available to inspection by any employee upon request. The Board submitted draft of a proposed circular letter and requested the Commission's advice and comment with respect to the proposed regulations or with respect to any related procedure which it might be felt should also be made subject to uniform regulations. The proposed notice as prepared by the Board to the individual employee, contains the following information:

Classification				Efficiency	
				Rating	
Service	Grade	Class			
J.A.F.	3	Gen. Stenog.		93.82	

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with the Commission's decision, then upon request, the
should be open to inspection by any employee.

The Secretary reported the submission of the correct notice
above referred to, to the heads of the several divisions in
conference and the unanimous opinion of the conference that the
Commission express its approval of the form of notice to the
individual employee as proposed by the Board.

The Commission, thereupon, approved the form of notice
suggested by the Board and directed the Secretary to prepare an
appropriate letter for the Chairman's signature notifying the
Board of the Commission's action.

(3) Letter of December 21st from the Westfield-Chautauque
& Erie Grape Growers' Cooperative Association, Inc. (D. K. Falvey,
President), Westfield, New York, referring to the investigation
under Senate Resolution 278, dated December 8, 1924, (Senator
George W. Norris) in connection with the case of United States vs.
Swift & Company, et al, in the Supreme Court of the District of
Columbia, commonly known as the Packers' Consent Decree, and
furnishing certain information relative to the effect of the
Decree upon the Grape Industry in the territory in New York and
Pennsylvania covered by this Association.

The letter was read and referred to the Secretary for
acknowledgment and to the Chief Economist for attention.

(4) File 2-3444 - Philip J. Pinocchio Company vs. W. F.
Schrafft & Sons Corporation.

Letter of December 30th from Senator David I. Walsh,
Massachusetts, requesting to be advised of the progress made
in the investigation.

The Secretary reported that the case was in the Board of
Review and in the ordinary course would be reached by February 1st.
The Commission directed the Secretary to so inform the Senator.

(5) Docket 450 - Wilson & Company, Inc.

Memorandum of December 30th was received from the Chief
Counsel reporting in response to the Commission's direction of
December 10th and transmitting draft of amended complaint including
therein, as parties respondent, two individuals appointed receivers
of the Paul O. Reymann Company, appointed by the United States
District Court in September 1924.

In the memorandum the Chief Counsel expressed opinion that
it was unnecessary to begin the proceeding de novo and called
attention to an objection involving a question of jurisdiction
by reason of the passage of the Packers & Stockyards Act in 1921.
The Chief Counsel suggested proceeding with the present case upon
notice to the receivers and application to the Court for an Order
restraining the receivers from disposing of any of the stock of
the Paul O. Reymann Company, pending final determination of the
Commission's proceedings against Wilson & Company, Inc.

The Commission directed that the papers be circulated.

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(2) Memorandum of January 3rd was received from the Chief Counsel transmitting file of papers in regard to undocketed application for complaint against the Grand Rapids Furniture Company of Chicago, Ill., accompanied by a draft of proposed complaint charging this Company with violation of Section 5 of the Federal Trade Commission Act and with the recommendation that such complaint issue without further investigation. The memorandum from the Chief Counsel stated that the case as presented appears to be quite complete.

The memorandum was read and after discussion, on motion of Mr. Joskill, seconded by Mr. Van Fleet, the matter was referred to the Chief Examiner with instructions to report forthwith as to whether or not he concurs in the recommendation of the Chief Counsel for complaint and with the further direction that the papers be docketed as an application for complaint and be reported back to the Commission with the Chief Examiner's report.

From the Circulating Calendar the Commission considered the following matters and action as indicated was taken:

(1) Letter of December 18th from Mr. William J. Matthews, attorney-at-law, Chicago, requesting copy of the record and division of the Commission in the matter relating to the reported disbarment of Mr. E. W. Bouders, attorney-at-law, of Chicago, from practicing before the Federal Trade Commission.

The papers were circulated December 22nd. Notations by the several Commissioners were read and after discussion, it was ordered, upon motion of Mr. Van Fleet, that the Secretary notify Attorney Matthews of the Commission's declination to furnish a copy of the record requested.

(2) Report by Attorney-Examiner Tackett, dated December 19th relative to the acquisition of a capital stock interest in the American Line & Stone Company by Charles Warner Company, and recommending that the matter be closed and filed without further action. Attorney Burton concurred in this recommendation.

The papers were circulated December 22nd. Notations by the several Commissioners were read and after discussion, the recommendation of Attorney-Examiner Tackett was approved by the Commission and the matter was closed and ordered filed without further action.

(3) Report by Special Agent Fischer, dated December 19th relative to the acquisition by The Foulds Company of the capital stock of the Foulds Milling Company, Warner Macaroni Company and Kitchen Bouquet, Inc. and the assets and good-will of the Woodcock Macaroni Company and recommending that complaint issue charging the proposed respondent with substantially lessening competition in violation of Section 7 of the Clayton Act and also Section 5 of the Federal Trade Commission Act.

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The papers were circulated December 22nd. Motions by the several Commissioners were read and after discussion, the following motion was offered by Mr. Thompson, seconded by Mr. Gaskill:

Moved, that the papers be docketed as an application for complaint.

As to the foregoing motion, Messrs. Gaskill, Nugent and Thompson voted in the affirmative and Messrs. Van Fleet and Hunt voted in the negative. The motion carried and it was so ordered. The papers were referred to the Docket Section.

- (4) File 1-3198 - Red River Woolen Mills Company vs.
Minneapolis Woolen Mills Company, Inc.
" 1-3273 - Red River Woolen Mills vs. Consumers'
Woolen Mills Association, Inc.

Memorandum of November 25th was received from the Chief Examiner recommending that file 1-3198 - Red River Woolen Mills Company vs. Minneapolis Woolen Mills Company, Inc., be reopened for the purpose of further investigation to secure evidence of actual deception caused by the use of the word "mills" in the corporate name.

The papers were circulated December 22nd. Motions by the several Commissioners were read and thereafter, it was ordered, upon motion of Mr. Gaskill, that the recommendation of the Chief Examiner be approved and that file 1-3198 be reopened for the purpose of further investigation to secure, if possible, evidence of actual deception caused by the use of the word "mills" in the corporate name.

The file was transmitted to the Chief Examiner, via the Docket Section.

Attorney Adrian W. Borick of the Chief Counsel's office, appeared and after reporting the facts surrounding the preparation of brief in Docket 887 - Sealpak Company case in the United States Circuit Court of Appeals for the Fourth Circuit, requested that the rule limiting court briefs to sixty-five pages be waived and permission granted to file a brief in this case in the Circuit Court not to exceed one hundred pages.

On motion of Mr. Thompson, the permission requested was granted by the Commission.

The Commission recessed at 12 m., and reassembled at 2 p.m.

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PRESENT:

Vernon W. Van Fleet, Chairman,
Nelson B. Gaskill,
John F. Nugent,
Charles W. Hunt,
Huston Thompson.

Pursuant to arrangements made the Commission met to hear final argument in Docket 1087 - Worthington Creamery Produce Company. Attorney Flannery appeared for the Commission. There was no appearance on behalf of the respondent. Attorney Flannery informed the Commission that notice by registered mail had been given the respondent of the time and place of hearing. Attorney Flannery was heard in support of the complaint. The hearing continued until the hour of 2:30 p.m., was concluded and the matter taken under advisement.

Thereupon, at the hour of 2:30 p.m., the Commission adjourned to meet Wednesday, January 7, 1925, at 10 a.m.

Vernon W. Van Fleet,
Chairman.

Attest:

Nelson B. Gaskill
Nelson B. Gaskill,
Secretary.

Tuesday - January 6, 1925 - No meeting held.

MEETING OF THE FEDERAL TRADE COMMISSION

Wednesday - January 7, 1925 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
Nelson B. Gaskill,
John F. Nugent,
Charles W. Hunt,
Huston Thompson.

January 7, 1935.

The minutes of the meeting of January 3, 1935, were read and approved.

The Chairman presented the following matters and action as indicated was taken by the Commission:

(1) Letter of January 5th from the New York Wholesale Grocers' Association (H. M. Foster, Secretary and General Manager) requesting a member of the Federal Trade Commission to address the convention of the Association to be held in New York City in March or April of this year.

The letter was read and was referred to the Secretary with instructions to advise the Association that the present plans of the Commissioners will not permit of an acceptance of the invitation by any Commissioner at this time.

(2) File 1-3310 - Remington Arms Company vs. National Cash Register Company.

Letter of January 3rd from the Department of Justice, (A. T. Seymour, Assistant to the Attorney General), referring to the Commission's request in its letter of December 20th and returning to the Commission the files furnished the Department of Justice by the Commission in the matter of the above case.

The letter was read and filed.

(3) Letter of January 3rd from the Treasury Department (R. M. Bates, Deputy Commissioner, Internal Revenue) enclosing copy of a letter dated December 18th from Louis Walter, Inc., in regard to the use of certain words on cigar boxes.

The correspondence was read and was referred to the Chief Examiner for attention with instructions to forward to the parties copies of the Commission's orders to cease and desist in cigar label cases and for such other action as the Chief Examiner may deem warranted. The Secretary was directed to acknowledge Mr. Bates' letter.

(4) Letter of January 5th from the Department of State transmitting pamphlet, published by the British Government, entitled, "Incidents relating to Trade and Navigation in the United Kingdom" for the month of November 1934.

The pamphlet was referred to the Export Trade Division for information.

(5) Letter of January 6th from the Department of State, transmitting copy of report from the American Consulate, Mexico City, entitled, "Railways".

The report was transmitted to the Export Trade Division for information and filing.

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(6) Copy of report from the American Consulate, Fredericton, New Brunswick, dated December 22, 1924, entitled, "Alleged Potato Combines in New Brunswick, Canada".

The report was referred to the Export Trade Division for information and filing.

(7) Memorandum of January 6th from the Chief Counsel transmitting an appeal by Trial Attorney Edward E. Reardon, dated December 27th to the Personnel Classification Board for change in allocation from Professional Grade 4 to Professional Grade 3. The Chief Counsel disapproved the appeal.

The memorandum from the Chief Counsel was turned over to Mr. Gaskill, Commissioner-in-charge of the Chief Counsel's office, it appearing that Attorney Reardon's appeal with a copy of the Chief Counsel's memorandum had been referred to Mr. Gaskill.

(8) The Commission also discussed the appeal dated December 20, 1924, filed by Attorney Morgan J. Doyle and considered by the Commission on December 31, 1924.

It was agreed and ordered that Mr. Doyle's appeal and also all papers connected with his classification and the Commission action thereon be brought together by the Secretary and circulated. The file to include a draft of letter to the Board as prepared by Mr. Gaskill pursuant to Commission action of December 31, 1924.

Mr. Gaskill moved the adoption of the proposed order set forth in memorandum of December 20, 1924 and presented to the Commission on December 31, 1924 with respect to the disposition of cases without formal complaint.

The Commission agreed to consider Mr. Gaskill's memorandum of December 20th as a special Order of business after the regular order of business on Friday, January 2, 1925.

Mr. Nugent presented letter of December 20th from Miss Eleanor Chenelton, making application for reappointment as an Examiner in the Economic Division. Mr. Nugent also presented a memorandum of December 26th from the Chief Economist expressing opinion that the appointment should not be made before certain sums are allowed the Economic Division for salary increases and for field expenditures.

After discussion, on motion of Mr. Nugent, it was ordered that consideration of the application for reappointment be held in abeyance until further information is available with respect to the financial condition of the Commission. The application was left in the custody of the Secretary.

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In connection with the application of Miss Shonchen for reappointment and the application of Attorney Doyle for increased allocation, the Commission considered its financial condition briefly and thereafter, the following motion was offered by Mr. Caskill, seconded by Mr. Thompson and adopted by the Commission:

Moved, that the Secretary be directed to call upon the heads of the various divisions for estimates for the succeeding six months of the fiscal year, including deserved increases in salaries and promotions in grades; and that the Secretary then make up a tentative budget for the final six months and submit the same with the recommendations of the heads of divisions.

The following matters of general business forwarded to the Commission by the heads of the several divisions were presented by the Secretary and action as indicated was taken by the Commission:

- (1) Furniture Manufacturers' Association of Grand Rapids, Michigan, vs. Grand Rapids Furniture Company, Chicago, Illinois.

Memorandum of January 6th was received from the Chief Examiner reporting in response to the Commission's action of January 5th and concurring with the Chief Counsel in his recommendation that complaint issue forthwith against the above named respondent.

The Chief Examiner reported that another application for complaint - file 1-3730- Collins & Aikman Company vs. Grand Rapids Furniture Company, was pending against the same respondent on a charge of misrepresentation and false and misleading advertising in connection with mohair and that a final report recommending complaint on this application was submitted herewith.

In his memorandum of January 6th, the Chief Examiner called attention to the two addresses in Chicago for the Grand Rapids Furniture Company and reported that the Chicago Office had been directed to report by wire whether or not the Grand Rapids Furniture Company was doing business at both addresses and that subject to confirmation of the identity of the respondent, recommended that an additional count be incorporated in the complaint drafted by the Chief Counsel, so as to include in the complaint all offenses covered by the investigation in file 1-3730.

After consideration, on motion of Mr. Van Fleet, seconded by Mr. Thompson, the Commission directed that complaint issue charging Grand Rapids Furniture Company with violation of Section 5 of the Federal Trade Commission Act.

The draft of complaint submitted by the Chief Counsel with his memorandum of January 3, 1925 was returned to the Chief Counsel, via Pocket Section, to be redrawn so as to include the matters in

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file 1-3730 - Collins & Alkman Company vs. Grand Rapids Furniture Company, provided the respondent in file 1-3730, to-wit: Grand Rapids Furniture Company, 229 South Wabash Avenue, is identical with the Grand Rapids Furniture Company, 430-32 South Wabash Avenue, Chicago, which latter address is that of the respondent in the complaint submitted by the Chief Counsel with his memorandum of January 3, 1925.

The complaint when approved by the Chief Counsel as to form and substance, under the rule, was directed to be served by the Secretary without further action by the Commission.

(2) Memorandum of January 6th from the Chief Economist referring to the request of the Department of Justice in letter of December 27th for the services of Mr. Lewis T. Bond, accountant, in connection with the trial of the following listed cases, a series of cases of which the case of Swift & Company vs. United States was the first:

Re: Armour & Company No. 3-A
 Miller & Hart No. 5-A
 Morris & Company No. 20-A
 Libby, McNeil & Libby No. 35-A.
 Cudahy Packing Company No. 108-A
 Wilson & Company, Inc. No. 240-A
 L. Frank & Son Company No. 333-A
 Jacob Dold Packing Company No. 1163-C

The Chief Economist reported information from Mr. Bond, that Mr. Bond would submit his resignation from the Commission to take effect as soon as certain urgent work now in hand was completed, and in any event by the end of January 1925. The Chief Economist submitted draft of a letter to the Department of Justice in reply to letter of December 27th informing the Department of Mr. Bond's plans to resign from the Government service and expressing regret that the Commission is not able to comply with the Department's request for Mr. Bond's services.

The letter to the Department was approved and ordered forwarded. See file

(3) Docket 1010 - Pittsburgh Coal Company of Wisconsin, et al.
 Memorandum of January 6th from the Chief Counsel transmitting memorandum of January 6th from Trial Attorney Hayercraft requesting the assignment of Mr. Harold F. Flaws, an accountant in the Economic Division, to assist Attorney Hayercraft for one week's time in the analysis of the various exhibits submitted by counsel for the respondent in respondent's brief, the case now being set for final argument on January 13th. The Commission also received a memorandum of January 7th from the Chief Economist expressing opinion that it was inadvisable to remove Mr. Flaws from his present assignment of directing the compilation of data regarding the costs and profits in the

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bread industry. The Chief Economist also expressed opinion that the work specified by Attorney Hayercraft could be more effectively done by a person who combined Economic and Legal training, such as Messrs. Tackelt, Burton, Addison and Dyer, now members of the Chief Examiner's Staff but who were for a long time employed in the Economic Division.

The Secretary reported the request of the Chief Examiner to be heard by the Commission or permitted to submit a memorandum prior to the assignment of any member of the Chief Examiner's Staff to assist Attorney Hayercraft.

The several memoranda were read and thereafter, Mr. Gaskill offered the following motion, which was seconded by Mr. Thompson:

Moved, the assignment of Mr. Plows to this work.

As to the foregoing motion, Messrs. Gaskill and Thompson voted in the affirmative and Messrs. Van Fleet, Nugent and Hunt voted in the negative. The motion was lost.

It was then ordered, upon motion of Mr. Nugent, seconded by Mr. Van Fleet, that Attorney Tackelt be assigned to this case to assist Attorney Hayercraft.

(4) Report on Cotton Merchandising Practices, prepared jointly by the Chief Examiner and the Chief Economist in response to Senate Resolution 252, dated June 7, 1924 (Senator E. D. Smith of South Carolina). This report was first submitted on December 1st with joint memorandum from the Acting Chief Economist and the Chief Examiner, dated November 28th and also a memorandum of November 26th from Attorney Digges of the Chief Examiner's Staff. The report was circulated December 1st, was presented December 26th and 31st and left in the custody of the Secretary to be presented when a full membership is present.

Mr. Gaskill suggested that a conference be had by the Commission with the Economic Staff to go over the report page by page for consideration of the various criticisms and suggested changes made by the several Commissioners.

Mr. Gaskill's suggestion was adopted by the Commission and it was agreed that the Commission meet in special session at 2 o'clock Thursday, January 8th for a conference for this purpose.

(5) Docket 1235 - M. Roa Garza et al.

Memorandum of January 2nd was received from the Chief Counsel reporting in response to the Commission's motion of December 12th and stating that the Chief Counsel's office does not agree to striking the words "and received payment" from the complaint; and that the only words the Chief Counsel is willing to have stricken from the complaint are the words "The total amount of coal thus actually delivered being much less than the total quantity ordered".

The Chief Counsel's memorandum of January 2nd was submitted in connection with motion filed November 10, 1924, by attorneys W. A. Hall and Richard Townsend, counsel for the respondent, to

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strike out certain allegations of the complaint and make the complaint more definite and certain.

The motion of respondent was considered by the Commission on December 12th and was referred back to the Chief Counsel for a memorandum as to whether the Chief Counsel agreed to striking from the complaint the words, "and receive payment" appearing in Paragraph Five.

After consideration, on motion of Mr. Van Fleet, it was ordered by the Commission that respondent's motion be overruled in all respects, except that as agreed between counsel for the Commission and counsel for the respondent, that the words "The total amount of coal thus actually delivered being much less than the total quantity ordered", appearing in Paragraph Five of the complaint be struck from the complaint.

The Chief Counsel was directed to prepare and the Secretary to serve an appropriate order.

(6) Letter of January 5th from the Postoffice Department (H. F. Donnelly, Acting Solicitor) transmitting report of Postoffice Inspector relating to alleged use of the mails to defraud by the Sanitary Feather Company, Chicago, Illinois, for such action as the Commission may deem warranted, with the statement that the case appears to come more properly under the jurisdiction of the Federal Trade Commission than under that of the Postoffice Department. The letter stated that from the papers attached it appeared that the Sanitary Feather Company is practicing unfair methods of competition in labeling pillows manufactured by it.

On motion of Mr. Van Fleet, seconded by Mr. Nugent, the Commission directed that the papers be docketed as an application for the issuance of a complaint in the name of the Commission and that the Postoffice Department be notified of the docketing of the papers.

(7) Report from the Chief Examiner of formal cases in the hands of the Trial Examiners as of January 1, 1925.

The report was received and copies ordered placed in the Calendars.

(8) Docket 927 - Carb. Products Refining Company.

Memorandum of January 3rd was received from the Chief Counsel transmitting request of counsel for the respondent for an extension of two weeks within which to file brief in this case and recommending that the extension be granted.

The recommendation of the Chief Counsel was approved and the extension granted by the Commission. Order submitted by the Chief Counsel was approved and entered granting counsel for the respondent to and until February 3, 1925 for filing brief.



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(d) Memorandum of December 17th from the Chief Clerk reporting in the matter of acquisition by the Duvel Mills of the Tecumseh Mills in response to the Commission's action of December 8th with respect to contradictory statements contained in the original endorsements in the file by Attorney Gaskett.

The papers were circulated December 26th. Motations by the Commissioners were read and thereafter, Mr. Gaskill offered the following motion, which was seconded by Mr. Van Fleet:

Moved, that the matter be closed and the papers filed without action.

In substitution for the foregoing motion, Mr. Nugent moved that the papers be docketed as an application for complaint.

As to the substitute motion by Mr. Nugent, there was no second nor vote.

Vote was then taken upon the original motion by Mr. Gaskill, as seconded by Mr. Van Fleet. As to this motion, Messrs. Van Fleet, Gaskill, Hurt and Thompson voted in the affirmative and Mr. Nugent voted in the negative. The motion carried and it was so ordered.

The Commission recessed at 12 m., and reassembled at 2 p.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
Nelson B. Gaskill,
John T. Nugent,
Charles W. Hurt,
Huston Thompson.

Pursuant to arrangements, the Commission met to hear final argument in Docket 1164 - The Best Foods, Inc. Attorney Whiteley was heard in support of the complaint. Attorney Francis S. Heagle was heard on behalf of the respondent. The hearing continued until the hour of 4:15 p.m., was concluded and the matter taken under advisement.

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Thereupon, at the hour of 4:15 p.m., the Commission
to meet Thursday, January 8, 1925 at 2 p.m.

Vernon W. Van Fleet,
Chairman.

Attest:

Otis S. Johnson,
Secretary.

MEETING OF THE FEDERAL TRADE COMMISSION

Thursday - January 8, 1925 - 2 p.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
Nelson E. Cassill,
John F. Magout,
Charles W. Hunt,
Huston Thompson.

Pursuant to arrangement the Commission met in special session
to consider manuscript copy of report on Cotton Merchandising
Practices prepared jointly by the Chief Economist and the Chief
Examiner in response to Senate Resolution 352, dated June 7, 1924
(Senator S. D. Smith, South Carolina). The conference was attended
by the Chief Economist and members of his staff engaged in the
preparation of the report.

The report was considered page by page and after amendments
indicated on marked copy was approved by the Commission and ordered
forwarded to the Senate and made public.

Thereupon, at the hour of 3 p.m., the Commission adjourned
to meet Friday, January 9, 1925 at 10 a.m.

Vernon W. Van Fleet,
Chairman.

Attest:

Otis S. Johnson,
Secretary.

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MINUTES OF THE MEETING OF THE COMMISSION

Friday - January 9, 1925 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
Nelson B. Gaskill,
John F. Nugent,
Charles W. Hunt,
Huston Thompson.

The minutes of the meeting of January 7th and 8th, 1925, were read and approved.

Mr. Gaskill referred to the minute of January 7th directing the Secretary to submit a tentative budget for the second half of the present fiscal year and thereafter offered the following motion:

Moved, that the Commission rescind the action of January 7, 1925 in directing the Secretary to prepare a budget and instead call upon the Secretary for the submission of a financial statement of the first six months of the present fiscal year with reference to the allocation of the appropriation during the entire fiscal year.

The motion was seconded by Mr. Thompson and adopted by the Commission.

The Chairman submitted the following matters and action as indicated was taken by the Commission:

(1) Letter of January 2nd from the Mahogany Association, Inc., (D. W. Allen, Chairman, Executive Committee), New York City, enclosing for the information of the Commission, copy of a bulletin recently issued by the National Retail Dry Goods Association to its members relative to improper description of furniture in advertising.

The letter was read and with the enclosure was referred to Mr. Thompson, the Commissioner-in-charge of the trade practice submitted with the Furniture Industry for consideration in connection with that submittal.

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(2) Letter of January 7th from Mr. [redacted] attorney engaged upon drafting pleadings for the Board requesting salary increase from \$1600. to \$3400. The letter was read and the Chairman stated that he had informed Attorney DeBruler, that the Commission was not now considering salary increases.

The letter from Mr. DeBruler was filed without action.

(3) Letter of January 6th from Senator C. E. Weller, Maryland, endorsing the application of Mr. Clarence M. Kiefer, Takoma Park, Maryland, for appointment as attorney-examiner with the Commission.

The letter was read and on motion of Mr. Van Fleet was referred to the Secretary for attention.

(4) Letter of January 7th from the Farmers' National Council, (Benjamin C. Marsh, Managing Director), Washington, D. C., acknowledged the Commission's letter and data in regard to the Export Trade Act. Mr. Marsh enclosed copy of a letter dated January 6th which the Farmers' National Council had sent to members of Congress with reference to the appropriations and work of the Commission.

The correspondence was read and thereafter, Mr. Van Fleet called attention to an error in the letter of January 6th wherein it was stated that the House Sub-Committee have cut the appropriations of the Commission by \$50,000. The Chairman reminded the Commission that the \$50,000 cut in appropriation had been made by the Budget Bureau and that the Sub-Committee had not yet reported the Commission's appropriation bill to the House.

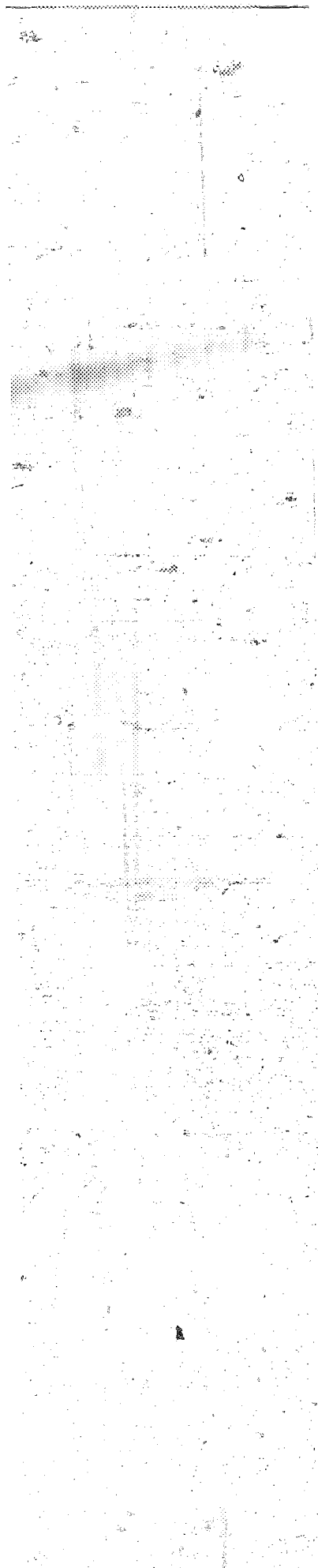
The correspondence was filed without action.

(5) Letter of January 6th from Mr. Patrick J. Lynch, President of the Dingee & Conard Company, Rose Growers, West Grove, Pennsylvania, concerning the advertisement by the Conard-Pyle Company and requesting the Federal Trade Commission to investigate the matter.

The letter was read and on motion of Mr. Van Fleet, was referred to the Chief Examiner for attention.

(6) Mr. Van Fleet referred to the request of the National Industrial Conference Board, New York City, for access to Export Trade Association files and the action of the Commission with respect thereto, under date of December 29, 1924, to the effect that authorization for examination of Association files must come direct to the Commission from the Association whose files are to be examined. Mr. Van Fleet expressed the opinion that the action taken in that case should be made the universal rule of the Commission and stated that with this in view he had drafted a letter embodying the following language to be sent to each Association operating under the Export Trade Act:

"Hereafter, no requests or permissions to examine the files of any Export Associations operating under the Export Trade Act (Webb-Pomarene Law) will be honored except when such requests or permission is directed to the Commission by the Export Associations themselves directly and not through the medium of any third party."



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The case was laid over until next Conference Day for further consideration.

(2) Docket 1018 - Toledo Pipe Threading Machine Company.

On June 6, 1924, the Commission directed (1) that an order to cease and desist issue; (2) that the Chief Counsel prepare draft of findings and order to cease and desist and submit the same to the Commission for approval as to form; and (3) that the dissent of Commissioner Gaskill show in the minutes, upon the Order and any statement issued, with permission to file a dissenting memorandum.

On July 25, 1924, the findings as to the facts and order to cease and desist submitted by the Chief Counsel and certified to in memorandum of July 10, 1924, were adopted by the Commission without change, the service of such findings and order to be withheld pending the filing of a dissenting memorandum by Mr. Gaskill.

On September 24, 1924, Mr. Gaskill informed the Commission of his further consideration of the case and stated that he had concluded not to file a dissenting opinion but desired to recall his dissenting vote and to change his vote from "no" to "aye". The minutes were corrected accordingly and the Commission directed that the findings and order submitted by the Chief Counsel and adopted by the Commission on July 25th and the alternative findings and order submitted by Mr. Gaskill be circulated with the record in the case.

On December 31, 1924, the Commission directed that the case be removed from the Circulating Calendar and placed on the Conference Calendar. The following papers were placed in the hands of each Commissioner: memorandum of July 10, 1924 from the Chief Counsel; findings as to the facts and order to cease and desist submitted by the Chief Counsel, certified to in memorandum of July 10th and adopted by the Commission on July 25, 1924; alternative findings and order submitted by Mr. Gaskill; complaint. Attorney Craven represents the Commission. Attorney George P. Hahn represents the respondent.

After consideration, on motion of Mr. Gaskill, seconded by Mr. Nugent, the Commission reconsidered and rescinded its action of July 25, 1924, in adopting the findings and order submitted by the Chief Counsel and adopted the alternative findings as to the facts as prepared by Mr. Gaskill and submitted on September 24, 1924.

The order submitted by Mr. Gaskill was amended upon suggestion of Messrs. Gaskill and Nugent as shown on marked copy and the order was adopted and with the findings as adopted were referred to the Secretary to be put in proper form and served without further action by the Commission.

(4) Docket 1087 - Worthington Creamery Produce Company.

This case comes before the Commission for final determination upon the following record: complaint; answer; testimony; report upon the facts by Trial Examiner Sheppard; brief by counsel for the Commission. No exceptions were filed to the report of the Trial Examiner. No brief was filed by counsel for the respondent.

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Final argument was heard January 5, 1925. Attorney Flannery represents the Commission. Attorney J. A. Cashel represents the respondent.

After consideration, on motion of Mr. Nugent, seconded by Mr. Van Fleet, the Commission directed that an order to cease and desist be issued and the Chief Counsel was directed to prepare findings as to the facts and order to cease and desist and submit the same to the Commission for consideration as to form and substance.

(5) Docket 1096 - Waterproof Paint & Varnish Company.

This case comes before the Commission for final determination upon the following record: memorandum of December 24, 1924 from the Chief Counsel transmitting the case; stipulation as to the facts; findings as to the facts and order to cease and desist; complaint; answer. No testimony was taken nor briefs filed. Attorney Flannery represents the Commission. Respondent has no attorney of record.

In connection with the consideration of this case, Mr. Nugent referred to the memorandum dated December 20, 1924, from the Chief Counsel in submitting Docket 1122 - Glidden Company and Forest City Paint & Varnish Company, wherein the Chief Counsel recommended that the outstanding orders in certain cases be amended to prohibit the respondents from using the word "Government" upon products made in accordance with some Government specification. Mr. Nugent referred to the findings and orders in the cases mentioned in the Chief Counsel's memorandum and particularly to the findings and order in Docket 748 - McCloskey Varnish Company and stated that he was not in favor of modifying the orders as recommended by the Chief Counsel but favored the type of order now outstanding in the McCloskey case.

After discussion, Mr. Caskill moved that the recommendation of the Chief Counsel in his memorandum of December 20, 1924, be rejected and that the Chief Counsel be instructed to prepare findings and order in the present case against the Waterproof Paint & Varnish Company - Docket 1096, similar, as far as possible, to the findings and order in Docket 748 - McCloskey Varnish Company and further that hereafter the orders issued by the Commission with reference to the use of the word "Government" in the sale of paints and varnishes follow that form.

The motion was seconded by Mr. Thompson and adopted by the Commission and it was so ordered.

The findings and order in the matter of the Waterproof Paint & Varnish Company - Docket 1096 as submitted by the Chief Counsel with memorandum of December 24th were returned to the Chief Counsel to be redrawn and resubmitted.

(6) Docket 1122 - Glidden Company and Forest City Paint & Varnish Company.

On September 19, 1924, the Commission directed that an order

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to cease and desist issue against Forest City Paint & Varnish Company and that the complaint be dismissed as to the Glidden Company. The record was referred to the Chief Counsel for report to the Commission as to whether the order as accepted is inconformity with the orders heretofore issued by the Commission in similar cases.

Pursuant to this action, the case is before the Commission for consideration of the Chief Counsel's report. The following papers were placed in the hands of each Commissioner: memorandum of December 20, 1924, from the Chief Counsel transmitting the case and reporting as above described; stipulation as to the facts; findings as to the facts and order to cease and desist; complaint; answer. No testimony was taken nor briefs filed. Attorney Flannery represents the Commission. Respondent has no attorney of record.

After consideration, on motion of Mr. Gaskill, the Commission rejected the Chief Counsel's recommendation for amendment of the order in this case as set forth in the Chief Counsel's memorandum of December 20th and returned the case to the Chief Counsel with instructions to report what, prior to negotiation for stipulation, were the facts as to the manufacture of the labels used by the Forest City Paint & Varnish Company; and whether such labels were ordered placed on containers at the request of the Forest City Paint & Varnish Company by the Glidden Company; and that pending the submission of such report that action on the case be withheld.

(7) Docket 1164 - The Best Foods, Inc.

This case laid over for further consideration on next Conference Day.

Mr. Nugent referred to the return of the files in file 1-3210 - Remington Arms Company vs. National Cash Register Company, by the Department of Justice as recorded in the minutes of January 7, 1925 and suggested that some action should be taken by the Commission and after discussion, moved that the Board of Review be directed to expedite its consideration of the case.

The motion was adopted by the Commission and it was so ordered.

Pursuant to arrangements the Commission proceeded to consider as a special order of business, the memorandum dated December 20, 1924, submitted by Mr. Gaskill providing for the disposition of cases without formal complaint. This memorandum is set forth in full in the minutes of December 31, 1924.

Mr. Gaskill moved that the memorandum be adopted as an order of the Commission.

Mr. Van Fleet submitted the following memorandum and moved that the same be adopted as a substitute:

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"The end and object of all proceedings of the Federal Trade Commission is to end all unfair methods of competition or other violations of the law of which it is given jurisdiction. The law provides for the issuance of a complaint and a trial as procedure for the accomplishment of this end. But it is also provided that this procedure shall be had only when it shall be deemed to be in the public interest, plainly giving the Commission a judicial discretion to be exercised in the particular case.

"It has been contended that the language of the statute using the word 'shall' is mandatory, but in view of the public interest clause no member of the Commission as now constituted holds or has ever held that the statute is mandatory. Hence, the proposed rule for settlement of applications for complaint may be considered on its merits.

"If it were not for the public interest clause it might appear that the statute would be mandatory. It remains to determine what effect the public interest clause has. In the interest of economy and of dispatch of business as well as the desirability of accomplishing the ends of the Commission with as little harm to respondents as possible, all cases should be so settled where they can be ~~except~~ where the public interest demands otherwise.

"But when the very business itself of the proposed respondent is fraudulent, it may well be considered by the Commission that the protection of the public demands that the regular procedure by complaint and order shall prevail. Indeed, there are some cases where that is the only course which would be of any value at all. As for instance, the so-called blue sky cases and all such where the business itself is inherently fraudulent or where a business of a legitimate nature is conducted in such a fraudulent manner that the Commission is warranted in the belief that no agreement made with the proposed respondent will be kept by him.

"It is perhaps hard to draw a definite line, but I think we may say that the rule shall be that all cases shall be settled by stipulation except when the public interest demands otherwise for the reasons set forth above.

"I therefore, move, that the foregoing be adopted as a declaration of the policy of the Commission and that the Chief Examiner in accordance therewith or the Board of Review shall bring forward to the Commission for such settlement all cases which in their opinion shall fall within this rule with their written recommendation.

(signed) Vernon W. Van Fleet,
Commissioner

January 9, 1925."

January 9, 1925.

Mr. Van Fleet's memorandum was read and after discussion it was ordered upon motion of Mr. Hunt, that Mr. Van Fleet's and Mr. Gaskill's memoranda be placed together and circulated among the Commissioners.

The motion was adopted and it was so ordered.

Mr. Thompson presented memorandum of January 8th from the Chief Economist transmitting file of papers relating to the application of Mr. R. F. Camalier for appointment to the staff of the Commission with the recommendation that he be appointed Junior Economist.

Mr. Thompson informed the Commission concerning Mr. Camalier's qualifications and endorsements and moved the appointment as recommended by the Chief Economist.

After discussion, it was agreed that Mr. Camalier's case be held in custody of the Secretary, the same as the application of Miss Eleanor Shenehon until further information is available with respect to the financial condition of the Commission, as set forth in the minutes of January 7, 1925.

The following matters of general business forwarded to the Commission by the heads of the several divisions were presented by the Secretary and action as indicated was taken by the Commission:

(1) Docket 1048 - Holeproof Hosiery Company.

Memorandum of January 8th was received from the Chief Counsel transmitting request of counsel for the respondent for an extension of time for filing brief and recommending that the same be granted.

The request was granted by the Commission and order approved and entered granting counsel for the respondent an extension to and until February 2, 1925, for filing brief.

(2) Docket 1101 - Oneida Community, Ltd.

Memorandum of January 8th was received from the Chief Counsel transmitting request of Attorney Craven, counsel for the Commission, for an extension of time for filing brief and recommending that the same be granted.

The request was granted by the Commission and order approved and entered granting counsel for the Commission an extension to and until February 15, 1925 for filing brief.

(3) Docket 1233 - Permutit Company.

The following orders submitted by the Chief Counsel were approved and entered: (1) that Web Woodfill, an examiner of the Commission, be designated to receive testimony, etc., and (2) that the hearing of the complaint begin at Cincinnati, Ohio, January 15, 1925, at 10 a.m.; at Chicago, Ill., January 19th, at 10 a.m.;

January 9, 1925.

Detroit, Michigan, January 23, 1925, at 10 a.m.; Cleveland, Ohio, January 28, 1925, at 10 a.m., and New York City, January 29, 1925, at 10 a.m.

(4) Docket 1010 - Pittsburgh Coal Company of Wisconsin, et al.

Memorandum of January 7th from Trial Attorney Haycraft, endorsed by the Chief Counsel, referring to the action of the Commission under date of January 7th in assignment of Attorney Tackett to assist Attorney Haycraft and reporting that Attorney Tackett was without knowledge of the coal industry and for that reason his services would be useless to the case and again requesting the assignment of Mr. Harold F. Pless of the Economic Division to assist Attorney Haycraft.

The memorandum was read and on motion of Mr. Nugent, seconded by Mr. Gaskill, the Commission reconsidered and rescinded its action of January 7th in assigning Attorney Tackett to the case and upon motion of Mr. Nugent, seconded by Mr. Hunt, approved the recommendation of the Chief Counsel and assigned Mr. Pless to assist in the case until the time of argument, January 13, 1925.

(5) Memorandum of January 8th was received from the Chief Examiner submitting letter of January 2nd from Attorney-Examiner George C. Nugent, resigning his position with the Commission effective January 1, 1925. The Chief Examiner recommended that the resignation be accepted.

On motion of Mr. Nugent, the resignation was accepted by the Commission effective January 1, 1925.

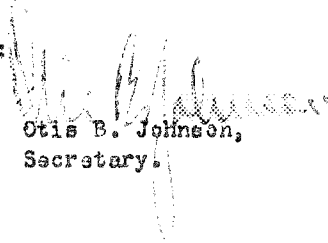
(6) Letter of January 10th from the Bureau of the Budget informing the Commission of a meeting of the Business Organizations of the Government on Monday, January 26, 1925 and requesting a list of the officials of the Commission who will attend.

The Secretary was directed to apply for tickets for the Chairman, the Secretary and the Budget Officer.

Thereupon, at the hour of 12:30 p.m., the Commission adjourned to meet Monday, January 12, 1925, at 10 a.m.

Vernon W. Van Fleet,
Chairman.

Attest:


Otis B. Johnson,
Secretary.

January 12, 1925.

Saturday - January 10, 1925 - No meeting held.

Sunday - January 11, 1925 - No meeting held.

MEETING OF THE FEDERAL TRADE COMMISSION

Monday - January 12, 1925 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
Nelson B. Gaskill,
John F. Nugent,
Charles W. Hunt,
Houston Thompson.

The minutes of the meeting of January 9, 1925, were read and after correction were approved.

The Chairman presented the following matters and action as indicated was taken by the Commission:

(1) Letter of January 9th from the Bureau of the Budget reporting the completion by the Inter-departmental Board of Contracts & Adjustments of a Digest of the Principal Decisions of the Courts relating to Government contracts and requesting to be advised of the number of copies of this Digest desired by the Commission.

The Secretary was directed to order one dozen copies of the Digest.

(2) Letter of January 9th from the Department of Justice (A. T. Seymour, Assistant to the Attorney General), informing the Commission of the Department's investigation of the Cincinnati Film Board of Trade and making inquiry whether the Federal Trade Commission has recently made an investigation of the activities of the managers of the film exchanges at Cincinnati and if so, whether the evidence gathered, if any, will be available for the use of the Department in any action it may take in the matter.

The letter was read and referred to the Chief Counsel for preparation of reply for the signature of the Chairman.

(3) Memorandum of January 9th from the Chairman of the Board of Review recommending that the salary of Mr. Mayo E. McKeown, stenographer attached to the Board, be increased from \$1560. to \$1680. per annum.

January 12, 1925.

The memorandum was read and on motion of the Chairman was ordered filed until such time as the Commission gives consideration to general salary increases among the entire staff.

(4) Letter of January 9th from the Department of State (Wilbur J. Carr, Assistant Secretary) referring to the Commission's letter of December 31st in the matter of foreign trade complaint of Steinharter & Company, Inc., of New York City vs. Lopez Valsiras of Vigo, Spain and informed the Commission that a copy of its letter had been submitted to the American Consul at Vigo, Spain, with direction to provide a prompt report in response to the request of the Commission for supplemental information.

The letter was read and ordered filed after reference to the Export Trade Division for its information.

(5) Docket 1251 - American Association of Advertising Agencies, et al.

Letter of January 8th from Mr. Gilbert H. Montague, attorney at law, New York City, referring to a rumor to the effect that attorneys for the respondents in the above case will attempt to negotiate with the Commission for an agreed order, so that they may thus avoid the disclosures which would be involved in public hearings. In his letter Mr. Montague expressed the hope that before the terms of any agreed order are decided upon, that for the protection of his clients he may have an opportunity to outline to the Commission and its counsel some points which are referred to in the complaint and as to which a very explicit and comprehensive order will be necessary for the protection of Mr. Montague's clients.

The letter was read and on motion of Mr. Van Fleet, the Commission directed that reply be made informing Mr. Montague that no proposal has come to the Commission respecting an agreed order but if such proposal is made, Mr. Montague will be advised thereof.

(6) Docket 1251 - American Association of Advertising Agencies, et al.

A second letter dated January 8th was received from Mr. Gilbert H. Montague, attorney at law, New York City, requesting one hundred mimeographed copies of the Commission's complaint in this case for distribution by him in response to inquiries from large national advertisers in various sections of the country.

The Commission directed the Secretary to forward the copies to Mr. Montague as requested.

Mr. Gaskill suggested the Commission consider the question as to which Commissioner is to sign subpoenas and suggested the desirability of the adoption of some uniform practice.

January 12, 1925.

After discussion, on motion of Mr. Gaskill, it was ordered that subpoenas in formal docket cases be presented for signature to the Commissioner who handled the case in its application for complaint stage and that the Chief Counsel be so notified; and further notified to refrain from presenting the subpoenas for signature at the last moment of time remaining.

Mr. Van Fleet presented the following listed applications for complaint and action as indicated was taken by the Commission:

- (1) File 1-2432 - F. T. C. vs. American Optical Company.

Mr. Van Fleet submitted memorandum of January 2, 1925 reviewing the facts. The memorandum was read and after discussion, on motion of Mr. Nugent, the file was circulated.

- (2) File 1-3455 - Unfair Competition Bureau of the Paint & Varnish Industries vs. Norman-Thomas Company.

Mr. Van Fleet submitted memorandum of January 10, 1925 reviewing the facts and stating that the Examining Attorney and the Board of Review recommend dismissal.

The memorandum was read and after consideration, on motion of Mr. Van Fleet, seconded by Mr. Thompson, the application for complaint was dismissed by the Commission because of the absence of interstate commerce.

- (3) File 1-3540 - Irish Trade Commission to America vs. Lian & Marabak.

Mr. Van Fleet submitted memorandum of January 10, 1925, reviewing the facts and stating that the Examining Attorney and the Board of Review recommend that complaint issue.

The memorandum was read and after consideration on motion of Mr. Van Fleet, seconded by Mr. Thompson, the Commission directed that complaint issue charging Abraham Lian, George Marabak, R. Lian, William Lian, Michael Marabak, Joseph Marabak, John Marabak, Sahid Lian, partners, trading as Lian & Marabak, with violation of Section 5 of the Federal Trade Commission Act.

The draft of complaint which came forward with the files was referred to the Chief Counsel, via Docket Section, for approval as to form and substance under the rule, with the direction that upon such approval, the complaint be referred to the Secretary for service without reference back to the Commission.

- (4) File 1-3544 - Irish Trade Commission to America vs. N. B. Bardwil & Company, et al.

Mr. Van Fleet submitted memorandum of January 10, 1925 reviewing the facts in the case and stating that the Examining Attorney, the Chief Examiner and the Board of Review recommend that complaint issue.

The memorandum was read and after consideration, on motion of Mr. Van Fleet, seconded by Mr. Thompson, the Commission directed that complaint issue charging N. B. Bardwil, T. B. Bardwil, M. Bardwil,

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partners, trading as N. B. Burdwell & Company, with violation of Section 5 of the Federal Trade Commission Act.

The draft of complaint which came forward with the files was referred to the Chief Counsel, via the Docket Section for approval as to form and substance under the rule, with the direction that upon such approval the complaint be referred to the Secretary for service without reference back to the Commission.

(5) File 1-3043 - F. T. C. vs. Anderson, Clayton & Company, et al.
Mr. Van Fleet submitted memorandum of January 9, 1925, reviewing the facts in the case and stating that the Examining Attorney and the Board of Review recommend dismissal of the application.

The memorandum was read and after consideration, on motion of Mr. Van Fleet, seconded by Mr. Thompson, the application for complaint was dismissed by the Commission.

(6) File 1-2876 - F. T. C. vs. Cluett, Peabody & Company, Inc.
Mr. Van Fleet submitted memorandum of January 10, 1925 reviewing the facts and stating that the Examining Attorney and the Board of Review recommend dismissal of the application.

The memorandum was read and at the suggestion of Mr. Nugent, the case was referred to him for consideration and report.

Mr. Gaskill presented the following listed applications for complaint and action as indicated was taken by the Commission:

(1) File 1-3543 - Irish Trade Commission to America vs. A. D. Sutton & Sons.

Mr. Gaskill submitted memorandum of January 9, 1925 reviewing the record, concurring in the recommendation of the Board of Review and recommending that complaint issue.

The memorandum was read and after consideration, on motion of Mr. Gaskill, seconded by Mr. Thompson, the Commission directed that complaint issue charging Abraham D. Sutton, David Sutton, Selim Sutton, partners, trading as A. D. Sutton & Sons with violation of Section 5 of the Federal Trade Commission Act.

The draft of complaint which came forward with the files was referred to the Chief Counsel, via Docket Section, for approval as to form and substance under the rule, with the direction that upon such approval, the complaint be referred to the Secretary for service without reference back to the Commission.

(2) File 1-3547 - Irish Trade Commission to America vs. Alfred Keniberg, Inc.

Mr. Gaskill submitted memorandum of January 9, 1925 reviewing the record, concurring in the recommendation of the Board of Review and recommending that complaint issue.

The memorandum was read and thereafter, on motion of Mr. Gaskill, seconded by Mr. Thompson, the Commission directed that

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complaint issue charging Alfred Kohlberg, Inc., with violation of Section 5 of the Federal Trade Commission Act.

The draft of complaint which came forward with the files was referred to the Chief Counsel, via Docket Section, for approval as to form and substance under the rule, with the direction that upon such approval, the Complaint be referred to the Secretary for service without reference back to the Commission.

(3) File 1-3018 - Pathe Exchange, Inc. vs. Turner & Dahnen, et al.
Mr. Gaskill submitted memorandum of January 9, 1925 reviewing the record, concurring in the recommendation of the Board of Review and recommending that the application be dismissed.

The memorandum was read and thereafter, on motion of Mr. Gaskill the application for complaint was dismissed by the Commission.

(4) File 1-3295 - Vollrath Company vs. Polar Ware Company.
Mr. Gaskill stated that this application came direct to the Commission from the Chief Examiner without reference to the Board of Review pursuant to the Commission's order of December 3, 1924.
Mr. Gaskill submitted memorandum of January 9, 1925 reviewing the record, concurring in the recommendation of the Chief Examiner and recommending that the application be dismissed.

After consideration, on motion of Mr. Gaskill, seconded by Mr. Thompson, the application for complaint was dismissed by the Commission.

Upon motion of Mr. Nugent, the Chief Counsel was directed to report promptly to the Commission, the status of Docket 1051 - Manhattan Shirt Company.

Mr. Nugent presented the following listed applications for complaint and action as indicated was taken by the Commission:

(1) File 1-3412 - Shirek & Hirsch vs. Personality Clothing Company, Inc.

Mr. Nugent submitted memorandum of January 12, 1925 reviewing the facts, concurring in the recommendation of the Board of Review and recommending that the application be dismissed.

The memorandum was read and thereafter, on motion of Mr. Nugent, the application for complaint was dismissed by the Commission.

(2) File 1-3538 - Benjamin Moore & Company vs. George E. Watson Company.

Mr. Nugent submitted memorandum of January 12, 1925 reviewing the record, concurring in the recommendation of the Board of Review and recommending that complaint issue.

The memorandum was read and after consideration, on motion of Mr. Nugent, the Commission directed that complaint issue charging George E. Watson Company with violation of Section 5 of the Federal Trade Commission Act.

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It was also ordered, upon motion of Mr. Nugent, that the Commission obtain samples of other products sold by the respondent for the purpose of ascertaining whether or not the same are falsely advertised, misbranded or misrepresented.

The file was referred to the Chief Examiner, via Docket Section.

(3) File 1-2773 - D. W. McNeill vs. John B. Stetson Company.

Mr. Nugent recited the facts in the case and stated that he concurred in the recommendation of the Board of Review and recommended that complaint issue.

After consideration, on motion of Mr. Nugent, the Commission directed that complaint issue charging John B. Stetson Company, with violation of Section 5 of the Federal Trade Commission Act.

The draft of complaint which came forward with the files was referred to the Chief Counsel, via Docket Section, for approval as to form and substance under the rule, with the direction that upon such approval, the complaint be referred to the Secretary for service without reference back to the Commission.

Mr. Hunt submitted file 1-3115 - Lindsay Crawford, Irish Consul General vs. Harry Berger, with memorandum of January 7th reviewing the facts in the case and recommending that complaint issue.

The memorandum was read and after discussion, Mr. Hunt offered the following motion:

Moved, that complaint issue charging Harry Berger, trading as Harry Berger Shirt Company with violation of Section 5 of the Federal Trade Commission Act.

The motion was seconded by Mr. Nugent.

Mr. Gaskill moved in substitution, that the application for complaint be dismissed.

As to the substitute motion, there was no second nor vote.

Vote was then taken upon the original motion for complaint.

As to this motion, Messrs. Van Fleet, Nugent, Hunt and Thompson voted in the affirmative and Mr. Gaskill voted in the negative. The motion carried and it was so ordered.

The draft of complaint which came forward with the files was referred to the Chief Counsel, via Docket Section, for approval as to form and substance under the rule, with the direction that upon such approval, the complaint be referred to the Secretary for service without reference back to the Commission.

January 12, 1925.

Mr. Thompson submitted the following listed applications for complaint and action as indicated was taken by the Commission:

- (1) File 1-3323 - Texas Tire & Supply Company, Inc. vs. Clyde L. Rubber Company.

Mr. Thompson submitted memorandum of January 12th reviewing the record, concurring in the recommendation of the Board of Review and recommending that the application for complaint be dismissed.

The memorandum was read and after discussion, on motion of Mr. Thompson, the application for complaint was dismissed by the Commission.

- (2) File 1-3402 - Tanners' Council of America vs. Boni & Leveright, Inc.

Mr. Thompson recited the facts in the case and stated that he concurred in the recommendation of the Board of Review and recommended that complaint issue.

After consideration, on motion of Mr. Thompson, the Commission directed that complaint issue charging Boni & Leveright, Inc. with violation of Section 5 of the Federal Trade Commission Act.

The draft of complaint, which came forward with the files was referred to the Chief Counsel, via Docket Section, for approval as to form and substance under the rule, with the direction that upon such approval, the complaint be referred to the Secretary for service without reference back to the Commission.

- (3) File 1-3160 - Royal Drug Company vs. J. W. Kobi Company.

Mr. Thompson submitted memorandum of January 12th reviewing the record, concurring in the recommendation of the Board of Review and recommending that complaint issue.

The memorandum was read and after discussion, on motion of Mr. Thompson, the Commission directed that complaint issue charging J. W. Kobi Company with violation of Section 5 of the Federal Trade Commission Act.

The draft of complaint, which came forward with the files was referred to the Chief Counsel, via Docket Section, for approval as to form and substance under the rule, with the direction that upon such approval, the complaint be referred to the Secretary for service without reference back to the Commission.

The following matters of general business forwarded to the Commission by the heads of the several divisions were presented by the Secretary and action as indicated was taken by the Commission:

- (1) Docket 1115 - General Electric Company, et al.

Upon receipt of memorandum of January 10th from Trial Attorney Edward L. Smith, endorsed by the Chief Counsel, the Commission directed the Secretary to assign a stenographer to this case to assist Attorney Smith in the field with the direction that expenses incident to the assignment be charged to the Chief Counsel's Office.

January 12, 1925.

(2) Memorandum of January 10th was received from the Chief Examiner transmitting file of papers in the matter of preliminary inquiry with respect to the Savoy Watch Company, with the recommendation that an application for complaint be docketed in the name of the Commission against the Savoy Watch Company.

The recommendation was approved and it was so ordered.

(3) Report from the Chief Examiner of the work of the Legal Investigating Division for the month of December 1924.

The report was received and ordered placed in the Calendars.

(4) Memorandum of January 9th from the Chief Economist transmitting letter of January 5th from Examiner Lewis F. Bond resigning his position with the Commission effective at the close of business January 19, 1925. The Chief Economist recommended that the resignation be accepted.

The resignation was accepted by the Commission.

(5) Memorandum of January 9th from the Chief Economist recommending that a further extension of leave without pay be granted to Miss Teresa Rickenberg because of illness for a period of six months beginning January 1, 1925.

The leave was granted by the Commission as recommended.

(6) Docket 1115 - General Electric Company, et al.

The following orders submitted by the Chief Counsel were approved and entered: (1) that William C. Reeves, an Examiner of the Commission, be designated to receive testimony, etc., and (2) that the hearing of the complaint begin at New York City on March 18, 1925, at 10 a.m.

(7) Docket 1237 - California Grape Growers' Exchange.

The following orders submitted by the Chief Counsel were approved and entered: (1) that Web Woodfill, an Examiner of the Commission, be designated to receive testimony, etc., and (2) that the hearing of the complaint begin at New York City on February 2, 1925, at 10 a.m.

(8) Letter of December 30th was received from the Personnel Classification Board (F. M. Bailey, Chairman), with reference to the Classification sheets submitted on December 22, 1924, referring to the change of duties of Mr. John H. Bass and Mr. Miles J. Furnas. The Commission also received draft of a suggested reply for the Chairman's signature.

The letter from the Personnel Classification Board was read and referred to the Chairman for reply on behalf of the Commission.

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January 13, 1925.

The Commission recessed at 12:30 p.m. and reassembled at 2 p.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
Nelson B. Gaskill,
John F. Nugent,
Charles W. Hunt,
Huston Thompson.

Pursuant to arrangements the Commission met to hear final argument in Docket 1080 - Wisconsin Cooperative Creamery Association, et al. Attorney Flannery appeared on behalf of the Commission. There was no appearance on behalf of the respondents. Attorney Flannery informed the Commission that the respondents had been notified by registered mail of the time and place of hearing.

Attorney Flannery was heard in support of the complaint. Attorney Alvin C. Reis, Assistant Attorney General of the State of Wisconsin and Counsel, Department of Markets, was heard as amicus curiae. The hearing continued until the hour of 3:30 p.m., was concluded and the case taken under advisement.

Thereupon, at the hour of 3:30 p.m., the Commission adjourned to meet Tuesday, January 13, 1925, at 10:30 a.m.

Vernon W. Van Fleet,
Chairman.

Attest:

Otis B. Johnson
Otis B. Johnson,
Secretary.

MEETING OF THE FEDERAL TRADE COMMISSION

Tuesday - January 13, 1925 - 10:30 a.m.

PRESENT:

Nelson B. Gaskill, Acting Chairman,
John F. Nugent,
Charles W. Hunt,
Huston Thompson.

Mr. Van Fleet absent.

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Pursuant to arrangement the Commission met to hear final argument in Docket 1010 - Pittsburgh Coal Company of Wisconsin, et al. Attorney Haycraft appeared and was heard on behalf of the Commission. Attorney George W. Morgan of the firm of Davis, Severance & Morgan appeared and was heard on behalf of the respondents. Attorney Stanley B. Houck, counsel for the Twin City Coal Exchange, Inc., (original applicant) intervenor herein, appeared and was heard.

The Commission granted counsel for the Commission ten days within which to file reply brief on the question of jurisdiction.

The Commission recessed at 12 m., and reassembled at 1:30 p.m.

PRESENT:

Nelson B. Gaskill, Acting Chairman,
John F. Nugent,
Charles W. Hunt,
Huston Thompson.

Mr. Van Fleet absent.

Final argument in Docket 1010 - Pittsburgh Coal Company of Wisconsin, et al, was continued.

The Commission recessed at 4:20 p.m., to reassemble at 9:30 a.m., Wednesday, January 14, 1925.

Nelson B. Gaskill
Nelson B. Gaskill,
Acting Chairman.

Attest:

Oris W. Johnson
Oris W. Johnson,
Secretary.

January 14, 1925.

MEETING OF THE FEDERAL TRADE COMMISSION

Wednesday - January 14, 1925 - 10 a.m.

PRESENT:

John F. Nugent, Acting Chairman,
Charles W. Hunt,
Huston Thompson.

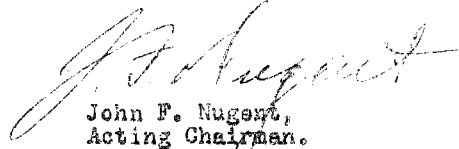
Mr. Van Fleet absent.

Mr. Gaskill absent.

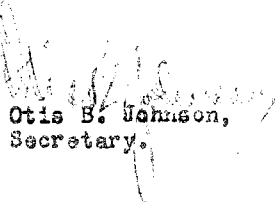
Final argument in Docket 1010 - Pittsburgh Coal Company of Wisconsin, et al, continued from the previous day was resumed before the Commission. Attorney George W. Morgan, counsel for respondent, continued his argument from 10 a.m. until 10:25 a.m. Attorney Haycraft, counsel for the Commission, was heard in rebuttal from 10:25 a.m., until 11:05 a.m.

The Commission granted counsel for the respondent ten days within which to file certain corrections to the brief of the respondents.

The hearing was concluded and the case taken under advisement.


John F. Nugent,
Acting Chairman.

Attest:


Otis B. Johnson,
Secretary.

The Commission recessed from 11:05 a.m. until 11:30 a.m.,

PRESENT:

Nelson B. Gaskill, Acting Chairman,
John F. Nugent,
Charles W. Hunt,
Huston Thompson.

Mr. Van Fleet absent.

The minutes of the meeting of January 12, 1925, were read and approved.

January 14, 1925.

Attorney Busick from the Chief Counsel's Office appeared and was heard with respect to the filing of petition in the United States Circuit Court of Appeals for the Seventh Circuit for rehearing in the matter of Chicago Portrait Company vs. Federal Trade Commission - Docket 840 - decided adversely to the Commission on December 23, 1924. Attorney Busick recommended the filing of petition for rehearing and asked instructions.

After discussion, it was ordered, upon motion of Mr. Nugent, seconded by Mr. Thompson, that petition for rehearing be filed.

Mr. Thompson presented letter of January 9th addressed to the President of the United States by the Universal Battery Company, Chicago, Illinois, in re lead prices. Mr. Thompson stated that this letter had been referred to the Commission for attention by the Secretary to the President.

The Commission directed that the letter be acknowledged to the Universal Battery Company and to the White House and referred to the Chief Examiner for attention.

Mr. Thompson presented the following listed applications for complaint and action as indicated was taken by the Commission:

(1) File 1-2879 - F. T. C. vs. William Walthe & Company.

Mr. Thompson submitted memorandum of January 14th reviewing the record, concurring in the recommendation of the Board of Review and recommending dismissal.

The memorandum was read and after consideration, on motion of Mr. Thompson, the application for complaint was dismissed by the Commission.

(2) File 1-2573 - Greasey Corporation, Inc. vs. Rumford Company.

Mr. Thompson submitted memorandum of January 14, 1925 reviewing the record, disagreeing with the recommendation of the Board of Review, that the case be put on the Suspense Calendar and recommending that complaint issue.

The memorandum was read and thereafter, the Board of Review was heard.

After consideration, on motion of Mr. Thompson, seconded by Mr. Nugent, the Commission directed that complaint issue charging the Rumford Chemical Works with violation of the Federal Trade Commission Act.

The files were returned to the Board of Review, via Docket Section, with instructions to prepare complaint as ordered by the Commission, such complaint to be referred to the Chief Counsel for

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approval as to form and substance and to be thereafter served by the Secretary without reference back to the Commission.

The Secretary reported concerning the need of additional stenographers and asked the Commission to confirm the action taken by the Secretary after conference with Messrs. Van Fleet, Nugent and Thompson on January 13, 1925, at which time three temporary stenographers were employed from the Civil Service rolls at salaries of \$1320. each.

The Commission confirmed the action taken and authorized the employment of the stenographers.

The Commission recessed at 12:30 p. m. and reassembled at 2 p.m.

PRESENT:

Nelson B. Gaskill, Acting Chairman,
John F. Nugent,
Charles W. Hunt,
Huston Thompson.

Mr. Van Fleet absent.

Pursuant to arrangements the Commission met to hear final argument in Docket 1092 - Illinois & Wisconsin Retail Coal Dealers' Association, et al. Attorney Wallace was heard in support of the complaint. Attorney Stanley B. Houck was heard on behalf of the respondent. The hearing continued until the hour of 3:45 p.m., was concluded and the case taken under advisement.

Thereupon, at the hour of 3:45 p.m., the Commission adjourned to meet Friday, January 16, 1925 at 10 a.m.

Attest:

Otis B. Johnson,
Secretary.

Nelson B. Gaskill,
Acting Chairman.

January 16, 1925.

Thursday - January 15, 1925 - No meeting held.

MEETING OF THE FEDERAL TRADE COMMISSION

Friday - January 16, 1925 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Nugent,
Charles W. Hunt,
Huston Thompson.

Mr. Gaskill absent.

The minutes of the meetings of January 13th and 14th, 1925, respectively, were read and approved.

Formal docket cases appearing on the weekly Conference Calendar for final determination were considered and action as indicated was taken by the Commission:

(1) Docket 549 - Cement Securities Company.

On March 9, 1921, the Commission directed that this case be held to await the determination of the case pending by the Department of Justice. On December 13, 1924, the United States District Court (Colorado) entered a decree of dissolution and injunction in the case of United States vs. Cement Securities Company, et al.

Pursuant to the above action, the case is before the Commission for consideration of memorandum of December 29th from the Chief Counsel recommending dismissal. The following papers were placed in the hands of each Commissioner: memorandum of December 29th from the Chief Counsel; decree entered December 13, 1924, by the United States District Court (Colorado); complaint; answer. No testimony was taken nor briefs filed.

After consideration, the following motion was offered by Mr. Hunt, seconded by Mr. Van Fleet:

Moved, that the complaint herein be dismissed.

In substitution for the foregoing motion, it was moved by Mr. Nugent, seconded by Mr. Thompson, that the Commission proceed with the trial of this case.

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As to the original motion, Messrs. Nugent and Thompson voted in the affirmative and Messrs. Van Fleet and Gaskill in the negative. The substitute motion was lost on tie vote.

Vote was then taken upon the original motion to dismiss. As to this motion, Messrs. Van Fleet and Hunt voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The motion was lost on tie vote.

On motion of Mr. Thompson, the case was referred to Mr. Gaskill, the absent Commissioner, with request to report his vote to the Commission.

(2) Docket 825 - Berman & Brenner.

This case comes before the Commission for final determination upon the following record: memorandum of January 6th from the Chief Counsel and Trial Attorney Clark recommending that the case be dismissed; reported interview with B. Brenner, December 30, 1924, by Attorney-Examiner John C. Howard; memorandum of December 9, 1924, from the Chief Counsel to the Chief Examiner; complaint. No testimony was taken nor briefs filed. Attorney J. T. Clark represents the Commission. Respondent has no attorney of record.

After consideration, it was ordered by the Commission that the complaint herein be and the same hereby is dismissed.

The Chief Counsel was directed to prepare and the Secretary to serve Order of dismissal.

(3) Docket 1006 - Hills Brothers.

On motion of Mr. Nugent, this case was laid over until next Conference Day.

(4) Docket 1021 - Hygrade Lamp Company.

On motion of Mr. Nugent, this case was laid over until next Conference Day.

(5) Docket 1080 - Wisconsin Cooperative Creamery Association, et

This case comes before the Commission for final determination upon the following record: complaint; answers; testimony; report upon the facts by Trial Examiner W. W. Sheppard; exceptions thereto by counsel for the respondents; brief by counsel for the Commission; brief by counsel for respondents, except respondent, Wisconsin Cooperative Creamery Association; brief amicus curiae on behalf of the Attorney General of the State of Wisconsin and the Wisconsin Department of Markets. Counsel for the Commission did not file exceptions to the Trial Examiner's report. Attorney Flannery represents the Commission. Attorneys LaFollette, Mitchell, Dougherty, Rumbell, Bunn & Butler represent the respondents. Final argument was heard January 12, 1925.

After consideration, it was ordered by the Commission, upon motion of Mr. Nugent, seconded by Mr. Van Fleet, that the Chief Counsel be directed to prepare findings as to the facts and order to cease and desist and submit the same to the Commission for its consideration.

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- (6) Docket 1092 - Illinois & Wisconsin Retail Coal Dealers' Association, et al.

On motion of Mr. Thompson, the case was laid over until next Conference Day.

- (7) Docket 1164 - The Best Foods, Inc.

This case comes before the Commission for final determination upon the following record: amended complaint; amended answer; amendment to answer; testimony; report upon the facts by Trial Examiner Steinhauer; exceptions thereto by counsel for the respondent; brief by counsel for the Commission and counsel for the respondent. Counsel for the Commission did not file exceptions to the report of the Trial Examiner. Final argument was heard January 7, 1925. Attorney Whitely represents the Commission. Attorney Francis E. Neagle represents the respondent.

After consideration, the following motion was offered by Mr. Van Fleet, seconded by Mr. Hunt:

Moved, that the complaint be dismissed.

In substitution for the foregoing motion, it was moved by Mr. Nugent, seconded by Mr. Thompson, that the Chief Counsel be directed to prepare findings as to the facts and order to cease and desist and submit the same to the Commission for consideration.

As to the substitute motion, Messrs. Nugent and Thompson voted in the affirmative and Messrs. Van Fleet and Hunt voted in the negative. The substitute motion was lost on tie vote.

Vote was then taken upon the original motion to dismiss. As to this motion, Messrs. Van Fleet and Hunt voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The motion was lost on tie vote.

Upon motion of Mr. Thompson, the case was referred to Mr. Gaskill, the absent Commissioner, with request to report his vote to the Commission.

- (8) Docket 1222 - South Texas Wholesale Grocers' Association, et al.

This case comes before the Commission for final determination upon the following record: memorandum of January 3, 1925, from the Chief Counsel transmitting the case and recommending dismissal without prejudice; memorandum of December 17th from Trial Attorney McMillen; complaint; draft of amended complaint. No answer was filed. No testimony was taken nor briefs filed. Attorney McMillen represents the Commission. Respondent has no attorney of record.

After consideration, on motion of Mr. Van Fleet, seconded by Mr. Hunt, the Commission dismissed the complaint herein without prejudice.

The Chief Counsel was directed to prepare and the Secretary to serve Order of dismissal.

January 16, 1925.

(9) Docket 1230 - F. W. Dobe.

This case comes before the Commission for final determination upon the following record: memorandum of December 20th from the Chief Counsel transmitting the case; complaint; answer; stipulation as to the facts; findings as to the facts and order to cease and desist submitted by the Chief Counsel and certified to in memorandum of December 20, 1924. No testimony was taken nor briefs filed. Attorney Brownell represents the Commission. Attorneys McKorcher & Link represent the respondent.

After consideration, on motion of Mr. Nugent, the Commission disapproved the stipulation of facts, the findings as to the facts and order to cease and desist, as submitted by the Chief Counsel with his memorandum of December 20, 1924.

Upon motion of Mr. Hunt, the Commission directed that the case be referred to Mr. Nugent with request to instruct the Commission's attorney, Mr. Brownell, in the preparation of a proper stipulation, findings and order.

The Chairman presented the following matters and action as indicated was taken by the Commission:

(1) Bulletin No. 7, Supplement No. 22, dated December 22, 1924, from the Chief Coordinator, with respect to the use of vessels flying the United States flag by employees of the Government on Government business.

The Circular was referred to the Secretary for attention.

(2) Letter of January 8th from the General Accounting Office, (J. R. McCarl, Comptroller General) referring to previous correspondence relating to final settlement of the accounts of C. G. Duganne, former Disbursing Clerk of the Federal Trade Commission and requesting information as to the status of certificate of settlement dated October 19, 1922, finding Mr. Duganne indebted to the United States in the sum of \$42.80.

The letter was read and referred to Mr. Duganne for preparation of reply.

(3) Letter of January 8th from the Pacific Flour Export Company, Portland, Oregon, replying to the Commission's letter of December 16th with respect to the Company's certificate of incorporation.

The letter was read and referred to the Export Trade Division for attention.

(4) Docket 1223 - Chicago Retail Lumber Dealers' Association, et al. Letter of December 8th from the Attorney General of the United States (Harlan F. Stone), stating that the Department of Justice has instituted an investigation of the Chicago Retail Lumber Dealers' Association for the purpose of ascertaining whether it constitutes a combination in restraint of interstate commerce actionable under the Sherman law and in view of the fact that the Federal Trade Commission

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has issued a complaint, the investigation of the Department will be limited to determining whether a criminal action should be instituted. The letter requested the Commission to authorize representatives of the Department to examine the preliminary files upon which the Commission's complaint was based and also any additional evidence which may have been acquired subsequent to the complaint and to permit such representatives to secure copies of any material desired.

At this time Mr. Gaskill entered the meeting.

PRESENT:

Vernon W. Van Fleet, Chairman;
Nelson B. Gaskill,
John F. Nugent,
Charles W. Hunt,
Huston Thompson.

The contents of the letter from the Department of Justice were brought to Mr. Gaskill's attention by the Chairman.

The letter was read and after discussion, Mr. Van Fleet offered the following motion:

Moved, that the Attorney General be advised that his representatives can examine the files as to all information and evidence which the Commission has except that which was furnished voluntarily to the Commission by the respondent including information and evidence from the respondent's files, unless the respondent shall consent in writing to the examination and copying of such information and evidence voluntarily furnished by the respondent.

In substitution for the foregoing motion, it was moved by Mr. Nugent, that in this case the Commission follow its established practice, namely, that agents of the Department of Justice be permitted to examine the files and if it shall appear that the Department of Justice desires the evidence in the files for criminal proceedings, that the evidence shall not be produced except upon the issuance of a subpoena duces tecum addressed to the Commission and that pursuant to such subpoena an employee of the Commission be ordered to attend the Court issuing the subpoena and present to that Court prior to the production of the evidence desired, a statement on behalf of the Commission that the evidence was gathered pursuant to the Federal Trade Commission Act and was regarded as confidential by the Commission and could not be released by the Commission unless at the Order of the Court.

January 16, 1925.

The foregoing motion was seconded by Mr. Thompson.

As to the foregoing substitute motion, Messrs. Nugent and Thompson voted in the affirmative and Messrs. Van Fleet, Gaskill and Hunt voted in the negative. The substitute motion was lost.

Vote was then taken upon the original motion by Mr. Van Fleet. As to this motion, Messrs. Van Fleet, Gaskill and Hunt voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The motion carried and it was so ordered.

Mr. Nugent stated for the record that he desired to dissent from the ruling of the Commission and wanted the record and the letter to the Department of Justice to show his dissent. It was so ordered by the Commission.

Mr. Thompson stated that he also dissented from the ruling in this case if it was to be taken as a matter of policy.

Mr. Nugent expressed a desire to see the letter before it was forwarded. It was so ordered.

The Secretary was instructed in the preparation of the reply.

Mr. Van Fleet stated that if the Commission so desired the action here taken could be limited to this particular case. It was so ordered.

(5) Letter of January 13th from Congressman Elliott W. Sproul of Illinois, endorsing the application of Mr. H. O. Day, an employee in the Economic Division for assignment to work at the Chicago Office.

The letter was referred to the Secretary for preparation of reply.

(6) Letter of January 13th from the Personnel Classification Board referring to the Board's Circular No. 16, dated November 23, 1924, and requesting that effective January 15, 1925, that in submitting reports of changes in the service the second edition of P. C. E. Form No. 3 be used in all cases.

The letter was read and referred to the Secretary for attention.

(7) Docket 1183 - Philip Carey Manufacturing Company, et al.

Letter of January 13, 1925, from the Department of Justice (A. T. Seymour, Assistant to the Attorney General) requesting copy of complaint by the Commission in Docket 1183 - Philip Carey Manufacturing Company, et al, and also in any other pleadings which may have been filed together with advice concerning the status of the matter.

The letter was referred to the Secretary for preparation of reply.

(8) Letter of January 15th from Congressman M. A. Michaelson, Illinois, requesting that copy of the latest report of the Commission be sent to Mr. George A. Winter, c/o Central Banknote Company, Chicago.

The letter was referred to the Secretary with instructions to forward a copy of the last annual report.

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(9) Letter of January 15th was received from the Department of Agriculture (C. F. Marvin, Acting Secretary) replying to Commission's letter of December 31st and furnishing information concerning the shipment of Spanish Onions from Vigo, Spain.

The letter was read and referred to the Export Trade Division for attention.

(10) Letter of January 14th from Mr. Ernest I. Lewis of the Interstate Commerce Commission transmitting file of correspondence in regard to the activities of the Commercial Credit Company, Baltimore, Maryland.

The correspondence was read and referred to the Chief Examiner for report to the Commission accompanied by appropriate letters to the several correspondents.

(11) Letter of January 5th from the Attorney General of the United States (Harlan F. Stone) transmitting in compliance with the Commission's letter of July 22, 1924, two copies of the final decree entered December 13, 1924 in the case of United States vs. Cement Securities Company, et al, in the United States District Court at Denver, Colorado. The letter called attention to the fact that the decree was entered on petition and answer and after arguments and that technically it is not a so-called consent decree.

The letter was read and ordered filed with the decree.

(12) Letter to Mr. Benjamin C. Marsh, Managing Director, Farmers' National Council, Washington, D. C., replying to Mr. Marsh's letter of January 7th and calling attention to an error contained in the circular letter dated January 6th addressed to members of the Senate and House of Representatives by Mr. Marsh in regard to the Federal Trade Commission appropriation, etc.

The letter to Mr. Marsh was read, approved and ordered forwarded. See file

(13) Letter of January 6th from Senator Irvine L. Lenroot, of Wisconsin, endorsing the application of Mr. Richard A. Herminhaus for reappointment in the Commission.

The letter was referred to the Secretary for attention.

(14) Docket 1217 - Hagen Import Company of New Jersey.

" 1236 - Hagen Import Company of Pennsylvania.

Letter of January 14th from the Postoffice Department (Office of the Chief Inspector) transmitting report of Postoffice Inspector showing the results of investigation of the Hagen Import Company of Philadelphia and Camden, New Jersey. The letter called attention to the fact that the evidence was presented to the United States Attorneys who advised against criminal proceedings but suggested proceedings for violation of the Food & Drug Act.

The letter was read and on motion of Mr. Van Fleet, the letter with the enclosures was referred to the Chief Counsel for submission of a report of opinion by the Commission's attorney in the case and recommendation as to whether the papers received from

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the Postoffice Department should be transmitted to the Department of Agriculture for proceeding under the Food & Drug Act and also as to whether evidence in the files of the Commission should be also transmitted for that purpose.

On motion of Mr. Thompson, the Commission authorized and directed the appointment of Mr. R. F. Camalier, as Examiner and allocated under the Classification Act to position of junior economic analyst, Professional Grade I, salary of \$1860. the same to be effective upon taking the oath of office and entering on duty. Mr. Camalier was assigned to the Economic Division.

The Secretary referred to the action of January 8, 1925, at which time the Commission approved its report on Cotton Merchandising Practices prepared in response to Senate Resolution 252, June 7, 1924 (Senator E. D. Smith, of South Carolina) and ordered such report forwarded to the Senate. Pursuant to the action of October 15, 1924, the Secretary submitted copy of letter of transmittal of such report and asked authority to use the same as a statement to the press covering the report. The authority was granted by the Commission and it was so ordered.

Thereupon, at the hour of 12:30 p.m., the Commission adjourned to meet Monday, January 19, 1925, at 10 a.m.

Vernon W. Van Fleet,
Chairman.

Attest:

Otis B. Johnson,
Secretary.

Saturday - January 17, 1925 - No meeting held.

Sunday - January 18, 1925 - No meeting held.

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MEETING OF THE FEDERAL TRADE COMMISSION

Monday - January 19, 1925 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
Nelson B. Gaskill,
John F. Nugent,
Charles W. Hunt.

Mr. Thompson absent on official business.

The minutes of the meeting of January 16, 1925, were read and approved.

The Chairman presented letter of January 16th from Senator George W. Norris, of Nebraska, enclosing letter of January 6th from Mrs. M. J. Brown, Eddyville, Nebraska, in regard to the branding of spool cotton.

The correspondence was read and after discussion was referred to the Chief Examiner for attention and preparation of reply to Senator Norris.

Mr. Hunt presented the following matters and action as indicated was taken by the Commission:

- (1) File 1-3054 - North Banger Slate Company vs. Cortland Grinding Wheel Corporation, et al.

Letter of January 12th from the Grinding Wheel Manufacturers' Association of the United States and Canada, (Frank R. Henry, Secretary), Dayton, Ohio, requesting the Commission to afford the Association an opportunity to be heard informally previous to the issuance of any formal complaint.

The letter was read and after discussion, Mr. Gaskill offered the following motion, which was seconded by Mr. Hunt:

Moved, that if the Commissioner to whom the case is assigned is of the opinion upon the record before him that complaint should issue, that before making recommendation to the Commission, these parties shall be given a hearing by the Commissioner, after which he shall report to the Commission on the record and the matters submitted by the proposed respondents.

In substitution for the foregoing motion, Mr. Nugent offered the following motion:

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Moved, as a substitute that these parties be allowed to submit in writing any matter that they desire to lay before the Commission accompanied by such documentary evidence as they desire to submit.

As to the foregoing substitute motion, there was no second nor vote.

Vote was taken upon the original motion by Mr. Gaskill. As to this motion, Messrs. Van Fleet, Gaskill and Hunt voted in the affirmative and Mr. Nugent voted in the negative. The motion carried and it was so ordered.

Mr. Nugent asked and it was ordered by the Commission that his dissent appear upon the minutes, the record in the case and upon the correspondence notifying the parties of the hearing.

(2) Letter of January 15th from Adkins Brothers (John Adkins), Freeport, Illinois, referring to controversy with the International Harvester Company and making inquiry as to whether the Federal Trade Commission would assist in the matter.

The letter was read and on motion of Mr. Van Fleet, was referred to the Chief Examiner for attention with the suggestion that Adkins Brothers be called upon to submit more specific information.

(3) Letter of January 15th from Senator Smith W. Brookhart of Iowa, enclosing letter of January 12th from S. S. Freeman of Diagonal, Iowa, with respect to alleged discriminatory prices paid by Swift & Company at different points in Iowa.

The correspondence was read and on motion of Mr. Van Fleet was referred to the Chief Examiner for preparation of reply.

Mr. Van Fleet submitted the following listed applications for complaint and action as indicated was taken by the Commission:

- (1) File 1-2409 - Tanners' Council of America vs. Zapon Leather Cloth Company.

Mr. Van Fleet recited the facts in the case and stated that he concurred in the recommendation of the Board of Review that complaint issue.

After consideration, on motion of Mr. Gaskill, seconded by Mr. Van Fleet, the Commission directed that complaint issue charging Zapon Leather Cloth Company with violation of Section 5 of the Federal Trade Commission Act.

The draft of complaint which came forward with the files was referred to the Chief Counsel, via Docket Section, for approval as to form and substance under the rule, with the direction that upon such approval, the complaint be referred to the Secretary for service without reference back to the Commission.

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It was further directed, upon motion of Mr. Gaskill, seconded by Mr. Nugent, that the complaint in this case be held by the Chief Counsel until the Commission shall have passed upon the following pending cases involving like practices:

- File 1-3403 - Tanners' Council of America vs. Sanford Mills.
- " 1-3404 - Tanners' Council of America vs. L. C. Chase & Company.
- " 1-3407 - Tanners' Council of America vs. Textile Leather Company.
- " 1-3453 - Tanners' Council of America vs. Rote Leather Products Company.

and that thereafter, the Chief Counsel select from among these cases a test case and proceed thereupon, inviting the Tanners' Council of America to come in as intervener.

- (2) File 1-2514 - J. Weingarten, Inc. vs. Gordon, Sewall & Company, Inc., et al.

Mr. Van Fleet recited the facts in the case and stated that he concurred in the recommendation of the Board of Review for dismissal of the application.

After consideration, on motion of Mr. Van Fleet, seconded by Mr. Gaskill, the Commission dismissed the application for complaint.

Mr. Gaskill presented the following listed applications for complaint and action as indicated was taken by the Commission:

- (1) File 1-2179 - United Artists Corporation, et al vs. Jensen & Von Herberg.

Mr. Gaskill stated that this application came direct to the Commission from the Chief Examiner without reference to the Board of Review pursuant to the rule of December 3, 1924.

Mr. Gaskill submitted memorandum of January 17th reviewing the record, concurring in the recommendation of the Chief Examiner and recommending that the application be dismissed.

The memorandum was read and after consideration, on motion of Mr. Gaskill, the application for complaint was dismissed by the Commission.

- (2) File 1-3633 - Standard Statistics Company, Inc. vs. Fintax Publishing Company.

Mr. Gaskill stated that this application came direct to the Commission from the Chief Examiner without reference to the Board of Review pursuant to the rule of December 3, 1924.

January 19, 1925.

Mr. Gaskill submitted memorandum of January 17th reviewing the record, concurring in the recommendation of the Board and recommending that the application be dismissed.

The memorandum was read and after consideration, on motion of Mr. Gaskill, the application for complaint was dismissed by the Commission.

(3) File 1-2309 - Benton-Bailey Company, Inc. vs. Armstrong Brothers Tool Company, et al.

Mr. Gaskill submitted memorandum of January 17th reviewing the record, stating that the Board of Review is divided, Mr. Clarke recommending that the application be dismissed and Mr. Haycraft recommending the issuance of a complaint. Mr. Gaskill moved that the application be dismissed.

The memorandum was read and after consideration, on motion of Mr. Gaskill, seconded by Mr. Van Fleet, the application for complaint was dismissed by the Commission.

As to the foregoing action, Messrs. Van Fleet, Gaskill and Hunt voted in the affirmative and Mr. Nugent voted in the negative.

Mr. Nugent asked and it was ordered by the Commission that his dissent appear upon the minutes, upon the order of dismissal and the correspondence giving notice of the dismissal.

Mr. Nugent presented the following listed applications for complaint and action as indicated was taken by the Commission:

(1) File 1-3249 - Bayer Company, Inc. vs. Therapeutic Research Laboratories.

Mr. Nugent recited the facts in the case and stated that he concurred in the recommendation of the Board of Review and recommended dismissal of the application.

After consideration, on motion of Mr. Nugent, the application for complaint was dismissed by the Commission.

(2) File 1-3059 - F. T. C. vs. Peet Brothers Manufacturing Company.

Mr. Nugent recited the facts in the case and stated that the Board of Review recommended dismissal of the application. Mr. Nugent recommended that the application be dismissed.

After consideration, on motion of Mr. Nugent, the application for complaint was dismissed by the Commission.

In connection with his motion moving the dismissal of the application, Mr. Nugent made the following statement for the record:

"I desire the record to show that I moved the dismissal of this case for the reason that I am thoroughly convinced that the record fails to disclose any system, policy or plan of resale price maintenance on the part of Peet Brothers. That is one of the reasons set up by the Board of Review

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and the only one of the reasons by the Board of Review with respect to which I concur. In fact, I disagree with every other reason set up and offered by the Board of Review for the dismissal of this application for complaint."

Mr. Hunt submitted the following listed applications for complaint and action as indicated was taken by the Commission:

- (1) File 1-3318 - E. I. du Pont de Nemours & Company vs. W. & J. Sloane, et al

Mr. Hunt presented memorandum of January 17th reviewing the record, concurring in the recommendation of the Board of Review and recommending that complaint issue.

The memorandum was read and after consideration, on motion of Mr. Hunt, the Commission directed that complaint issue charging Masland Durable Leather Company and W. & J. Sloane, with violation of Section 5 of the Federal Trade Commission Act.

The draft of complaint, which came forward with the files, was referred to the Chief Counsel, via Docket Section, for approval as to form and substance under the rule, with the direction that upon such approval, the complaint be referred to the Secretary for service without reference back to the Commission.

It was further directed, upon motion of Mr. Gaskill, seconded by Mr. Nugent, that the complaint in this case be held by the Chief Counsel until the Commission shall have passed upon the following pending cases involving like practices:

- File 1-3403 - Tanners' Council of America vs. Sandford Mills.
- " 1-3404 - Tanners' Council of America vs. L. C. Chase & Company.
- " 1-3407 - Tanners' Council of America vs. Textile Leather Company.
- " 1-3453 - Tanners' Council of America vs. Rote Leather Products Company.

and that thereafter, the Chief Counsel select from among these cases, a test case and proceed thereupon, inviting the Tanners' Council of America to come in as intervenor.

- (2) File 1-3167 - F. T. C. vs. Herman Behr & Company, Inc., et al.

Mr. Hunt submitted memorandum of January 17th reviewing the record, concurring in the recommendation of the Board of Review and recommending that complaint issue.

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The memorandum was read and after consideration, on motion of Mr. Hunt, the Commission directed that complaint issue charging Abrasive Paper & Cloth Manufacturers' Exchange, et al, with violation of Section 5 of the Federal Trade Commission Act.

The draft of complaint which came forward with the files was referred to the Chief Counsel, via Docket Section, for approval as to form and substance under the rule, with the direction, that upon such approval the complaint be referred to the Secretary for service without reference back to the Commission.

The following matters of general business forwarded to the Commission by the heads of the several divisions were presented by the Secretary and action as indicated was taken by the Commission:

(1) Letter of January 9th from Mrs. Lavinia P. Farnsworth, clerk in the Economic Division, requesting leave without pay from January 16th until close of business April 1, 1925.

The request was approved by the Chief Economist and was granted by the Commission.

(2) Memorandum of January 17th was received from the Secretary, recommending that Mr. J. E. Haugh, who is now serving as stenographer under temporary appointment, be given a permanent appointment with allocation to C. A. F. Grade 2, salary \$1320. per annum, same to be effective upon taking the oath of office and entering on duty.

The recommendation was approved and the appointment authorized.

(3) Letter of January 9th from Houghton Mifflin Company, Boston, Massachusetts, transmitting statement covering the sale of "Journal of a Submarine Commander" published under terms of Trading with the Enemy Act, Copyright License No. 1 together with check for fifteen cents in payment for royalty. The Commission also received draft of a reply prepared by Mrs. M. R. Wilson, returning the check with the statement that no suit having been brought against the license, the licensee is therefor, relieved of making further reports and payments under the license and that inquiry as to the ultimate disposition of the royalties should be addressed to the Alien Property Custodian.

The reply was read, approved and ordered forwarded. See file

(4) Letter of January 2nd from the Commissioner of Pensions, transmitting copies and inviting attention to opinions of the Attorney General dated June 3 and December 22, 1924, relating to the Civil Service Retirement Law. The letter stated the effect of the decisions to be that an employee of the classified civil service and subject to the retirement Act does not lose such status by transfer or appointment to an unclassified position. The letter set forth the rules promulgated for the adjustment of cases affected by the Attorney General's decision.

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with the request that the department have promulgated regulations among the branches of the service coming within their respective jurisdictions.

The matter was referred to the Secretary for necessary attention.

(5) Report from the Secretary showing the status of applications for complaint on the Suspense Calendar as of January 1, 1925.

The report which showed that eighty-three applications were on Suspense, was referred to the Chief Examiner for report upon any cases now ready for the attention of the Commission.

(6) Letter of January 12th from Mr. Martin F. Smith resigning his position as temporary stenographer effective at the close of business January 12, 1925.

The resignation was accepted by the Commission.

(7) File 1-3241 - Grex Carpet Company, et al vs. H. C. F. Koch & Company, Inc.

Letter of January 13th was received from Mr. John H. Kennard, attorney for the applicants, referring to the dismissal of the case on November 17, 1924, and requesting a statement of the reasons for the dismissal.

On motion of Mr. Gaskill, the matter was referred to the Secretary with instructions to advise the applicants of the reasons for dismissal as given in the file.

(8) Docket 1123 - Real Silk Hosiery Mills.

The following orders submitted by the Chief Counsel were approved and entered: (1) that John W. Bennett, an Examiner of the Commission, be designated to receive testimony, etc.; and (2) that the hearing of the complaint begin at New York City, January 28, 1925, at 10:30 a.m.

(9) Docket 1051 - Manhattan Shirt Company.

Memorandum of January 13th was received from the Chief Counsel reporting the status of the case pursuant to the Commission's action of January 12th. The memorandum stated that the case is practically ready for trial.

The report was received and filed.

(10) Docket 1103 - Pacific Coast Steel Company, et al.

Memorandum of January 16th was received from the Chief Counsel transmitting request of counsel for the Commission for an extension of time for filing brief and recommending that the extension be granted.

The request was granted by the Commission and order approved and entered granting counsel for the Commission to and including March 1, 1925 for filing brief.

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- (11) Docket 1251 - American Association of Advertising Agencies, et al.

Memorandum of January 9th was received from the Chief Counsel transmitting request of Finlay & Campbell, counsel for the Southern Newspaper Publishers' Association, its officers, directors and members, requesting an extension of thirty days for filing answer and recommending that the request be granted.

The request was granted by the Commission and order approved and entered granting counsel for the Southern Newspaper Publishers' Association, its officers, directors and members, an extension to and including February 16, 1925 for filing answer.

- (12) Docket 1251 - American Association of Advertising Agencies, et al.

Memorandum of January 16, 1925 was received from the Chief Counsel transmitting request of Messrs. McKercher & Link, counsel for the American Association of Advertising Agencies, their officers, and members, requesting an extension of thirty days for filing answer and recommending that the request be granted.

The request was granted by the Commission and order approved and entered granting counsel for the American Association of Advertising Agencies, their officers and members, an extension to February 16, 1925 for filing answer.

- (13) Docket 1153 - National Association of Stationers & Manufacturers' of the United States, et al.

Memorandum of January 13th was received from the Chief Counsel transmitting request of Messrs. Loeb, Walker & Loeb, counsel for the Stationers' Association of Southern California and J. L. Garner, for an extension of time in which to file answer to the amended complaint and recommending that the request be granted.

The request was granted by the Commission and order approved and entered granting counsel for the Stationers' Association of Southern California and J. L. Garner, an extension to and including February 4, 1925, for filing answer to the amended complaint.

- (14) Docket 949 - Seth Thomas Clock Company, Inc.

Memorandum of January 8th was received from the Chief Counsel, stating that after several attempts by counsel for the Commission to arrange a date for the taking of respondent's evidence, convenient to both parties and after failure of all such negotiations, the Commission issued an order setting January 12, 1925, as the date for taking such testimony and that respondent now protests against being forced to present evidence or close the case and that it will appear "under protest and duress". The Chief Counsel recommended that the respondent be notified by the Secretary, that the date stands as set and that if it desires to present a brief and to make oral argument upon its motion for dismissal of the complaint, it may do so at the time of final argument, but that hearings of all evidence must be completed before such final argument can be had.

January 19, 1925.

The memorandum was read and after discussion, the Commission directed that the respondent be notified by the Secretary that the date stands as set and that the respondent is free to elect whether or not it will appear at the hearing and introduce evidence but that if respondent does not appear nor introduce evidence that the case be closed by the Commission and set for final argument with notice thereof to the respondent and that the respondent be given an opportunity to file exceptions and brief and to be heard orally if it so desires.

(15) Docket 922 - Michigan Wholesale Grocers' Association, et al.
Upon receipt of memorandum of January 13th from the Chief Counsel, the Commission set the case for final argument before the Commission on Monday, January 26, 1925, at 2 p.m., with the direction that interested parties be notified thereof by registered mail.

Vernon W. Van Fleet,
Chairman,

Attest:

Otis B. Johnson,
Secretary.

The Commission recessed at 12 m. and reassembled at 2 p.m.

PRESENT:

Nelson B. Gaskill, Acting Chairman,
John F. Nugent,
Charles W. Hunt.

Mr. Van Fleet absent.
Mr. Thompson absent on official business.

Pursuant to arrangements the Commission met to hear final argument in the matter of Docket 1147 - Chase & Sanborn. Attorney Craven was heard in support of the complaint. Attorney Edmund A. Whitman was heard on behalf of the respondent. The hearing continued until the hour of 3:45 p.m., was concluded and the case taken under advisement.

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Thereupon, at the hour of 3:45 p.m., the Commission
to meet Wednesday, January 21, 1925, at 10 a.m.

Nelson B. Gaskill,
Acting Chairman.

Attest:

Otis B. Johnson,
Secretary.

Tuesday - January 20, 1925 - No meeting held.

MEETING OF THE FEDERAL TRADE COMMISSION

Wednesday - January 21, 1925 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Nugent,
Charles W. Hunt.

Mr. Gaskill absent.
Mr. Thompson absent on official business.

The minutes of the meeting of January 19, 1925, were read
and approved.

The Chairman presented the following matters and action as
indicated was taken by the Commission:

(1) Letter of January 18th from Congressman Frank R. Reid,
of Illinois, transmitting letter of January 10th addressed to the
Commission by Frank G. Plain, Aurora, Illinois, attorney for the
Sickle Water Production Company of Aurora, Illinois, complaining
of certain practices of the Layne & Bowler Company of Memphis,
Tennessee, in threatening suits for alleged patent infringement.

The correspondence was read and on motion of Mr. Van Fleet,
was referred to the Chief Examiner for attention.

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(2) Letter of January 18th from Congressman Math. Tydings of Maryland, stating that several constituents interested in the situation of the farmers in Maryland are under the impression that there exists a fertilizer combination fixing prices in Baltimore and requesting the Commission to look into the situation.

The letter was referred to the Chief Economist and the Chief Examiner jointly for the preparation of memorandum and draft of reply to the Congressman's letter.

Mr. Nugent presented file 1-2376 - F. T. C. vs. Cluett, Peabody & Company, Inc. and in response to the Commission's action of January 12th reported his examination of the file and stated that he had no objection to the dismissal of the application.

After discussion, on motion of Mr. Van Fleet, seconded by Mr. Nugent, the application for complaint was dismissed by the Commission.

Mr. Nugent moved that the Chief Examiner be directed to institute a preliminary investigation with respect to the price maintenance policy of the Phillips-Jones Corporation.

The Commission directed that prior to action upon the motion that the Secretary report whether or not such an investigation had been made and a case against this firm recently passed on by the Commission.

At this time Mr. Gaskill entered the meeting.

PRESENT:

Vernon W. Van Fleet, Chairman,
Nelson B. Gaskill,
John F. Nugent,
Charles W. Hunt.

Mr. Thompson absent on official business.

The following matters of general business forwarded to the Commission by the heads of the several divisions were presented by the Secretary and action as indicated was taken by the Commission:

(1) Letter to Senator Reed Smoot, Chairman, Public Buildings Commission, transmitting "Space Report of the Federal Trade Commission as of January 20, 1925" as requested by the Public Buildings Commission.

The letter was read and ordered forwarded with the requested form. See file

January 21, 1925.

(2) Letter of January 20th from Robert M. Pomeroy, clerk certified to qualify as stenographer in the Administrative Division at a salary of \$1860. C. A. F. 5, resigning his position effective at the close of business, January 31, 1925.

The Secretary recommended that the resignation be accepted and authority granted to fill the vacancy.

On motion of Mr. Van Fleet, the resignation was accepted by the Commission and authority granted to fill the vacancy under Civil Service Regulations.

(3) Letter of January 17th from Miss Avis G. Washburne, clerk in the Docket Section, C. A. F. 2, salary \$1680., transmitting letter dated January 17th to the Personnel Classification Board requesting the Board to reconsider its action of January 1, 1925, in assigning Miss Washburne to C. A. F. Grade 2 and to grant an allocation to C. A. F. Grade 3 as given by the Commission.

The correspondence was read and the Secretary was directed to transmit the appeal with a letter of endorsement.

(4) Letter to the Comptroller General of the United States in reply to letter of January 8th in the matter of settlement of the accounts of C. G. Duganne, former Disbursing Clerk of the Commission. The letter advised the Comptroller General that a bill of relief was in course of preparation for submission to the Budget Bureau requesting Congress to authorize the items disallowed in Mr. Duganne's account and also an item disallowed in the account of A. N. Ross, the present Disbursing Clerk and requesting the Comptroller General to suspend action upon these two accounts until Congress has taken action.

The letter was read, approved and ordered forwarded. See file

(5) Memorandum of January 14th from the Chief Examiner transmitting report of preliminary investigation and recommending that separate applications for complaint be docketed in the name of the Commission against (1) The Robischon Corporation; and (2) Berendsen Hosiery Mills, alleging misbranding of hosiery and false and misleading advertising.

The memorandum was read and after discussion, the recommendation of the Chief Examiner was approved and it was ordered that separate applications be docketed.

(6) Memorandum of January 19th from the Chief Examiner reporting pursuant to the Commission's action of January 16th in regard to the activities of the Commercial Credit Company, of Baltimore Maryland, and submitting draft of a letter to Commissioner Ernest I. Lewis of the Interstate Commerce Commission to the effect that the Commission was without jurisdiction of the subject matter of the correspondence submitted to the Commission by Mr. Lewis for the reason that the Company in question was engaged in the banking business and because of the absence of interstate commerce.

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The letter was read and amended so as to be limited to a statement that the Commission was without jurisdiction due to the absence of interstate commerce and was thereafter approved and ordered forwarded. See file.

(7) Letter of January 14th from the National Association of Waste Material Dealers, Inc., New York City (Charles M. Haskins, Secretary), bringing to the attention of the Commission alleged unfair practices in the steel scrap business and suggested a course of procedure in handling the matter to be followed by the Commission. The Commission also received draft of a reply prepared by the Chief Examiner.

It was directed that the papers be circulated.

(8) Memorandum of January 14th was received from the Chief Examiner reporting in regard to the acquisition by the Cuyamel Fruit Company of the Bluefields Fruit & Steamship Company and the New Orleans Bluefields Fruit & Transportation Company and recommending complaint against the Cuyamel Fruit Company charging violation of Section 7 of the Clayton Act.

It was directed that the report be circulated.

(9) Docket 1175 - United States Oil Company, et al.

Memorandum of January 17th was received from the Chief Counsel stating that counsel for the respondent has requested that the case be set for final argument at an early date and that this is agreeable to counsel for the Commission. The Chief Counsel suggested in view of the fact that the usual days for final argument are filled for some time, that the case be set some Tuesday or Thursday in or after the week of January 26th.

The Commission set the case for final argument on Tuesday, January 27, 1925, at 2 p.m., with the direction that interested parties be notified thereof by registered mail.

(10) Docket 1108 - Colorado Wholesale Grocers' Club, et al.

Memorandum of January 20, 1925, was received from the Chief Counsel recommending, (1) that counsel for the Commission, be granted an extension to and including April 1, 1925, for filing exceptions to the report of the Trial Examiner; (2) that counsel for the Commission be granted an extension to and including April 1, 1925, for filing brief and (3) that counsel for the respondents be granted an extension to and including April 20, 1925, for filing briefs.

The recommendation of the Chief Counsel was approved and orders to this effect approved and entered.

(11) Docket 1085 - North Dakota Wholesale Grocers' Association, et al.

Memorandum of January 20th was received from the Chief Counsel recommending that the rule limiting briefs before the Commission be limited to fifty pages, be waived and that Attorney

January 21, 1925.

Witness, counsel for the Commission be permitted to file a mimeographed form of one hundred thirty pages.

The memorandum was read and after discussion, Mr. Gaskill offered the following motion, which was seconded by Mr. Van Fleet:

Moved, that the application be denied.

After discussion, Mr. Gaskill amended his motion to read as follows:

Moved, that the application to extend the brief beyond fifty pages be denied and that the brief be limited to fifty pages except for the inclusion of extracts from the record.

Mr. Gaskill's motion, as amended, was seconded by Mr. Nugent and adopted by the Commission with Messrs. Gaskill, Nugent and Hunt voting in the affirmative and Mr. Van Fleet voting in the negative.

It was further ordered by the Commission, upon motion of Mr. Nugent, seconded by Mr. Van Fleet, that the Chief Counsel be directed to notify every attorney that in the preparation of brief for presentation to the Commission, he shall refer to pages of the record and exhibits, which support contentions made in the brief.

(12) Docket 1152 - M. Goldberg, trading as "Factory-To-You Furniture".

Memorandum of January 20th was received from the Chief Counsel transmitting request of Trial Attorney Morgan J. Doyle, counsel for the Commission, for an extension of thirty days for filing brief and recommending that the request be granted.

The request was granted by the Commission and order approved and entered granting counsel for the Commission to and including February 18, 1925 for filing brief.

(13) Docket 1202 - May Hosiery Mills.

Letter of December 22nd was received from the May Hosiery Mills, Burlington, N. C., respondent, reporting that a customer had requested a supply of men's hose to be labelled "Art. Silk Plaited" and requesting advice of the Commission as to whether or not the order could be filled without violation of an order to cease and desist dated November 3, 1924. The Commission also received draft of a reply prepared by the Chief Counsel expressing opinion that the proposed label was in violation of the order and suggesting that the customer of the respondent be furnished with a copy of the order.

The letter was read, approved after amendment to contain a statement, to the effect that the customer of the respondent in using the label described would also be in violation of the law and ordered forwarded.

January 21, 1925.

- (14) File 1-2802 - Northern Lumber Company, et al vs.
Blackwell Lumber Company, et al.

Memorandum of January 16th was received from the Chief Counsel referring to the action of the Commission on January 5, 1925, in ordering complaint against The Shevlin-Hixon Company and all of the parties shown by the record to have followed similar practices and recommending the issuance of separate complaints rather than the joining of all parties in a single complaint for the reason that no conspiracy or other necessary elements are present to properly join the respondents. The Chief Counsel also recommended that three or four of the concerns where the evidence is the strongest be selected and separate complaints issue.

After consideration, on motion of Mr. Nugent, seconded by Mr. Gaskill, the Commission reconsidered and rescinded its action of January 5, 1925, issuing a complaint joining all parties, and the Commission, thereupon, ordered upon motion of Mr. Gaskill, seconded by Mr. Nugent, that the recommendation of the Chief Counsel be approved and that separate complaints issue charging The Shevlin-Hixon Company, Deer Park Lumber Company, McGoldrick Lumber Company, Grande Ronde Lumber Company and Coeur D'Alene Mill Company, with violation of the Federal Trade Commission Act.

The Chief Counsel was directed to prepare complaints as ordered by the Commission, the same to be served by the Secretary without further action by the Commission, upon their approval as to form and substance by the Chief Counsel under the rule.

- (15) File 1-3298 - Mid-West Retail Coal Association vs.
Franklin Coal Company of St. Louis, et al.

Memorandum of January 19th was received from the Chief Counsel referring to the Commission's action of April 28, 1924, in directing that complaint issue against the Meteor Coal Company, charging false and misleading advertising and misrepresentation in the sale of coal under the trade-name "Mount Olive". The Chief Counsel reported that Trial Attorney Stites had submitted a memorandum calling attention to the fact that the record contains no proof that the Meteor Coal Company had offered for sale, coal under the name of "Mount Olive" and that further investigation by the Chief Examiner had failed to develop an instance, where this had been done. The Chief Counsel recommended that the action of April 28, 1924, be rescinded and that the memorandum from Trial Attorney Stites be forwarded to the Board of Review for consideration in connection with its report in file 1-3322 - Mid-West Retail Coal Association vs. Meteor Coal Company, on the charge respecting the sale of coal as "Pocahontas".

The memorandum was read and after consideration, on motion of Mr. Van Fleet, seconded by Mr. Nugent, the Commission approved the recommendation of the Chief Counsel and reconsidered and rescinded its action of April 28, 1924 and directed that the recommendations of the Chief Counsel be carried out.

January 21, 1925.

(16) Docket 1136 - Patent Cereals Company.

Memorandum of January 8th was received from the Chief Counsel transmitting signed stipulation of fact, stating that counsel for the respondent desires to file brief and make oral argument before the Commission and recommending that the stipulation be accepted and counsel for the Commission and respondent heard orally on a day certain.

The Commission directed that the papers be circulated.

(17) Docket 1216 - American Woods Export Association, et al.

The Commission received from the Chief Counsel, letter addressed to the Department of Commerce requesting further information from the American Commercial Attache at Rome, Italy, concerning the trade dispute between the American Woods Export Association and Riccardo Ottolina & Company, Rome, Italy.

The letter was read, approved and ordered forwarded. See file

(18) Memorandum of January 12th was received from the Chief Counsel recommending that the names of counsel for the Commission and counsel for the respondents appear in the printed decisions of the Commission.

The Chief Counsel also suggested that should the foregoing recommendation meet with the approval of the Commission that a complete list be made of the cases contained in Volumes I to V, inclusive of the Commission's Decisions including the names of the respective counsel appearing in each case and that this list be printed as a part of Volume VI of the Decisions, with an appropriate marking on the back of the book, such as "List of Attorneys appearing Volumes I-V."

The memorandum was read and after discussion, on motion of Mr. Van Fleet, seconded by Mr. Gaskill, the Commission approved the recommendation that the names of counsel appear in the printed Decisions and directed that this be done hereafter; and rejected the suggestion that a list be made of the attorneys appearing in Volumes I-V.

(19) Docket 922 - Michigan Wholesale Grocers' Association, et al

Telegram of January 20th was received from Messrs. Knappen, Uhler & Bryant, counsel for respondents, reporting their inability to be in Washington on January 26th for final argument as now set and requesting an adjournment for two weeks.

The Commission cancelled the date of January 26, 1925, for the final argument and directed that interested parties be notified by the Secretary and the case set for final argument on Wednesday, February 25, 1925, at 2 p.m.

January 21, 1925.

(20) Docket 1105 - Parks Brothers & Rogers Company, et al.
Memorandum of January 20th was received from the Chief Counsel transmitting letter of January 20th from Messrs. Cuthell, White, Hotchkiss & Mills, attorneys, requesting on behalf of the National Jewelers' Board of Trade, permission to file a brief amicus curiae on behalf of Parks Brothers & Rogers, respondent, in the above case.

The Commission directed that the matter be presented at the time of final argument at 2 p.m., this afternoon for consideration.

(21) Tentative Budget for the Third Quarter of the fiscal year ending June 30, 1925, was presented by the Secretary in response to the Commission's direction of January 9, 1925.

Upon motion of Mr. Gaskill, the budget as submitted was adopted by the Commission with instructions to the Secretary to notify the heads of the several divisions that the budget for the last quarter must necessarily be less than the budget for the Third quarter and this fact should be kept in mind for the balance of the fiscal year and necessary steps taken to avoid a deficiency.

Under the budget approved by the Commission, the allocation of funds to the several divisions for the months of January, February and March 1925, follows:

Administrative	- \$48,400.00
Economic	- 68,000.00
Chief Counsel	- 55,500.00
Chief Examiner	- 58,750.00
Board of Review	- 4,850.00
Export Trade	- 3,500.00

(22) The Commission received report from the Chief Economist of the work of the Economic Division for December 1924.

The report was received and placed in the Calendars.

From the Circulating Calendar, the Commission considered the following matters and action as indicated was taken:

(1) Docket 827 - Samuel Blum.

Memorandum of December 18th was received from the Chief Counsel reporting the status of this case. The memorandum was circulated December 31, 1924. Notations by the several Commissioners were read and thereafter, the following motion was offered by Mr. Gaskill and adopted by the Commission:

Moved, that the Chief Counsel be instructed to report to the Commission the name of the attorney responsible for the failure to bring the modified order to the attention of the Commission and who is responsible for the failure of action in the case; and further that the Chief Counsel report to the

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Commission the steps which are necessary to procure the service of a modified order upon the respondent in the present form in which respondent is doing business.

(2) Docket 450 - Wilson & Company, Inc.

Memorandum of December 30th was received from the Chief Counsel reporting in response to the Commission's direction of December 10th and transmitting draft of amended complaint including therein as parties respondent, the individuals appointed receivers of the Paul C. Reymann Company, appointed by the United States District Court in September 1924.

The memorandum was circulated January 5th. Notations by the several Commissioners were read. Attorney Kelley of the Chief Counsel's Office was heard and thereafter, the following motion was offered by Mr. Gaskill, seconded by Mr. Van Fleet and adopted by the Commission:

Moved, that the Chief Counsel be instructed to prepare petition to the United States District Court setting out the existence of the Commission's case and its status and ask permission of the Court to make the receivers, parties thereto, and further indicating to the Court the Commission's intention merely, to function to a conclusion without any effort on its part to enforce its order if issued and if an order is issued the Commission will then await the conclusion of the receivership proceedings and ask to be heard by the Court with reference to the order to sell the stock if it appears that the sale would contravene the statute as interpreted by the Commission's decision.

It was further ordered, upon motion of Mr. Van Fleet, seconded by Mr. Gaskill, that if the Court should determine the Commission's method of proposed procedure is not correct, that counsel for the Commission ask the Court to indicate the procedure which the Court will sanction to protect the rights of the Commission in the matter.

As to the foregoing action of the Commission, Messrs. Van Fleet, Gaskill and Hunt voted in the affirmative and Mr. Nugent voted in the negative.

The Commission recessed at 12 m. and reassembled at 2 p.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
Nelson B. Gaskill,
John F. Nugent,
Charles W. Hunt.

Mr. Thompson absent on official business.

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Docket 1105 - Parks Brothers & Rogers Company, et al.
Attorney Kelley of the Chief Counsel's Office appeared and presented letter of January 20th from Messrs. Cuthell, White, Hotchkiss & Mills, attorneys-at-law, requesting on behalf of the National Jewelers' Board of Trade, permission to file brief amicus curiae on behalf of Parks Brothers & Rogers. Attorney Abbott P. Mills, representing the petitioner, Attorney Henry C. Hart, representing respondent Parks Brothers & Rogers and Attorney John R. Dowlan, counsel for the Commission were heard with respect to the petition of the National Jewelers' Board of Trade to file brief amicus curiae.

Thereafter, it was ordered by the Commission, that a brief limited to matters in the stipulation of facts be received and that the same be filed within ten days from date; that the respondent be allowed ten days thereafter to reply thereto and that the Commission then proceed to decide the case without further argument or brief.

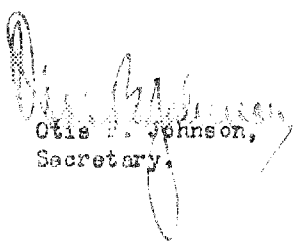
The argument of the case then proceeded. Attorney Dowlan was heard in support of the complaint. Attorney Henry C. Hart was heard on behalf of the respondent, Parks Brothers & Rogers Company.

The hearing was concluded at the hour of 3:30 p.m. and the case taken under advisement.

Thereupon, at the hour of 3:30 p.m., the Commission adjourned to meet Friday, January 23, 1925, at 10 a.m.

Vernon W. Van Fleet,
Chairman.

Attest:


Otis P. Johnson,
Secretary.

Thursday - January 22, 1925 - No meeting held.

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MEETING OF THE FEDERAL TRADE COMMISSION

Friday - January 23, 1925 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Nugent,
Charles W. Hunt.

Mr. Gaskill absent.

Mr. Thompson absent on official business.

The minutes of the meeting of January 21, 1925, were read and approved.

Formal docket cases appearing on the weekly Conference Calendar for final determination were considered by the Commission and action as indicated was taken by the Commission:

(1) Docket 1006 - Hills Brothers.

On November 14, 1924, the Commission directed that an order to cease and desist issue. On December 19th the Commission adopted order to cease and desist and requested Commissioner Nugent to instruct Attorney Rowland as to certain additions to be made to the findings to be based upon the record in the case and that the findings be considered on next Conference Day.

On January 9th the Commission directed that the dissent of Commissioner Gaskill show in the minutes, upon the order and any publicity statement.

The following papers have been placed in the hands of each Commissioner: memorandum of January 8th from the Chief Counsel; findings as to the facts as redrafted; order to cease and desist as adopted on December 19, 1924.

Pursuant to the action of December 19th, Mr. Nugent reported respecting changes suggested in the order as adopted on December 19th and also certain suggested verbal changes in the findings. The changes suggested by Mr. Nugent were accepted by the Commission and the findings and order as amended were approved as to form and referred to the Secretary for service without further action.

The record in the case indicates that on November 14, 1924, the Commission directed that an order to cease and desist issue in this case and that on January 9th that Mr. Gaskill's dissent to the order appear.

(2) Docket 1021 - Hygrade Lamp Company.

This case laid over until next Conference Day.

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(3) Docket 1024 - Charles E. Cormier Rice Milling Company, Inc.

This case comes before the Commission for final determination upon the following record: memorandum of January 10th from the Chief Counsel transmitting the case and recommending dismissal without prejudice; memorandum of December 22nd from Attorney Whiteley; complaint; answer; testimony. Attorney Whiteley represents the Commission. Attorney Henry & Cooper represents the respondent.

After consideration, it was ordered by the Commission that complaint herein be and the same is hereby dismissed.

The Chief Counsel was directed to prepare and the Secretary to serve order of dismissal.

(4) Docket 1027 - Panama Rice Milling Company.

This case comes before the Commission for final determination upon the following record: memorandum of January 10th from the Chief Counsel transmitting the case and recommending dismissal without prejudice; memorandum of December 22nd from Trial Attorney Whiteley; complaint; answer; testimony; report upon the facts by Trial Examiner Woodfill; exceptions thereto by counsel for the respondent. No exceptions were filed to the Examiner's Report by counsel for the Commission. No briefs were filed. Attorney Whiteley represents the Commission. Attorneys Terriberry, Rice & Young represent the respondent.

After consideration, it was ordered by the Commission that the complaint herein be and the same hereby is dismissed.

The Chief Counsel was directed to prepare and the Secretary to serve order of dismissal.

(5) Docket 1130 - Riverside Rice Milling Company.

This case comes before the Commission for final determination upon the following record: memorandum of January 10th from the Chief Counsel transmitting the case and recommending dismissal without prejudice; memorandum of December 22nd from Trial Attorney Whiteley; complaint; answer; testimony; report upon the facts by Trial Examiner Woodfill. No exceptions were filed to the report of the Trial Examiner. No briefs were filed. Attorney Whiteley represents the Commission. Attorneys Legier, McNery & Waguespack represent the respondent.

After consideration, it was ordered by the Commission that the complaint herein be and the same is hereby dismissed.

The Chief Counsel was directed to prepare and the Secretary to serve order of dismissal.

(6) Docket 1092 - The Illinois & Wisconsin Retail Coal Dealers' Association, et al.

This case comes before the Commission for final determination upon the following record; complaint; answers; testimony; report upon the facts by Trial Examiner Bennett; exceptions thereto by counsel for the respondents; brief by counsel for the Commission

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and counsel for the respondents. No exceptions were filed. Counsel for the Commission to the report of the Trial Examiner. Attorney George E. Wallace represents the Commission. Attorney Stanley B. Houck represents the respondents. Final argument was heard January 14, 1925.

After consideration, on motion of Mr. Nugent, seconded by Mr. Van Fleet, the complaint was dismissed by the Commission for lack of evidence to sustain the charges of the complaint.

The Chief Counsel was directed to prepare and the Secretary to serve order of dismissal.

(7) Docket 1147 - Chase & Sanborn.

This case laid over for consideration on next Conference Day.

The Chairman presented the following matters and action as indicated was taken by the Commission:

(1) Letter of January 18th from Congressman James F. Byrnes requesting "copies of the requests sent out by the Commission for information from corporations or individuals".

The letter was read and referred to the Secretary with instructions to reply that the character of the information varies with the particular investigations in hand and to ask the Congressman of the particular investigation which he has in mind.

(2) Letter of January 20th from the Bureau of Industrial Service, Inc., Chicago, Illinois, requesting to be furnished with copies of all bulletins issued by the Commission.

The letter was referred to the Secretary for attention.

(3) Letter of January 21st from Senator William J. Harris of Georgia, enclosing letter of January 14th from the Georgia Securities Commission relating to the consolidation of a number of baking concerns and specifically to an application to the Georgia Securities Commission to increase the capital stock of the Shafer Bakery. Senator Harris requested the Commission to give the matter proper attention and to advise him.

The letter was read and on motion of Mr. Van Fleet, was referred to the Chief Economist and Chief Examiner for the preparation of reply. The Secretary was directed to acknowledge the Senator's letter and say that the matter was being referred for attention to the members of the staff having matters of this kind under investigation.

At this time Mr. Gaskill entered the meeting.

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PRESENT:

Vernon W. Van Fleet, Chairman,
Nelson B. Gaskill,
John F. Nugent,
Charles W. Hunt.

Mr. Thompson absent on official business.

(4) Letter of January 17th from the Department of Justice (Harlan F. Stone, Attorney General), in regard to an investigation by the Department of Justice of the Louisiana Red Cypress Company. The Attorney General's letter quoted from a memorandum by the Special Assistant to the Attorney General assigned to Lumber Association cases, which memorandum referred to the report of the Federal Trade Commission on the Southern Cypress Manufacturers' Association and concluded with the recommendation to the Attorney General that the matter of the Louisiana Red Cypress Company be closed without any further investigation or action by the Department of Justice.

The Attorney General stated that the Department does not intend to take any further action with reference to the Louisiana Red Cypress Company and if the Federal Trade Commission desires to proceed further or to obtain further information as to the present activities of this Company, the Attorney General will be glad to allow any representative of the Commission access to reports and exhibits covering the recent investigation by the Department.

The letter was read and on motion of the Chairman, the Secretary was directed to prepare reply thanking the Attorney General for the information contained in his letter and state that if the Federal Trade Commission determines to proceed it will avail itself of the offer to inspect the files of the Department of Justice.

(5) Letter of January 19th from the Department of Justice (A. T. Seymour, Assistant to the Attorney General) acknowledging the Commission's letter of January 13th and advising that should the Department decide to proceed against the Cincinnati Film Board of Trade it will avail itself of the Commission's offer to have access to the record in the Commission's case against the Famous Players-Lasky Corporation, et al, Docket 835.

The letter from Mr. Seymour was read and ordered filed.

(6) Letter of January 20th from the Department of Justice (A. T. Seymour, Assistant to the Attorney General), referring to the fact that the Department and the Commission have frequently had occasion to inquire whether certain matters under consideration by one were also being considered, or had been considered by the other and suggesting that the Department of Justice would be glad to furnish the Commission copies of its pamphlet containing the

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Federal anti-trust laws and description of cases instituted thereunder; and supplemental data regarding Department of Justice cases from time to time and requesting that the Department be supplied with complaints, findings and orders, etc., issued by the Commission from time to time in addition to the annual report of the Commission.

The letter was read and on motion of the Chairman was referred to the Secretary with instructions to furnish the Department of Justice with the publications and information which is requested by Mr. Seymour; and with instructions to request the Department of Justice to furnish the information regarding its actions as suggested in Mr. Seymour's letter with the further request that each Commissioner be supplied with a copy of the pamphlet containing the Federal anti-trust laws and supplement issued from time to time.

(7) Letter of January 22nd from the Farmers' National Council (Benjamin C. Marsh, Managing Director), Washington, D. C., replying to the Commission's letter of January 17th in the matter of the Commission's appropriation, etc.

The letter was read and ordered filed.

Mr. Gaskill presented Docket 549 - Cement Securities Company and in response to the Commission's action of January 16th recorded his vote to dismiss the complaint.

The record in the case is that on January 16th the case was submitted by the Chief Counsel with recommendation for dismissal and that motions (1) to dismiss, and (2) to proceed, were lost on tie vote and the case referred to Mr. Gaskill, the absent Commissioner for his vote.

Mr. Gaskill stated for the record, as follows:

"I vote to dismiss this complaint for the reason that a decree has been entered in a suit instituted against this respondent by the Department of Justice and that the United States District Court (Colorado) has retained jurisdiction to amend and enforce that decree. If it shall appear that the decree is in any way ineffective it would seem that the proper line of remedy lay through the Department of Justice either for the enforcement of the decree as entered or for its amendment. Any failure of the decree to produce the proper results might, if necessary, be suggested to the Department of Justice by the Federal Trade Commission in due course."

The complaint was thereupon, dismissed by the Commission with Messrs. Van Fleet, Gaskill and Hunt voting in the affirmative and Messrs. Nugent and Thompson voting in the negative.

The Chief Counsel was directed to prepare and the Secretary to serve order of dismissal.

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It was further directed that the dissent of Commissioner Nugent and Thompson show upon the minutes, the order of dissent and any publicity statement issued.

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The following matters of general business forwarded to the Commission by the heads of the several divisions were presented by the Secretary and action as indicated was taken by the Commission:

(1) Memorandum of January 16th was received from the Chief Examiner recommending that the titles of the following list of employees be changed from that of Examiner to Attorney-Examiner:

Henry Junge, Jr.
Edwin B. Haas,
Beloit Taylor,
Thomas R. Charshee.

The Chief Examiner reported that each of the above men was a lawyer and member of the bar and that the designation recommended had been earned by service with the Commission.

The recommendation of the Chief Examiner was approved and it was so ordered.

(2) Docket 1018 - Toledo Pipe Threading Machine Company.
Letter of January 20th from Messrs. Brown, Hahn & Sanger, (George P. Hahn), Toledo, Ohio, attorneys for the respondent, acknowledging receipt of the Commission's order to cease and desist dated January 13, 1925 and transmitting a copy of a letter which the respondent has issued to its salesmen after the receipt of the Commission's order and requesting to be advised as to whether respondent was within its right in issuing the letter. The letter stated that the respondent desired to review the conclusions of the Commission and before doing so requested that Mr. Collins of the respondent company and Mr. Hahn of counsel for the Company be permitted to talk with some member of the Commission familiar with the case.

The letter was read and on motion of Mr. Nugent, was referred to Mr. Gaskill. The Secretary was instructed to reply to the letter after conference with Mr. Gaskill.

(3) Docket 1251 - American Association of Advertising Agencies, et al.

Memorandum of January 23rd was received from the Chief Counsel transmitting request of Mr. Clark McKercher, counsel for the American Press Association, its officers and members, respondent in this case, for an extension of time to file answer and recommending that the request be granted.

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The request was granted by the Commission and order approved and entered granting counsel for the American Press Association, its officers and members an extension of thirty days for filing answer.

(4) Docket 1248 - Fisk Rubber Company.

Memorandum of January 22nd was received from the Chief Counsel transmitting request of counsel for the respondent for an extension of time for filing answer and recommending that the request be granted.

The request was granted by the Commission and order approved and entered granting counsel for the respondent to and including February 5, 1925 for filing answer.

(5) Docket 1023 - International Shoe Company.

Upon receipt of memorandum of January 22nd from the Chief Counsel, the Commission set the case for final argument before the Commission on Monday, March 9, 1925 at 2 p.m., with the direction that interested parties be notified thereof by registered mail.

(6) Docket 428 - Curtice Brothers Company.

Memorandum of January 13th was received from the Chief Examiner reporting pursuant to the Commission's action of December 5, 1924, the results of further inquiry made for the purpose of ascertaining whether the respondent now guarantees its prices against decline. The Chief Examiner reported that the respondent has not engaged in this practice since 1923; that the Company had not guaranteed prices against decline in 1924 and new price lists which are in course of preparation for 1925 do not contain any reference to guarantee against price decline.

The record in the case is that on December 5th, the case was before the Commission for final determination upon recommendation in memorandum of November 26, 1924 from the Chief Counsel that the complaint be dismissed; and that on that date the Commission referred the case to the Chief Examiner for further inquiry as to the present practice of the respondent.

After consideration, on motion of Mr. Van Fleet, seconded by Mr. Gaskill, the complaint herein was dismissed without prejudice.

The Chief Counsel was directed to prepare and the Secretary to serve order of dismissal.

(7) File 1-3375 - Southeastern Millers' Association (J. B. McLemore) vs. Calumet Baking Powder Company.

Memorandum of January 16th was received from the Chief Examiner reporting that the parties to this application are the same as those in file 9-1522 - Southeastern Millers' Association vs. Calumet Baking Powder Company, out of which file the complaint in Docket 868 - Calumet Baking Powder Company was issued and which complaint is now pending. The Chief Examiner recommended that file 1-3375 be consolidated with file 9-1522 and made immediately available to the attorney who is conducting Docket 868 - Calumet Baking Powder Company before the Commission.

The memorandum was read and upon motion of Mr. Nugent was approved and it was so ordered.

January 23, 1925.

(8) Undocketed application for complaint of Garney, Wood & Lennon vs. Washburn Crosby Company, et al, in re prices of Semolina Flour.

The Chief Examiner reported the result of preliminary inquiry and recommended the docketing of an application for complaint.

The memorandum was read and thereafter, Mr. Nugent moved that the same be approved.

After discussion, it was ordered, upon motion of Mr. Gaskill, seconded by Mr. Van Fleet, that the file be referred back to the Chief Examiner with instructions to state his reasons for believing that further investigation would result in developing additional facts.

(9) Letter of January 14th from the National Wholesale Grocers' Association of the United States (John W. Morey, President) Denver, Colorado, in the matter of conference between the Chief Economist for the Commission and representatives of the Association in regard to the Packers' Consent Decree in the case of United States vs. Swift & Company, et al, in the Supreme Court of the District of Columbia now under inquiry by the Commission in response to Senate Resolution 278, dated December 8, 1924 (Senator George W. Norris). The letter expressed appreciation of the opportunity afforded the Association of expressing its views in connection with the Commission's inquiry and stated that all the information desired would be furnished. The letter also referred to a recently published criticism of the Commission on the part of the American Wholesale Grocers' Association and called attention to the fact that the National Wholesale Grocers' Association had no connection with the American Association and that the National Association had never taken action criticising the Commission but appreciated the service rendered by the Commission not only in connection with the consent decree but also in many other important matters.

The Secretary reported that he had received the above mentioned letter from Mr. Thompson with instructions to present the same to the Commission and make the statement that Mr. Thompson desired to answer Mr. Morey's letter upon his return.

The letter was read and left in the custody of the Secretary to be again presented when Mr. Thompson is present.

(10) In response to the Commission's action of January 21st, the Secretary reported that complaint had been issued against the Phillips-Jones Corporation alleging unfair competition in enforcing a resale price maintenance policy - Docket 1054 - and that the case was now set for final argument before the Commission on February 4th.

In view of this report, the motion by Mr. Nugent calling upon the Chief Examiner for report was withdrawn.

January 23, 1925.

January 26, 1925.

Thereupon, at the hour of 11:45 a.m., the Commission adjourned to meet Monday, January 26, 1925, at 10 a.m.

Vernon W. Van Fleet,
Chairman.

Attest:

Otis S. Johnson
Otis S. Johnson,
Secretary.

Saturday - January 24, 1925 - No meeting held.

Sunday - January 25, 1925 - No meeting held.

MEETING OF THE FEDERAL TRADE COMMISSION

Monday - January 26, 1925 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
Nelson B. Gaskill,
John F. Nugent,
Charles W. Hunt,
Huston Thompson.

The minutes of the meeting of January 23, 1925 were read and approved.

After the reading of the minutes, Mr. Thompson referred to the following matters, therein, to-wit: (1) Letter of January 17th from the Department of Justice regarding an investigation of the Louisiana Red Cypress Company; (2) Letter of January 14th from the National Wholesale Grocers' Association of the United States in the matter of an investigation under Senate Resolution of the Packers' Consent Decree; and (3) Docket 549 - Cement Securities Company.

January 26, 1925.

Mr. Thompson suggested that the letter with reference to the Louisiana Red Cypress Company be referred to Attorney [redacted], the member of the staff who prepared the Commission's report on the Southern Cypress Manufacturers' Association for comment.

It was ordered by the Commission.

Mr. Thompson suggested that the Chairman reply to the letter from the National Wholesale Grocers' Association of the United States.

The letter was accordingly referred to the Secretary for preparation of reply for the Chairman's signature.

In the matter of the dismissal of the Cement Securities Company case - Docket 549 - Mr. Thompson stated that he would file a dissenting memorandum to accompany the order of dismissal.

It was directed that Mr. Thompson's memorandum be attached to the order of dismissal.

Mr. Van Fleet presented file 1-3487 - Stationers' Supply Company vs. Non-Plate Engraving Company, Inc., and after reciting the facts, it was ordered by the Commission, upon motion of Mr. Van Fleet, that complaint issue, charging Non-Plate Engraving Company, Inc., with violation of the Federal Trade Commission Act.

The draft of complaint which came forward with the file was referred to the Chief Counsel, via Docket Section, for approval as to form and substance under the rule, with the direction that upon such approval, the complaint be referred to the Secretary for service without reference back to the Commission.

Mr. Gaskill presented the following listed applications for complaint and action as indicated was taken by the Commission:

- (1) File 1-3707 - Berry Brothers vs. An-O-Lac Products Company, et al.

Mr. Gaskill stated that this application came direct to the Commission from the Chief Examiner without reference to the Board of Review pursuant to the Commission's rule of December 3, 1924.

Mr. Gaskill submitted memorandum of January 24th reciting the facts and concurring in the recommendation of the Chief Examiner that the application be dismissed.

On motion of Mr. Gaskill, the application for complaint was dismissed by the Commission.

Mr. Gaskill suggested in his memorandum that the Commission might accomplish results in cases of this character by transmitting the file to the State authorities and moved that the record be remitted to the Attorney General of the State of Michigan with a request that in event his department is without jurisdiction, that he transmit the record to the prosecuting attorney of the appropriate county.

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The motion was seconded by Mr. Thompson and adopted by the Commission and it was so ordered.

(2) File 1-3572 - J. A. Finn & Company vs. Goodman, Cohen & Company.

Mr. Gaskill stated that the case was submitted by memorandum of December 18, 1924, from the Chief Examiner reporting that the respondent is a shirt manufacturer and uses a cotton fabric termed "Nusylk" which it buys from W. Harris Thurston & Company, Inc.; that the latter concern is respondent in application file 1-3265 - New York Commercial vs. W. Harris Thurston & Company, Inc., in which the use of the word "Nusylk" is also questioned. The Chief Examiner recommended in view of this fact that the file here submitted - file 1-3572 be consolidated with file 1-3265 so that the cases may be considered together.

Upon motion of Mr. Gaskill, the files were consolidated by the Commission as recommended by the Chief Examiner.

(3) File 1-3231 - Denmark vs. Danish Pride Milk Products Company, et al.

Mr. Gaskill submitted memorandum of January 23rd reviewing the record and reporting that respondent indicated a disposition to refrain from shipping its milk into foreign countries under the label "Danish Pride" and under these circumstances, the Chief Examiner recommended that negotiations be opened with the respondent to see whether it will state definitely this intention. Mr. Gaskill suggested in his memorandum, that the Commission send to the respondent a letter, draft of which was presented and read and further if the response to the letter is satisfactory, a copy of the communication be sent to the Department of State and the matter closed.

After discussion, it was ordered, upon motion of Mr. Nugent, that the file be circulated and placed on Conference Calendar.

Mr. Gaskill also submitted file 50-79 - Foreign Trade complaint of Fife Hardware Company of Fort William, Canada, against the Clipless Paper Fastener Company and stated that the complaint was submitted by the Export Trade Division with memorandum of January 17th reciting the facts in the case and recommending that final report be made to the Commerce Department, the papers received from that Office returned and the case closed. Draft of letter to the Secretary of Commerce as prepared by the Export Trade Division was also received.

After consideration, on motion of Mr. Gaskill, the recommendation of the Export Trade Division was approved. The draft of letter was approved and ordered forwarded. See file

Mr. Nugent presented the following listed applications for complaint and action as indicated was taken by the Commission:

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- (1) File 1-3407 - Tanners' Council of America vs.
Textile Leather Company.

Mr. Nugent presented memorandum of January 26th reviewing the record, concurring in the recommendation of the Board of Review and recommending that complaint issue.

The memorandum was read and after consideration, on motion of Mr. Nugent, the Commission directed that complaint issue charging the Textile Leather Company with violation of the Federal Trade Commission Act.

The draft of complaint which came forward with the files was referred to the Chief Counsel, via Docket Section, for approval as to form and substance under the rule, with the direction that upon such approval, the complaint be referred to the Secretary for service without reference back to the Commission.

It was further directed, upon motion of Mr. Nugent, that the complaint in this case be held by the Chief Counsel until the Commission shall have passed upon the following pending cases involving like practices:

- File 1-3403 - Tanners' Council of America vs. Sandford Mills.
" 1-3404 - Tanners' Council of America vs. L. C. Chase Company.
" 1-3453 - Tanners' Council of America vs. Rote Leather
Products Company

and that thereafter, the Chief Counsel select from among these cases, a test case and proceed thereupon, inviting the Tanners' Council of America to come in as intervenor.

- (2) File 1-3665 - American Writing Machine Company vs.
Bundy Typewriter Company.

Mr. Nugent stated that this case came direct to the Commission from the Chief Examiner, without reference to the Board of Review pursuant to the rule of December 3, 1924.

Mr. Nugent submitted memorandum of January 26th reviewing the record and moved that the Chief Examiner be authorized to negotiate a stipulation with respondent in accordance with the rule of February 7, 1923, concerning its discontinuance of this advertising and if respondent will so stipulate that the application be dismissed upon approval of the stipulation. The motion was seconded by Mr. Hunt.

In substitution, for the foregoing motion, it was moved by Mr. Gaskill, seconded by Mr. Van Fleet, that the application be dismissed.

Vote was taken upon the substitute motion. As to this motion, Messrs. Van Fleet, Gaskill and Thompson voted in the affirmative and Messrs. Nugent and Hunt voted in the negative. The substitute motion carried and the application for complaint was dismissed by the Commission.

- (3) File 1-3299 - Wilson Brothers vs. Duke McMahon & Company.

Mr. Nugent stated that this application came direct to the Commission from the Chief Examiner without reference to the Board of Review, pursuant to the rule of December 3, 1924.

January 26, 1925.

Mr. Nugent submitted memorandum of January 20th to the record, concurring in the recommendation of the Chief Examiner and recommending dismissal.

On motion of Mr. Nugent, the application for complaint was dismissed by the Commission.

Mr. Hunt submitted file 1-3182 - Atlantic Jute Mills, Inc. vs. American Manufacturing Company and stated that the file came direct to the Commission from the Chief Examiner, without reference to the Board of Review pursuant to the rule of December 3, 1924.

Mr. Hunt presented memorandum of January 22nd reviewing the record and concurring in the recommendation of the Chief Examiner that the application for complaint be dismissed.

On motion of Mr. Hunt, the application for complaint was dismissed by the Commission.

Mr. Thompson submitted a letter of January 22nd from Mr. John F. Montgomery, New York City, stating that the Borden Condensed Milk Company, through their subsidiary, The Borden Farm Products Company, have been gradually monopolizing the fresh milk business in Greater New York and vicinity and making inquiry as to whether these steps have the approval of the Federal Trade Commission.

The letter was read and on motion of Mr. Thompson, seconded by Mr. Van Fleet, the same was referred to the Chief Examiner for investigation on the question of interstate commerce only and report to the Commission. The Secretary was directed to acknowledge the letter and say that the same will have attention.

The Chairman submitted the following matters and action as indicated was taken by the Commission:

(1) Letter of January 23rd from the National Preservers & Fruit Products Association (B. R. Jacobs, Business Manager), Washington, D. C. enclosing page from the January 1925 edition of "The Retailers' Journal" and complaining of agreements between independent retailers or retail organizations to boycott or otherwise collectively discriminate between manufacturers who sell to chain stores.

The correspondence was read and on motion of the Chairman was referred to the Secretary for acknowledgment and thereafter, to the Chief Examiner for attention.

(2) Letter of January 23rd from the American Spring Manufacturers' Export Association, Pittsburgh, Pa., acknowledging the Commission's letter of January 6th with respect to examination of Export Association files.

January 26, 1925.

The letter was read and ordered filed.

(3) Docket 1245 - B Z B Knitting Company.

Letter of January 24th was received from Messrs. Greaves & Hurd (George F. Hurd), New York City, counsel for the respondent, requesting an adjournment until March 10, 1925, of hearings now set for February 16th for the taking of testimony to meet Mr. Hurd's convenience in handling other cases.

The Commission also received memorandum of January 23rd from the Chief Counsel calling attention to previous adjournment of the case at the request of Mr. Hurd and that in order to meet Mr. Hurd's request the case had been set for the taking of testimony on February 16th and the itinerary of the Commission's attorney adjusted to meet that date and that a further postponement would necessitate two Western trips on the part of the Commission's attorney and interfere with the trial of other cases. The Chief Counsel recommended that the Commission enter an order for the taking of testimony at Rockford, Illinois, on February 16, 1925.

After discussion, the Commission denied the request of Attorney Hurd for a further extension and entered its order setting the case for the taking of testimony on February 16, 1925 at Rockford, Illinois, as recommended by the Chief Counsel and directed the Secretary to explain in a letter to Mr. Hurd the circumstances surrounding the Commission's action.

(4) Letter of December 23rd from Mr. V. N. Miller, Editor and Proprietor of the "Service Record", Washington, D. C., referring to the petition of "Service Record" in the hands of the Chief Examiner for complaint against the American Legion and "American Legion Weekly".

The letter was referred to the Chief Examiner for attention and to prepare reply.

(5) Letter of January 23rd from the American Zinc Institute (Stephen S. Tuthill, Secretary), New York City, referring to the Institute's letter of December 22nd and requesting permission to add another exhibit in the matter. The exhibit being a clipping from the Miami (Oklahoma) News-Record on January 15, 1925.

The letter was referred to the Secretary for acknowledgment and with instructions to place the letter and the exhibit in the file which is now on the Circulating Calendar.

(6) File 1-3054 - North Banger Slate Company vs. Cortland Grinding Wheel Corporation, et al.

Letter of January 22nd from the Grinding Wheel Manufacturers' Association of the United States and Canada acknowledging the Commission's letter of January 20th notifying the Association that the Commission had granted its request for a hearing before an individual Commissioner prior to the issuance of complaint.

The letter was read and filed.

January 26, 1925.

(7) Letter of January 22nd from the Senate Committee investigating the Bureau of Internal Revenue (John S. Pyle, Assistant Counsel), Washington, D. C., requesting information with respect to the annual production of corn sugar in the United States.

The letter was read and referred to the Chief Economist and the Chief Examiner for preparation of reply.

(8) Letter of January 22nd from the National Aeronautic Association of the United States of America (Godfrey L. Cabot, President), Washington, D. C., requesting a short story covering the contact of the Federal Trade Commission with the aeronautical world.

The letter was referred to the Secretary with instructions to reply to the effect that the Federal Trade Commission in its work has not come in contact with the aeronautical world.

(9) Letter of January 20th from the Mahogany Association, Inc., (D. H. Allen, Chairman, Executive Committee), New York City, enclosing for the information of the Commission copies of correspondence between the Mahogany Association and the National Retail Dry Goods Association with respect to unfair competition in the marketing of furniture. The letter requested that the Commission hand down its decision on pending cases at the earliest possible moment.

The letter was read and on motion of the Chairman was referred to Mr. Thompson with request to prepare reply.

(10) Letter of January 22nd from Congressman Samuel E. Winslow, Chairman, House Committee on Interstate & Foreign Commerce, transmitting copy of House Resolution 11793, 68th Congress, Second Session, dated January 20, 1925, a bill introduced by Mr. Arthur B. Williams of Michigan, entitled, "A Bill to Amend Section 5 of the Federal Trade Commission Act". The letter from the Committee Chairman stated that the bill was submitted for report and for such views as the Commission may desire to communicate.

Mr. Gaskill offered the following motion:

Moved, that the Commission express its approval of the bill.

As to the foregoing motion there was no second nor vote.

On motion of Mr. Van Fleet, the Commission directed that the bill circulate among the Commissioners.

On motion of Mr. Nugent, the Secretary was directed to acknowledge the Chairman's letter and say that the bill would have attention and that the Commission would advise of its views at the earliest opportunity.

In the matter of Docket 1238 - M. Rea Gano, et al, Mr. Gaskill presented letter of January 17th from Mr. J. Whitla Stinson, attorney,

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New York City, referring to demand by respondents for withdrawal from the case but notwithstanding, that fact, furnishing information as to the status of the case and notice of further action in the case. Mr. Gaskill also submitted draft of letter prepared by the Chief Counsel furnishing the information requested and stating that until the Commission received notice of Mr. Stinson's withdrawal as attorney of record, notices will be sent him in the future.

The letter prepared by the Chief Counsel was rejected by the Commission and the Secretary was directed to write the respondents and request the respondents to notify the Commission formally of the name and address of the attorney or attorneys representing the respondents before the Commission, and especially as whether or not Mr. Stinson represents the respondents. It was further directed that reply to Mr. Stinson's letter of January 17th be held pending information from the respondents.

Mr. Gaskill referred to the action of the Commission on April 11th, 1924, in referring to him for supervision, the matter of trade practice submittal with the soap industry and reported conferences with members of the industry and submitted a printed brief by counsel for the respondent in the matter of Docket 1110 - James S. Kirk & Company in support of a motion that the Commission dismiss the complaint in that case and dispose of the subject matter of the complaint as a trade practice submittal. This case is known as the Castile Soap case.

At the suggestion of Mr. Van Fleet, copy of the brief was delivered to each Commissioner for information and a copy of the brief was referred to the Commission's attorney-in-charge of Docket 1110 - Attorney Wallace., for report, with the understanding that no action be taken by the Commission pending the attorney's report.

Mr. Gaskill returned to the Commission, manuscript copy of report prepared by the Economic Division, entitled, "Report on High Prices of Anthracite", as referred to Mr. Gaskill on December 10, 1924, for conference with the Chief Economist.

Mr. Gaskill stated that he had read the body of the report in connection with the criticism which he had previously made to the letter of submittal and after reading the body of the report desired to state to the Commission and to have entered on the record an apology to the members of the Economic Division who prepared the report because of the rather venomous criticisms contained in his memorandum of December 10, 1924 and which were based upon a reading of the letter of submittal.

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Mr. Gaskill stated that he had certain criticisms and objections to the body of the report as well as the letter and suggested that these be taken up by the Commission as a whole in conference with members of the Economic Division or that the report be referred back to him for conference with the Economic Division and further report to the Commission.

On motion of Mr. Nugent, the report was referred to Mr. Gaskill with request for conference with the Economic Division with respect to Mr. Gaskill's criticisms and to report thereafter to the Commission.

The Secretary presented a memorandum of January 24th from Attorney Walter B. Wooden reporting that indictment brought by the Department of Justice under Sections 125 and 126 of the Criminal Code charging one G. C. Battenfield with perjury in his testimony before the Commission in the hearings in Docket 898 - United States Products Company, et al, had been tried before a Federal Grand Jury in Pittsburgh from January 19th to 23rd, inclusive and that a verdict of guilty had been returned by the jury but that sentence had not yet been passed.

The memorandum was read and filed.

Thereupon, at the hour of 12:15 p.m., the Commission adjourned to meet, Tuesday, January 27, 1925, at 2 p.m.

Vernon W. Van Fleet,
Chairman.

Attest:

Otis B. Johnson
Otis B. Johnson,
Secretary.

MEETING OF THE FEDERAL TRADE COMMISSION

Tuesday - January 27, 1925 - 2 p.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
Nelson B. Gaskill,
John F. Nugent,
Charles W. Hunt,
Huston Thompson.

...to arrangements the Commission met to hear final argument in Docket 1175 - U. S. Oil Company, et al. Attorney Wallace was heard in support of the Complaint. Attorney Edward A. Harriman was heard on behalf of the respondents. The hearing continued until the hour of 3:25 p.m., was concluded and the case taken under advisement.

Thereupon, at the hour of 3:25 p.m., the Commission adjourned to meet, Wednesday, January 28, 1925, at 10 a.m.

Vernon W. Van Fleet,
Chairman.

Attest

Oris E. Johnson
Oris E. Johnson,
Secretary.

MEETING OF THE FEDERAL TRADE COMMISSION

Wednesday - January 28, 1925 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
Nelson B. Gaskill,
John F. Nugent,
Charles W. Hunt,
Huston Thompson.

The minutes of the meetings of January 26 and 27, 1925, were read and approved.

Chairman Van Fleet submitted the following matters and action as indicated was taken by the Commission:

(1) Letter of January 27th from the Department of Agriculture, (C. F. Marvin, Acting Secretary), replying to letter of December 21st from Mr. Millard F. Hudson, Chief Examiner, in regard to potassium cyanide marketed by Philip M. Saul and Company of Cleveland, Ohio. The letter stated that the Insecticide & Fungicide Board of the Department of Agriculture had been requested to notify its

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inspectors to be on the lookout for interstate shipments of the product and to obtain samples for examination and such action as may be warranted under the Insecticide Act of 1910.

The letter was read and referred to the Chief Examiner for attention.

(2) Bulletin No. 42, dated January 26, 1925 from the Chief Coordinator with respect to the distribution of the bulletins issued by the Chief Coordinator's Office.

The bulletin was read and ordered filed.

(3) Letter of January 27th from the Department of State transmitting copy of excerpts from the report of the American Consul at Warsaw, Poland, in regard to combination of oil refineries in Poland

The papers were referred to the Export Trade Division for information.

Report from the Secretary showing in chronological order, the action by the staff since complaint was ordered to issue by the Commission on December 1, 1924, in the matter of file 1-3400 - F.T.C. vs. Certainteed Products Company. The Chairman called attention to the facts that the report showed the Docket Section took sixteen days to transmit the complaint to the Chief Counsel and that the complaint remained in Attorney Brinson's hands three weeks without action and was withdrawn and assigned to another attorney who reported on the complaint in one day.

The Secretary reported concerning the delay in the Docket Section and steps taken to remove the cause of delay.

On motion of the Chairman, Mr. John W. Karsner, Chief of the Docket Section was called before the Commission to explain the delay in the Docket Section and the condition of work in that Section accounting for the delay.

The Secretary reported that instructions had been given to the Docket Section to expedite the handling of cases wherein the Commission had ordered complaints to issue.

On motion of Mr. Van Fleet, seconded by Mr. Thompson, the Commission directed that all cases wherein the Commission has ordered complaint to issue be expedited by the staff from the date when complaint is ordered to issue until the complaint is served.

On motion of the Chairman, Attorney Brinson was called upon to explain to the Commission in writing as to why the complaint in this case - file 1-3400 - F. T. C. vs. Certainteed Products Company lay on his desk from December 18, 1924 until January 9, 1925 without action by him.

January 28, 1925.

The following matters of general business forwarded to the Commission by the heads of the several divisions were presented to the Secretary and action as indicated was taken by the Commission:

(1) Memorandum of January 26th was received from the Chief Economist submitting manuscript draft of report on the Packers' Consent Decree, prepared in response to Senate Resolution 278, adopted December 8, 1924 (Senator George W. Norris), requesting the Federal Trade Commission to report with respect to the decree entered in the Supreme Court of the District of Columbia on February 27, 1920, in the case of U. S. vs. Swift & Company, et al, commonly known as the Packers' Consent Decree.

The Commission also received file of memoranda and correspondence (Packers' Consent Decree, Rep 5 Eng 5 Cal 5) from Vernon Campbell of the California Cooperative Canneries, from Assistant Chief Economist W. H. England with the suggestion that the papers in this file be shown to the Commissioners in connection with their consideration of the report on the Packers' Consent Decree.

It was directed that the file be circulated with the report.

(2) Letter to the Chairman of the Personnel Classification Board requesting reconsideration of the action of the Board on January 6, 1925, in rejecting the Commission's allocation of the position occupied by Mr. Robert C. Dalrymple, clerk in the Economic Division to C. A. F. Grade 4 by change from C. A. F. Grade 3 by reason of change in duties.

The letter was approved and ordered forwarded. See file

(3) Resolution of the United States Senate (Senator Norris Sheppard) in regard to the Empire Cotton Growing Corporation, as follows:

"S. RES. 317

In the Senate of the United States,

January 26 (calendar day January 27), 1925.

RESOLVED, That the Federal Trade Commission be requested to report to the Senate as soon as possible whatever information it possesses or has ready access to regarding the development, methods and activities of the Empire Cotton Growing Corporation, and as to the probable effect upon American Cotton growers of the action of the British Government as outlined in article 6 of the recent ultimatum to Egypt with respect to the increase of the area to be irrigated at Gezira in the event such action should be carried out.

Attest:

George A. Sanderson,
Secretary."

January 28, 1925.

The resolution was read and after consideration, upon motion of Mr. Van Fleet was referred to the Chief Economist to prepare response.

(4) Letter to Congressman Millard E. Tydings in reply to the Congressman's letter of January 16th with reference to an alleged combination for fixing fertilizer prices in Baltimore. The Commission letter suggested that the parties making the complaint submit specific information as a basis for preliminary examination by the Commission.

The letter was approved and ordered forwarded. See file

(5) Letter dated January 5th from Attorney Otto R. Stites to the Personnel Classification Board appealing from allocation to Professional Grade III and requesting allocation to Professional Grade IV. The appeal of Attorney Stites was accompanied by memorandum of January 5th from the Chief Counsel expressing the opinion that Mr. Stites' experience is such that he should not be classed in Grade IV. The Commission also received a memorandum from Mr. Gaskill, Commissioner-in-charge of the Chief Counsel's office, as follows:

"I concur in the Chief Counsel's opinion and suggest that Mr. Stites' appeal be forwarded disapproved, with a summary of the facts stated in the Chief Counsel's memorandum in explanation of the disapproval."

After discussion, on motion of Mr. Van Fleet the papers were circulated.

(6) Letter of January 20th from the Folding Box Manufacturers' National Association, New York City, transmitting information as requested in the Commission's letter of December 29th in explanation of the meaning of statements contained in the Association's Code of Ethics as forwarded to the Commission by the Association with letter of December 10th, with request for comment.

On motion of Mr. Van Fleet, the letter of January 20th and accompanying file was circulated and with instructions to the Secretary to acknowledge the letter.

(7) Letter of January 13th from Congressman C. D. Carter of Oklahoma, addressed to the Capital Issues Commission, and enclosing a letter of January 8, 1925, from Dr. J. W. McClendon, Dallas, Texas, requesting copy of "O'Bryan Report on the Mattie May Mine at Rush, Ark.," opened up during the war by the Ozark Mine & Milling Company.

The Secretary presented the files of the Capital Issues Committee in the custody of the Commission and stated that no copy of the report referred to was found in the files.

On motion of Mr. Thompson, the Secretary was directed to reply to the Congressman's letter and advise that no copy of the report requested is in the files.

January 28, 1925.

(8) Report dated January 24, 1925 from the Chief Examiner covering the acquisition of the outstanding capital stock of the Union Tool Company by the National Supply Company. The report recommended proceedings under Section 7 of the Clayton Act.

The Commission directed that the report be circulated.

(9) File 1-3333 - Dessiedess Paint Company vs. Standard Color & Chemical Company.

Memorandum of January 8th was received from the Chief Examiner referring to the Commission's direction of November 24th to obtain a stipulation in accordance with recent rulings in the shellac cases and reporting that respondent has gone out of business and recommending that the application be dismissed.

On motion of Mr. Van Fleet, seconded by Mr. Thompson, the application for complaint was dismissed by the Commission.

(10) File 1-3534 - Bakelite Corporation vs. Rose Brothers Company.

Memorandum of January 8th was received from the Chief Examiner referring to the Commission's action of September 24, 1924, giving authority to handle the case under the rule of February 7, 1923 and submitting form of stipulation signed by the respondent with a recommendation that the stipulation be accepted and the application dismissed.

After consideration, Mr. Nugent requested that the file be referred to him for examination and suggested that the matter be placed on the Conference Calendar.

It was so ordered by the Commission.

(11) File 1-3180 - United States Sugar Manufacturers' Association vs. United States Sugar Association.

Letter of January 23rd was received from the United States Sugar Manufacturers' Association, applicants, requesting to be advised of the status of the case, etc. The Commission also received draft of reply prepared by the Chief Examiner, which was read, approved and ordered forwarded.

The Chief Examiner's letter reported failure of informal efforts to secure a voluntary abandonment by the respondent of its name and stated in view of this fact, the Commission feels that by the use of its good offices in its endeavor it has gone as far as the particular circumstances of the case will permit.

(12) Docket 1126 - Jean Jordaux.

Memorandum of January 27th was received from the Chief Examiner reporting alleged improper use by the respondent of the Commission's decision in dismissing the complaint and recommending that complaint issue without further preliminaries.

The Commission directed that the papers submitted by the Chief Examiner be circulated.

January 26, 1925.

(13) Memorandum of January 22nd from the Chief Examiner transmitting application files of Mr. Clarence M. Dinkins and recommending that Mr. Dinkins be appointed a member of the Legal Investigating Staff with the title of Examiner at a salary of \$2400. per annum and allocated to Professional Grade II to fill the vacancy caused by the resignation of Mr. George Eugent.

Mr. Hunt, Commissioner-in-charge of the Chief Examiner's Office informed the Commission of his consideration of a number of applicants and his selection of Mr. Dinkins and moved that the recommendation of the Chief Examiner be approved and the appointment authorized.

The motion was adopted by the Commission and it was so ordered, the appointment to be effective upon taking the oath of office and entering on duty.

(14) Docket 1245 - B. Z. B. Knitting Company.

Memorandum of January 28th was received from the Chief Counsel referring to the Commission's action of January 26th in denying the request of attorney for the respondent for an extension of time from February 16, 1925 for the taking of testimony and recommending in view of further information from counsel for the respondent as to his engagements that the taking of testimony in this case be postponed to a date to be determined in the future.

The memorandum was read and on motion of Mr. Van Fleet, the recommendation of the Chief Counsel was approved and it was so ordered.

(15) Docket 1253 - Owosso Manufacturing Company, et al.

Memorandum of January 27th was received from the Chief Counsel transmitting application of counsel for the respondent for an extension of time for filing answer. The Chief Counsel recommended that the time for filing answer be extended to March 29, 1925, upon the request of counsel for the respondent.

The recommendation of the Chief Counsel was approved and the Chief Counsel was directed to prepare and the Secretary to serve appropriate order.

(16) Docket 1133 - Ostermoor & Company, et al.

Memorandum of January 26th was received from the Chief Counsel referring to the Commission's action of November 19, 1924 and recommending that respondents' motion to dismiss be denied and that an extension of time be granted attorney for the Commission to take further testimony in support of the complaint. The Chief Counsel referred to memorandum of November 20th from Trial Attorney Hornibro recommending that the complaint be dismissed; and also referred to recommendation of another attorney on the Commission's staff, Mr. Whiteley, that the motion to dismiss be denied and further testimony taken.

The Commission directed that the papers be circulated.

January 28, 1925.

(17) Memorandum of January 26th was received from the Chief Counsel, W. H. Fuller, bearing the approval of Attorney W. T. Kelley of the Chief Counsel's Office and recommending that Attorney George E. Wallace be relieved from further duty in the Legal Department. The Chief Counsel stated that Mr. Wallace has not had the previous experience and ability to enable him to conduct the class of cases which come before the Federal Trade Commission.

The memorandum was read and thereafter, on motion of Mr. Nugent, seconded by Mr. Gaskill, the Chief Counsel was directed to report to the Commission the names of the members of the Trial Staff whose services can be properly dispensed with by the Commission because of lack of experience or ability.

The memorandum regarding Mr. Wallace was left in the custody of the Secretary.

(18) Docket 927 - Corn Products Refining Company.

Upon receipt of memorandum of January 26th from the Chief Counsel, the Commission set the case for final argument before the Commission on Monday, February 16, 1925, at 2 p.m., with the direction that interested parties be notified thereof by registered mail.

(19) Docket 852 - Procter & Gamble Company, et al.
(C.C.A. Doc. 4237)

Memorandum of January 26th was received from the Chief Counsel calling attention to the authorization of the Commission on November 21, 1924 for the purchase of additional copies of the transcript of the record in this case for use in connection with the petition for certiorari, should the decision of the Circuit Court of Appeals be unfavorable and stating that negotiations had been made with counsel for the respondent for the purchase by counsel for the respondent of fifty additional copies of the record on the condition that the Commission will repurchase the fifty copies from counsel for the respondent for use in certiorari should the decision of the Circuit Court of Appeals be adverse to the Commission. The Chief Counsel requested that the Commission authorize the agreement.

The memorandum of the Chief Counsel was approved and the Commission authorized the purchase of fifty copies of the record from counsel for the respondent should the decision of the Circuit Court be adverse to the Commission and directed that counsel for respondent be so advised.

(20) Docket 922 - Michigan Wholesale Grocers' Association, et al.

Memorandum of January 24th was received from the Chief Counsel recommending that final argument in this case be postponed from February 25th to Wednesday, March 18, 1925, at 2 p.m., and stating that the change is recommended so that counsel for the Commission will not be obliged to make an extra trip from the West.

The recommendation of the Chief Counsel was approved and the Secretary directed to notify interested parties by registered mail.

January 28, 1925.

(21) Docket 1085 - North Dakota Wholesale Grocers' Association, et al.

Upon receipt of memorandum of January 24th from the Chief Counsel, the Commission set the case for final argument on Monday, March 16, 1925, at 2 p.m. with the direction that interested parties be notified thereof by registered mail.

(22) Docket 1217 - Hagen Import Company of New Jersey.
" 1236 - Hagen Import Company of Pennsylvania.

Memorandum of January 24th from the Chief Counsel reporting pursuant to the Commission's direction of January 16th in regard to the reference of the files in the above cases to the Department of Agriculture for prosecution under the Food & Drug Act and recommending that the matter be not called to the attention of the Department of Agriculture, but that the case proceed to trial.

It was directed that the memorandum be circulated.

(23) Docket 1040 - Holeproof Hosiery Company.

Memorandum of January 23rd was received from the Chief Counsel recommending (1) that counsel for the Commission be granted an extension to and including March 15, 1925 for filing brief and (2) that counsel for the respondent be granted to and until March 25, 1925, for filing brief.

The recommendation of the Chief Counsel was approved and order to this effect approved and entered.

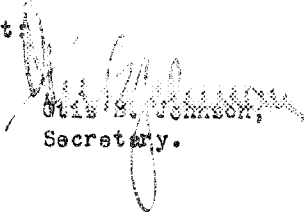
(24) Docket 949 - Seth Thomas Clock Company.

Memorandum of January 22nd was received from the Chief Counsel reporting that the respondent had appeared on January 12, 1925, the date set by the Commission for hearing evidence on behalf of the respondent and after recording motions to dismiss the proceeding, the respondent offered its testimony and closed their proceeding and that the Trial Examiner had ordered the taking of testimony closed and made the usual order in regard to the filing of exceptions and brief. The Chief Counsel called attention to the fact that the action of the Commission of January 19, 1925 need not be complied with.

It was directed that the memorandum be circulated.

Thereupon, at the hour of 12:15 p.m., the Commission adjourned to meet Friday, January 30, 1925, at 10 a.m.

Attest


Otis S. Johnson,
Secretary.

Vernon W. Van Fleet,
Chairman.

Thursday - January 29, 1925 - No meeting held.

January 30, 1925.

MEETING OF THE FEDERAL TRADE COMMISSION

Friday - January 30, 1925 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
Nelson B. Gaskill,
John F. Nugent,
Charles W. Hunt,
Houston Thompson.

The minutes of the meeting of January 28, 1925, were read and approved.

Formal docket cases appearing on the weekly Conference Calendar for final determination were considered by the Commission and action as indicated taken:

(1) Docket 883 - Alfred Peats Company.

On June 6, 1924, the Commission rejected the stipulation submitted by the Chief Counsel and directed the Chief Counsel to prepare another stipulation to show (a) Interstate commerce; (b) Actual representations made; (c) Facts which show these representations to be false; and (d) Competition of the products so branded with honestly and fairly represented goods.

Pursuant to the above action, the case is before the Commission for consideration of a new stipulation submitted by the Chief Counsel with memorandum of December 27th. The following papers were placed in the hands of each Commissioner: Memorandum of December 27th from the Chief Counsel; memorandum of November 29th from Trial Attorney Rowland; stipulation as to the facts; findings as to the facts and order to cease and desist; statements by Dr. George K. Burgess, Director of the Bureau of Standards and Dr. Henry A. Gardner in regard to the quality of the outside paint advertised by the respondent; complaint.

After consideration, on motion of Mr. Nugent, it was directed that an order to cease and desist be issued and that the findings and order as submitted by the Chief Counsel with memorandum of December 27, 1924, be approved as submitted and issued.

The findings and order as adopted were referred to the Secretary for service without further action.

(2) Docket 884 - Henry Bosch Company.

On June 6, 1924, the Commission rejected the stipulation submitted by the Chief Counsel and directed the Chief Counsel to prepare another stipulation to show (a) interstate commerce; (b) actual representations made; (c) facts which show these representations to be false; and (d) competition of the products so branded with honestly and fairly represented goods.

January 30, 1925.

Pursuant to the above action, the case is before the Commission for consideration of a new stipulation submitted by the Chief Counsel with memorandum of December 27th. The following papers were placed in the hands of each Commissioner: Memorandum of December 27th from the Chief Counsel; memorandum of November 29th from Trial Attorney Rowland; stipulation as to the facts; findings as to the facts and order to cease and desist; statements by Dr. George K. Burgess, Director of the Bureau of Standards and Dr. Henry A. Gardner in regard to the quality of the outside paint advertised by the respondent; complaint.

After consideration, on motion of Mr. Nugent, it was directed that an order to cease and desist be issued and that the findings and order as submitted by the Chief Counsel with memorandum of December 27th, 1924, be approved as submitted and issued.

The findings and order as adopted were referred to the Secretary for service without further action.

(3) Docket 1010 - Pittsburgh Coal Company of Wisconsin, et al.
This case laid over for consideration on next Conference Day.

(4) Docket 1021 - Hygrade Lamp Company.

This case comes before the Commission for final determination upon the following record: memorandum of January 8th from the Chief Counsel; memorandum of December 23rd from Trial Attorney Rowland recommending dismissal; complaint; answer. No testimony was taken nor briefs filed. Attorney Rowland represents the Commission. Attorney Simon Rasch represents the respondent.

Mr. Nugent stated that he disagreed with the recommendation of the Chief Counsel for dismissal of the complaint.

Mr. Van Fleet moved that the complaint be dismissed for the stated reason that the practices charged therein have been discontinued. The motion was seconded by Mr. Hunt.

In substitution, for the foregoing motion, it was moved by Mr. Nugent, seconded by Mr. Thompson, that the recommendation of the Chief Counsel for dismissal be rejected and that the case proceed in regular order.

Vote was taken upon the substitute motion. As to this motion, Messrs. Nugent and Thompson voted in the affirmative and Messrs. Van Fleet, Gaskill and Hunt voted in the negative. The substitute motion was lost.

Vote was then taken upon the original motion. As to this motion, Messrs. Van Fleet, Gaskill and Hunt voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The motion was adopted and the complaint was dismissed by the Commission for the stated reason that the practices complained of have been discontinued.

Messrs. Nugent and Thompson asked and it was ordered that their dissent show upon the minutes, the order of dismissal and any statement issued in connection therewith.

The Chief Counsel was directed to prepare and the Secretary to serve order of dismissal.

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(5) Docket 1125 - Mack, Miller Candle Company.

On December 8, 1924, the Commission directed the Chief Counsel to secure a stipulation as to the facts in this case and that if the stipulation is acceptable to the Commission that it be received and that the case be then dismissed with a statement of the reasons for dismissal.

Pursuant to the above action, the case is now before the Commission for consideration of stipulation as submitted by the Chief Counsel. The following papers were placed in the hands of each Commissioner: memorandum of January 14th from the Chief Counsel; memorandum of January 13th from Trial Attorney Doyle; stipulation as to the facts; order of dismissal; complaint.

After consideration, it was moved by Mr. Van Fleet, that the stipulation be accepted and the complaint dismissed for the reason that respondent has so modified its business practices as to remove the cause of the complaint. The motion was seconded by Mr. Hunt.

In substitution for the foregoing motion, it was moved by Mr. Nugent, seconded by Mr. Thompson, that the stipulation be disapproved and that the case be returned to the Chief Counsel to take the regular course.

Vote was taken upon the substitute motion. As to this motion, Messrs. Nugent and Thompson voted in the affirmative and Messrs. Van Fleet, Gaskill and Hunt voted in the negative. The substitute motion was lost.

Voted was then taken upon the original motion. As to this motion, Messrs. Van Fleet, Gaskill and Hunt voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The motion was adopted, the stipulation accepted and the complaint dismissed for the reason that respondent has so modified its business practices as to remove the cause of the complaint.

Messrs. Nugent and Thompson requested and it was ordered, that their dissent show upon the minutes, the order of dismissal and any statement issued to the public in connection therewith.

Mr. Thompson stated that he would file a written memorandum of dissent to be attached to the order of dismissal.

The order of dismissal submitted by the Chief Counsel was approved and referred to the Secretary for service.

(6) Docket 1147 - Chase & Sanborn.

Case laid over for further consideration on next Conference Day.

(7) Docket 1175 - United States Oil Company, et al.

The Secretary reported the receipt of letter of January 29th from Attorney Edward A. Harriman, counsel for the respondent calling attention to the fact that exceptions by counsel for the Commission were not filed within ten days from the filing of the report of the Trial Examiner but were incorporated in the brief and requesting permission to file a reply brief as to the exceptions raised by counsel for the Commission and that counsel for the respondent be permitted to be heard orally as to such exceptions.

January 30, 1925.

After discussion, the case was laid over until Day.

On motion of Mr. Nugent, the Chief Counsel was directed to report to the Commission the time when the case was assigned to Attorney Wallace for trial, the date upon which testimony was commenced and the date it was concluded and also the date upon which the case was set for argument.

(8) Docket 1221 - Ozark Creamery Company.

On October 31st the Commission referred the question of form of findings to Commissioner Thompson with request to confer with Attorney Flannery and submit appropriate findings to the Commission.

Pursuant to this action, the case is before the Commission for consideration of the findings submitted by Commissioner Thompson. The following papers were placed in the hands of each Commissioner: memorandum of January 19th from Mr. Thompson; complaint; answer; stipulation as to the facts; findings as to the facts submitted by Mr. Thompson; order to cease and desist submitted by the Chief Counsel with memorandum of October 23rd. No testimony was taken nor briefs filed. Respondent waived argument. Attorney Flannery represents the Commission. Respondent has no attorney of record.

Mr. Thompson reported in response to the Commission's action of October 31st and stated that the findings and order now before the Commission were prepared by Attorney Flannery pursuant to his instructions as authorized by the Commission and recommended that the findings and order as submitted be approved and issued.

After consideration, on motion of Mr. Thompson, seconded by Mr. Nugent, the Commission directed that an order to cease and desist issue.

On motion of Mr. Nugent, Paragraph One of the order was amended by the Commission as shown on marked copy.

On motion of Mr. Thompson, seconded by Mr. Nugent, the findings as submitted and the order as amended were approved and the findings and order as approved were ordered to issue and were referred to the Secret for service without further action.

(9) File 1-3231 - Denmark vs. Danish Pride Milk Products Company
This file laid over for consideration on next Conference Day.

Mr. Nugent presented Docket 1230 - F. W. Dobe and pursuant to the Commission action of January 16, 1925, reported relative to the procure of another stipulation and the preparation of findings and order based upon the new stipulation.

This case was laid before the Commission for final determination on January 16th upon memorandum of December 20, 1924 from the Chief Counsel transmitting form of stipulation, findings and order with the recommendation that the stipulation be accepted and the findings and order approved and issued.

January 30, 1923.

Mr. Nugent presented new stipulation together with findings and order based upon such new stipulation and stated that the same met the objections previously raised by the Commission.

On motion of Mr. Nugent, the Commission directed that an order to cease and desist issue, accepted the stipulation as submitted and directed that the findings and order as submitted be approved and issued.

The findings and order were referred to the Secretary for service without further action.

Mr. Nugent presented letter of January 27th from the Enterprise Aluminum Company, Cassillon, Ohio, requesting information as to the probable action of the Federal Trade Commission in the matter of its inquiry relative to the Aluminum Kitchen Utensil Industry.

The letter was read and on motion of Mr. Nugent, was referred to the Chief Examiner to report whether any application for complaint respecting the matter has been made and is now pending and the status of any pending case.

Mr. Nugent also presented file 1-3534 - Bakelite Corporation vs. Rose Brothers Company and pursuant to Commission action of January 28th reported his examination of the file.

This case was submitted to the Commission on January 28th with memorandum of January 8th from the Chief Examiner recommending that the stipulation obtained pursuant to the rule of February 7, 1923, be accepted and the application be dismissed and on that date the Commission referred the file to Mr. Nugent.

After discussion, Mr. Van Fleet, moved that the file be referred to the Chief Examiner with instructions to obtain a stipulation in the regular form. The motion was seconded by Mr. Gaskill.

In substitution for the foregoing motion, it was moved by Mr. Nugent, seconded by Mr. Thompson, that the case proceed in the regular course.

Vote was taken upon the substitute motion. As to this motion, Messrs. Nugent and Thompson voted in the affirmative and Messrs. Van Fleet, Gaskill and Hunt voted in the negative. The substitute motion was lost.

Vote was then taken upon the original motion. As to this motion, Messrs. Van Fleet, Gaskill, Hunt and Thompson voted in the affirmative and Mr. Nugent voted in the negative. The motion carried and it was so ordered and the file was accordingly referred back to the Chief Examiner, via Docket Section.

Chairman Van Fleet presented letter of January 27th from the Attorney General of the United States (Harlan F. Stone) requesting that certain old Bureau of Corporation files identified in the letter, be forwarded Mr. C. Stanley Thompson, Special Assistant to the Attorney General, who is presenting the case of United States vs. Western Pine Association, et al, at Minneapolis, Minnesota. The Attorney General stated that the original documents are requested for identification but assurance is given that copies will be substituted in the record and the originals returned to the Commission.

On motion of Mr. Gaskill, seconded by Mr. Thompson, the Commission authorized and directed the Secretary to forward the files requested, identified as follows, to Mr. Thompson at Minneapolis taking his receipt therefor with the understanding that such files being originals are to be returned promptly to the Commission intact:

File 6580-68-2
File 6580-72
File 6582-33

The following matters of general business forwarded to the Commission by the heads of the several divisions were presented by the Secretary and action as indicated was taken by the Commission:

(1) Letter of January 28th from the Sixth Ward League of Women Voters, Chicago, requesting the Commission to designate someone to speak to the League on February 5th at Chicago, Illinois on the functions of the Federal Trade Commission. The writer stated that Mr. Wooden had spoken before the organization in December and requested that if available Mr. Wooden be again designated.

The letter was read and the Secretary was directed to reply to the effect that no member of the Commission can accept the invitation because of the pressure of official business at Washington but that the Commission has no objection to the acceptance of the invitation by Attorney Wooden.

(2) Memorandum of January 28th from the Chief Examiner transmitting file of correspondence and certain labels from the Great Lakes Varnish Works, Chicago, Illinois, requesting a ruling upon the legality of the Company's labels. The Chief Examiner recommended that reply be made that the Commission cannot approve the proposed labels.

It was directed that the papers be circulated.

(3) Undocketed application for complaint of Garneey, Wood & Lennon vs. Washburn Crosby Company, et al, in the matter of practices of Semolina Flour manufacturers.

Memorandum of January 28th was received from the Chief Examiner reporting in response to the Commission's action of January 23rd and setting forth the Chief Examiner's reasons for believing that further investigation would result in developing additional facts and in support

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of the Chief Examiner's recommendation in his memorandum. Commission dated January 10, 1925, setting out the results preliminary inquiry and recommending the docketing of an application for complaint.

The memorandum was read and after discussion, Mr. Van Fleet moved that an application for complaint be not docketed. The motion was seconded by Mr. Hunt.

In substitution for the foregoing motion, it was moved by Mr. Nugent, seconded by Mr. Thompson, that the recommendation of the Chief Examiner be approved and that an application for complaint be docketed in the name of the Commission.

Vote was taken upon the substitute motion. As to this motion, Messrs. Nugent and Thompson voted in the affirmative and Messrs. Van Fleet, Gaskill and Hunt voted in the negative. The substitute motion was lost.

Vote was then taken upon the original motion by Mr. Van Fleet. As to this motion, Messrs. Van Fleet, Gaskill and Hunt voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The motion was adopted and it was ordered that an application be not docketed. The Secretary was directed to notify interested parties of the action.

Messrs. Nugent and Thompson asked that their dissent show upon the minutes and the correspondence notifying the parties. It was so ordered.

Mr. Nugent stated for the record as follows:

"I dissent from the action of the Commission for the reason that in my judgment the preliminary record in this case shows that a meeting was held and attended by the milling concerns mentioned in the record at which something in the nature of a price fixing arrangement with respect to flour (Durham) made from that wheat was entered into as well as arrangement for doing away with competition in the price of Durham wheat and for that reason I think an application for complaint should be docketed as recommended by the Chief Examiner."

Mr. Thompson stated for the record that he joined in the dissent by Mr. Nugent and the reasons offered by Mr. Nugent for such dissent. Mr. Nugent stated he would file written dissent. Mr. Van Fleet will prepare supporting majority in the case.

(4) Memorandum of January 28th signed by the Chief Examiner and the Chief Economist transmitting a reply to a letter dated January 22nd from Mr. John S. Pyle, Assistant Counsel, Senate Committee Investigating Bureau of Internal Revenue, in which letter Mr. Pyle requested information with respect to the annual production of corn sugar in the United States, etc.

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The reply stating that the Commission had made at any time of the production of corn sugar in the United States, furnishing certain information from Census reports, was approved after amendment and ordered forwarded. See file

(5) File 1-3340 - Bessie's Paint Company vs. Charles Davis Company, Inc.

Memorandum of January 17th was received from the Chief Examiner reporting in response to the Commission action of November 3, 1924, at which time the Chief Examiner was directed to negotiate a stipulation to conform to the rule of the Commission with respect to the labelling of shellac, shellac compound and shellac substitute. The Chief Examiner reported that an analysis of respondent's products by the Bureau of Standards shows that such products are properly labelled accordingly to the Commission's modified findings and order in the Don-O-Lac case - Docket 924 and recommended in view of the fact that there appears to be no ground for a stipulation, that the application for complaint be dismissed.

The memorandum was read and after discussion, on motion of Mr. Gaskill, the application for complaint was dismissed by the Commission.

As to this action, Messrs. Van Fleet, Gaskill and Hunt voted in the affirmative, Mr. Nugent voted in the negative and Mr. Thompson voted "present".

(6) Docket 904 - Lease Motor Company, Inc., et al.

File 0-2132 - National Engineering Company vs. Acoma Motors Co
" 1-3214 - F. T. C. vs. Exporters' & Importers' Association
of the World & Lease Brothers Motor Company, Inc.

Memorandum of January 20th was received from the Chief Counsel transmitting draft of complaint against Robert M. Lease Company, Inc., Lease Brothers Motor Company, Inc., Acoma Motors Company, Inc., Lease Motors Company, Inc., Lease Motors Export Sales Corporation, Panther Motor Company, Inc., Exporters & Importers Association of the World, Robert M. Lease, Irving Lease, Albert Lease and John P. Agnew.

The Chief Counsel reported that the complaint submitted embraced all of the acts and practices engaged in by the three Lease brothers and their corporations and John P. Agnew and also includes the acts and practices covered in the complaint in Docket 904 - Lease Motor Company, Inc.

The Chief Counsel recommended that the draft of complaint submitted be issued and that the complaint in Docket 904 be dismissed for the reason that the matters alleged in Docket 904 are included in the complaint herewith submitted. The Chief Counsel submitted draft of order of dismissal in Docket 904.

The Commission approved the recommendations of the Chief Counsel and ordered (1) that Docket 904 - Lease Motor Company, Inc., et al be dismissed for the reason that the acts and practices set forth in Docket 904 are included in the acts and practices set forth in the complaint in Docket 1276 and (2) that the complaint here submitted by the Chief Counsel and described in the Chief Counsel's memorandum of January 20th be approved and issued without further action.

January 30, 1925.

The draft of order of dismissal in Docket #04 and together with the complaint were referred to the Department for service.

From the Circulating Calendar the Commission considered the following matters and action as indicated was taken:

(1) Memorandum of January 14th from the Chief Examiner reporting in regard to the acquisition by the Cuyamel Fruit Company of the Bluefields Fruit & Steamship Company and the New Orleans Bluefields Fruit & Transportation Company and recommending that complaint issue against the Cuyamel Fruit Company charging violation of Section 7 of the Clayton Act.

The report was circulated January 21st. Notations by the several Commissioners were read and thereafter, Mr. Gaskill offered the following motion:

Moved, that in accordance with the memorandum which I have in the file that an application be docketed for the purpose of determining whether or not there has been violation of Section 7 of the Clayton Act; and that the investigation suggested by the Examiner relating to unfair methods be not undertaken.

Mr. Nugent asked for a division of the motion as follows:

1st - As to the docketing of an application for violation of Section 7 of the Clayton Act; and

2nd - Investigation of unfair methods of competition.

Mr. Gaskill stated that the division was acceptable to him.

Mr. Gaskill offered the following motion, which was seconded by Mr. Nugent:

Moved, that the Commission direct that an application for complaint be docketed in the name of the Commission with reference to the possible violation of Section 7 of the Clayton Act.

The motion was adopted by the Commission and it was so ordered.

Mr. Gaskill then moved that no further investigation of unfair methods of competition be undertaken.

This motion was adopted by the Commission with Messrs. Van Fleet, Gaskill, Hunt and Thompson voting in the affirmative and Mr. Nugent voting in the negative.

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(2) File 1-2859 - Hancock-Nelson Mercantile Company, Inc.
Pennsylvania Salt Manufacturing Company.

Memorandum of September 10th was received from the Chief Examiner referring to the dismissal of the application on June 16, 1924, comment upon the report of the Board of Review, setting forth the views of the Chief Examiner's Office and concluding with the recommendation that the application be reopened and reconsidered.

The file was circulated September 29th. Notations by the Commissioners were read and after discussion, on motion of Mr. Nugent, the Commission directed the Secretary to add to the file a reproduction of the Commission's action in dismissing the application for complaint and thereafter forward the file to Messrs. Nugent and Hunt for further consideration with the request that after such consideration, the file be returned to the Secretary to be again presented to the Commission.

(3) Appeal of Attorney Morgan J. Doyle, dated December 20th to the Personnel Classification Board and draft of letter to the Personnel Classification Board as prepared by Commissioner Gaskill pursuant to Commission action of December 21st, 1924.

The file was circulated January 7th. Notations by the Commissioner were read and thereafter, the Commission allocated Attorney Doyle to Professional Grade IV, such allocation being in the nature of a promotion to be effective upon final approval by the Classification Board as contemplated by the law. The Commission also referred the matter to the Chairman with request to prepare appropriate letter to the Personnel Classification Board.

Thereupon, at the hour of 12:15 p.m., the Commission adjourned to meet Monday, February 2, 1925, at 10 a.m.

Vernon W. Van Fleet,
Chairman.

Attest:

Otis B. Johnson,
Secretary.

Saturday - January 31, 1925 - No meeting held.

Sunday - February 1, 1925 - No meeting held.

FILE

DIVIDER

February 2, 1925.

MEETING OF THE FEDERAL TRADE COMMISSION

Monday - February 2, 1925 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
Nelson B. Gaskill,
John F. Nugent,
Charles W. Hunt,
Huston Thompson.

The Chairman informed the Commission of the receipt on Saturday afternoon of telephone request from Senator E. D. Smith, Chairman of the Senate Committee on Interstate Commerce inviting the Chairman or some members of the Commission or other person familiar with the subject matter to come before the Committee at 10:30 a.m., Monday, February 2nd and advise the members as to the probable cost of carrying on the investigation called for by Senate Resolution 286, introduced by Senator George W. Norris on December 29, 1924 for an investigation by the Commission of the so-called Power Trust, which resolution had been referred to the Committee for report.

Chairman Van Fleet stated that he had thereupon directed the Chief Economist and the Chief Examiner to appear before the Committee today at 10:30 a.m., and asked that this action be affirmed.

The action of the Chairman was confirmed by the Commission.

Mr. Thompson referred to the investigation which the Commission had been requested to make of the Grain Marketing Company and to postponement of action for a period of ninety days upon request of representatives of the Grain Marketing Company.

Mr. Thompson, thereupon, offered the following motion:

Moved, that inasmuch as the ninety days time requested by the Grain Marketing Company for halting our investigation of their files has expired and as the daily press carried on Saturday an Associated Press story stating that the Grain Marketing Company had invited investigation of their files, that the Commission proceed with its inquiry.

After discussion, on motion of Mr. Nugent, the motion was referred to the Chief Economist with instructions to report at the next meeting the status of the matter as well as under what authority the inquiry which involves this proposition is being made.

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Mr. Van Fleet presented file 1-3161 - Atlantic Jute Mills, Inc. v Ludlow Manufacturing Associates, et al and stated that the application came direct from the Chief Examiner without reference to the Board of Review pursuant to the rule of December 3, 1924.

Mr. Van Fleet recited the facts and thereafter moved in accordance with the recommendation of the Chief Examiner that the application for complaint be dismissed by the Commission.

The motion was adopted and it was so ordered.

Mr. Nugent presented the following listed applications for complaint and action as indicated was taken by the Commission:

- (1) File 1-3639 - Gisiger Brothers vs. J. Gottlieb.

Mr. Nugent stated that this application came direct from the Chief Examiner without reference to the Board of Review pursuant to the rule of December 3, 1924.

Mr. Nugent submitted memorandum of February 2nd reviewing the record concurring in the recommendation of the Chief Examiner and recommending dismissal.

The memorandum was read and after consideration, on motion of Mr. Nugent, the application for complaint was dismissed by the Commission.

- (2) File 1-3314 - Associated Advertising Clubs of the World vs. Charles Chipman's Sons Company, Inc., et al.

Mr. Nugent submitted memorandum of February 2nd reviewing the record, concurring in the recommendation of the Board of Review and recommending that complaint issue.

The memorandum was read and after consideration, on motion of Mr. Nugent, the Commission directed that complaint issue charging Chipman Knitting Mills and Charles Chipman's Sons Company, Inc., with violation of the Federal Trade Commission Act.

The draft of complaint which came forward with the files was referred to the Chief Counsel, via Docket Section, for approval as to form and substance under the rule, with the direction that upon such approval the complaint be referred to the Secretary for service without reference back to the Commission.

Mr. Hunt presented the following listed applications for complaint and action as indicated was taken by the Commission:

- (1) File 1-3371 - G. L. Ware & Sons vs. Royal Soap Company, et al.

Mr. Hunt presented memorandum of January 24th reviewing the record disagreeing with the recommendation of the staff for complaint and recommending dismissal.

Mr. Hunt moved that the application for complaint be dismissed for the reasons stated in his memorandum.

As to the foregoing motion, there was no second nor vote.

February 2, 1925.

After further consideration, it was ordered by the Commission that complaint issue charging F. Burkhalter, trading as Royal Soap Company with violation of the Federal Trade Commission Act.

The draft of complaint which came forward with the files was referred to the Chief Counsel, via Docket Section, for approval as to form and substance under the rule with the direction that upon such approval, the complaint be referred to the Secretary for service without reference back to the Commission.

The Secretary was directed to give special attention to the service of the complaint, attention being called to the statement in the record to the fact, that the respondent refused service of registered mail.

- (2) File 1-3510 - Unfair Competition Bureau of the Paint & Varnish Industries vs. Regulation Paint Company, et al.

Mr. Hunt presented memorandum of January 31st reviewing the record, concurring in the recommendation of the Board of Review and recommending that complaint issue.

The memorandum was read and after consideration, on motion of Mr. Hunt, the Commission directed that complaint issue charging the Progress Paint Manufacturing Company and Regulation Paint Company with violation of the Federal Trade Commission Act.

The draft of complaint which came forward with the files was referred to the Chief Counsel, via Docket Section, for approval as to form and substance under the rule with the direction that upon such approval, the complaint be referred to the Secretary for service without reference back to the Commission.

- (3) File 1-3608 - Kendell Motor Products Company vs. Panyard Machine Manufacturing Company.

Mr. Hunt stated that this application came direct from the Chief Examiner without reference to the Board of Review pursuant to the rule of December 3, 1924.

Mr. Hunt submitted memorandum of January 29th reviewing the record, concurring in the recommendation of the Chief Examiner and recommending dismissal.

The memorandum was read and after consideration, on motion of Mr. Hunt, the application for complaint was dismissed by the Commission.

Mr. Nugent stated that he voted to dismiss in accordance with the first recommendation of the Examiner for dismissal, i.e., that the applicant has failed to make out a case.

Mr. Thompson presented the following listed applications for complaint and action as indicated was taken by the Commission:

- (1) File 1-3373 - El Progreso Cigar Company vs. Dubiner & Sommerfield, et al.

February 2, 1925.

Mr. Thompson submitted memorandum of February 2nd, reviewing the record, concurring in the recommendation of the Board of Review and recommending that complaint issue.

After consideration, on motion of Mr. Thompson, the Commission directed that complaint issue, charging Isadora Sommerfield, trading as Dubiner & Sommerfield with violation of the Federal Trade Commission Act.

The draft of complaint which came forward with the files was referred to the Chief Counsel, via Docket Section, for approval as to form and substance under the rule with the direction that upon such approval the complaint be referred to the Secretary for service without reference back to the Commission.

(2) File 1-3078 - National Retail Hardware Association vs. Guardian Food Company, et al.

Mr. Thompson submitted memorandum of February 2nd reviewing the record, disagreeing with the recommendation of the Board of Review for dismissal and recommending complaint and that the Board of Review be heard.

The Board of Review was heard and thereafter, Mr. Thompson offered the following motion, which was seconded by Mr. Nugent:

Moved, that complaint issue on the ground of misrepresentation in the use of the word "manufacturers".

As to the foregoing motion, Messrs. Nugent and Thompson voted in the affirmative and Messrs. Van Fleet, Gaskill and Hunt voted in the negative. The motion was lost.

Upon motion of Mr. Van Fleet, seconded by Mr. Gaskill, the application for complaint was dismissed by the Commission.

The Chairman submitted the following matters and action as indicated was taken by the Commission:

(1) Letter of January 20th from Mrs. Margaret J. Brown, Eddyville Nebraska, relative to the marking of spool mending cotton.

The letter was read and referred to the Chief Examiner for attention.

(2) Undated letter from the Ansera Serum Company (L. B. Huff, address not given) stating that this firm manufactures and distributes of Anti-Hog Cholera Serum and Virus, join in the petition presented to the Commission for a trade practice submittal in the industry and request the Commission to call a submittal.

The letter was read and on motion of the Chairman was referred to Mr. Hunt with request for examination and report back to the Commission upon the question of whether or not a trade practice submittal should be held.

February 2, 1925.

The letter further stated that the Department does not intend to take any further action with reference to this Association, but if the Commission desires to proceed further, the Department will be glad to allow representatives of the Commission access to the report and exhibits covering the recent investigation made by the Department.

It was ordered that the letter be acknowledged and filed.

(8) Docket 898 - United States Products Company, et al.

Letter of January 28th from the Department of Justice (William J. Donovan, Assistant Attorney General) advising that the Department had received a telegram from the United States Attorney at Pittsburgh, stating that a verdict of guilty was rendered in the case of United States vs. Charles C. Battenfield, in which the defendant was charged with perjury and which had been the subject of correspondence with the Commission.

The letter was received and filed.

(9) Letter of January 20th from Congressman Willard J. Tydings, Maryland, referring to the Commission's letter of January 28th and stating that the Commission's attorney, Mr. Cherahee, had called upon Mr. Tydings and had been given the names of those parties complaining of price fixing of fertilizer by companies in Maryland.

The letter was ordered acknowledged and referred to the Chief Examiner for attention.

The following matters of general business forwarded to the Commission by the heads of the several divisions were presented by the Secretary and action as indicated was taken by the Commission:

(1) Letter to the Director of the Bureau of the Budget transmitting a memorandum in explanation of the disallowances made in the accounts of C. G. Duganne, former Disbursing Clerk of the Federal Trade Commission and A. N. Ross, present Disbursing Clerk, with the request that the matter be transmitted to the Speaker of the House of Representatives with the request that action be taken directing the General Accounting Office to credit the accounts of Messrs. Duganne and Ross in the amount of \$42.80 and \$28.75 respectively, representing amounts paid by them which were disallowed by the General Accounting Office.

The letter was read, amended, approved and ordered forwarded.

See file

(2) Letter to the Attorney General of the United States requesting copy of data furnished the Department by Mr. Barber of the Continental Baking Company bearing on the interstate shipments of the various companies acquired or in process of acquisition incident to the formation of the Continental Baking Corporation.

The letter was approved and ordered forwarded. See file

February 2, 1925.

The letter further stated that the Department does not intend to take any further action with reference to this Association, but if the Commission desires to proceed further, the Department will be glad to allow representatives of the Commission access to the report and exhibits covering the recent investigation made by the Department.

It was ordered that the letter be acknowledged and filed.

(8) Docket 898 - United States Products Company, et al.

Letter of January 28th from the Department of Justice (Willi Donovan, Assistant Attorney General) advising that the Department received a telegram from the United States Attorney at Pittsburgh, stating that a verdict of guilty was rendered in the case of United States vs. Charles C. Battenfield, in which the defendant was charged with perjury and which had been the subject of correspondence with the Commission.

The letter was received and filed.

(9) Letter of January 20th from Congressman Willard D. Tydings, Maryland, referring to the Commission's letter of January 28th and stating that the Commission's attorney, Mr. Charnock, had called on Mr. Tydings and had been given the names of those parties complaining of price fixing of fertilizer by companies in Maryland.

The letter was ordered acknowledged and referred to the Chief Examiner for attention.

The following matters of general business forwarded to the Commission by the heads of the several divisions were presented by Secretary and action as indicated was taken by the Commission:

(1) Letter to the Director of the Bureau of the Budget transmitting a memorandum in explanation of the disallowances made in the accounts of C. G. Duganne, former Disbursing Clerk of the Federal Trade Commission and A. N. Ross, present Disbursing Clerk, with the request that the matter be transmitted to the Speaker of the House of Representatives with the request that action be taken directing the General Accounting Office to credit the accounts of Messrs. Duganne and Ross in the sum of \$42.80 and \$28.75 respectively, representing amounts paid by them which were disallowed by the General Accounting Office.

The letter was read, amended, approved and ordered forwarded. See file

(2) Letter to the Attorney General of the United States requesting a copy of data furnished the Department by Mr. Barber of the Continental Baking Company bearing on the interstate shipments of the various companies acquired or in process of acquisition incident to the formation of the Continental Baking Corporation.

The letter was approved and ordered forwarded. See file

February 2, 1925.

The Commission recessed at 12:30 p.m., and reassembled at 2 p.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
Nelson B. Gaskill,
John F. Nugent,
Charles W. Hunt,
Houston Thompson.

Pursuant to arrangements the Commission met to hear final argument in Docket 745 - Austin, Nichols & Company. Attorney George R. Jackson was heard in support of the complaint. Attorneys George W. Smyth and Jewel P. Lightfoot were heard on behalf of the respondent. The hearing continued until the hour of 4:30 p.m., was concluded and the case taken under advisement.

Thereupon, at the hour of 4:30 p.m., the Commission adjourned to meet Wednesday, February 4, 1925, at 10 a.m.

Vernon W. Van Fleet,
Chairman,

Attest:

Otis T. Johnson
Otis T. Johnson,
Secretary.

Tuesday - February 3, 1925 - No meeting held.

February 4, 1925.

MEETING OF THE FEDERAL TRADE COMMISSION

Wednesday - February 4, 1925 - 10 a.m.

PRES ENT:

Vernon W. Van Fleet, Chairman,
John F. Nugent,
Charles W. Hunt,
Huston Thompson.

Mr. Gaskill absent.

The minutes of the meeting of February 2, 1925, were read and approved.

After the reading of the minutes, Mr. Thompson referred to the two letters of January 26th from the Attorney General in regard to the Southern Cypress Manufacturers' Association and the Georgia-Florida Saw Mill Association and suggested that these two letters be referred to Attorney Wooden who conducted the Commission's investigation of these associations, for comment.

It was so ordered by the Commission.

Chairman Van Fleet submitted the following matters and action as indicated was taken by the Commission:

(1) Letter of January 30th from the Attorney General of the United States (Harlan F. Stone) referring to the Commission's letter of October 17, 1924, transmitting to the Attorney General a copy of the report of the Federal Trade Commission on House Furnishings, Volume III, on "Utensils & Domestic Appliances". The Attorney General's letter stated that immediately upon receipt of the report it had been referred to the officers of the Department for study and report. The letter set forth a brief summary of the Department's study of the Commission's report.

The Attorney General's letter was ordered circulated after acknowledgment.

(2) Letter of January 26th from the Champion Milling & Grain Company acknowledging the Commission's letter of January 22nd regarding the complaint against the Shredded Wheat Company, Docket 5 and requesting a transcript of the respondent's reply to the allegation of the complaint.

The letter was referred to the Secretary with instructions to furnish copy of the respondent's answer.

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(3) Letter of January 31st from the Attorney General of the United States (Harlan F. Stone) acknowledging the Commission's letter of January 30th and expressing appreciation of the Commission's action in forwarding to Mr. C. Stanley Thompson, in care of the United States Attorney at Minneapolis, Minnesota, certain Bureau of Corporation files for the purpose of identification of certain papers contained therein at the trial of the case of United States vs. Western Pine Association, et al.

The Attorney General's letter was read and ordered filed.

At this time Mr. Gaskill entered the meeting.

PRESENT:

Vernon W. Van Fleet, Chairman,
Nelson B. Gaskill,
John F. Nugent,
Charles W. Hunt,
Huston Thompson.

(4) Reference dated February 2nd from Senator William J. Harris transmitting for consideration of the Commission, a letter of January 29th from Mr. I. T. Heard, General Agent, at Augusta, Georgia of the Penn Mutual Life Insurance Company of Philadelphia. The letter referred to the sale of Brazil coffee in the United States under the amortization plan by Brazil and to the high price of coffee at the present time and suggested that the Government take action.

The letter was referred to the Export Trade Division with instructions to prepare reply advising that the Commission has nothing to do with matters relating to tariff and to inform the writer with respect to the law governing the formation and operation of Associations engaged in export trade under the Export Trade Act.

(5) Letter of January 27th from Mr. W. B. Spencer (Spencer, Gidiere, Phelps & Dunbar, attorney-at-law), New Orleans, transmitting correspondence with Mr. Irving Post, Vice-President, in-charge-of-sales of Naval Stores Export Corporation. The correspondent set forth the desire of the Association to exchange in domestic trade an accumulated quantity of rosin of certain grades non-exportable in export trade. The view of the Commission was requested whether under the circumstances, the exchange of this non-exportable surplus within the United States for rosin of exportable grades would be contrary to the provisions of the Export Trade Act regarding sales in domestic markets.

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The Commission also received a memorandum of February 2nd from the Export Trade Division covering the matter together with draft of reply prepared by the Export Trade Division.

After consideration, the Commission directed that reply be made that limiting its expression to matters presented in the paper before it on this specific transaction under consideration, the Commission saw no objection to the contemplated exchange in the United States of non-exportable resin for exportable resin under particular facts and circumstances presented.

The Export Trade Division was directed to prepare reply for Chairman's signature.

(6) Docket 859 - Pure Silk Hosiery Mills.

Letter of January 31st from Mr. B. L. Shinn, New York City, Resident Counsel of the National Vigilance Committee of the Associated Advertising Clubs of the World referring to the decision of the United States Circuit Court of Appeals for the Seventh Circuit in the case Pure Silk Hosiery Mills relating to the use of the term "mills" in firm names and to the alleged improper use in some quarters of the decision to the injury of the Commission and requesting the Commission to grant an informal interview to Mr. Holland Hudson representing Committee for discussion of the subject.

The letter was read and the Commission agreed to hear Mr. Hudson informally at 10 a.m., Tuesday, February 10, 1925 and directed the Secretary to inform Messrs. Shinn and Hudson.

(7) Letter of January 26th from Mr. A. J. Koepsell, Mayville Wisconsin, on the subject of price standardization.

It was directed that the letter be acknowledged by the Secretary and filed.

The following matters of general business forwarded to the Commission by the heads of the several divisions were presented by the Secretary and action as indicated was taken by the Commission:

(1) Letter of January 31st from Mr. Robert A. Grant, Examiner at \$2100. in the Economic Division resigning his position effective at the close of day January 31, 1925.

The resignation was accepted by the Commission.

(2) Memorandum of February 3rd from the Chief Counsel transmitting letter of February 2nd from the British Embassy, Washington, D. C. (Mr. Leander McCormick-Goodhart, for Commercial Secretary), marked "Informal" and addressed to Mr. W. T. Kelley of the Chief Counsel Office. The letter called attention to the fact that Hefferreffer Company of Boston are labelling certain of their bottled products with a design which embodies many of the features of the British Arms and making inquiry whether the Commission cannot compel the

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to cease the use of the mark in question. The Chief Counsel suggested that the matter be referred to the Chief Examiner to secure complete facts.

The memorandum was read and it was ordered by the Commission upon motion of Mr. Gaskill, seconded by Mr. Thompson, that before action is taken by the Commission, a letter be addressed to the Secretary of State making request that the Secretary of State inform the Commission whether or not in the opinion of the Secretary of State it is proper for the Commission to entertain requests of the character presented by the British Embassy or whether it is desired that such matters be presented first to the Secretary of State.

(3) Letter of January 31st from the Department of Justice (Jerome Michael, Director, War Transactions Section), requesting that Mr. Henry Beer, one of the Commission's attorneys be present at a conference with attorneys of the Department of Justice, February 4th. The Secretary reported that the War Transactions Section was now handling a case in the Court of Claims which case had been handled by Attorney Beer during his employment with the Department of Justice.

The Commission authorized Attorney Beer to attend the conference.

(4) Docket 1175 - United States Oil Company, et al.

Memorandum of January 31st was received from the Chief Counsel transmitting a letter of January 29th from counsel for the respondent requesting an opportunity to file a supplemental brief and for further hearing upon exceptions by counsel for the Commission to the Examiner's Report which are alleged to amount to a direct charge of perjury against the respondents. The Chief Counsel also transmitted a memorandum of January 31st by Trial Attorney Wallace commenting upon the letter from respondent's attorney.

The Commission directed that the papers be circulated.

(5) Docket 1175 - United States Oil Company, et al.

Memorandum of January 31st was received from the Chief Counsel reporting in response to the Commission's instructions of January 30th relative to the dates of assignment of the case to Attorney Wallace and the dates of testimony, argument, etc.

The memorandum was read and filed.

(6) Docket 1148 - Harriet Hubbard Ayer, Inc.

Upon receipt of memorandum from the Chief Counsel the case was set down for final argument before the Commission on Monday, February 23, 1925, at 2 p.m., with the direction that interested parties be notified thereof by registered mail.

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(7) Docket 1052 - Johnson Process Glue Company.

Upon receipt of memorandum from the Chief Counsel the case was set down for final argument before the Commission on Wednesday February 25, 1925, at 2 p.m., with the direction that interested parties be notified thereof by registered mail.

(8) Docket 1115 - General Electric Company, et al.

Memorandum of January 31st was received from the Chief Counsel presenting the request of Trial Attorney E. L. Smith that Attorney E. B. Haas of the Chief Examiner's staff be assigned to assist on case.

The Chief Examiner was heard in opposition to the assignment. After consideration, on motion of Mr. Van Fleet, the Chief Counsel's memorandum was returned with instructions to confer with the Chief Examiner in an endeavor to obtain a satisfactory disposal of the matter without recourse to the Commission.

(9) Memorandum of January 30th was received from the Chief Economist transmitting a letter to Senator William J. Harris in further reply to the Senator's letter of January 21st with reference to the consolidation of the Shaf r Bakery, Savannah, Georgia, with other baking interests. The letter suggested that the Commission furnish with further information as indicated therein.

The letter was approved and ordered forwarded. See file

(10) Docket 627 - Samuel Blum.

Memorandum of January 24th was received from the Chief Counsel reporting in response to the Commission's direction of January 21st with respect to (1) the failure to bring the modified order to the attention of the Commission and (2) responsibility for failure of action in the case. The memorandum transmitted a letter addressed to the Clothiers Exchange of Rochester (Rochester, New York, the original applicant), asking for its views as to the respondent's present position based on the assumption that respondent is using the words "Tailor New York" with the word "Rochester".

The memorandum was read and received without action.

At this time Mr. Thompson was excused from the meeting.

PRES ENT:

Vernon W. Van Fleet, Chairman,
Nelson B. Gaskill,
John F. Nugent,
Charles W. Hunt.

Mr. Thompson absent.

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(11) Memorandum of February 3rd was received from the Chief Economist reporting in response to the Commission's direction of February 2nd regarding the status of the inquiry involving the Grain Marketing Company and the authority under which the inquiry was undertaken.

The memorandum was read and on motion of Mr. Nugent, it was directed that the matter be circulated and placed on the Conference Calendar.

(12) File 1-3104 - Shaw Insulator Company vs. Bakelite Corporation et al.

* 1-3600 - F. T. C. vs. General Refractories Company
Memorandum of February 2nd was received from the Chief Examiner reporting that the cases covered alleged violations of Section 7 of the Clayton Act and have been returned to the Chief Examiner by the Board of Review for supplemental investigation. The Chief Examiner stated that some of the additional evidence requested would strengthen the case but questioned the necessity for other investigation requested by the Board of Review and asked instructions.

The Commission also received a memorandum of February 4th from the Chairman of the Board of Review covering the request of the Board of Review for additional investigation by the Chief Examiner and requesting that if the Chief Examiner is heard in support of his memorandum, that the Chairman of the Board be also given an opportunity to set forth his reasons for making the request for further investigation.

The Commission directed that the papers be circulated.

(13) Docket 1145 - Northwestern Traffic & Service Bureau, Inc.
The following orders submitted by the Chief Counsel were approved and entered: (1) that John W. Bennett, an Examiner of the Commission be designated to receive testimony, etc. and (2) that the hearing of the complaint begin at Minneapolis, Minnesota, February 12, 1925, at 10 a.m.

(14) File 1-2859 - Hancock-Nelson Mercantile Company vs. Pennsylvania Salt Manufacturing Company.

Pursuant to the Commission's action of January 30th, this file was referred to Messrs. Nugent and Hunt for further consideration of the Chief Examiner's memorandum of September 10th recommending that the application for complaint which was dismissed on June 16, 1924, be reopened and reconsidered. The Chief Examiner's memorandum was circulated September 29, 1924.

Messrs. Nugent and Hunt reported their consideration of the file.

After discussion, Mr. Van Fleet offered the following motion:

February 4, 1925.

Moved, that the recommendation of the Chief Examiner be not approved.

The motion was seconded by Mr. Hunt.

As to the foregoing motion, Messrs. Van Fleet, Gaskill and H voted in the affirmative and Mr. Nugent voted in the negative. The motion carried and it was so ordered.

From the Circulating Calendar the Commission considered the following matter:

(1) Docket 1136 - Patent Cereals Company.

Memorandum of January 8th from the Chief Counsel transmitting signed stipulation of fact, stating that counsel for the respondent desires to file brief and make oral argument before the Commission and recommending that the stipulation be accepted and counsel for the Commission and the respondent heard orally on a day certain. Memorandum was circulated January 21, 1925. Notations by the several Commissioners were read.

After consideration, on motion of Mr. Gaskill, seconded by Mr. Van Fleet, the recommendation of the Chief Counsel in his memorandum of January 8th was approved and the stipulation was accepted by the Commission with the direction that the case be set for final argument on Wednesday, March 11, 1925, at 2 p.m., and interested parties notified by the Secretary by registered mail.

The Commission recessed at 12:15 p.m., and reassembled at 2

PRESENT:

Vernon W. Van Fleet, Chairman,
Nelson B. Gaskill,
John F. Nugent,
Charles W. Hunt.

Mr. Thompson absent on official business.

Pursuant to arrangement the Commission met to hear final argument in Docket 1054 - Phillips-Jones Corporation. Attorney Hornibrook was heard in support of the complaint. Attorney Benjamin Reass was heard on behalf of the respondent. The hearing continued until the hour of 3 p.m., was concluded and the case taken under advisement.

February 4, 1925.
February 6, 1925.

Thereupon, at the hour of 3 p.m., the Commission adjourned to meet Friday, February 6, 1925, at 10 a.m.

Vernon W. Van Fleet,
Chairman.

Attest:

Otis B. Johnson
Otis B. Johnson,
Secretary.

Thursday - February 5, 1925 - No meeting held.

MEETING OF THE FEDERAL TRADE COMMISSION

Friday - February 6, 1925 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Nugent,
Charles W. Hunt.

Mr. Gaskill absent.

Mr. Thompson absent on official business.

The minutes of the meeting of February 4, 1925 were read and approved.

Formal docket cases appearing on the weekly Conference Calendar for final determination were considered by the Commission and action as indicated was taken:

- (1) Docket 745 - Austin, Nichols & Company.
Laid over for consideration on next Conference Day.

February 6, 1925.

- (2) Docket 952 - Pennsylvania, New Jersey & Delaware Wholesale Grocers' Association, et al.

This case comes before the Commission for final determination upon the following record: memorandum of January 16th from the Chief Counsel transmitting the case and recommending dismissal without prejudice; undated memorandum from Trial Attorney Neff; complaint; answer; testimony. No report by the Trial Examiner was filed. No briefs were filed. Attorney Neff represents the Commission. Attorney John A. Keppelman represents the respondent.

After consideration, the Commission directed that the complaint be dismissed.

The Chief Counsel was directed to prepare and the Secretary serve order of dismissal.

- (3) Docket 1010 - Pittsburgh Coal Company of Wisconsin, et al. Laid over for consideration on next Conference Day.

- (4) Docket 1054 - Phillips-Jones Corporation.

This case comes before the Commission for final determination upon the following record: complaint; answer; testimony; report upon the facts by Trial Examiner Dinnen; exceptions thereto by counsel for the respondent; brief by counsel for the Commission and counsel for the respondent. No exceptions were filed to the report of the Trial Examiner by counsel for the Commission. Attorney Hornibrook represents the Commission. Attorneys Hirsch, Newman & Reass represent the respondent. Final argument was heard February 4, 1925.

After consideration, the Commission directed that the complaint be and the same is hereby dismissed.

The Chief Counsel was directed to prepare and the Secretary serve order of dismissal.

At this time Mr. Gaskill entered the meeting.

PRESENT:

Vernon W. Van Fleet, Chairman,
Nelson B. Gaskill,
John F. Nugent,
Charles W. Hunt.

Mr. Thompson absent on official business.

- (5) Docket 1104 - Lewis Feather Bed & Pillow Company.

This case comes before the Commission for final determination upon the following record: memorandum of January 14, 1925, from the Chief Counsel transmitting the case; complaint; answer; testimony; stipulation as to the facts; findings as to the facts and order to cease and desist submitted by the Chief Counsel with memorandum of

February 6, 1925.

January 14th. No report by the Trial Examiner was filed. No briefs were filed. Attorney Craven represents the Commission. Attorney Louis Leftwich represents the respondent.

After consideration, the Commission directed that an order to cease and desist issue.

The findings and order submitted by the Chief Counsel were approved without change and referred to the Secretary for service.

(6) Docket 1142 - Samson Rosenblatt.

This case comes before the Commission for final determination upon the following record: memorandum of January 26th from the Chief Counsel transmitting the case; complaint; answer; testimony; report upon the fact by Trial Examiner Averill; findings as to the facts and order to cease and desist submitted by the Chief Counsel and certified to in memorandum of January 26, 1925; brief by counsel for the Commission. No exceptions were filed to the report of the Trial Examiner. Counsel for the respondent did not file brief. Attorney Whiteley represents the Commission. Respondent has no attorney of record.

After consideration, on motion of Mr. Nugent, seconded by Mr. Gaskill, the Commission directed that an order to cease and desist issue.

Findings as to the facts submitted by the Chief Counsel were amended by the Commission, upon motion of Mr. Nugent, as shown on marked copy and were thereafter adopted.

The order to cease and desist submitted by the Chief Counsel was amended by the Commission, on motion of Mr. Gaskill, by striking out Paragraph Two of the order as submitted by the Chief Counsel and inserting a new Paragraph Two offered by Mr. Gaskill. The order as amended was adopted.

The findings and order as adopted were referred to the Secretary to be put in proper form and served without further action.

(7) Docket 1147 - Chase & Sanborn.

This case comes before the Commission for final determination upon the following record: complaint; answer; testimony; report upon the facts by Trial Examiner Sheppard; exceptions thereto by counsel for the Commission and counsel for the respondents; briefs by counsel for the Commission and counsel for the respondents; analysis of exhibits introduced taken from the files of respondent as submitted by counsel for the respondent. Attorney Craven represents the Commission. Attorneys Elder, Whitman, Weyburn & Crocker represent the respondents. Final argument was heard January 19, 1925.

After consideration, on motion of Mr. Nugent, seconded by Mr. Gaskill, the Commission directed that an order to cease and desist issue.

February 6, 1925.

It was further ordered upon motion of Mr. Nugent, that the Chief Counsel prepare and submit to the Commission draft of finding as to the facts and order to cease and desist for approval as to form.

(8) Docket 1175 - United States Oil Company, et al.

This case comes before the Commission for final determination upon the following record; complaint; answer; amendment to answer; testimony; report upon the facts by Trial Examiner Bennett; exceptions thereto by counsel for the Commission and counsel for the respondent; Brief by counsel for the Commission and counsel for the respondent. At Wallace represents the Commission. Attorney Edward A. Harriman represents the respondent. Final argument was heard January 27, 1925.

Mr. Nugent reported his examination of the entire record and that he favored the reopening of the case.

After discussion, on motion of Mr. Nugent, it was directed that the record be returned to the Chief Counsel with instructions to assign some attorney other than the present trial attorney to examine the record and report to the Commission as to whether it was advisable to reopen the case for the purpose of securing further evidence.

It was further directed that the new attorney assigned to review the record confer with Mr. Nugent.

(9) File 1-3231 - Denmark vs. Danish Pride Milk Products Corporation et al.

Laid over for consideration on next Conference Day.

Mr. Gaskill submitted a memorandum of February 3, 1925 in the matter of Docket 1164 - Best Foods, Inc., reporting pursuant to the Commission's action of January 16th, that after reading the record he had reached the conclusion that the complaint should be dismissed and voted to dismiss the complaint.

The minute record of January 16, 1925, reads as follows:

This case comes before the Commission for final determination upon the following record: amended complaint; amended answer; amendment to answer; testimony; report upon the facts by Trial Examiner Steinhauer; exceptions thereto by counsel for the respondent; brief by counsel for the Commission and counsel for the respondent. Counsel for the Commission did not file exceptions to the report of the Trial Examiner. Final argument was heard January 7, 1925.

Attorney Whiteley represents the Commission. Attorney Francis E. Neagle represents the respondent.

After consideration, the following motion was offered by Mr. Van Fleet, seconded by Mr. Hunt:

Moved, that the complaint be dismissed.

February 6, 1925.

In substitution for the foregoing motion, it was moved by Mr. Nugent, seconded by Mr. Thompson, that the Chief Counsel be directed to prepare findings as to the facts and order to cease and desist and submit the same to the Commission for consideration.

As to the substitute motion, Messrs. Nugent and Thompson voted in the affirmative and Messrs. Van Fleet and Hunt voted in the negative. The substitute motion was lost on tie vote.

Vote was then taken upon the original motion to dismiss. As to this motion, Messrs. Van Fleet and Hunt voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The motion was lost on tie vote.

Upon motion of Mr. Thompson, the case was referred to Mr. Gaskill, the absent Commissioner, with request to report his vote to the Commission.

Mr. Gaskill's vote to dismiss was recorded by the Commission and it was thereupon, ordered that the complaint be dismissed.

As to this action, Messrs. Van Fleet, Gaskill and Hunt voted in the affirmative and Mr. Nugent voted in the negative.

Mr. Nugent asked and it was ordered that his dissent show upon the minutes, the order of dismissal and any publicity statement issued with respect thereto.

The Chief Counsel was directed to prepare and the Secretary to serve order of dismissal.

In the matter of Docket 351 - Armour & Company in re acquisition of the Stanton Company, the Secretary presented a memorandum of February 6th from Attorney Adrien F. Busick of the Chief Counsel's Office transmitting letter of February 4th from counsel for the respondent suggesting a stipulation that the printing of the record in this case now pending in the United States Circuit Court of Appeals for the Seventh Circuit be deferred at least ten days after the decision of that court in the matter of Docket 453 - Swift & Company, which case was argued on May 22, 1924. Attorney Busick recommended that the stipulation be entered into.

The memorandum was read and on motion of Mr. Van Fleet, the Commission approved the recommendation of Attorney Busick and authorized the stipulation.

Thereupon, at the hour of 11:15 a.m., the Commission adjourned to meet Monday, February 9, 1925, at 10 a.m.

Attest:

Otis B. Spangenberg
Otis B. Spangenberg
Secretary

Vernon W. Van Fleet,
Chairman.

February 9, 1925.

Saturday - February 7, 1925 - No meeting held.

Sunday - February 8, 1925 - No meeting held.

MEETING OF THE FEDERAL TRADE COMMISSION

Monday - February 9, 1925 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
Nelson B. Gaskill,
John F. Nugent,
Charles W. Hunt,
Huston Thompson.

The minutes of the meeting of February 6, 1925, were read and approved.

Mr. Gaskill presented the following listed applications for complaint and action as indicated was taken by the Commission:

- (1) File 1-3271 - A. J. Krank Manufacturing Company vs. Bar Company.

Mr. Gaskill submitted memorandum of February 6th reviewing the record, concurring in the recommendation of the Board of Review and recommending that the application be dismissed.

The memorandum was read and after consideration, on motion of Mr. Gaskill, the application for complaint was dismissed by the Commission.

- (2) File 1-3272 - Nu-Grape Company of America vs. Chero-Col Company.

Mr. Gaskill submitted memorandum of February 5th reviewing the record and stating that the Examining Attorney, the Assistant Chief Examiner concurring therein, recommends a dismissal of the charge the exclusive dealing feature of the contract and a complaint as to the resale price maintenance clause; and that the Board of Review recommends the dismissal of the application on the exclusive dealing charge and the issue of a complaint on the resale price maintenance charge unless the respondent will eliminate this clause from its contract.

The memorandum was read and thereafter, Mr. Gaskill moved that the record be remitted to the Chief Examiner with instructions to negotiate with the respondent for a stipulation of facts which will

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admit the use of the clause in respondent's contract relating to resale price maintenance agree to discontinuance and immediate notice to all parties now bound by such contract of the revocation of this clause and an agreement that in event of a resumption of the use of such a clause in a contract with its bottlers or any other unlawful method of establishing a resale price maintenance system, the stipulation may be used in any proceeding brought by the Commission to restrain such conduct. And that if such a stipulation is made that the application be then dismissed.

Mr. Gaskill further moved that in any event the application for complaint be dismissed as to the exclusive dealing contract phase.

The motion by Mr. Gaskill was seconded by Mr. Van Fleet.

As to the foregoing motion, Messrs. Van Fleet, Gaskill and Hunt voted in the affirmative and Messrs. Nugent and Thompson voted in the affirmative as to the dismissal only as applied to the exclusive dealing contract phase and voted in the negative as to the charge of resale price maintenance.

(3) File 1-3489 - Unfair Competition Bureau of the Paint & Varnish Industries vs. M. L. Barrett & Company.

Mr. Gaskill submitted memorandum of February 4th reviewing the record, concurring in the recommendation of the Board of Review and recommending that the application be dismissed.

The memorandum was read and after consideration, on motion of Mr. Gaskill, the application for complaint was dismissed by the Commission.

(4) File 1-3441 - Department of Agriculture vs. Lincoln & Ulmer.

Mr. Gaskill submitted memorandum of February 5th reviewing the record, disagreeing with the recommendation of the Board of Review for dismissal and recommending that the Board of Review be heard.

The Board of Review was heard and thereafter, Mr. Gaskill moved that complaint issue charging Lincoln & Ulmer with violation of the Federal Trade Commission Act.

This motion was seconded by Mr. Nugent.

As to the foregoing motion, Messrs. Gaskill, Nugent and Thompson voted in the affirmative and Messrs. Van Fleet and Hunt voted in the negative. The motion carried and it was so ordered.

Mr. Van Fleet stated that he would file a written dissent to accompany the complaint.

Mr. Gaskill stated that he would file a memorandum supporting the complaint and to accompany the complaint.

The file was returned to the Board of Review, via Docket Section, for preparation of complaint, the same to be served by the Secretary without further action by the Commission upon approval by the Chief Counsel as to form and substance under the rule.

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Mr. Nugent presented the following listed applications for complaint and action as indicated was taken by the Commission:

- (1) File 1-3362 - A. B. Morse Company vs. Malmø & Company.

Mr. Nugent submitted memorandum of February 9th reviewing the record, concurring in the recommendation of the Board of Review and recommending that the application be dismissed.

The memorandum was read and after consideration, on motion of Mr. Nugent, the application for complaint was dismissed by the Commission.

- (2) File 1-3606 - Sidney Blumenthal & Company, Inc. vs. Astor Silk Works.

Mr. Nugent stated that this application came direct to the Commission from the Chief Examiner without reference to the Board of Review, pursuant to the rule of December 3, 1924.

Mr. Nugent submitted memorandum of February 9th, reviewing the record, concurring in the recommendation of the Chief Examiner and recommending that the application be dismissed.

The memorandum was read and after consideration, on motion of Mr. Nugent, the application for complaint was dismissed by the Commission.

- (3) File 1-2811 - F. T. C. vs. United States Roofing & Paint Company, Inc.

Mr. Nugent submitted memorandum of February 9th reviewing the record and thereafter, on motion of Mr. Nugent, the Commission directed that complaint issue charging the United States Roofing & Paint Co. Inc., with violation of the Federal Trade Commission Act.

The file was returned to the Board of Review, via Docket Secretary for the preparation of complaint to be thereafter served by the Secretary without further action by the Commission upon its approval as to form and substance by the Chief Counsel under the rule.

Mr. Hunt presented the following listed applications for complaint and action as indicated was taken by the Commission:

- (1) File 1-3392 - Better Business Bureau, Inc. vs. M. Goldf Sons.

Mr. Hunt submitted memorandum of February 7th reviewing the record, concurring in the recommendation of the Board of Review and recommending that the application be dismissed.

The memorandum was read and after consideration, on motion of Mr. Hunt, the application for complaint was dismissed by the Commission.

- (2) File 1-3453 - Tanners' Council of America vs. Rote Leather Products Company.

Mr. Hunt presented memorandum of February 7th reviewing the record, concurring in the recommendation of the Board of Review and

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recommending that the record be referred to the Chief Examiner to make speedy investigation to determine whether or not respondent is still in business and if so, to determine whether or not its customers use the trade name "Leatherote" in describing upholstery or whatever product such customers are manufacturing therefrom, and that the case be referred to the Chief Counsel to be considered with other allied cases.

The memorandum was read and after consideration, on motion of Mr. Hunt, the Commission directed that complaint issue charging the Rote Leather Products Company with violation of the Federal Trade Commission Act.

It was further directed that the Chief Counsel hold this case until the Commission shall have passed upon the following pending cases:

File 1-3403 - Tanners' Council of America vs. Sanford M
" 1-3404 - Tanners' Council of America vs. L. C. Chas
Company.

and that thereafter, the Chief Counsel select a test case and proceed thereupon, inviting the Tanners' Council of America to come in as intervenor.

The file was referred to the Chief Examiner, via Docket Section, to conduct investigation as recommended by Mr. Hunt, which recommendation was approved by the Commission.

(3) File 1-3497 - W. Bob Holland vs. Reynolds & Irving.

Mr. Hunt submitted memorandum of February 7th reviewing the record, concurring in the recommendation of the Board of Review and recommending that the application be dismissed.

After consideration, on motion of Mr. Hunt, the application for complaint was dismissed by the Commission because of the lack of interstate commerce.

The Chairman submitted the following matters and action as indicated was taken by the Commission:

(1) File 1-3581 - National Pharmacy Company vs. E. R. Squibbs & Sons.

Letter of January 29th from Messrs. Dewey, Strong, Townsend Loftus, San Francisco, California, attorneys for the National Pharmacy Company petitioning the Commission to reconsider its action of December 15, 1924 in dismissing the foregoing application for complaint.

The letter was referred to the Secretary with instructions to bring the file to the attention of the Commission at the next meeting.

February 9, 1925.

(2) Letter of January 22nd from the Department of Justice (Jerome Michael, Director of the War Transactions Section) making inquiry with regard to the qualifications of Mr. Joseph A. Burdeau formerly employed as trial attorney by the Commission.

The letter was referred to the Secretary with instructions to have Attorney Busick prepare response.

(3) Letter of February 3rd from the Millers' National Federation (Sydney Anderson, President) transmitting copies of a questionnaire out by the Federation with the idea of developing stocks of wheat flour in the hands of the mills and the business done and stating the Commission if interested would be furnished with results of the questionnaire when compiled.

The letter was read and referred to the Chief Economist for comment and preparation of reply.

(4) Docket 1174 - Clayton F. Summy Company.

Letter of January 30th from the Massachusetts Federation of Clubs, Wollaston, Massachusetts (Harriet C. Estes, Secretary) setting forth the resolution adopted by the Federation in regard to the rule by the Commission relative to the price of music after a trade price submittal.

The letter was referred to the Secretary for acknowledgment to the Chief Counsel for information.

(5) Letter of February 5, 1925 from the Comptroller General of the United States (J. R. McCarl) notifying the Commission that the Commission's credit had been withheld in the accounts of the Disbursing Officer for payment of \$1000. to I. E. Lambert for legal services requesting advice in connection therewith, particularly in view of provisions of Sections 189 and 365 of the Revised Statutes concerning the procurement of legal services through the Attorney General.

The letter was read and referred to the Secretary with instructions that it be presented at the next meeting with copies of the statute referred to for consideration by the Commission.

(6) Review of proceedings of the Interdepartmental Board on Simplified Office Procedure, January 26, 1925.

The report was referred to the Secretary for attention.

(7) Letter of February 5th from the Department of Agriculture (Louise Stanley, Chief, Bureau of Home Economics) transmitting a manuscript entitled, "Selection of Cotton Fabrics" prepared by the Bureau with request that a member of the Commission's Staff interested in the subject read the manuscript with a view to giving any criticism or suggestions regarding it.

The letter and enclosure were referred to the Secretary for acknowledgment and to the Chief Economist for comment.

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(8) Letter of February 5th from the Federal Oil Commission Board (Hubert Work, Chairman) informing the Commission that by direction of the President, the Board is undertaking an exhaustive inquiry into the general petroleum situation as it relates to production, distribution, utilization, etc., and that the Board would appreciate the privilege of calling upon the Commission if the occasion arises for such compiled data of current information which the Commission may have dealing upon the general subject and requesting the Commission to indicate what data it now has which would be of immediate service to the Board. The letter stated that confidential matter would be so regarded by the Board.

The letter was read and referred to the Chief Economist for preparation of reply.

(9) Communication of February 6th from the Department of State transmitting copy of report of the American Consulate at Halifax, Nova Scotia, entitled, "Maritime Provinces Propaganda in West of Canada".

The matter was referred to the Export Trade Division for information.

(10) Letter of January 30th from the House of Representatives of the State of Minnesota, addressed to the President of the United States and transmitting a copy of a resolution passed by the House of Representatives relating to public utilities and power companies and approving the resolution introduced in the United States Senate by Senator George W. Norris (Senate Resolution 286, December 29, 1924) directing the Federal Trade Commission to investigate the electric power situation.

The letter with the enclosures was received by the Commission by reference from the White House.

The letter was referred to the Secretary for acknowledgment and to the Chief Economist for information.

(11) Letter of January 6th from Congressman Martin B. Madden, Chairman of the House Committee on Appropriations requesting a statement for the fiscal years 1921 to 1924 inclusive of the total amounts deducted from appropriations and transferred to the retirement fund and also the total amounts deducted from the pay of employees for the same period.

The letter was read and referred to the Secretary for preparation of reply furnishing the information requested.

(12) Docket 398 - United States Products Company.

Letter of February 7th from the Department of Justice (Willi J. Donovan, Assistant Attorney General) informing the Commission that Charles C. Battenfield was sentenced on January 31, 1925, to serve eight months in the Allegheny County Jail, upon conviction of a charge of perjury in a case brought at the suggestion of the Federal Trade Commission.

The letter was read and filed.

February 9, 1925.

(13) Letter of January 31st from the National Milk Producers' Federation, Washington, D. C., enclosing of an article prepared by the Secretary of the Federation for the American Academy of Political & Social Science dealing with American Farmer and tariff Legislation.

The matter was referred to Mr. Thompson for information.

The following matters of general business forwarded to the Commission by the heads of the several divisions were presented by the Secretary and action as indicated was taken by the Commission:

(1) The Secretary reported that the Commission's report on Cotton Merchandising Practices, submitted to the Senate on January 1925, in response to Senate Resolution 252 (Senator E. D. Smith, J. 1924) had been printed by the Senate on February 6, 1925, as Senate Document 194 and that one thousand copies of this report could be for the use of the Commission at a nominal cost of \$30. The Secretary recommended that these copies be ordered.

The recommendation was approved and it was so ordered by the Commission.

(2) Memorandum of February 6th from the Chief Examiner trans file of papers in re alleged unfair practices in the sale of golf and recommending that a trade practice submittal as requested by golf ball manufacturers be authorized by the Commission.

The file was referred to the Chairman with request for examination and report.

(3) Undocketed petition of F. T. C. vs. Federal Trade Exchange the United States.

The Secretary reported that after correspondence with the proposed respondent as authorized by the Commission, the respondent had addressed a letter dated January 31st to the Commission stating that arrangements have been made to change its business name to "F Credit Exchange" to avoid confusion with the name of Federal Trade Commission. The Secretary submitted draft of a letter prepared by Chief Examiner advising the Exchange that the change of name was satisfactory to the Commission and requesting the Exchange to forward samples of its literature, letterheads, advertising, etc.

The letter as submitted by the Chief Examiner was read, approved and ordered forwarded. See file

(4) Report of the Chief Examiner of formal cases in the hand Trial Examiners as of February 1, 1925.

The report was received and placed in the calendars.

(5) Docket 1259 - Certainseed Products Corporation.

Memorandum of February 5th was received from the Chief Counsel recommending that counsel for the respondent be granted an extension for filing answer.

February 9, 1925.

The recommendation was approved and order approved entered granting counsel for the respondent to and including March 21, 1925 for filing answer.

(6) Docket 1262 - Larrows Milling Company, et al.

Memorandum of February 5th was received from the Chief Counsel transmitting request of counsel for the Larrows Milling Company for an extension of time for filing answer and recommending that the extension be granted.

The request was granted by the Commission and order approved and entered granting counsel for the Larrows Milling Company to and including April 14, 1925 for filing answer.

(7) Docket 1017 - Process Engraving Company.

Memorandum of February 2nd was received from the Chief Counsel stating that in the opinion of the Chief Counsel the facts do not warrant a petition by the Commission to the Circuit Court of Appeals to enforce the order and submitting memorandum by Trial Attorney Reeves recommending that if respondent refuses to discontinue the use of the word "Embossed" that a new complaint issue.

It was directed that the papers be circulated.

(8) Docket 1166 - Louis Leavitt.

Upon receipt of memorandum from the Chief Counsel, the Commission set the case for final argument before the Commission on Monday, March 23, 1925, at 2 p.m., with the direction that interested parties be notified thereof by registered mail.

(9) Docket 1145 - Northwestern Traffic & Service Bureau, et al.

Memorandum of February 2nd was received from the Chief Counsel transmitting letter from Trial Attorney Wooden stating that evidence has been discovered which Attorney Wooden believes will warrant criminal prosecution of E. J. Wallace, Secretary of the Missouri State Retail Coal Dealers' Association and perhaps H. L. Laird, Secretary of the Northwestern Traffic & Service Bureau.

It was directed that the papers be circulated.

(10) Docket 1238 - M. Rea Cano, et al.

Letter of February 2nd was received from the respondents in the case notifying the Commission under seal of the appointment of Messrs. Taylor, Caskey & Moore, Washington, D. C., as attorneys for the respondent and further that Attorney J. Whitla Stinson of New York City does not represent the respondents and is not their attorney in this case. This information was furnished in response to the Commission's letter of January 28th, which letter was forwarded by the Commission in view of the receipt of a letter of January 17, 1925 from Attorney J. Whitla Stinson requesting to be notified of proceedings in the case notwithstanding the fact that demand had

February 9, 1925.

been made upon Mr. Stinson by the respondents for his withdrawal the case.

The correspondence was read and referred to the Secretary to notify Mr. Stinson that upon inquiry being made the Commission has been notified by the respondents of the names and addresses of its attorneys and that Mr. Stinson does not represent the respondents that reason the Commission will not recognize him any further in as attorney for the respondents.

(11) Memorandum of January 31st was received from the Chief Examiner reporting in response to the Commission's direction of January 30th with respect to an inquiry under date of January 27th from the Enterprise Aluminum Company, Massillon, Ohio in regard to the Commission's inquiry into the aluminum kitchen utensil industry. The Chief Examiner referred to the Commission's action of November 1924 directing an examination of the report submitted by the Chief Economist referring to conditions in the industry and stating that the Chief Examiner's report would be submitted in a few days and suggested that the Enterprise Aluminum Company be advised that the matter is still under investigation.

The suggestion was adopted and the matter referred to the Secretary for attention.

From the Circulating Calendar the Commission considered the following matter:

(1) Report on the Packers' Consent Decree prepared by the Economic Division in response to Senate Resolution 278 (Senator G. W. Norris, December 8, 1924). This report was submitted by the Chief Economist with memorandum dated January 25, 1925 and was circulated among the Commissioners on January 28th.

On motion of Mr. Gaskill, The Commission directed that the same be made the subject of an informal conference with the Chief Economist and his staff on February 10th following the conference now set for 10 a.m. with Mr. Holland Hudson of the National Vigilance Committee of the Associated Advertising Clubs of the World in re the Pure Silk Hosiery case - Docket 859.

The Commission recessed at 12 m. and reassembled at 2 p.m.

PRESENT:

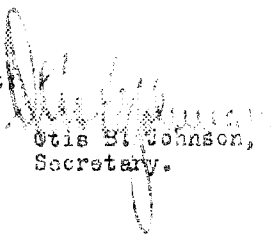
Vernon W. Van Fleet, Chairman,
Nelson B. Gaskill,
John F. Nugent,
Charles W. Hunt,
Huston Thompson.

February 9, 1925.
February 10, 1925.

Pursuant to arrangement the Commission met to hear final argument in Docket 1113 - McKesson & Robbins, Inc., et al. Attorney Doyle was heard in support of the complaint. Attorney Hector M. Hitchings was heard on behalf of the Pruggist Circular, Inc.; Attorney James W. Bevans was heard on behalf of McKesson & Robbins, Inc.; and Attorney Federic A. Burlingame was heard on behalf of Schieffelin & Company. The hearing continued until the hour of 4:30 p.m., was concluded and the case taken under advisement.

Thereupon, at the hour of 4:30 p.m., the Commission adjourned to meet Wednesday, February 11, 1925, at 10 a.m.

Attest


Otis B. Johnson,
Secretary.

Vernon W. Van Fleet,
Chairman.

MEETING OF THE FEDERAL TRADE COMMISSION

Tuesday - February 10, 1925 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
Nelson B. Gaskill,
John F. Nugent,
Charles W. Hunt,
Euston Thompson.

Pursuant to arrangements made at the request of Attorney B. L. Shinn, representing the National Vigilance Committee of the Associated Advertising Clubs of the World, New York City, the Commission conferred informally with Attorney Holland Hudson, representing the Committee with respect to the use in certain quarters for advertising purposes of the decision of the United States Circuit Court of Appeals for the Seventh Circuit in the matter of the Pure Silk Hosiery Mills - Docket 859.

February 10, 1925.
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The conference continued until the hour of 10:30 a.m., was concluded and the matters presented by Attorney Hudson were taken under advisement. (See stenographic report)

The Commission thereupon, conferred with the Chief Economist and members of his staff with respect to report prepared by the Economic Division in response to Senate Resolution 278, December 8, 1924 (Senator George W. Norris) in regard to the Packers' Consent Decree. This report was first presented by the Economic Division in manuscript form on January 28, 1925 and was circulated and returned to the Commission on February 9, 1925.

The report was read and returned to the Chief Economist for corrections indicated by the Commission and resubmission to the Commission.

Thereupon, at the hour of 1:00 p.m., the Commission adjourned to meet Wednesday, February 11, 1925, at 10 a.m.

Attest:

Otis B. Johnson
Otis B. Johnson,
Secretary.

Vernon W. Van Fleet,
Chairman.

MEETING OF THE FEDERAL TRADE COMMISSION

Wednesday - February 11, 1925 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
Nelson B. Gaskill,
John F. Nugent,
Charles W. Hunt,
Huston Thompson.

The minutes of February 9, 1925 and February 10, 1925 were read and approved.

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Chairman Van Fleet presented the following matters and action as indicated was taken by the Commission:

(1) Letter of February 6, 1925 from the Boston Music School Settlement in regard to trade practice submittal by manufacturers of sheet music.

The letter was read and referred to the Secretary for acknowledgment.

(2) Letter of February 9, 1925 from the Bureau of the Budget (R. B. Kloeber, Acting Director) referring to the Commission's letter of February 3rd relative to the accounts of Messrs. Duganne and Ross, disbursing clerks and proposing Congressional relief for amounts paid by the disbursing clerk but not allowed by the Comptroller General. The letter contained the following language:

"I take it that you have satisfied yourself that the facts and circumstances in connection with these claims are such that the relief proposed in the bill should be granted without regard to the questions of fact and of law on which the claims were allowed. If this be so, then the proposed legislative relief would not be in conflict with the financial program of the President."

The letter was referred to the Secretary for attention.

(3) Letter of February 7th from Mr. William L. Malone, Washington, D. C., making application for a position as attorney with the Commission for assignment to the Investigating Division.

The letter was read and referred to the Secretary for acknowledgment and to the Chief Examiner for attention.

(4) Letter of February 7th from Congressman A. Piatt Andrew of Massachusetts, requesting reports of the Commission relative to the Newsprint Paper Industry for the use of Mr. John S. Stone, member of the firm of Gaston, Snow, Saltonstall & Hunt, Boston, Massachusetts.

The letter was read and referred to the Secretary for preparation of reply.

(5) Letter of February 10th from the Civil Service Commission stating that the President had directed the Civil Service Commission to secure information monthly of changes in the entire Federal executive civil service in the District of Columbia and outside the District of Columbia, the reports to show changes in permanent and temporary positions. The letter transmitted forms to be followed in furnishing the necessary statistics.

The letter was read and referred to the Secretary with instructions to furnish the information requested.

February 11, 1925.

(6) Letter of February 8th from Mr. Willard T. Falco, Memphis Tennessee, reporting proposal of a number of retail grocers to pool their purchases and requesting information as to the legality of the plan under the Federal Trade Commission Act.

The letter was read and referred to the Secretary with instructions to transmit a copy of the decision of the United States Circuit Court of Appeals for the Second Circuit in the Mennen case.

(7) Letter of February 10th from Senator William J. Harris Georgia, transmitting letter of February 7th from Dr. C. N. Harden Cornelia, Georgia requesting that action be taken to lower the price of gasoline.

The letter was read and referred to the Secretary with instructions to prepare reply to the effect that the Commission is not now making inquiry with respect to the gasoline situation and its last study of the subject was set forth in a report to the President in June 1924.

(8) Letter of February 7th from the Department of Justice (Seymour, Assistant to the Attorney General) referring to the Commission's letter of January 27th relative to the exchange of publications by Commission and the Department of Justice. The letter stated that the Department would be glad to receive two copies each of any reports, complaints, findings and orders issued by the Commission and that of the pamphlet issued by the Department containing anti-trust law supplements would be furnished to the Commission.

The letter was read and referred to the Secretary for attention.

(9) Letter of February 10th from the Department of Justice (Seymour, Assistant to the Attorney General) referring to the Commission's letter of October 20, 1924, with which the Commission transmitted its investigation into alleged violation of decree entered in 1911 by the District Court for the Western District of Pennsylvania, against the Aluminum Company of America and in which letter the Commission offered to make available evidence in its possession for inspection by the Department of Justice. The letter stated that a special agent had been assigned to bring down to date the investigation and requested the agent (Special Agent Joseph E. Dunn) be given the privilege of inspecting and making copies of the evidence referred to in the Commission's report, as well as all evidence collected and complaints made since the filing of the Commission's report, showing the course of conduct pursued by the Aluminum Company of America towards the competitors of its owned or controlled companies engaged in the manufacture of aluminum cooking utensils; and also its course of conduct towards competitors and others engaged in the manufacture of cast aluminum products.

The letter was read and after discussion, Mr. Van Fleet offered the following motion, which was seconded by Mr. Gaskill:

February 11, 1925.

Moved, that in accordance with previous ruling by the Commission upon a similar state of facts, that the information requested be furnished by the Commission subject to qualification that material obtained from the Aluminum Company of America itself shall not be made available but shall be kept confidential.

As to the foregoing motion, Messrs. Van Fleet, Gaskill and Hunt voted in the affirmative and Messrs. Nugent and Thompson voted in the negative.

Mr. Nugent stated that he desired the record to show that he dissented from the ruling of the majority on this matter for the same reasons as stated in the minutes of January 16, 1925 when the Commission ruled upon a similar state of facts; and that he was of the opinion that the agents of the Department of Justice should have all records in the possession of the Commission from whatsoever source acquired except those records which might have come into the possession of the Commission with the clear understanding that they would be considered confidential.

Mr. Nugent stated that he desired his dissent to show upon the correspondence as well as upon the record.

Mr. Thompson stated that he agreed with the views expressed by Mr. Nugent.

(10) Memorandum of February 9th was received from the Chief Export Trade Division, transmitting papers in the matter of foreign trade complaint of Esau Cooper of Utila, Bay Islands, Honduras and D. H. McCullough of Ceiba, Honduras against the Taylor Oil Engines, Inc. of Muskegon, Michigan as received from the Department of Commerce with request for inquiry by the Commission. The memorandum set forth the nature of the complaint and recommended that an informal inquiry be made by the Export Trade Division and report submitted to the Commission.

On motion of Mr. Van Fleet, the recommendation was approved and the Export Trade Division was directed to conduct informal inquiry to ascertain the facts and report to the Commission.

(11) Memorandum of February 9th was received from the Chief Export Trade Division transmitting papers in the matter of the foreign trade complaint of Uyeno Trading Company, Ltd., of Tokyo, Japan, against the Taylor Oil Engines, Inc., of Muskegon, Michigan as received from the Department of Commerce with request for inquiry by the Commission. The memorandum set forth the nature of the complaint and recommended that an informal inquiry be made by the Export Trade Division and report submitted to the Commission.

On motion of Mr. Van Fleet, the recommendation was approved and the Export Trade Division was directed to conduct informal inquiry to ascertain the facts and report to the Commission.

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(12) Memorandum of February 9th was received from the Chief Export Trade Division, transmitting papers in the matter of the foreign trade complaint of Kupperts Metallwerke of Bonn, Germany against R. F. Lang & Company, Inc., of Albany, New York as received from the Department of Commerce with request for inquiry by the Commission. The memorandum set forth the nature of the complaint and recommended that an informal inquiry be made by the Export Trade Division and report submitted to the Commission.

On motion of Mr. Van Fleet, the recommendation was approved and the Export Trade Division was directed to conduct informal inquiry to ascertain the facts and report to the Commission.

(13) Letter of February 8th from the Farmers' National Council (Benjamin C. Marsh, Managing Director), Washington, D. C., addressed jointly to the Secretary of Agriculture and the Federal Trade Commission and referring to reports of an alliance between the Vestey Meat Packing Organization of Great Britain and the American Meat Packers. The letter requested that the reported alliance be given attention in view of the provisions of the Federal Trade Commission Act, the Export Trade Act and the Packers' & Stockyards Act.

The letter was read and referred to the Chief Economist to prepare reply after conference with the Export Trade Division and the Chief Examiner.

(14) Letters from the Personnel Classification Board as follows:

(a) Letter of February 10th stating that the Board has again investigated the duties of Mrs. Anna T. Kahler and Mr. Andrew N. Ross of the Commission's staff and is of the opinion that the allocation approved in each case is proper and that the appeals for changes in allocations have been disapproved.

The letter was referred to the Secretary for attention.

(b) Letter of January 30th stating that the Board has again investigated the duties of the positions occupied by private secretaries to the Commissioners and is of opinion that the allocation heretofore made in each case is the proper allocation and that the Board has accordingly disapproved the appeals for changes in ratings from CAF-3 to CAF-5, for the following:

Gwendoline Goodwyn
Anna R. Monahan
Mabel Abercrombie
Eae R. Murray
Charles C. Alford

The letter was referred to the Secretary for attention.

February 11, 1925.

(c) Letter of January 30th stating that the Board has again investigated the duties of Miss Avis G. Washburne, Docket Clerk and is of the opinion that the allocation heretofore made is proper and that the appeal for allocation from CAF-2 to CAF-3 is disapproved.

The letter was referred to the Secretary for attention.

(d) Letter of February 3rd returning the original classification sheets covering change in duties of positions occupied by Messrs. John H. Bass and Miles J. Furnas and setting forth the Board's action in continuing Mr. Furnas in P. Grade II and Mr. Bass in P. Grade III, notwithstanding the Commission's allocation of Mr. Furnas' position to P. Grade III and Mr. Bass's position to P. Grade IV.

The Secretary reported that these two positions covered changes of duties; that the job descriptions and the allocations by the Commission were similar to those given other employees in the same grade; and suggested that it would be helpful if the Board would furnish the Commission a statement of its reason for not allowing the allocations made by the Commission in these two cases which represented change in duties.

The Commission authorized the Secretary to address a letter to the Board requesting a statement of the Board's reasons for not allowing the allocations requested.

(e) Letter of February 3rd returning a number of classification sheets submitted to the Board during the month of January 1925 and stating "the Board desires that the initials of the person who is designated by the Federal Trade Commission to make the allocations of employees in the Federal Trade Commission appear opposite 'Grade and Class' in the upper left hand corner of the classification sheet".

The Commission authorized and directed the Secretary to place his initials in the place designated.

(15) Senate Resolution 329 - agreed to February 3, 1925 directing the Commission to make an investigation and report to the President of the United States on or before July 1, 1925, with respect to the Tobacco Industry (Senator Richard P. Ernst, Kentucky); and (2) directing the Commission to investigate and report to the Senate with respect to the General Electric Company (Senator George W. Norris, Nebraska).

February 11, 1925.

"S. RES. 329 (Senator Norris) (Senator Ernst) (68th Cong.
2nd Sess.)

IN THE SENATE OF THE UNITED STATES

February 3 (calendar day, February 9), 1925.

Whereas it has been stated openly that an agreement exists between the American Tobacco Company and the Imperial Tobacco Company of Great Britain whereby the American Tobacco Company will sell no tobacco in Great Britain and the Imperial Tobacco Company will sell no tobacco in the United States; and

Whereas such an agreement gives the Imperial Tobacco Company a practical monopoly on certain types of tobacco grown in Virginia, North Carolina and South Carolina and a special interest in types of tobacco grown in Kentucky and purchased in the United States by the local resident agents of the Imperial Tobacco Company and processed in the United States in its plants, and the said agreement gives the American Tobacco Company a special interest in other types grown in those States; and

Whereas the growers of leaf tobacco have formed great cooperative organizations, known as the Tobacco Growers' Cooperative Association, the Dark Tobacco Growers' Cooperative Association, the Burley Tobacco Growers' Cooperative Association, comprising an aggregate of more than two hundred and seventy thousand grower members for the cooperative marketing of the tobacco of their members; and

Whereas such cooperative associations have been organized along lines encouraged by this Government and have been financed in part by the War Finance Corporation and the intermediate banks; and

Whereas the American Tobacco Company and the Imperial Tobacco Company are opposed to the formation of cooperative marketing associations among tobacco growers and desire to destroy them and have attempted to discourage members by purchasing leaf tobacco from non-member growers at higher prices than tendered theretofore made by such cooperative associations and have induced and encouraged breaches of contracts between members and the cooperative associations contrary to the terms of the members' agreements with the associations; and

Whereas the said companies have practically boycotted the said cooperative associations and, by reason of their special interests in certain types, have caused great damage and harm to cooperative associations; and

Whereas the aforesaid agreement stops competition between the said companies in the purchase from the growers of the types of tobacco used by the American Tobacco Company and the Imperial Tobacco Company and enables one company or the other to control the purchase and marketing of these types; and

February 11, 1925.

Whereas acts on the part of these two companies cause leaf tobacco to be diverted from the cooperative association to these companies, directly or indirectly, in spite of the contracts between the growers and the cooperative association and

Whereas such conduct on the part of such companies appear to be unfair practice in pursuance of an illegal agreement to restrict and restrain competition and trade in leaf tobacco in interstate commerce; Now, therefore, be it

RESOLVED, That the Federal Trade Commission be, and it is hereby, directed to investigate and report to the President of the United States on or before July 1, 1925, the present degree of concentration and interrelation in the ownership, control, direction, financing and management through legal or equitable ownership of stocks, bonds, or other securities or instrumentalities, or through interlocking directorates or holding companies, or through agreements, or through any other device or means whatsoever by the American Tobacco Company and the Imperial Tobacco Company; and also particularly to investigate the methods employed by these companies in their fight against cooperative marketing associations and any boycott thereof; also particularly to investigate any agreements or arrangements made by said companies to embarrass or injure any such cooperative associations or to cause discouragement or breach of contracts between growers, members and the said cooperative associations; and

RESOLVED FURTHER, That the President of the United States and he is hereby, requested to direct the Secretary of the Treasury to permit the said Federal Trade Commission in making such investigation to have access to all official reports and records in any or all of the bureaus of said Treasury Department and whereas it has been alleged on the floor of the Senate during the course of a debate upon a bill relating to the disposition, operation, management, and control of the water-power and steam-power plant with their incidental lands, equipment, fixtures and properties, that a corporation known as the General Electric Company has acquired a monopoly or exercises a control in restraint of trade or commerce in violation of law of or over the production and distribution of electric energy and manufacture, sale and distribution of electrical equipment and apparatus: Therefore be it

RESOLVED FURTHER, That the Federal Trade Commission be, and it is hereby, directed to investigate and report to the Senate to what extent the said General Electric Company, or the stockholders or other security holders thereof, either directly or through subsidiary companies, stock ownership, or through other means or instrumentalities, monopolize or control the production, generation, or transmission of electric energy or power, whether produced by steam, gas, or water power, and to report to the Senate the manner in which the said General

February 11, 1925.

Electric Company has acquired and maintained such mo-
or exercises such control in restraint of trade or c-
and in violation of law.

The Commission shall also ascertain and report w-
if any, has been made by the said General Electric C-
other corporations, companies, organizations, or ass-
or anyone in its behalf, or in behalf of any trade o-
of which it is a member, through the expenditure of-
through the control of the avenues of publicity, to-
or control public opinion on the question of municip-
ownership of the means by which power is developed a-
energy is generated and distributed.

RESOLVED FURTHER, That the President of the Unit
and he is hereby, requested to direct the Secretary
Treasury, under such rules and regulations as the Se-
the Treasury may prescribe, to permit the said Feder-
Commission to have access to official reports and re-
thereto in making such investigation.

Attest:

(signed) George A. Sand
Secretary."

After discussion, on motion of Mr. Nugent, the resol-
referred to the Chief Economist and the Chief Examiner wit-
to submit a joint report to the Commission by Friday, Febr-
with respect to the time, cost, etc., necessary to make th-
called for by the resolution.

On motion of Mr. Thompson, the Chief Economist was d-
report to the Commission promptly the present status of th-
being conducted into the Bread and Flour Industries in res-
Senate Resolution 163. (Senator Robert M. LaFollette, Wisc

The following matters of general business forwarded
Commission by the heads of the several divisions were pres-
Secretary and action as indicated was taken by the Commis-

(1) Docket 1255 - Civil Service School, Inc.
Memorandum of February 10th was received from the Ch-
recommending that the request of counsel for the responden-
extension to and including February 21, 1925 for filing an
granted.

The recommendation of the Chief Counsel was approved
extension granted by the Commission as requested.

February 11, 1925.

(2) Docket 1148 - Harriet Hubbard Ayer, Inc.

Memorandum of February 10th from the Chief Counsel transmitting request of counsel for the respondent for postponement of the date of February 23, 1925, for final argument and request that the argument be held subsequent to March 20, 1925. The Chief Counsel stated that he had no objection to postponement of the case other than the desire to bring the matter to a close.

On motion of Mr. Nugent, the Commission granted the request of counsel for the respondent, cancelled the date of February 23, 1925, for final argument and authorized and directed the Secretary to set the case down for final argument on March 20, 1925, at 2 p and notify interested parties thereof by registered mail.

(3) File 1-3115 - Lindsay Crawford, Irish Consul General v Harry Berger.

Memorandum of February 9th from the Chief Counsel transmitting a draft of complaint authorized by the Commission on January 12, 1925, and approved by the Chief Counsel. In submitting the complaint the Chief Counsel called attention to the reported abandonment of the practice by the respondent and recommended that the file be returned to the Chief Examiner with directions to ascertain whether or not the respondent, Harry Berger, has in truth abandoned all use of the term "Irish Poplin" and that if the affirmative appears the entire matter be dismissed.

The memorandum was read and on motion of Mr. Nugent, second by Mr. Van Fleet, the record was referred to the Chief Examiner with instructions to carry out the recommendation of the Chief Counsel and report to the Commission whether or not the respondent has discontinued the practice alleged and the date of discontinuance.

(4) Report dated February 1, 1925 from the Chief Examiner the work of the Legal Investigating Division for the month of January 1925.

The report was received and placed in the Calendar.

(5) Memorandum of February 9th from the Chief Counsel transmitting a memorandum dated February 4th from Attorney Walter Wooden setting forth Attorney Wooden's examination of a letter addressed to the Commission under date of January 17, 1925 from the Attorney General of the United States in regard to the Louisiana Red Cypress Company.

On motion of Mr. Nugent, it was directed that the papers be circulated.

(6) Docket 1187 - Franklin Coal Company.

Memorandum of February 11, 1925 was received from the Chief Counsel submitting the following orders which were approved and entered: (1) that Edward M. Averill, an Examiner of the Commission be designated to receive testimony, etc., and (2) that the hearing on the complaint begin at the City of St. Louis, Missouri, February 1925, at 10 a.m.

February 11, 1925.

(7) Docket 1128 - Boshner Coal Company, et al.

The following orders submitted by the Chief Counsel were approved and entered: (1) that Edward M. Averill, an Examiner of the Commission be designated to receive testimony, etc., and (2) that the hearing on the complaint begin at the City of St. Louis, Missouri, on the 26th day of February, 1925 at 10 a.m.

From the Circulating Calendar the following matters were considered and action as indicated taken by the Commission:

(1) Letter of January 5, 1925, from Attorney O. R. Stites to the Personnel Classification Board appealing from Allocation to P. Grade III and requesting allocation to P. Grade IV. The file also contained a memorandum of January 5th from the Chief Counsel disapproving the appeal and memorandum from Commissioner Gaskill, in-charge of the Chief Counsel's Office concurring in the opinion of the Chief Counsel. The file was circulated January 28th, 1925.

Notations by the several Commissioners were read and thereafter the Commission directed that a letter be prepared transmitting the appeal of Attorney Stites with the statement that the Commission does not approve the appeal.

(2) Letter of December 22, 1924 from the American Zinc Institute, Inc., citing conditions in the zinc industry and seeking the aid of the Commission in working out a plan to secure and publish the cost of zinc smelters. The file was circulated December 26, 1924.

Notations by the Commissioners were read and after discussion the Secretary was authorized and directed to reply to the Institute to the effect that the Federal Trade Commission is not authorized to pass upon the matters submitted and call attention to correspondence passing between the Department of Justice and the Department of Commerce with relation to trade association statistics and to send for the information of the Institute copies of the decision of the Supreme Court of the United States in the American Column & Lumber Company case.

(3) Letter of January 14th from the National Association of Waste Material Dealers, Inc., New York City, bringing to the attention of the Commission certain alleged unfair practices in the steel scrap business and suggesting a course of procedure to remedy the situation which referred to an agreement between two mills consuming practically 90% of iron and steel scrap in the South with a dealer whereby the mills will confine all their purchases to the particular dealer. The letter also suggested that if the Commission were to address a letter of inquiry to the two mills in question the practice complained of be discontinued promptly.

The file was circulated January 21st. Notations by the Commissioners were read and thereafter, on motion of Mr. Nugent, seconded by Mr.

February 11, 1925.

the Commission directed that such a letter of inquiry as suggested by the Association be dispatched and that the Association be so advised.

(4) Memorandum of December 20th from the Assistant Chief Economist William H. S. Stevens setting forth his desire to appeal to the Personnel Classification Board and ask for an allocation to Professional Grade VI instead of Professional Grade V now assigned.

The file was circulated December 26th. Notations by the Commissioners were read and thereafter, the Commission authorized and directed the Secretary to transmit the appeal to the Personnel Classification Board with the Commission's approval.

(5) Docket 1126 - Jean Jordeau.

Memorandum of January 27th from the Chief Examiner reporting alleged improper use by the respondent of the Commission's decision in dismissing the complaint. The Chief Examiner recommended that complaint issue without further preliminaries.

The file was circulated January 28th. Notations by the Commissioners were read and after discussion, it was ordered, on motion of Mr. Van Fleet, that the Chief Examiner be notified that the Commission declined to take action upon the record before it.

(6) Memorandum of January 26th from the Chief Examiner transmitting file of correspondence and certain labels from the Great Lakes Varnish Works, Chicago, Illinois, requesting a ruling upon the legality of the labels submitted. The Chief Examiner recommended that reply be made to the effect that the Commission cannot approve the proposed labels.

The file was circulated January 30th. Notations by the Commissioners were read and after consideration, on motion of Mr. Gaskill, seconded by Mr. Thompson, the labels submitted were disapproved by the Commission and the Chief Examiner was directed to prepare letter notifying the company that the labels were disapproved with a statement of the reasons for such disapproval.

(7) Letter of January 20th from the Folding Box Manufacturer National Association, New York City, transmitting file of correspondence including letter of December 10, 1924, from the Association, submitting copy of "Code of Ethics" for approval by the Commission. The file was circulated December 12, 1924 and January 28, 1925.

Notations by the several Commissioners were read and after discussion, it was directed, on motion of Mr. Van Fleet, seconded by Mr. Thompson, that reply be made to the Association along the lines suggested in notes in the file by Chairman Van Fleet. Chairman Van Fleet's note reads as follows:

February 11, 1925.

"The letter explaining the meaning of Section 3, paragraphs 3 and 5 and section 4, paragraph 3, shows that the intent was just as we thought, namely: that it is unethical for a member to cut prices or give more for a price. We should write them we do not approve and also call their attention to the decisions holding that such action on their part is illegal."

As to the foregoing action, Messrs. Van Fleet, Nugent, Hunt & Thompson voted in the affirmative and Mr. Gaskill voted in the negative. Mr. Gaskill stated in his notes, as follows:

"I do not agree. I think each of the questioned statements as explained, is sound in law and in economics."

Mr. Gaskill asked and it was ordered that his dissent to the action of the Commission be quoted in the letter to the Association.

It was further ordered, on motion of Mr. Van Fleet, seconded by Mr. Hunt, that the Chief Examiner be instructed to investigate and report as to whether or not the matters disclosed by this record up to preliminary inquiry amount to a violation of law.

The file was referred to the Chief Examiner for preparation of a letter and report to the Commission.

(8) Docket 1133 - Ostermoor & Company, et al.

Memorandum of January 26th from the Chief Counsel transmitting motion by respondent to dismiss and recommending that the motion be denied and that an extension be granted attorney for the Commission to take further testimony in support of the complaint.

The file was circulated January 28th. Notations by the Commissioners were read and after discussion, the file was referred to Mr. Thompson at his request for further examination and report.

The Commission recessed at 12:30 p.m. and reassembled at 2 p.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
Nelson B. Gaskill,
John F. Nugent,
Charles W. Hunt,
Huston Thompson.

Pursuant to arrangements the Commission met to hear final argument in Docket 1188 - James Heddon's Sons. Attorney Craven was

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heard in support of the complaint. Attorney James McKeag of Langworthy, Stevens & McKeag was heard on behalf of the respondent. The hearing continued until the hour of 3:10 p.m. was concluded and the case taken under advisement.

Thereupon, at the hour of 3:10 p.m., the Commission adjourned to meet Friday, February 13, 1925 at 10 a.m.

Vernon W. Van Fleet,
Chairman.

Attest:

Otis B. Johnson
Otis B. Johnson,
Secretary.

Thursday - February 12, 1925 - No meeting held.

MEETING OF THE FEDERAL TRADE COMMISSION

Friday - February 13, 1925 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
Nelson B. Caskill,
John F. Nugent,
Charles W. Hunt,
Euston Thompson.

The minutes of the meeting of February 11, 1925 were read and approved.

February 13, 1925.

Formal counsel was appearing in the weekly conference for final determination were considered and action as indicated taken by the Commission:

(1) Docket 745 - Austin, Nichols & Company.

On motion of Mr. Hunt, this case was laid over for further consideration on next Conference Day.

(2) Docket 1010 - Pittsburgh Coal Company of Wisconsin, et

This case comes before the Commission for final determination the following record: complaint; answers; testimony; report upon by Trial Examiner Addison; exceptions thereto by counsel for the C and counsel for the respondents; brief by counsel for the Commission by counsel for the respondent; supplemental brief by counsel for the and counsel for the respondent. Mr. Stanley B. Houck, attorney for City Coal Exchange, Inc. (original applicant), intervenor, herein, file brief but appeared and was heard at the time of final argument. Attorney Haycraft represents the Commission. Attorney Davis, Seve Morgan represents the respondents. Final argument was heard January and 14, 1925.

On motion of Mr. Thompson, seconded by Mr. Nugent, the Commission directed that an order to cease and desist issue and that the Chief prepare and submit to the Commission for approval as to form, draft findings as to the facts and order to cease and desist based upon Attorney Haycraft's findings, rather than the findings of the Exam

(3) Docket 1076 - Nashua Manufacturing Company, et al.

On December 26, 1924, the Commission directed that an order to cease and desist issue in this case and instructed the Chief Counsel to prepare findings and order and submit the same to the Commission for approval.

Pursuant to this action the case was before the Commission for of findings and order prepared by the Chief Counsel. The following were placed in the hands of each Commissioner: memorandum of January from the Chief Counsel; findings as to the facts and order to cease and desist prepared by the Chief Counsel pursuant to instructions given Commissioner Nugent; complaint.

The Commission considered draft of findings as to the facts and order to cease and desist submitted by the Chief Counsel with memorandum January 27th for approval as to form and substance pursuant to the Commission's action of December 26, 1924, directing that an order to cease and desist issue and that findings be prepared and submitted.

On motion of Mr. Nugent, Paragraph Thirteen of the findings submitted was enlarged to include a finding to the effect that many competitors of the respondent truthfully label their goods.

Mr. Gaskill suggested amendment to Paragraph Ten of the findings to include a finding by the Commission that respondent's labels meant blankets were composed in part of wool. No change in Paragraph Ten by the Commission.

After discussion, on motion of Mr. Nugent, seconded by Mr. Hunt, findings of fact submitted by the Chief Counsel and amended on motion of Mr. Nugent, were adopted by the Commission; the order as submitted by the Chief Counsel was adopted without change and the findings and order as amended were referred to the Secretary for service without further action.

As to the foregoing motion, Messrs. Van Fleet, Nugent, Hunt, Thompson voted in the affirmative and Mr. Gaskill voted in the negative. The motion carried and it was so ordered.

February 13, 1925.

(4) Docket 1113 - McKesson & Robbins, Inc., et al.

On motion of Mr. Thompson, this case was laid over for further consideration, at next conference Day.

(5) Docket 1188 - James Hedden's Sons.

This case comes before the Commission for final determination upon the following record: complaint; answer; testimony; report upon the facts by Trial Examiner Reeves; exceptions thereto by counsel for the Commission and counsel for the respondent; briefs by counsel for the Commission and counsel for respondent. Attorney Craven represents the Commission. Attorneys Langworthy, Stevens & McKeag represent the respondent. Final argument was heard February 11, 1925.

On motion of Mr. Thompson, seconded by Mr. Hunt, it was directed that an order to cease and desist issue and that the Chief Counsel prepare and submit to the Commission for approval as to form, draft of findings as to the facts and order to cease and desist.

As to the foregoing action, Messrs. Van Fleet, Nugent, Hunt and Thompson voted in the affirmative and Mr. Gaskill voted in the negative.

(6) Docket 1206 - National Remedy Company, et al.

This case comes before the Commission for final determination upon the following record: memorandum of January 30th from the Chief Counsel transmitting the case; complaint; answer; stipulation as to the facts; findings as to the facts and order to cease and desist submitted by the Chief Counsel and certified to in memorandum of January 30th. No testimony was taken nor briefs filed. Attorney Perkins represents the Commission. Attorneys Hayes & Hayes represent the respondent.

On motion of Mr. Nugent, the Commission directed that an order to cease and desist issue.

On further motion of Mr. Nugent, the findings and order were returned to the Chief Counsel with instructions to make the necessary changes in the findings and order to make the same conform to the stipulation.

On motion of Mr. Hunt, Mr. Nugent was requested to instruct the Chief Counsel's Office as to the preparation of final draft of findings and order, which were ordered served by the Secretary without further action by the Commission upon their approval by Mr. Nugent.

(7) File 1-3231 - Denmark vs. Danish Pride Milk Products Company, et al.

Consideration of this file was laid over until next Conference Day.

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Chairman Van Fleet submitted the following matters and action as indicated was taken by the Commission:

(1) Letter of February 10th from the Millers' National Federation (Sydney Anderson, President), Washington, D. C., referring to investigation being conducted by the Commission relative to the Flour and Bread Industries in response to Senate Resolution 163, February 16, 1924, (Senator Robert M. LaFollette) and the visit of Commission agents to the individual mills which

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are members of the Association and advising that Mr. Anderson, as President of the Federation renews his offer to advise the Commission or its representatives of the policy being pursued by the Federation.

The letter was read and referred to the Chief Economist for attention.

(2) Docket 1110 - James S. Kirk & Company.

Letter of February 10th from Senator William M. Butler, Massachusetts, enclosing a letter dated February 2, 1925, from Theodore R. Lockwood, Treasurer, Lockwood Brackett Company of Boston, Mass., with respect to the branding of soaps distributed under the name of "castile". The Senator requested to be informed as to the nature of reply to be made to Mr. Lockwood.

The correspondence was read and on motion of Mr. Nugent, seconded by Mr. Van Fleet, was referred to the Chief Counsel for preparation of reply for the Chairman's signature, advising the Senator of just what the Commission is doing in the Castile Soap case; the nature of the complaint and present status of the proceeding with the further information that the Senator and his correspondent will be kept advised of the progress of the case. The Chief Counsel was also directed to bring the correspondence to the attention of the trial attorney in the Castile Soap case.

As to the foregoing action, Messrs. Van Fleet, Nugent, Hunt and Thompson voted in the affirmative and Mr. Gaskill voted in the negative.

(3) Foreign Trade complaint of E. Ch. Dilaveri Company of Alexandria, Egypt against the Yukon Mill & Grain Company of Yukon, Oklahoma.

Memorandum of February 5th was received from the Export Trade Division reviewing the facts and recommending that final report be made to the Commerce Department, the papers received from that office returned and the case in this office closed. The Commission also received draft of letter prepared by the Export Trade Division to the Secretary of Commerce.

The memorandum and the letter were read and after discussion, it was ordered upon motion of Mr. Nugent, that the letter be not sent and that the file be docketed as an application for complaint in the name of the Commission and that the Department of Commerce be so advised.

As to the foregoing action, Messrs. Van Fleet, Nugent, Hunt and Thompson voted in the affirmative and Mr. Gaskill voted in the negative.

(4) Following letter from the President of the United States transmitting copy of Senate Resolution 329, February 3, 1925, in regard to Tobacco and Electric Power:

February 13, 1925.

"The White House
Washington.

February 12, 1925.

My dear Mr. Chairman:

Herewith, I transmit to you for the attention of the Commission a copy of Senate Resolution No. 329, directing the Commission to investigate and report to the President of the United States concerning an alleged agreement in restraint of trade between the American Tobacco Company and the Imperial Tobacco Company of Great Britain, and further directing the Commission to investigate and report to the Senate concerning an alleged monopoly in restraint of trade acquired by the General Electric Company, and requesting the President of the United States to direct the Secretary of the Treasury to permit the Commission in making such investigations to have access to all official reports and records in the Treasury Department.

I have transmitted a copy of the Resolution to the Secretary of the Treasury.

Very truly yours,

(signed) Calvin Coolidge.

Hon. Vernon W. Van Fleet, Chairman,
Federal Trade Commission,
Washington, D. C.

enclosure."

In this connection, the Commission considered the following joint memorandum from the Chief Economist and the Chief Examiner reporting in response to the Commission's direction of February 11 an estimate of time, money, etc., necessary to prepare the two reports contemplated by the resolution:

"February 12, 1925.

Memorandum for the Commission:

In re: Tobacco and Water Power Inquiries.

In accordance with the direction of the Commission of the 11th instant, there is submitted herewith, a joint statement with respect to the time, money, etc., necessary for the two reports contemplated by Senate Resolution No. 329.

These estimates have been based on the view that the bulk of the work of the tobacco inquiry would be into unfair methods of competition and restraints of trade and could be

February 13, 1925.

readily handled by the Examining Division and that the great bulk of the work involved in the inquiry into the so-called power trust would be very largely of an economic and statistical character and could be best handled by the Economic Division. In each case, however, it is contemplated that certain details of experts should be made by one division to the other.

Tobacco. This inquiry relates primarily to alleged price discrimination, inducement of breach of contract, boycott and agreements in restraint of trade, and the Commission is directed to inquire into the interrelations of the American and Imperial Tobacco Companies and into their practices against the co-operative organizations of tobacco growers.

It is estimated that this inquiry would require four or more legal examiners in the field for two or more months and would cost from \$6000. to \$8000. This would include also the services of one economist assigned for the period of the inquiry and perhaps some additional economic assistance later. It does not make any allowance, however, for sending an agent to England, which possibly may be found necessary. This estimate is based on a plan for completing the work well within the time limit prescribed for the report to the President - July 1, 1925.

Water Power. This inquiry relates substantially to an alleged monopolization of electric power industry by the General Electric Company and likewise of the electrical equipment industry and the Commission is directed to ascertain, (1) to what extent has obtained a monopoly or control of the electric power industry and by what devices, (2) how such monopoly or control of the electric power industry has been acquired and maintained, and what effort has been made by the General Electric Company, or by others in its behalf, to influence public opinion on the question of public ownership of the electric power industry.

As this inquiry requires comprehensive but summary data of the entire industry and of the proportion controlled, in one manner or another, by the General Electric Company and a description of the development of this control and the method used and finally an examination into the charges of propaganda the work will be largely of an economic character.

It is estimated that the first and largely statistical part of the work would require about \$25,000. and the other two parts of the subject not more than \$12,000. apiece a total less than \$50,000. This estimate includes the detail of one lawyer from the Examining Division from the beginning and of two additional lawyers later after the general facts are ascertained and detailed study is needed of particular contracts, etc.

The foregoing estimate contemplates the submission of the report to Senate at the beginning of the next session of Congress.

(signed) Francis Walker,
Chief Economist.

(signed) Millard F. Hudson,
Chief Examiner."

February 13, 1925.

Additional information was furnished by the Chief Examiner as to the basis of his estimate and the Chief Economist was heard with respect to the estimate.

After discussion, it was ordered by the Commission, on motion of Mr. Nugent, seconded by Mr. Hunt, that the Chief Economist and the Chief Examiner proceed to prepare and submit reports in accordance with the foregoing memorandum, which was approved by the Commission.

In the matter of Docket 540 - Royal Baking Powder Company, Mr. Archibald Cox, attorney for the respondent, appeared and requested to be heard upon his motion filed today, moving the Commission for an order providing that the taking of testimony on behalf of the respondent in sur-rebuttal now set for February 16, 1925, be continued until April 20, 1925.

The Commission also received a memorandum of February 11th from the Chief Counsel reporting the views of Trial Attorney Brownell and recommending that respondent's motion be denied and that the case proceed with the taking of testimony before the Examiner as now set and requesting in event counsel for the respondent is heard in support of his motion, that counsel for the Commission be heard in opposition thereto.

The Commission set the motion down for oral argument for 2 p.m., this afternoon, with direction to the Secretary to notify attorneys for both sides.

Docket 1051 - Manhattan Shirt Company.

The Secretary presented memorandum from the Chief Counsel, transmitting the following orders which were approved and entered (1) that John W. Addison, an Examiner of the Commission, be designated to receive testimony, etc., and (2) that the hearing of the complaint begin at New York City, on March 9, 1925, at 10 a.m.

The Commission recessed at 12:15 p.m., and reassembled at 2

PRESENT:

Vernon W. Van Fleet, Chairman,
Nelson B. Gaskill,
John F. Nugent,
Charles W. Hunt.

Mr. Thompson absent.

February 13, 1925.

Pursuant to arrangement the Commission met to hear oral argument upon motion of counsel for the respondent in Docket 540 - Royal Explosive Powder Company, that the taking of testimony on behalf of the respondent in sur-rebuttal now set for February 16, 1925, be continued until April 20, 1925. Respondent's motion was filed today and copies placed in the hands of each Commissioner with memorandum of February 11th from the Chief Counsel recommending that the motion be denied and the case proceed with the taking of testimony on February 16, 1925.

Attorney Warren W. Cunningham of the firm of Moore, Hall, & Cunningham, was heard on behalf of the respondent in support of the motion. Attorney Brownell was heard in opposition thereto.

At the conclusion of the oral argument, the Commission held executive session and considered the matters presented.

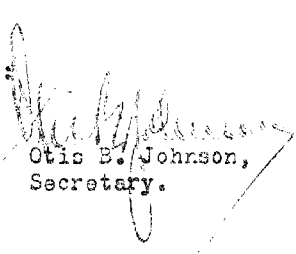
Thereafter, the Commission directed that the taking of testimony on behalf of the respondent in sur-rebuttal be set for April 20, 1925.

The Chief Counsel was directed to prepare appropriate order to be served by the Secretary.

Thereupon, at the hour of 2 p.m., the Commission adjourned to meet, Monday, February 16, 1925, at 10 a.m.

Vernon W. Van Fleet,
Chairman.

Attest:


Otis B. Johnson,
Secretary.

Saturday - February 14, 1925 - No meeting held.

Sunday - February 15, 1925 - No meeting held.

February 16, 1925.

MEETING OF THE FEDERAL TRADE COMMISSION

Monday - February 16, 1925 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
Nelson B. Gaskill,
John F. Nugent,
Charles W. Hunt,
Huston Thompson.

The minutes of the meeting of February 13, 1925 were read and approved.

Mr. Thompson submitted a letter of February 11th from Senator Walter F. George of Georgia reporting the receipt of numerous complaints from citizens of Georgia regarding the recent advance in prices of gasoline and oils in that State and requesting the Federal Trade Commission to investigate the situation.

The letter was read and referred to the Secretary with instructions to prepare a reply along the lines of the reply made to a similar letter recently received from Senator Harris in regard to the price of gasoline as recorded in the minutes of February 11, 1925, with the addition that Senator George's attention be called to a bill recently introduced by Senator Park Trammell.

Mr. Hunt presented the following listed Export Trade complaint and application for complaint and action as indicated was taken by the Commission:

- (1) File 50-83 - Foreign Trade complaint of the Undertakers Supply Store of Bangkok, Siam against the Overseas Products Corporation of New York City.

Memorandum of February 5th was received from the Export Trade Division reviewing the complaint and recommending that the facts be reported to the Commerce Department, the papers received from that office returned and the case closed. Draft of letter to the Secretary of Commerce was also received.

After consideration, on motion of Mr. Hunt, the Commission approved the letter as submitted by the Export Trade Division to the Secretary of Commerce and directed that the case be closed.

February 16, 1925.

Mr. Van Fleet recited the facts in the case and stated that he concurred in the recommendation of the Chief Examiner for dismissal.

After consideration, on motion of Mr. Van Fleet, the application for complaint was dismissed by the Commission.

(2) File 1-3651 - Albert Hurt vs. Continental Packing Corporation.

Mr. Van Fleet stated that this case came direct from the Chief Examiner without reference to the Board of Review, pursuant to the rule of December 3, 1924.

Mr. Van Fleet recited the facts in the case and stated that he concurred in the recommendation of the Chief Examiner for dismissal.

After consideration, on motion of Mr. Van Fleet, the application for complaint was dismissed by the Commission.

Mr. Gaskill referred to the report now in course of preparation by the Economic Division, in response to Senate Resolution 278, (Senator George W. Norris, December 8, 1924) referring to the so-called Packers' Consent Decree and also referring to a memorandum which he had prepared and delivered copies of to the several Commissioners suggesting additional matter to be incorporated in the report.

Mr. Gaskill asked the views of the Commission as to incorporating the additional matter.

The matter was discussed and it was the view of the Commission that the report should go forward as tentatively passed by the Commission on February 10, 1925; that the additional matter in Mr. Gaskill's memorandum should not be incorporated as a part of the Commission's report but that there was no objection that such additional matter accompany the Commission's report in the form of an individual statement by Mr. Gaskill.

The Secretary then presented a memorandum of February 12, 1925 from the Chief Economist submitting final draft of the report on the Packers Consent Decree prepared in response to Senate Resolution 278 as modified in accordance with instructions from the Commission at a conference on February 10, 1925.

Mr. Gaskill stated that he was in accord and approved the report as now submitted by the Chief Economist and was prepared to vote to have the same forwarded to the Senate and asked that the additional matter in his memorandum be submitted with the report.

The Commission by unanimous vote, approved the report as submitted by the Chief Economist with his memorandum of February 12, 1925, without change and directed that the report be forwarded to the Senate and released to the public and further that Mr. Gaskill's material accompany the report as Mr. Gaskill's individual statement over his signature.

February 16, 1925.

The Secretary was directed to submit a publicity statement for approval pursuant to the rule of October 15, 1924; and also to report to the Commission whether or not the report is printed by the Senate.

Mr. Gaskill referred to the action of the Commission, on January 26, 1925 in referring the report on High Prices of Anthracite to him for conference with the Chief Economist and stated that the conferences had been held and that he was in accord with the Chief Economist as to changes which had been made in the report to meet his criticisms and that the report had been returned to the Chief Economist to be corrected and again submitted to the Commission.

The following matters of general business forwarded to the Commission by the heads of the several divisions were presented by Secretary and action as indicated was taken by the Commission:

(1) Memorandum of February 12th from the Chief Examiner transmitting petition from manufacturers of Hog Cholera Serum for a trade practice submittal. Accompanying the Chief Examiner's memoranda was a letter of February 9th from Albert W. Jefferis, Attorney, Omaha, Nebraska, submitting forty-one written requests for a trade practice submittal on behalf of the manufacturers and distributors of Anti-Hog Cholera Serum and Virus in interstate commerce. The petition states that the letters represented fully ninety per cent of the production of the industry and nearly seventy-five per cent of the individuals engaged therein.

Mr. Hunt to whom the matter had been referred on February 2nd reported his examination of the petition and recommended that the submittal be held.

After discussion, on motion of Mr. Van Fleet, seconded by Mr. Nugent, the Commission authorized a trade practice submittal and assigned the same to Mr. Hunt for supervision and report to the Commission.

(2) Memorandum of February 5th from the Chief Examiner recommending that the temporary employment of Miss A. I. Hotchkiss, stenographer the Chicago Office, be continued for a period of two months from February 16th, 1925, at a salary of \$1500.

The memorandum was read and on motion of Mr. Van Fleet, seconded by Mr. Thompson, the employment as recommended was authorized at \$1320. per annum.

(3) Statement from the Secretary of the allotments, expenditures and liabilities to the end of January 1925.

The statement was received and placed in the Calendars.

February 16, 1925.

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(4) Draft of a letter prepared by the Personnel Officer to Hon. Martin B. Madden, Chairman, House Committee on Appropriations, furnishing data as to the estimated and actual deductions from the Federal Trade Commission appropriations under the provisions of the Civil Service Retirement Law for the fiscal years 1921-1924 inclusive, this information being furnished in response to a letter of February 6th from Mr. Madden.

The letter prepared by the Personnel Officer was approved as submitted and ordered forwarded. See file

(5) Report from the Secretary dated February 14th showing list of applications for complaint on the Suspense Calendar as of February 1, 1925.

On motion of Mr. Van Fleet, it was directed that copies be forwarded to each Commissioner and that a copy be also forwarded to the Chief Examiner with instructions to report to the Commission any cases ready for Commission action.

(6) File 1-3581 - National Pharmacy Company vs. Squibbs & Sons.

In response to the Commission's action of February 9th, the Secretary submitted files in the above matter for consideration by the Commission in connection with letter of January 20th from Messrs. Dewey, Strong, Townsend & Loftus, attorneys for the National Pharmacy Company petitioning the Commission to reconsider its action of December 15, 1924 in dismissing the application for complaint.

On motion of Mr. Van Fleet, it was directed that the file with the letter from the attorneys be circulated.

(7) Report from the Chief Economist of the work of the Economic Division during the month of January 1925.

The report was received and placed in the calendars.

(8) Memorandum of February 14th from the Chief Economist reporting in response to the Commission's direction of February 11 regarding the status of the investigation under Senate Resolution (Senator Robert M. LaFollette, February 16, 1924) concerning the flour and bread industry. The report stated among other things, that a brief preliminary report on the costs and profits of wholesale bakers covering the years 1920 to 1923 will be submitted to the Commission on or before the 23rd of February 1925.

The report was read and filed.

(9) Docket 1166 - Louis Leavitt.

Memorandum of February 15th was received from the Chief Counsel transmitting request of counsel for the respondent for a postponement of the final argument from March 23rd as now set until the middle of April and recommending that the request be granted.

February 16, 1925.

The request was granted by the Commission and the date of final argument postponed from March 23, 1925 to Monday, April 13, 1925, at 2 p.m., with the direction that interested parties be notified thereof by the Secretary by registered mail.

(10) Docket 1148 - Harriot Hubbard Ayer, Inc.

Memorandum of February 12th was received from the Chief Counsel transmitting request of counsel for respondent for a postponement of the final argument from February 23rd to some date subsequent to March 20th and recommending that the request be granted.

The request was granted by the Commission and the date of final argument postponed from February 23rd to Monday, March 23, 1925, at 2 p.m., with the direction that interested parties be notified thereof by the Secretary by registered mail.

(11) Docket 1251 - American Association of Advertising Agencies

Memorandum of February 12th was received from the Chief Counsel transmitting request of counsel for the American Press Association for an extension to and including March 16, 1925 for filing answers and recommending that the request be granted.

The request was granted by the Commission and order approved and entered granting the extension as requested.

(12) Docket 1251 - American Association of Advertising Agencies

Memorandum of February 13th was received from the Chief Counsel transmitting requests of counsel for the Southern Newspapers' Association and the American Association of Advertising Agencies for an extension to and including March 16, 1925 for filing answers and recommending that the requests be granted.

The requests were granted by the Commission and order to that effect approved and entered.

(13) File 1-3400 - F. T. C. vs. Certaineed Products Company

Memorandum of February 13th was received from Trial Attorney James M. Brinson, reporting in response to the Commission's action of January 28th an explanation of the reasons for the retention by Attorney Brinson of the complaint in the above entitled matter from December 18, 1924 to January 9, 1925.

The report was read and filed.

(14) Docket 1141 - Standard Oil Company of Kentucky.

Memorandum of February 13th was received from the Chief Counsel reporting pursuant to the Commission's action of August 9, 1924 that the supplemental investigation conducted by the Chief Examiner as to the fact that the respondent was engaged in interstate commerce was unless directed otherwise the Chief Counsel will so advise the respondent and proceed with the case in regular manner.

It was directed that the papers be circulated.

February 16, 1925.

(15) Docket 994 - Standard Education Society.

Memorandum of February 10th was received from the Chief Counsel transmitting memorandum of February 10th from Trial Attorney A. M. Craven reporting in response to the Commission's action of December 19, 1924, with respect to (1) whether the order in the above docket has been violated and (2) for the preparation of a new complaint against the above respondent charging a violation of certain of the resolutions adopted at a trade practice submittal by Subscription Book Publishers.

Attorney Craven recommended (1) that the files respecting the violation of the trade practice submittal resolutions be docketed as an application for complaint and considered in connection with certain other applications for complaint (file 1-3332 - F. T. C. vs. North American Publishing Company, et al - file 1-3664 - Subscription Book Publishers' Association vs. International Publishing Company) now coming forward from the Chief Examiner with recommendations for complaints for alleged violations of the trade practice submittal resolutions; and (2) that proceedings against the respondent, Standard Education Society for violation of the order be deferred pending decision in the United States Circuit Court of Appeals for the Third Circuit in the John C. Winston Company case - Docket 1060. The Chief Counsel concurred in the recommendation of Attorney Craven.

The Commission directed that the papers be circulated.

(16) File 1-2798 - Real Silk Hosiery Mills vs. Long-Wear Silk Hosiery Company.

Memorandum of February 2nd was received from the Chief Examiner referring to the handling of the case under the rule of February 7, 1923 and submitting stipulation dated January 31, 1925, signed by the respondent, with a recommendation by the Chief Examiner that the stipulation be accepted and the application dismissed.

The stipulation was read and thereafter on motion of Mr. Van Fleet, the stipulation was accepted by the Commission and the application dismissed.

As to the foregoing motion, Messrs. Van Fleet, Gaskill and Hunt voted in the affirmative and Messrs. Nugent and Thompson voted in the negative.

Messrs. Nugent and Thompson asked and it was ordered that their dissent show upon the minutes, the order of dismissal and the correspondence.

(17) Docket 1211 - Sea Island Thread Company, Inc.

The following orders submitted by the Chief Counsel were approved and entered: (1) that Web Woodfill, an Examiner of the Commission be designated to receive testimony, etc., and (2) that the hearing of the complaint begin at New York City, March 17, 1925, at 10 a.m.

February 16, 1925.

(18) Docket 1242 - Jacques J. Greenberger, et al.

The following orders submitted by the Chief Counsel were approved and entered: (1) that W. W. Sheppard, an Examiner of the Commission be designated to receive testimony, etc., and (2) that the hearing of the complaint begin at New York City, February 26, 1925, at 10 a.m.

(19) Docket 1243 - Jacques J. Greenberger, et al.

The following orders submitted by the Chief Counsel were approved and entered: (1) that W. W. Sheppard, an Examiner of the Commission, be designated to receive testimony, etc., and (2) that the hearing of the complaint begin at New York City, February 28, 1925, at 10 a.m.

From the Circulating Calendar the Commission considered the following matters and action as indicated was taken:

(1) Docket 1217 - Hagen Import Company of New Jersey.

" 1236 - Hagen Import Company of Pennsylvania.

Memorandum of January 24th from the Chief Counsel in regard to the reference of the files to the Department of Agriculture for prosecution under the Food & Drug Act was considered after having been circulated. The Chief Counsel recommended that the matter be not be called to the attention of the Department of Agriculture and that Docket 1236 proceed to trial under the complaint of the Commission outstanding and at issue. The Chief Counsel called attention to the outstanding order to cease and desist in Docket 1217.

The file was circulated January 28th. Notations by the several Commissioners were read and thereafter, it was ordered upon motion of Mr. Van Fleet, seconded by Mr. Gaskill, that the recommendation of the Chief Counsel be approved and that the file be not referred to the Department of Agriculture and the case - Docket 1236 - proceed in regular order.

As to the foregoing action, Messrs. Van Fleet, Gaskill, Hunt and Thompson voted in the affirmative and Mr. Nugent voted in the negative.

(2) Docket 949 - Seth Thomas Clock Company.

The Commission considered a memorandum of January 22nd from the Chief Counsel in regard to the taking of testimony in behalf of the respondent. The Chief Counsel reported that the taking of testimony on behalf of the respondent had been closed at New York City on January 12, 1925 and for that reason the direction of the Commission on January 19th is not necessary and need not be complied with.

The file was circulated January 28th. Notations by the several Commissioners were read and thereafter, it was ordered on motion of Mr. Thompson, seconded by Mr. Gaskill, that the Secretary be relieved.

February 16, 1925.

from carrying out the instructions of the Commission under date of January 19th for the reason that such action is not now necessary as is shown by the statement of facts in the Chief Counsel's memorandum of January 22, 1925.

The Commission recessed at 12 m., and reassembled at 2 p.m.

PRESENT:

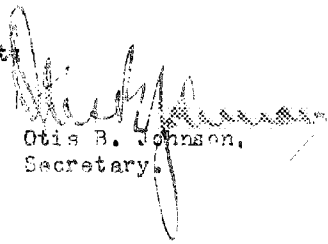
Vernon W. Van Fleet, Chairman,
Nelson B. Gaskill,
John F. Nugent,
Charles W. Hunt,
Eugene Thompson.

Pursuant to arrangement the Commission met to hear final argument in Docket 927 - Corn Products Refining Company. Attorney Cox was heard in support of the complaint. Attorney G. Carroll To was heard on behalf of the respondent. The hearing continued until the hour of 4:20 p.m., was concluded and the case taken under advisement.

Whereupon, at the hour of 4:20 p.m., the Commission adjourns to meet Wednesday, February 18, 1925, at 10 a.m.

Vernon W. Van Fleet,
Chairman.

Attest


Otis B. Johnson,
Secretary.

Tuesday - February 17, 1925 - No meeting held.

February 18, 1925.

MEETING OF THE FEDERAL TRADE COMMISSION

Wednesday - February 18, 1925 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
Nelson B. Gaskill,
John F. Nugent,
Charles W. Hunt,
Huston Thompson.

The minutes of the meeting of February 16, 1925, were read and approved.

The Chairman presented the following matters and action as indicated was taken by the Commission:

(1) Letter of January 16th was received from Mr. G. A. Kurz, referring to interview with Attorney Haas of the Commission's staff on January 20, 1925 and furnishing certain additional data in regard to the glove industry.

The letter was read and referred to the Chief Examiner for attention.

(2) Communication from the Department of State transmitting copy of report from the American Consulate General, Berlin, entitled "The New International Cartel of Incandescent Lamp Manufacturers".

The communication was read and referred to the Export Trade Division for information.

(3) Communication from the Department of State transmitting copy of report from the American Consulate General, Halifax, Nova Scotia, entitled, "Proposed Reduction in Cost of Lumbering".

The report was read and referred to the Export Trade Division for information.

(4) Letter of February 13th from Senator George W. Norris of Nebraska, transmitting for consideration of the Commission, telegraph of February 12, 1925, addressed to Senator Norris by H. E. Beaudree, Secretary, The Lahontan Valley Water Users' Association, Fallon, Nevada, in which telegram the hope was expressed that the investigation by the Federal Trade Commission in response to Senate Resolution 32 into the electric power situation would be extended to certain activities in which the Association is interested.

The correspondence was read and referred to the Chief Economist for consideration and for preparation of reply.

February 18, 1925.

(5) Letter of February 18th from the Postoffice Department (Office of the Chief Inspector) transmitting copy of a report concerning alleged use of the mails for fraudulent purposes by W. D. Alexander & Company, of Cary, Illinois. The letter stated that it appears to be difficult to show an intention to defraud and as the matter comes within the jurisdiction of the Commission, the papers are being referred for such action as may be deemed proper.

The correspondence was read and referred to the Chief Examiner for preparation of reply.

(6) Letter of February 18th from the Postoffice Department (Office of the Chief Inspector) concerning investigation of alleged use of the mails for fraudulent purposes by the Roller Oil & Refining Company of New York, N. Y., and Mexia, Texas. The letter referred to the citation of this Company by the Commission - Docket 963- and requested to be furnished the name and address of the agent of the Commission who made the investigation and also to be advised of the result of the hearing.

The letter was referred to the Chief Counsel for preparation of reply furnishing the information requested.

(7) Docket 1183 - Philip Carey Manufacturing Company, et al. Letter of February 12th was received from the Department of Justice (A. T. Seymour, Assistant to the Attorney General) stating that upon examination of the complaint and answer in the above case it was felt that all of the material facts should be carefully considered by the Department of Justice with a view to determining whether there has been a violation of the Sherman Law and to that end requested that a representative of the Department be allowed access to the Commission's records.

The letter was read and on motion of Mr. Gaskill, seconded by Mr. Van Fleet, the request of the Department of Justice was granted subject to the limitation imposed by the Commission's order of January 16, 1925 to the effect that all material voluntarily furnished by the Philip Carey Manufacturing Company would not be made available to agents of the Department without written consent of the Company.

As to the foregoing action, Messrs. Van Fleet, Gaskill, Hunt and Thompson voted in the affirmative and Mr. Nugent voted in the negative.

Mr. Nugent referred to his dissent to the Commission's action of January 16, 1925 as set forth in the minutes of that day and asked that his dissent be shown in the present case, upon the minutes and the correspondence and in all similar cases that may arise in the future. It was so ordered.

The Secretary was directed to prepare appropriate letter for the Chairman's signature.

February 18, 1925.

(8) Letter of February 13th from Congressman Will R. Wood of Indiana, requesting a copy of the Commission's report entitled, "Cooperation in Foreign Countries".

The letter was referred to the Secretary with instructions to forward a copy of the report as requested.

(9) Letter of February 11th from the National Association of Purchasing Agents, New York City, (W. L. Chandler, Secretary) referred to the Wadsworth-Williams Bill to amend the Federal Trade Commission Act and enclosing a copy of a letter addressed by the Association to the American Grocery Specialty Manufacturers' Association, giving notice that the Purchasing Agents' Association cannot support the bill and also requesting the Commission to advise of the measures, if any, which are being taken to guard against injurious restrictions on the work of the Commission.

The letter was read and referred to the Secretary for reply.

(10) Letter of February 4th from Mr. W. B. Spencer (Spencer Gidiere, Phelps & Dunbar), attorneys-at-law, New Orleans, Louisiana, acknowledging the Commission's letter of February 11th with respect to the exchange of non-exportable rosin for exportable rosin under the provisions of the Export Trade Act by the New Orleans Naval Stores Export Corporation.

Mr. Spencer's letter enclosed a copy of a letter dated February 11, 1925, addressed by him to his client New Orleans Naval Stores Export Corporation, advising his client with respect to the contents of the Commission's letter of February 11, 1925.

The correspondence was read and thereafter, Mr. Nugent called attention to the language in Paragraph Two of Mr. Spencer's letter of February 14, 1925, for his client, which reads as follows:

"The Commission, of course, proceeded upon the assumption that the facts stated in my letter to them are true and that your Company will acquire non-exportable rosins, which you will have to sell on the domestic market, only where compelled to do so by reason of the rules and practices of the Savannah and Jacksonville Naval Stores Exchanges and I am sure that the Managers and Directors of your Company will act in the strictest good faith in the premises."

Mr. Nugent suggested that this language was not in accord with the Commission's letter of February 11, 1925, wherein, the Commission stated that no objection would be offered in the particular transaction in question to the exchange in the domestic market of non-exportable for exportable rosin by this Association operating under the Export Trade Act.

Mr. Nugent stated that the language of Mr. Spencer's letter indicated that sale would be made in the domestic market of non-exportable rosin, which in his opinion was contrary to the Act.

February 18, 1925.

After discussion, on motion of Mr. Nugent, seconded by Mr. Van Fleet, it was directed that a letter be addressed to Mr. Spencer calling his attention to the language of the Commission's letter of February 11, 1925 and to the language in the second paragraph of his letter of February 14, 1925, to his client, with the statement that his letter is not in accordance with the Commission's letter which permits only the exchange and not the sale of non-exportable for exportable resin; and further that the Commission's action is limited to the particular transaction considered by it.

(11) Letter of February 13th from Congressman James O'Connor of Louisiana, transmitting a letter of February 10th from Mr. Frank B. Hayne, President of the New Orleans Cotton Exchange, with enclosure, referring to the Commission's report, dated January 20, 1925, to the Senate in reference to Cotton Merchandise Practices in response to Senate Resolution 252, June 7, 1924. The communication from the Cotton Exchange and the enclosure being a report by members of the Spot Cotton Trade of New Orleans protesting the Commission's method of treating the questions covered in the report, etc. The letter from the Congressman suggested that if the Commission felt that the Exchange was doing business in accordance with the most approved ethical ideas, that a letter of commendation in regard to their methods of doing business would prove desirable.

The correspondence was read and referred to the Chief Economist for examination and preparation of reply.

(12) Letter of February 16th from Messrs. Charles W. Appleton and Charles Neave, counsel for the General Electric Company, 120 Broadway, New York City and 5 Nassau St., New York City, respectively, advising the Commission as to the attitude of the General Electric Company in connection with the investigation of that Company, called for by Senate Resolution 329, adopted February 9, 1925. The letter stated that the Company would endeavor to facilitate the Commission's inquiry insofar as it related to alleged violation of the anti-trust laws and expressing the view that other features of the resolution relating to the affairs of stockholders and propaganda to influence public opinion are beyond the powers conferred by law upon the Commission. The letter transmitted copy of a communication dated February 11, 1925 addressed by the General Electric Company to its stockholders, wherein the position of the Company with reference to the investigation by the Commission was set forth.

The correspondence was read and referred to the Chief Economist for consideration and preparation of reply.

February 18, 1925.

(13) A reference dated February 16th from Senator Henry F. Ashurst of Arizona, transmitting for the Commission's consideration a letter of February 10th from Mr. M. E. Cassidy, attorney-at law, Phoenix, Arizona referring to the increase in the price of gasoline in Arizona and making inquiry as to whether the Federal Trade Commission could furnish data on the subject.

The correspondence was read and referred to the Secretary to prepare reply along the line of the recent replies made to Senators Harris and George of Georgia to the effect that the Commission is not making any investigation of the gasoline situation and has no current information on the subject; that its last report covering the price situation in the early part of 1924 was submitted to the President June 1924.

Mr. Gaskill presented the following listed applications for complaint and action as indicated was taken by the Commission:

(1) File 1-3431 - L. P. Smith vs. Utica Duxbak Corporation.
Mr. Gaskill submitted memorandum of February 18th reviewing the record, concurring in the recommendation of the Board of Review and recommending that the application be dismissed.

The memorandum was read and after discussion, on motion of Mr. Gaskill the application for complaint was dismissed by the Commission.

(2) File 1-3174 - R. H. Macy & Company, Inc. vs. Wahl Company.
Mr. Gaskill stated that this application came direct to the Commission from the Chief Examiner without reference to the Board of Review pursuant to the rule of December 3, 1924.

Mr. Gaskill submitted memorandum of February 18th reviewing the record, concurring in the recommendation of the Chief Examiner and recommending that the application be dismissed.

The memorandum was read and after consideration, on motion of Mr. Gaskill, the application for complaint was dismissed by the Commission.

(3) File 1-3368 - Associated Advertising Clubs of the World vs. Dyx Hosiery Company.

Mr. Gaskill submitted memorandum of February 18th reviewing the case and thereafter, upon motion of Mr. Gaskill, seconded by Mr. Nugent, it was ordered that complaint issue charging Dyx Hosiery Company with violation of the Federal Trade Commission Act.

It was further directed, on motion of Mr. Gaskill, that the complaint which came forward with the files be rejected and that the record be remitted to the Chief Counsel with instructions to prepare another complaint charging false and misleading advertising and misrepresentation in the sale of hosiery with reference to its composition, all pursuant to Mr. Gaskill's memorandum of February 18, 1925 and that such complaint upon its approval by the Chief Counsel

February 18, 1925.

served by the Secretary without reference back to the Commission. The application for complaint was dismissed as to the charge of misrepresentation in the allegations of selling from manufacturer to consumer.

Mr. Gaskill submitted galley proof of report of the Federal Trade Commission, entitled, "Wartime Profits & Costs of the Steel Industry" as prepared by the Economic Division in response to the Commission's action of August 1, 1917.

Mr. Gaskill referred to the Commission's action of December 17, 1924, directing the submission of the report in galley to the United States Steel Corporation for comment prior to publication and stated that pursuant thereto, the report had been remitted to the Steel Corporation and returned accompanied by a letter dated February 9, 1925 from Mr. W. J. Filbirt, Comptroller of the Corporation, commenting upon the report.

Mr. Gaskill called the Commission's attention to objections to the report as stated in Mr. Filbirt's letter as well as to certain complimentary statements by Mr. Filbirt. Mr. Gaskill informed the Commission that he had conferred with the Chief Economist upon the receipt of Mr. Filbirt's letter and that all Mr. Filbirt's objections had been met insofar as, it was possible for the Commission to meet them, or the difference had been fully explained. Mr. Gaskill stated that he recommended the report as now submitted by him in galley to the Commission for final adoption.

After discussion, on motion of Mr. Gaskill, seconded by Mr. Nugent, the report as submitted was approved and ordered forwarded to Congress and issued to the public with instructions to the Secretary to report concerning the printing of the report.

The Secretary referred to the rule of October 15, 1924, covering the submission of publicity statement and asked authority of the Commission to use the letter of submittal as the publicity statement covering this report. Such authority was granted by the Commission.

Mr. Thompson submitted the following matters and action as indicated was taken by the Commission:

(1) Letter of February 16th from Mr. Basil M. Manly, Direct People's Legislative Service, Fondall Building, Washington, D.C. The letter enclosed copy of a letter from Mr. C. J. LaFleur with reference to evidence against the Larowe Milling Company, respond in Docket 1262 - Larowe Milling Company, et al.

The letter was read and referred to the Chief Counsel for attention of the Trial Attorney-in-charge of the case.

February 18, 1925.

(2) Letter of February 14th from Senator E. D. Smith of South Carolina endorsing the application of Mr. Tom Sharpe for position the Commission as stenographer.

The letter was referred to Mr. Thompson with suggestion to say that except for positions requiring technical or professional training all positions in the Commission were under the Civil Service and unless Mr. Sharpe qualified through Civil Service the Commission would be unable to offer him employment, even if a vacancy existed.

(3) Letter of February 16th from Congressman J. H. Sinclair North Dakota, enclosing a letter from Mr. L. C. Wingate of Willist North Dakota, in regard to the proceedings in Docket 1262 - Larro Milling Company, et al.

The letter was referred to the Chief Counsel for attention of the Trial Attorney-in-charge of the case.

Mr. Thompson made a statement in regard to the delivered price system practiced in the Cement Industry and after discussion, offered the following motion:

Moved, that the Economic Division make an investigation of the present delivered price system in vogue in the Cement Industry and find out whether it is contrary to the anti-trust laws and whether it suppresses competition not only between individual competitors but also between markets.

The motion was seconded by Mr. Nugent.

After further discussion, it was ordered, that the Chief Economist make an office study of available literature and data of the Cement making system and report to the Commission whether it is a desirable subject matter for investigation and why; and as to what might be to result from such investigation by the Commission; and further report of the Chief Economist, prior to its submission to the Commission be referred to the Chief Counsel for examination and report upon the phases of the subject matter of the report.

The following matters of general business forwarded to the Commission by the heads of the several divisions were presented by Secretary and action as indicated was taken by the Commission:

(1) Form of publicity statement covering the report of the Federal Trade Commission on the Packers' Consent Decree as approved by the Commission on February 16, 1925. The statement was submitted to the Secretary for approval pursuant to the rule of October 15, 1924.

It was directed that the statement be circulated.

February 16, 1925.

(2) Memorandum of February 16th from the Chief Economist returning manuscript of the report of the Commission on Premium Prices of Anthracite prepared by the Economic Division in response to the Commission action of February 4, 1924. The memorandum states that with reference to the Commission's order of December 10, 1924 in regard to Mr. Caskill's objections to the report, that the report has been corrected to meet all of Mr. Caskill's criticisms. The memorandum bore an endorsement by Mr. Caskill, as follows:

"My criticisms have been met.

MB.G."

Mr. Caskill discussed his criticisms of the report and the changes made by the Chief Economist to meet such criticisms and called the Commission's attention to additional recommendation Number Four, covering cooperation in buying made to the report at the suggestion of Mr. Caskill.

After discussion, the report was referred to Mr. Van Fleet examination.

) Docket 1136 - Patent Cereals Company.

Memorandum of February 17th was received from the Chief Counsel transmitting request of counsel for the respondent for a postponement of the final argument in the case, which is now set for March 11th because the date conflicts with the discharge of his duties as District Attorney and recommending that the argument be postponed.

The request was granted by the Commission and the final argument of the case postponed from March 11th to Monday, March 3 1925, at 2p.m. with the direction that the Secretary notify interested parties thereof by registered mail.

(4) Memorandum of February 16th from Attorney Busick transmitting a letter to the Department of Justice respecting the qualifications of Mr. Joseph A. Burdeau for a position in the War Transactions Section of the Department of Justice in reply to a letter of January 22nd from Mr. Jerome Michael, Director of that Section.

The letter was read and referred to Mr. Thompson to be amended to include a statement of Mr. Thompson's views respecting Attorney Burdeau.

(5) Memorandum of February 16th from the Chief Economist reporting in response to the Commission's action of February 11th and transmitting draft of a letter to Mr. L. C. Marsh, Managing Director, Farmers' National Council, Washington, D. C., replying to Mr. Marsh's letter of February 9th addressed jointly to the Secretary of Agriculture and the Federal Trade Commission regarding an alleged pending alliance between the Vestey Meat Packing interests and the American meat packers.

The letter was read, approved and ordered forwarded. See f

February 18, 1925.

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(6) Letter to Mr. Hubert Work (Secretary of the Department the Interior), Chairman, of the Federal Oil Conservation Board, replying to the Board's letter of February 5th and furnishing information with respect to compiled data in the possession of the Commission which might be of service to the Board in its inquiry the general petroleum situation, which inquiry is being conducted the Board at the direction of the President.

The letter was read, amended, approved and ordered forwarded. See file

Thereupon, at the hour of 12:15 p.m., the Commission adjourned to meet, Friday, February 20, 1925, at 10 a.m.

Vernon W. Van Fleet,
Chairman.

Attest:

Otis B. Johnson
Otis B. Johnson,
Secretary.

Thursday - February 19, 1925 - No meeting held.

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MEETING OF THE FEDERAL TRADE COMMISSION

Friday - February 20, 1925 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
Nelson B. Gaskill,
John F. Nugent,
Charles W. Hunt,
Huston Thompson.

The minutes of the meeting of February 18, 1925, were read approved.

February 20, 1925.

Normal docket cases appearing on the weekly Conference Calendar for final determination were considered and action as indicated was taken by the Commission:

(1) Docket 745 - Austin, Nichols & Company.

This case comes before the Commission for final determination upon the following record: amended complaint; demurrer to the amended complaint; testimony; report upon the facts by Trial Examiner Cheat exceptions thereto by Attorney Biddle and additional exceptions by the present counsel. Attorney Jackson, both counsel for the Commission supplemental report by Trial Examiner McCorkle; exceptions thereto counsel for the respondent; brief by counsel for the Commission and counsel for the respondent. Counsel for the Commission did not file exceptions to the report of Trial Examiner McCorkle. Attorney George R. Jackson represents the Commission. Attorney George W. Smyth of the firm of Ehlerman & Smyth represents the respondent. Final argument was heard February 2, 1925.

After consideration, Mr. Gaskill offered the following motion which was seconded by Mr. Thompson:

"I move that an order to cease and desist issue and the adoption of the findings of facts suggested by Attorney Jackson as set forth in his brief, with the exception of items (b) and (c) of Paragraph Ten of those findings relating to the restraint of commerce and the creation of monopoly and that the order suggested by Attorney Jackson in his brief be adopted and issued."

As to the foregoing action, of the Commission, Messrs. Gaskill, Nugent and Thompson voted in the affirmative and Messrs. Van Fleet and Hunt voted in the negative. The motion carried and it was so ordered.

It was accordingly, ordered that the findings and order as adopted by the Commission be put in proper form and issued and served without further action by the Commission.

(2) Docket 913 - Films Distributors League, et al.

On October 17, 1924, the Commission directed that an order to cease and desist issue and that the Chief Counsel prepare and submit to the Commission for approval as to form, draft of findings as to the facts and order to cease and desist against the Films Distributors League, Inc.; M. Brown, doing business under the trade name of Capi Film Exchange; William Alexander and Herman Rifkin; and that a finding be made that there is no evidence to support an order against the other respondents.

Pursuant to the above action, the case is now before the Commission for consideration of findings and order submitted by the Chief Counsel. The following papers were placed in the hands of each Commissioner: memorandum of January 27th from the Chief Couns

February 20, 1925.

memorandum of January 23rd from Trial Attorney Brinson; findings to the facts and order to cease and desist submitted by the Chief Counsel and certified to in memorandum of January 27th; complaint. After consideration, Mr. Gaskill offered the following motion:

Moved, that the findings and order submitted by the Chief Counsel be returned with instructions to complete the findings of fact in order to show why no evidence was taken against respondents as to whom the complaint is to be dismissed; and why the Commission did not proceed against them so as to justify the issuance of an order of dismissal against those respondents, to-wit: Eastern Feature Film Company, Favorite Players Film Corporation, Lande Film Distributing Corporation (of Ohio), Lande Film Distributing Corporation (of Delaware), Supreme Photo Play Corporation, Favorite Film Company, Friedman Film Corporation, Alexander Film Corporation, Supreme Film Company, Quality Film Corporation, Leo G. Carno, doing business under the trade name and style Reliance Film Exchange and Maurice Fleckles.

The motion was seconded by Mr. Thompson and adopted by the Commission.

As to the foregoing motion, Messrs. Gaskill, Hunt and Thompson voted in the affirmative and Messrs. Van Fleet and Nugent voted in the negative.

Mr. Nugent stated for the record, as follows:

"I vote 'no' solely for the reason that I think the order in both instances should be separate and distinct documents and that the order of dismissal should set out in detail the reasons why the complaint is to be dismissed as to certain respondents."

It was further directed that the findings and order when prepared pursuant to the action above indicated be again submitted to the Commission for approval as to form.

In connection with this case, Chairman Van Fleet submitted the following memorandum which was read:

"In the matter of Film Distributors League, et al, - Doc the Commission notes that the order was voted on October 17, and referred on said date to the Chief Counsel's office for the preparation of findings and an order and that the same was referred to Attorney James M. Brinson for preparation and not submitted to the Chief Counsel's Office until January 23, 1925, thus being more than three months in preparation.

The Commission deems the time elapsed in this matter unnecessary and directs the Chief Counsel's Office to see to it that such matters shall not occur and if the attorney to whom such matters are referred is so engaged in other work that it can not be expeditiously handled to assign it to some other attorney."

February 20, 1925.

On motion of Mr. Van Fleet, seconded by Mr. Gaskill, the foregoing memorandum was adopted as Commission action with instructions to the Secretary to transmit a copy to the Chief Counsel and to Attorney Brinson.

It was further ordered, upon motion of Mr. Van Fleet, in the matter of file 1-3460 - F. T. C. vs. Certainseed Products Company that the memorandum of February 13, 1925, by Trial Attorney Brinson in explanation of reasons why the complaint in this case was held in his office from December 18, 1924 until January 9, 1925, which memorandum was submitted to the Commission on February 16, 1925, be referred to the Chief Counsel for his information.

(3) Docket 927 - Corn Products Refining Company.

Consideration of this case laid over until next Conference Day.

(4) Docket 937 - McCord Manufacturing Company.

This case comes before the Commission for final determination upon the following record: memorandum of February 9th from the Chief Counsel transmitting the case and recommending that the complaint be dismissed without prejudice; memorandum of February 5th from Trial Attorney J. T. Clark; complaint; answer. No testimony was taken nor briefs filed. Attorney J. T. Clark represents the Commission. Attorneys Warren, Cady, Hill & Hamblen represent the respondent.

After consideration, Mr. Van Fleet, offered the following motion:

Moved, that the complaint be dismissed.

In substitution for the foregoing motion, it was moved by Mr. Thompson, seconded by Mr. Nugent, that the complaint be dismissed without prejudice in accordance with the recommendation of the Chief Counsel.

Vote was taken upon the substitute motion. As to this motion Messrs. Nugent and Thompson voted in the affirmative and Messrs. Van Fleet, Gaskill and Hunt voted in the negative. The substitute motion was lost.

Mr. Gaskill, thereupon, seconded the original motion by Mr. Van Fleet, that the complaint be dismissed. The motion was adopted and the complaint was dismissed by the Commission.

The Chief Counsel was directed to prepare and the Secretary to serve Order of Dismissal.

(5) Docket 1105 - Park Brothers & Rogers Company, et al.

This case comes before the Commission for final determination upon the following record: complaint; answer; stipulation; brief by counsel for the Commission and counsel for the respondent, Park Brothers & Rogers Company; brief amicus curiae submitted by the National Jewelers' Board of Trade. No testimony was taken.

February 20, 1925.

On January 21, 1925 the National Jewelers' Board of Trade was granted permission to file brief *ex officio* to be filed in ten days; and counsel for the respondents were allowed ten days thereafter to reply thereto. Counsel for the respondents waived the filing of a reply brief. Final argument was heard January 21, 1925. Attorney Dowlan represents the Commission. Attorney Henry C. Hart of the firm of Green, Curran & Hart represents the respondent, Park Brothers & Rogers Company. Attorney Morris L. Ernst of the firm of Greenbaum Wolff & Ernst represents the National Jewelers' Board of Trade.

After consideration, Mr. Nugent offered the following motion which was seconded by Mr. Van Fleet and adopted by the Commission:

Moved, (1) that the complaint against Rosenberg & Gordan be dismissed for the reason the respondent is no longer engaged in business, having been dissolved, and that the order of dismissal so state; (2) that the stipulation entered into between respondent, Park Brothers & Rogers Company and the Chief Counsel for Commission be approved and the complaint be dismissed for the following reasons: - The record shows but one instance of misbranding; that prior thereto, respondent did not misbrand its products, has not done so since and has given its assurance that it does not intend to do so in the future; and (3) that the order of dismissal recite the foregoing facts and contain a condemnation of the practice complained of.

The Chief Counsel was directed to prepare and the Secretary serve order of dismissal.

(6) Docket 1113 - McKesson & Robbins, Inc., et al.

This case comes before the Commission for final determination upon the following record: complaint; answers; testimony; report upon the facts by Trial Examiner Baggarly; exceptions thereto by counsel for the Commission and counsel for respondents, McKesson & Robbins, Inc., and Schieffelin & Company; brief by counsel for the Commission and counsel for the respondents. Attorney Doyle represents the Commission. Attorney James W. Bevans represents the respondent McKesson & Robbins, Inc. and Attorneys VerPlanck, Prince & Burlingame represent respondent, Schieffelin & Company. Final argument was heard February 9, 1925.

After consideration, Mr. Thompson moved that the complaint be dismissed as to Schieffelin & Company and The Druggists Circular, and that an order to cease and desist be issued against McKesson & Robbins, Inc.

In substitution for the foregoing motion, it was moved by Mr. Gaskill, seconded by Mr. Nugent, that the complaint be dismissed as to all of the respondents.

Vote was taken upon the substitute motion. As to this motion Messrs. Van Fleet, Gaskill, Nugent and Hunt voted in the affirmative and Mr. Thompson voted in the negative. The substitute motion carried and it was so ordered.

February 20, 1925.

The Chief Counsel was directed to prepare and the Secretary to serve order of dismissal.

(7) File 1-3231 - Denmark vs. Danish Pride Milk Products Company, et al.

This file was presented to the Commission on January 26, 1925 by Mr. Gaskill with memorandum of January 23rd reviewing the record and reporting that respondent indicated a disposition to refrain from shipping its milk into foreign countries under the label "Danish Pride" and under these circumstances the Chief Examiner recommended that negotiations be opened with the respondent to see whether it will state definitely this intention. Mr. Gaskill suggested in his memorandum that the Commission send a letter to the proposed respondent, draft of which was presented, and further if the response to the letter is satisfactory, a copy of the communication be sent to the Department of State and the matter closed. It was directed that the file be circulated and placed on the Conference Calendar.

After consideration, of this matter, Mr. Gaskill read to the Commission, draft of a letter to the Danish Pride Milk Product Company, Sheboygan, Wisconsin, as prepared by Mr. Gaskill and submitted to the Commission with his memorandum of January 23, 1925. This letter made inquiry whether it would be agreeable to the Company to abandon the use of "Danish Pride Milk" labels in markets external to continental United States.

This letter was read and on motion of Mr. Nugent, was amended to apply to the continental United States rather than the United States and was thereafter approved by the Commission and ordered forwarded.

Chairman Van Fleet presented the following matters and action as indicated was taken by the Commission:

(1) Docket 1263 - National Leather & Shoe Finders' Association, et al.

Letter of February 17th was received from Mr. Robert W. Otto, Attorney General for the State of Missouri, Jefferson City, Missouri, stating that the Legal Department of the State of Missouri had done some investigation of this Association and asking whether it would be possible for the Commission to supply a copy of the evidence produced and if so the approximate cost.

The letter was read and referred to the Secretary for attention.

(2) Docket 1101 - Oneida Community, Ltd.

Letter of February 19th from Gilbert H. Montague, attorney-at-law, New York City, requesting three additional copies of the Commission brief.

The letter was read and referred to the Secretary with instructions to furnish copies of the brief as requested.

February 20, 1925.

(3) Letter of February 19th from Senator Morris Sheppard of Texas requesting to be advised as to the status of the report called for by Senate Resolution 317, adopted January 26, 1925, directing the Commission to report with respect to the activities of the Empire Cotton Growing Corporation. The Senator expressed the hope that the Commission would send the report forward at an early date.

At this time the Secretary presented a memorandum of February 19th from the Chief Economist transmitting draft of report on the Empire Cotton Growing Corporation in response to Senate Resolution 317.

The Commission directed that the report be circulated with expedition and that the Secretary be directed to advise Senator Sheppard that the report has been completed by the staff and is now receiving the attention of the Commission and will probably be submitted to the Senate in a very few days.

(4) Letter of February 19th from Senator William J. Harris of Georgia, enclosing a letter dated February 16th from Mr. R. G. Jackson of Alamo, Georgia complaining of prices of fertilizer. The letter from the Senator stated that there is great complaint among the farmers in Georgia about the high prices of fertilizer and ask the Commission to make an investigation as early as possible.

The letter was read and referred to the Chief Examiner for attention with instructions to the Secretary to advise Senator Harris that the Commission is not now conducting any fertilizer inquiry and is without current information respecting prices.

Mr. Thompson presented letter of February 18th from Congressman Frank Murphy of Ohio, transmitting a petition endorsing the complaint filed by the Ohio Bakers' Association against the Ward Baking Company, Continental Baking Company and the General Baking Company, all of New York, alleging that these corporations are maintaining a price level lower in the State of Ohio than in other states. Congressman Murphy expressed the opinion that the matter should be investigated.

The correspondence was read and referred to the Chief Examiner with the petition filed by the Ohio Bakers' Association.

The following matters of general business forwarded to the Commission by the heads of the several divisions were presented by the Secretary and action as indicated was taken by the Commission:

(1) Docket 1262 - Larowe Milling Company, et al.

Memorandum of February 19th was received from the Chief Counsel transmitting application of the Great Western Sugar Company, one of the respondents, for an extension of time for filing answer until April 1, 1925.

February 20, 1925.

The Commission also received from the Chief Counsel a wire of February 19th from Attorneys Devine, Preston & Storer, Pueblo, Colorado, requesting that respondents American Beet Sugar Company, Northern Sugar Corporation and Minnesota Sugar Company be granted an extension of time for filing answer until April 14, 1925.

The Secretary reported that the Larrowe Milling Company, respondent herein, had been granted an extension until April 14, 1925, for filing answer.

The Commission thereupon, granted all of the respondents, an extension of time until April 14th for filing answer, if such extension was necessary.

The Chief Counsel was directed to prepare and the Secretary to serve appropriate order.

(2) Docket 934 - Pacific States Paper Trade Association, et al.
Memorandum of February 18th was received from Attorney Busick transmitting a copy of the decision by the United States Circuit Court of Appeals for the Ninth Circuit setting aside certain paragraphs of the Commission's order to cease and desist and sustaining other paragraphs. Mr. Busick reviewed the decisions and recommended that petition for a writ of certiorari from the Supreme Court to review the decision of the Ninth Circuit be filed; and that if the Commission authorizes such petition, that Attorney Busick communicate with counsel for the respondents as to whether they desire to join in the application.

The memorandum was read and after discussion, was approved and Attorney Busick was authorized and directed to apply for certiorari and was also authorized to negotiate with counsel for the respondent to join in the petition for the writ.

(3) Docket 1110 - James S. Kirk & Company.

Memorandum of February 17th was received from the Chief Counsel reporting in response to the Commission's action of January 26th with respect to brief filed by counsel for the respondent moving the Commission to dismiss its complaint and dispose of the subject matter of the complaint as a trade practice submittal. The Chief Counsel transmitted a memorandum of February 7th by Trial Attorney Wallace reviewing the matter and stated that it would seem that the trade and the public, including the respondent as well as the applicant, are entitled to the proper determination of the case upon the true facts and recommended that the case proceed to trial and come on for determination upon the findings as to the facts.

It was directed that the matter be circulated.

(4) Letter prepared by the Chief Economist to the Bureau of Home Economics, Department of Agriculture, returning manuscript of an article, entitled, "Selection of Cotton Fabrics" prepared by that Bureau and submitted to the Commission for comment with letter of February 5, 1925.

The letter was read, approved and ordered forwarded. See fi

February 20, 1925.

(5) Memorandum of February 15th from the Chief Examiner reporting the status of docketed applications for complaint which have been pending before the Legal Investigating Division for more than six months.

The report was received and placed in the Calendars.

(6) Letter of February 2nd from Messrs. Abraham S. Straus, 1 Brooklyn, N. Y., referring to the Commission's statement regarding "Engraved Effects" and "Embossed Effects" and making inquiry with respect to the use of the words "Imitation Engraving". The Commission also received draft of reply prepared by the Chief Examiner stating that the use of a term for a product when prefixed by the word "Imitation" and applied to a substitute for the product in question has never been condemned by the Commission and does not believe, therefore, that the term "Imitation Engraving" is misleading when applied to a product resembling real engraving or embossing.

The letter was read, approved and ordered forwarded. See file

(7) Memorandum of February 13th from the Chief Examiner in response to the Commission's action of November 5, 1924, an examination of material collected by the Economic Division relative to alleged unfair practices in the aluminum utensil industry. The Chief Examiner submitted a report by Attorney Digges of the investigation made and concluded with the following statement:

"All in all it is not believed that the results at hand would hardly warrant the docketing of an application, especially since the Attorney General has advised under date of January 30, 1925 that his Department is to bring the investigation of the matters mentioned in the House Furnishings report down to date. The complaints as to the Aluminum Goods Company selling its cheaper line below cost, however, should be called to the attention of the Attorney General since this phase of the matter was not mentioned in the House Furnishings report. It is, accordingly, recommended that this be done and that no application be docketed at this time."

The Chief Examiner's memorandum stated that this matter had connection with file 1-2800 - Charles B. Bond Foundry Company vs. Aluminum Company of America, now pending before the Commission.

The memorandum was read and after consideration, on motion of Mr. Nugent, seconded by Mr. Gaskill, the recommendation of the Chief Examiner was approved and it was so ordered.

(8) Memorandum of February 16th from the Chief Economist transmitting draft of a letter to Congressman Sidney Anderson in response to the Congressman's letter of February 10th in regard to the inquiry being conducted by the Commission in response to Senate Resolution

February 20, 1925.

adopted February 16, 1924 (Senator Robert M. LaFollette) of the bread and flour industries. The Commission's letter stated that Mr. Anderson's offer of cooperation as President of the Millers' National Federation in this inquiry is appreciated.

The letter was read, approved and ordered forwarded.
See file

(9) File 1-3204 - Poster Advertising Company, Inc. vs.
National Outdoor Advertising Bureau, Inc

The Secretary presented the file and reported its status and referred to the Commission's action of November 7th and November 19, 1924, at which time the Commission authorized the Secretary to arrange a date for an informal conference between the Commission and the respondent, Thomas Cusack Company, as requested by its attorney, John Walsh, in letter of October 15, 1924. The Secretary reported that the date of the conference had been set and postponed at the request of Attorney Walsh because of the illness of the President of the respondent Company and that the Commission had received no reply from its letter to Mr. Walsh under date of November 21, 1924, suggesting that Mr. Walsh communicate with the Commission at the time respondent's President is able to attend a conference.

After discussion, on motion of Mr. Gaskill, the Secretary was directed to communicate with the original applicant in the case and inquire whether in view of the recent consolidation in the outdoor advertising field, the applicant was presently interested in the proceeding by the Commission upon its application for complaint.

(10) Memorandum of February 20th from the Chief Economist transmitting manuscript draft of preliminary report on the bread inquiry made pursuant to Senate Resolution 163, adopted February 1, 1924, (Senator Robert M. LaFollette). Five copies of the report were submitted.

It was directed that a copy be delivered to each Commissioner for consideration and report back to the Commission.

(11) Docket 1233 - Permutit Company.

The following order submitted by the Chief Counsel was approved and entered, designating Clarence T. Sadler, an Examiner of the Commission to receive testimony, etc., in place of Web Woodfill, heretofore designated for that purpose.

(12) Docket 1237 - California Grape Growers' Exchange.

The following order submitted by the Chief Counsel was approved and entered, designating Clarence T. Sadler, an Examiner of the Commission, to receive testimony, etc., in place of Web Woodfill, heretofore designated for that purpose.

February 20, 1925.

(13) Docket 1145 - Northwestern Traffic & Service Bureau, et al.
The following order submitted by the Chief Counsel was approved and entered, designating John W. Addison, an Examiner of the Commission to receive testimony, etc., in place of John W. Bennett, heretofore designated for that purpose.

(14) Docket 1239 - J. W. Murphy.
The following orders submitted by the Chief Counsel were approved and entered: (1) that Edward M. Averill, an Examiner of the Commission be designated to receive testimony, etc., and (2) that the hearing of the complaint begin at Burlington, Iowa, February 26, 1925, at 10 a.m.

(15) Docket 1236 - Hagen Import Company of Pennsylvania.
The following orders submitted by the Chief Counsel were approved and entered: (1) that Web Woodfill, an Examiner of the Commission, designated to receive testimony, etc., and (2) that the hearing of complaint begin at New York City on March 19, 1925, at 10 a.m.

(16) Docket 1151 - Great Eastern Wholesale Furniture Company.
The following orders submitted by the Chief Counsel were approved and entered: (1) that W. W. Sheppard, an Examiner of the Commission be designated to receive testimony, etc., and (2) that the hearing of complaint begin at Philadelphia, Pennsylvania, March 7, 1925, at 10 a.m.

(17) Docket 1143 - P. & Q. Furniture Store.
The following orders submitted by the Chief Counsel were approved and entered: (1) W. W. Sheppard, an Examiner of the Commission be designated to receive testimony, etc., and (2) that the hearing of the complaint begin at Philadelphia, Pennsylvania, March 6, 1925, at 10 a.m.

On motion of Mr. Thompson, seconded by Mr. Hunt, the Chief Counsel was directed to report to the Commission promptly, all cases in his possession, except Suspense Calendar cases, which have not moved in last six months.

Thereupon, at the hour of 12:15 p.m., the Commission adjourned to meet Wednesday, February 25, 1925, at 10 a.m.

Vernon W. Van Fleet,
Chairman.

Attest:

John W. Addison
John W. Addison,
Secretary.

February 25, 1925.

Saturday - February 21, 1925 - No meeting held.

Sunday - February 22, 1925 - No meeting held.

Monday - February 23, 1925 - No meeting held.

Tuesday - February 24, 1925 - No meeting held.

MEETING OF THE FEDERAL TRADE COMMISSION

Wednesday - February 25, 1925 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Nugent,
Charles W. Hunt,
Huston Thompson,
William E. Humphrey.

Mr. William E. Humphrey of Washington, having been nominated by the President and confirmed by the Senate, took the oath of office and entered upon duty as a member of the Federal Trade Commission for the term expiring September 25, 1931.

The minutes of the meeting of February 23, 1925, were read and approved.

Chairman Van Fleet presented the following matters and action as indicated was taken by the Commission:

(1) Letter of February 19th from the Bureau of the Budget, relating to the relief of Messrs. Duganne and Ross, Disbursing Clerks of the Federal Trade Commission, as follows:

February 25, 1925.

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"February 19, 1925.

Honorable Vernon W. Van Fleet,
Chairman, Federal Trade Commission,
Washington, D. C.

My dear Mr. Chairman:

I have your letter of February 16, which is in further reference to a letter from this Bureau of February 9, 1925, concerning certain legislation which you propose for the relief of Mr. Duganne and Mr. Ross, disbursing clerks of the Federal Trade Commission.

Cases of this nature fall within the provisions of Circular No. 49, Bureau of the Budget, 1921 and conformably with this circular you were advised in the letter of February 9, 1925, that the proposed legislative relief in these two cases would not be in conflict with the financial program of the President.

There is no objection to your recommending to Congress the enactment of legislation which will afford relief to these two disbursing officers. Should you desire to take this action you may state in your recommendation to Congress that this matter has been presented to the Director of the Bureau of the Budget, who advises that the proposed relief legislation is not in conflict with the financial program of the President.

Very truly yours,

(signed) H. M. Lord,
Director."

The letter was received and referred to the Secretary for attention.

(2) Reference slip dated February 20th from Senator William J. Harris of Georgia, transmitting letter of February 18th from Mr. C. C. Belcher of Whigham, Georgia, complaining of prices of fertilizer.

The letter was referred to the Chief Examiner for attention.

(3) Letter of February 19th from Congressman Martin L. Davey of Ohio, transmitting petition signed by a number of small bakers in Mr. Davey's Congressional district with reference to a complaint alleging unfair competition filed by the Ohio Bakers' Association against the Ward Baking Company, et al. The Congressman requested the Commission to give the matter immediate attention.

The correspondence was read and after consideration, on motion of Mr. Van Fleet, seconded by Mr. Hunt, the letter was referred to the Chief Examiner with direction to expedite consideration of the complaint referred to and report to the Commission.

February 25, 1925.

The Secretary was directed in the meantime to reply to the Congressman's letter and say that the matter was receiving attention.

(4) Docket 1118 - Missouri State Retail Coal Merchants' Association, et al.

Letter of February 24th from the Department of Justice, (A. T. Seymour, Assistant to the Attorney General) requesting that the Commission advise whether its investigation of the Missouri State Retail Coal Merchants' Association resulted in the issuing of a complaint and if so what the present status of the matter is and also that copies of the pleadings of the Commission be furnished the Department.

The letter was referred to the Secretary for attention.

(5) Letter of February 20th from Congressman Herbert J. Drane, transmitting copy of a telegram, dated February 18, 1925 from the Governor of Florida relative to prices of gasoline in that State.

The letter was read and on motion of Mr. Van Fleet was referred to the Secretary for preparation of reply along the line of replies made to previous complaints recently made regarding high prices of gasoline coming to the Commission from the Southern States and also to transmit a copy of the correspondence to the Department of Justice for its information.

Mr. Thompson presented the following matters and action as indicated was taken by the Commission:

(1) Report by the Secretary of applications for complaint on the Suspense Calendar as of February 1, 1925.

Mr. Thompson called attention to the large number of cases involving commercial bribery on the Suspense Calendar and to the order recently issued by the Commission in Docket 1208 - Reliance Varnish Company, et al, a commercial bribery case, wherein the respondents would not contest the order and suggested that the cases on Suspense involving commercial bribery be considered for final determination.

Mr. Thompson also referred to the cases on Suspense involving Section 7 of the Clayton Act and suggested that they be considered with other Section 7 cases before the Commission for early action in view of the recent decision of the United States Circuit Court of Appeals for the Seventh Circuit in the case of Swift & Company vs. Federal Trade Commission, handed down February 16, 1925, wherein the Court suggested to the Commission that delay in instituting proceedings of the character under review, frequently works an unnecessary hardship to the aggrieved party.

February 25, 1925.

After discussion, it was agreed that the Suspense Calendar applications for complaint be considered as a Special Order of business after the regular order on Friday, March 6, 1925.

(2) Letter from Mr. Robert D. Carey, Chairman, "The President's Agricultural Conference", Washington, D. C., dated February 21, 1925, enclosing a letter from Mr. J. L. Montgomery, District Representative of the Mountain States Beet Growers' Marketing Association of Long Colorado, relating to the Commission's investigation as to the cost of producing sugar beets. Mr. Carey requested to be advised as to the status of the investigation.

The letter was referred to the Secretary for attention.

(3) Letter of February 23rd from Senator F. M. Simmons, of North Carolina, endorsing the application of Mr. Roland V. Wolfe for a position with the Commission.

The letter was referred to the Secretary for attention.

(4) File 1-3432 - J. F. Otis Mahogany Company, Inc. vs. Thomas E. Powe Lumber Company.

Memorandum of February 24th was received from the Chief Examiner transmitting letter of February 20th from the Mahogany Association, New York City, (F. C. Schmitz, General Manager) petitioning the Commission on behalf of the Association for a complaint against The E. Powe Lumber Company, St. Louis, Missouri. The Chief Examiner reported that the subject matter of the petition had been investigated under the above file number and that on December 22, 1924, the Commission ordered complaint to issue.

The correspondence was read and on motion of Mr. Thompson, the papers were referred to the Chief Counsel to report whether or not the outstanding complaint in Docket 1281 - Thomas E. Powe Lumber Company covered the questions presented in the petition.

Mr. Humphrey informed the Commission that he had selected Mrs. Mildred D. Anderson, as his private secretary. The Commission thereupon, upon motion of Mr. Humphrey, seconded by Mr. Van Fleet, authorized and directed the appointment of Mrs. Anderson as clerk, with designation of Secretary to Commissioner and assigned Mrs. Anderson to G. A. F. Grade V under the Classification Act of 1923 at the initial salary of such grade - \$1860. with the further direction that Mrs. Anderson be immediately promoted to a salary of \$2100. per annum, the salary now paid other private secretaries to Commissioners.

The Chairman assigned the supervision of the Chief Counsel's Office to Mr. Humphrey.

February 25, 1925.

The following matters of general business forwarded to the Commission by the heads of the several divisions were presented by the Secretary and action as indicated was taken by the Commission.

(1) The Secretary referred (1) to a letter of February 10th from the Department of Justice requesting that an agent of the Department be permitted to examine material in the possession of the Commission in regard to the Aluminum Company of America for the purpose of determining whether that Company has violated a decree entered in 1912 by the District Court for the Western District of Pennsylvania; and (2) to the Commission's letter of February 19th to the Attorney General granting access to its files, subject to the limitation pursuant to the rule adopted by the Commission that material furnished voluntarily by the Aluminum Company of America will be made available to the Department of Justice only upon consent in writing from the Company. The Secretary stated that Mr. Joseph S. Dunn, an Agent of the Department of Justice, was now examining the material in the office of the Commission and asked instructions whether the rule limiting the examination of material applied also to the Aluminum Cooking Utensil Company and to the Aluminum Goods Manufacturing Company as well as the Aluminum Company of America. It appeared that the Aluminum Cooking Utensil Company was owned 100% by the Aluminum Company of America and that the Aluminum Goods Manufacturing Company was owned to the extent of 31% by the same Company.

After discussion, Mr. Van Fleet offered the following motion which was seconded by Mr. Hunt:

Moved, that the Secretary be instructed to allow agents of the Department of Justice to inspect all the evidence in the possession of the Commission relating to the Aluminum Goods Manufacturing Company.

The foregoing motion was adopted by the Commission. It was so ordered.

Mr. Nugent then offered the following motion:

Moved, that the representative of the Department of Justice be given access to the files which were turned over to the Commission by officers of the Aluminum Cooking Utensil Company.

The motion was seconded by Mr. Thompson.

As to the foregoing motion, Messrs. Nugent and Thompson voted in the affirmative and Messrs. Van Fleet, Hunt and Humphrey voted in the negative. The motion was lost.

Messrs. Nugent and Thompson asked and it was ordered that the dissent show upon the minutes and any correspondence about the matter.

February 25, 1925.

Mr. Nugent then moved that access to all the files in the possession of the Commission regarding the Aluminum Company of America, except such files as were delivered to the Commission with the understanding that they would be treated as confidential be also made available to agents of the Department of Justice. The motion was seconded by Mr. Thompson.

As to the foregoing motion, Messrs. Nugent and Thompson voted in the affirmative and Messrs. Van Fleet, Hunt and Humphrey voted in the negative. The motion was lost.

Messrs. Nugent and Thompson asked and it was ordered that their dissent show upon the minutes and any correspondence about the matter.

Mr. Van Fleet stated for the record that his reasons for voting against the motions by Mr. Nugent were the reasons given by the Commission for the adoption of the rule under discussion, which reasons are set forth in the Commission's letter of February 19, 1925, reading as follows:

"February 19, 1925.

My dear Mr. Attorney General:

I am writing in reply to the letter of Mr. A. T. Seymour of February 10th in which he advised that Special Agent Joseph E. Dunn has been assigned by the Department to bring down to date the report of the Federal Trade Commission upon its investigation of the Aluminum Company of America, which report was transmitted to the Department with the Commission's letter of October 20, 1924.

The Department requested, pursuant to the Commission's offer in its letter of October 20th, that Mr. Dunn be given the privilege of inspecting and copying the evidence referred to in the Commission's report and also evidence collected as complaints made since the filing of the report showing the course of conduct pursued by the Aluminum Company of America. The Commission will be glad to furnish the information requested and will afford Mr. Dunn every facility in his examination of the files, except that the information and evidence, which was furnished voluntarily to the Commission by the Aluminum Company of America including information and evidence from its files will be made available only upon the consent in writing from the Aluminum Company of America that the material voluntarily furnished by them be made available to the Department.

This limitation upon the examination of the material is made for the same reason and in accord with the position taken by the Commission in a similar case, as set forth in its letter of January 27th, 1925, to the Attorney General in the matter of the Chicago Retail Lumber Dealers' Association, et al. I quote from that letter as follows:

February 25, 1925.

'Information voluntarily furnished from persons under investigation by the Commission is received for the purpose of proceedings under the Commission's special jurisdiction. This must be fairly understood by the person furnishing the information, and, therefore, it would seem that the Commission would be exceeding its strict rights in giving the use of such information for other purposes without the express consent of the persons concerned.'

The Commission is confronted with the recent decisions denying it access to the files of corporations and if these decisions stand, it will be to a great extent dependent on the good will of the parties against whom the proceedings are being prosecuted. If it shall be generally understood that any information furnished the Commission by a party may be turned over to another department of the Government for use, the Commission fears that it may result in refusal in all cases.

Commissioner John F. Nugent dissented from this ruling of the Commission for the reason he is of the opinion your representatives should be given access to all files except those, if any, that were delivered to the Commission with the understanding that they were to be treated as confidential.'

I also take this opportunity to make reply to a letter dated February 16th and signed by Mr. A. T. Seymour, requesting that a messenger of the Department be given the files of the Department of Justice relating to the Aluminum Company of America which were sent to the Commission in order that the Department may proceed with its investigation into the question of whether the Aluminum Company of America has violated the decree entered against it in 1912.

The Commission has also the verbal request of your Mr. John L. Lott to examine the material, which request the Commission is pleased to grant. Mr. Lott has been notified to this effect by telephone today.

By direction of the Commission,

Cordially yours,

(signed) Vernon W. Van Fleet,
Chairman.

Hon. Harlan F. Stone,
The Attorney General,
Washington, D. C."

February 25, 1925.

(2) The Secretary asked instructions as to the assignment to be given Miss Anna R. Monahan, late Secretary to Mr. Gaskill and stated that Miss Monahan prior to her service as Private Secretary had been employed by the Commission under Civil Service status in the Economic and Administrative Divisions.

On motion of Mr. Thompson, the Secretary was directed to report in regard to an assignment for Miss Monahan.

(3) Docket 745 - Austin, Nichols & Company, Inc.

Memorandum of February 24th was received from the Chief Counsel referring to the Commission's action of February 20, 1925 transmitting draft of findings and order embodying the findings and order suggested by Attorney Jackson in his brief and calling attention to corrections and other changes therein and stating: "in view of these changes suggest that you" (the Secretary) "submit the matter to the Commission."

Mr. Van Fleet, thereupon, discussed Attorney Jackson's findings. Thereafter, Mr. Van Fleet offered the following motion, which was seconded by Mr. Hunt:

"I move that the findings of fact and the order submitted by the Chief Counsel be referred back to the Chief Counsel to function and draft findings of facts to be submitted to the Commission in accordance with what he deems the evidence to be in the case and that this be done in accordance with the rule heretofore adopted by the Commission, that is to say, that the findings of fact shall conform to the rules adopted; and that the previous order of the Commission be modified to that extent."

Mr. Nugent referred to the portion of Mr. Van Fleet's motion which reads: "and that the previous order of the Commission be modified to that extent" and stated that he objected to that language going into the motion for the reason that the case had been finally passed upon by the Commission.

Mr. Thompson stated that he was opposed to bringing the case to the Commission at this time because a majority had acted upon it and that the only way it could be brought back was upon motion for reconsideration by some Commissioner who voted to issue the order.

As to the foregoing motion, Mr. Humphrey stated that it appeared the motion would result in a tie vote if voted upon and suggested the matter go over for a week to permit him to familiarize himself with the record. This was agreed to and it was so ordered.

The Commission recessed at 12:30 p. m. and reassembled at 2

February 25, 1925.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Nugent,
Charles W. Hunt,
Huston Thompson,
William E. Humphrey.

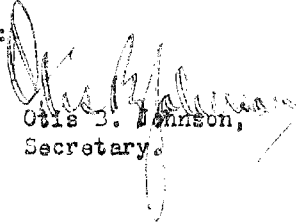
Pursuant to arrangement the Commission met to hear final argument in Docket 1052 - Johnson Process Glue Company. Attorney Hornibrook appeared on behalf of the Commission. There was no appearance on behalf of the respondent. Attorney Hornibrook informed the Commission that the respondent had been notified by registered mail of the time and place of hearing.

Attorney Hornibrook was heard in support of the complaint. The hearing continued until the hour of 2:20 p.m., was concluded and the case taken under advisement.

Thereupon, at the hour of 2:20 p.m., the Commission adjourned to meet Friday, February 27, 1925, at 10 a.m.

Vernon W. Van Fleet,
Chairman.

Attest:


Otis D. Johnson,
Secretary.

Thursday - February 26, 1925 - No meeting held.

February 27, 1925.

MEETING OF THE FEDERAL TRADE COMMISSION

Friday - February 27, 1925 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Nugent,
Charles W. Hunt,
Huston Thompson,
William E. Humphrey.

The minutes of the meeting of February 25, 1925 were read and after correction were approved.

After reading of the minutes, Mr. Thompson referred to the set forth in the Commission's letter of February 19, 1925, to the Attorney General with respect to granting the Department of Justice access to the files in support of the Commission's report on the House Furnishings Industry, Volume III, entitled, "Kitchen Utensils and Domestic Appliances", for the purpose of determining whether or not the Aluminum Company of America had violated a decree of the United States District Court for the Western District of Pennsylvania entered in 1921. Mr. Thompson discussed the rule as applied to a report made by the Commission in response to a Congressional Resolution under Section 5 of the Federal Trade Commission Act and made public by the Commission distinguished from a proceeding under Section 5.

After discussion, Mr. Thompson, offered the following motion which was seconded by Mr. Nugent:

Moved, that the record including all data and evidence acquired by the Commission in its investigation pursuant to Senate Resolution 127, 67th Congress, adopted January 4, 1925 (Senator Kenyon) with respect to aluminum shall be furnished to the Department of Justice in response to its request for the evidence, files and documents in support of the report and I wish to state that my reason for this motion is that this information was collected under a resolution of Congress to which the Commission has made report and in which report is contained a part but not all of the evidence requested by the Department of Justice in its letter of February 10, 1925, which reads as follows:

February 27, 1925.

Department of Justice

"February 10, 1925.

"Dear Mr. Van Fleet:

Referring to your letter of October 20th, last, with which you transmitted a copy of the Report of your Commission upon its investigation into the alleged violation of the decree entered in 1912 by the District Court for the Western District of Pennsylvania, against the Aluminum Company of America, and in which you state that the evidence bearing upon that question, on file with your Commission, will be available for inspection by the proper officers of this Department:

Special Agent Joseph E. Dunn has been assigned to bring down to date the investigation of whether or not the decree above referred to has been violated and especially whether it is now being violated by the Aluminum Company of America.

I respectfully request that he be given the privilege of inspecting and making copies of the evidence upon the subject referred to in your Report, as well as all evidence collected and complaints made since the filing of your Report, in the possession of your Commission, showing the course of conduct pursued by the Aluminum Company of America towards the competitors of its owned or controlled companies engaged in the manufacture of aluminum cooking utensils; and also its conduct towards competitors and other engaged in the manufacture of cast aluminum products.

Mr. Dunn will present this letter as his authority to make the examination for the Department in this matter.

Yours very truly,

(signed) A. T. Seymour,
Assistant to the Attorney
General.

Hon. Vernon W. Van Fleet,
Chairman, Federal Trade Commission,
Washington, D. C."

As to the foregoing motion, Messrs. Nugent and Thompson voted in the affirmative and Messrs. Van Fleet, Hunt and Humphrey voted in the negative. The motion was lost.

February 27, 1925.

Messrs. Nugent and Thompson asked and it was ordered that the dissent show upon the minutes and any correspondence with respect to the matter.

Mr. Van Fleet stated for the record as follows:

"Let the record show that I voted 'no' for the reasons stated to the Department of Justice by the Commission in its letter to the Attorney General, dated February 19, 1925", which letter is as follows:

"February 19, 1925.

"My dear Mr. Attorney General:

I am writing in reply to the letter of Mr. A. T. Seymour of February 10th in which he advised that Special Agent Joseph E. Dunn has been assigned by the Department to being down to date the report of the Federal Trade Commission upon its investigation of the Aluminum Company of America, which report was transmitted to the Department with the Commission's letter of October 20th, 1924.

The Department requested pursuant to the Commission's offer in its letter of October 20th, that Mr. Dunn be given the privilege of inspecting and copying the evidence referred to in the Commission's report and also evidence collected and complaints made since the filing of the report showing the course of conduct pursued by the Aluminum Company of America. The Commission will be glad to furnish the information requested, and will afford Mr. Dunn every facility in his examination of the files, except that the information and evidence, which was furnished voluntarily to the Commission by the Aluminum Company of America including information and evidence from its files, will be made available only upon the consent in writing from the Aluminum Company of America that the material voluntarily furnished by them be made available to the Department.

This limitation upon the examination of the material is made for the same reason and in accord with the position taken by the Commission in a similar case, as set forth in its letter of January 27th, 1925, to the Attorney General in the matter of the Chicago Retail Lumber Dealers Association, et al. I quote from that letter as follows:

"Information voluntarily furnished from persons under investigation by the Commission is received for the purpose of proceedings under the Commission's special jurisdiction. This must be

February 27, 1925.

fairly understood by the person furnishing the information, and, therefore, it would seem that the Commission would be exceeding its strict rights in giving the use of such information for other purposes without the express consent of the persons concerned.

The Commission is confronted with the recent decisions denying it access to the files of corporations and if these decisions stand, it will be to a great extent dependent on the good will of the parties against whom the proceedings are being prosecuted. If it shall be generally understood that any information furnished the Commission by a party may be turned over to another department of the Government for use, the Commission fears that it may result in refusal in all cases.

Commissioner John F. Nugent dissented from this ruling of the Commission for the reason he is of the opinion your representative should be given access to all files except those, if any, that were delivered to the Commission with the understanding that they were to be treated as confidential.'

I also take this opportunity to make reply to a letter dated February 16th and signed by Mr. A. T. Seymour, requesting that a messenger of the Department be given the files of the Department of Justice relating to the Aluminum Company of America which were sent to the Commission in order that the Department may proceed with its investigation into the question of whether the Aluminum Company of America has violated the decree entered against it in 1912.

The Commission has also the verbal request of your Mr. John L. Lott to examine the material, which request the Commission is pleased to grant. Mr. Lott has been notified to this effect by telephone today.

By direction of the Commission.

Cordially yours,

(signed) Vernon W. Van Fleet,
Chairman.

Hon. Harlan F. Stone,
The Attorney General,
Washington, D. C."

February 27, 1925.

At the suggestion of Mr. Thompson, the Commission considered as a Special Order of business the report on the development, methods and activities of the Empire Cotton Growing Corporation, a British firm, as prepared by the Economic Division in response to Senate Resolution 317, (Senator Morris Sheppard) adopted January 27, 1925, which report was submitted by the Chief Economist with memorandum of February 19th and circulated among the Commissioners on February 26.

After discussion, on motion of Mr. Nugent, seconded by Mr. Van Fleet, the report was approved by the Commission as submitted without change and was ordered forwarded to the Senate and made public.

The Secretary asked authority under the rule of October 15, 1914, to reproduce a portion of the report as a publicity statement. It was so ordered.

Formal docket cases appearing on the weekly Conference Calendar for final determination were considered and action as indicated was taken by the Commission:

(1) Docket 927 - Corn Products Refining Company.
Laid over for consideration on next Conference Day.

(2) Docket 1052 - Johnson Process Glue Company.

This case comes before the Commission for final determination upon the following record: complaint; answer; testimony; report upon the facts by Trial Examiner Dinnen; brief by counsel for the Commission. No exceptions were filed to the report of the Trial Examiner. No brief was filed by counsel for the respondent. Final argument was heard February 25, 1925. Attorney Hornibrook represents the Commission. Attorney Emil Klein represents the respondent.

Upon motion of Mr. Van Fleet, seconded by Mr. Thompson, it was directed that an order to cease and desist issue and that the record be referred to the Chief Counsel for preparation of findings as to facts and order to cease and desist, the same to be submitted to the Commission for approval as to form.

Mr. Humphrey took no part in the consideration or decision of the case.

(3) Docket 1081 - International Ice Cream Company.

This case laid over for consideration on next Conference Day.

(4) Docket 1096 - Waterproof Paint & Varnish Company.

On January 9, 1925, this case was before the Commission for final determination. The Commission returned the findings and order as submitted by the Chief Counsel and directed that such findings and order be redrawn to conform as far as possible to the findings and order in Docket 748 - McCloskey Varnish Company.

Pursuant to the above action, the case is before the Commission for consideration of the findings and order redrawn pursuant to the

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Commission's direction. The following papers were placed in the hands of each Commissioner: memorandum of February 10, 1925, from the Chief Counsel; findings as to the facts and order to cease and desist redrawn pursuant to the Commission's direction of January 9th; findings and order in Docket 748 - McCloskey Varnish Company; complaint.

After consideration, it was directed on motion of Mr. Nugent that an order to cease and desist issue.

The findings as to the facts and the order to cease and desist as submitted by the Chief Counsel with memorandum of February 10, 1925, were amended on motion of Mr. Nugent as shown on marked copy and were thereafter, adopted by the Commission and referred to the Secretary for service without further action.

Mr. Humphrey took no part in the consideration or decision of the case.

(5) Docket 1220 - Barth & Guttman, Inc.

This case comes before the Commission for final determination upon the following record: memorandum of February 12th from the Chief Counsel transmitting the case; memorandum of February 11th from Trial Attorney Butler; complaint; answer; testimony; report upon the facts by Trial Examiner Sheppard; exceptions thereto by counsel for the Commission and counsel for the respondent; brief by counsel for the Commission; findings as to the facts and order to cease and desist submitted by the Chief Counsel and certified to in memorandum of February 12, 1925. Respondent waived brief and argument. Attorney Butler represents the Commission. Attorneys Leight & Neckritz represent the respondent.

After consideration, on motion of Mr. Nugent, it was directed that an order to cease and desist issue.

The findings as to the facts and order to cease and desist submitted by the Chief Counsel with memorandum of February 12, 1925, were amended, upon motion of Mr. Nugent as shown on marked copy and were thereafter, adopted by the Commission and referred to the Secretary for service without further action.

Mr. Humphrey took no part in the consideration or decision of the case.

(6) Docket 1240 - Sandow Tool Company.

This case comes before the Commission for final determination upon the following record: memorandum of February 14th from the Chief Counsel transmitting the case; complaint; answer; stipulation as to the facts; findings as to the facts and order to cease and desist submitted by the Chief Counsel with memorandum of February 14th. No testimony was taken nor brief filed. Respondent waived brief and argument. Attorney Perkins represents the Commission. Attorney John Boyle, Jr., represents the respondent.

After consideration, on motion of Mr. Nugent, seconded by Mr. Hunt, the Commission directed that an order to cease and desist issue.

February 27, 1925.

On motion of Mr. Thompson, the order was amended as shown on marked copy and was thereafter adopted. The findings submitted by the Chief Counsel with memorandum of February 14th were adopted without change and the findings and order as adopted were referred to the Secretary for service without further action.

Mr. Humphrey took no part in the consideration or decision of the case.

Chairman Van Fleet presented the following matters and action as indicated was taken by the Commission:

(1) Miss Anna Boyle.

Mr. Van Fleet informed the Commission respecting Miss Boyle's application for assignment to legal work and of her qualifications therefor by course of study at law college and subsequent admission to the Bar of the District of Columbia. Mr. Van Fleet stated that in response to inquiries which he had caused to be made a number of the trial attorneys had expressed a desire for the services of an employee having qualifications possessed by Miss Boyle for assignment to law clerk work.

On motion of Mr. Van Fleet, seconded by Mr. Hunt, the Commission directed that without change of present pay or classification, Miss Boyle be assigned temporarily for a period of three months by the Secretary from time to time to assist members of the Legal Staff with a view to affording Miss Boyle an opportunity to perform legal work such as is performed by law clerks, with the understanding that at the expiration of the three months the Secretary report to the Commission the outcome of the assignment.

(2) Letter of February 26th from the Postmaster General (Har New), referring to the Commission's letter of February 20, 1925, concerning the Hygienic Laboratories of Chicago, Illinois, and stating that the operations of this concern have been investigated and in view of the filing of an affidavit by the Company agreeing to discontinue the sale of various preparations with respect to which the inquiry was made, the Postoffice Department does not contemplate any further action in the matter.

The letter was read and filed.

(3) Letter of February 24th from Congressman John H. Smithwick of Florida enclosing a telegram dated February 17th from the Governor of Florida with respect to the increase in price of gasoline.

The correspondence was read and referred to the Secretary for preparation of reply.

(4) Docket 930 - Right Way Royalty Syndicate, et al.

Letter of February 25th from the Postoffice Department (Office of the Chief Inspector) returning in accordance with request of the

February 27, 1925.

Commission dated February 20, 1924, a certified transcript of the testimony given by Mr. Edward L. Chapman, et al, in the above entitled matter.

The letter from the Postoffice Department stated that Mr. Chapman has been convicted on the charge of using the mails for fraudulent purposes and sentenced on February 11, 1925 to pay a fine of \$1000.

The letter was read and referred to the Secretary for acknowledgment with the direction that the transcript be returned to its proper file.

(5) Letter of February 23rd from Senator George W. Norris of Nebraska, transmitting copy of a letter dated February 4th addressed to the Senator by Mr. Roland Scott of McCook, Nebraska, requesting certain information respecting the Consolidated Power Light Company of Deadwood, South Dakota.

The correspondence was read and the Senator's letter referred to the Chief Economist for preparation of reply.

(6) Letter of February 23rd from Senator George W. Norris of Nebraska, transmitting letter of February 13th addressed to the Senator by Mr. Hugh MacRae of Wilmington, North Carolina, in regard to the investigation of the General Electric Company under Senate Resolution 329.

The correspondence was read and referred to the Chief Economist for preparation of reply.

(7) Letter of February 23rd from Senator George W. Norris of Nebraska, transmitting letter of February 9th addressed to the Senator by Mr. Moody Boyd, Buochel, Kentucky, in regard to the increased price of gasoline.

The letter was referred to the Secretary for preparation of reply.

(8) Letter of February 24th from Congressman Samuel E. Winslow, Chairman, House Committee on Interstate & Foreign Commerce transmitting for such views as the Commission may desire to communicate, copy of House Joint Resolution 363, February 23, 1925 by John McDuffie of Alabama and joint resolution directing the Federal Trade Commission to investigate the causes of the increase in the price of gasoline.

The letter was received.

The following matters of general business forwarded to the Commission by the heads of the several divisions were presented by the Secretary and action as indicated was taken by the Commission.

February 27, 1925.

(1) Docket 1085 - North Dakota Wholesale Grocers' Association
Memorandum of February 18th was received from the Chief Counsel transmitting copy of the brief prepared by Attorney Wooden and call attention to the fact that the brief is some thirty days late. The Chief Counsel recommended that the brief be accepted and an order entered extending the time for filing brief by counsel for the Commission to February 18, 1925.

The recommendation of the Chief Counsel was approved, the brief was accepted and order approved and entered granting counsel for the Commission an extension to and including February 18, 1925, for filing brief.

It was further directed, on motion of Mr. Thompson, that the Secretary address a letter to Attorney Wooden calling his attention to the necessity of applying for extensions at the proper time.

(2) Docket 1260 - Edison Fixture Company, Inc.
Memorandum of February 24th was received from the Chief Counsel transmitting letter from counsel for the respondent, filing a demand for a bill of particulars and a request for an extension of time for filing answer. The Chief Counsel submitted draft of orders (1) denying request for Bill of Particulars and (2) granting an extension to counsel for the respondent to and including March 20, 1925 for filing answer and recommending that the same be approved.

The recommendation of the Chief Counsel was approved and the orders as submitted were approved and entered by the Commission.

(3) Report by the Chief Examiner dated February 25, 1925, in regard to the acquisition by The American Woollen Company during the years 1915-1924, inclusive, covering the plants and properties of twenty-five mills. The Chief Examiner recommended that the matter be filed without action.

It was directed that the report be circulated.

(4) File 1-3456 - Hibernia Commercial & Savings Bank vs. United States Pencil Company.

Memorandum of February 11th was received from the Chief Examiner reporting the handling of the case under the rule of February 7, 1925 and submitting letter of February 11th from the proposed respondent in the form of a stipulation of discontinuance with the recommendation by the Chief Examiner that the stipulation be accepted and the application dismissed.

The correspondence was read and thereafter, Mr. Hunt offered the following motion which was seconded by Mr. Van Fleet:

Moved, that the stipulation be accepted in accordance with the recommendation of the Chief Examiner and that the application be dismissed.

February 27, 1925.

Mr. Nugent moved in substitution, that the record be remitted to the Chief Counsel with instructions to negotiate with the respondent for a stipulation covering the subject matter of the file and in event the respondent is willing to stipulate to prepare such stipulation and present it to the Commission for approval; and that in event the respondent shall decline to stipulate that complaint issue forthwith and further, that in the meantime, the case go to the Suspense Calendar.

As to the foregoing substitute motion, there was no second nor vote.

Vote was taken upon the original motion by Mr. Hunt, seconded by Mr. Van Fleet. As to this motion, Messrs. Van Fleet, Nugent, Hunt and Humphrey voted in the affirmative and Mr. Thompson voted in the negative. The motion carried and it was so ordered.

(5) File 1-2364 - The United Woolen Mills Company, Inc. vs. Glasgow Woolen Mills Company.

Memorandum of February 20th was received from the Chief Examiner reporting that on December 10, 1924, the case was removed from the Suspense Calendar and referred to the Chief Examiner for the purpose of bringing the investigation down to date. The memorandum stated that the supplemental investigation shows that the Glasgow Woolen Mills Company discontinued business more than two years ago and contained a recommendation by the Chief Examiner that since the respondent concern is out of business that the application for complaint be dismissed.

The memorandum was read and thereafter, the application for complaint was dismissed by the Commission as recommended by the Chief Examiner.

(6) The Secretary referred to the direction of February 25th regarding an assignment for Miss Anna R. Monahan and recommended that Miss Monahan be retained in the classification, grade and at the salary previously occupied by her with the status of clerk, effective February 25, 1925, and assigned temporarily to the Administrative Division.

The recommendation was adopted by the Commission and it was so ordered.

(7) Docket 1132 - Abraham Kritzer, et al.

The following orders submitted by the Chief Counsel were approved and entered: (1) that W. W. Sheppard, an Examiner of the Commission, be designated to receive testimony, etc., and (2) that the hearing of the complaint begin at New York City, March 30th 1925, at 10 a.m.

February 27, 1925.

(8) Docket 1258 - Grand Rapids Furniture Company.

The following orders submitted by the Chief Counsel were approved and entered: (1) that W. W. Sheppard, an Examiner of the Commission, be designated to receive testimony, etc., and (2) that the hearing of the complaint begin at Chicago, Ill., April 15, 1925 at 10 a.m.

(9) Docket 1193 - Grand Rapids Sales Company, et al.

The following orders submitted by the Chief Counsel were approved and entered: (1) that W. W. Sheppard, an Examiner of the Commission, be designated to receive testimony, etc., and (2) that the hearing of the complaint begin at New York City, March 26, 1925, at 10 a.m.

From the Circulating Calendar the Commission considered the following matter and action as indicated was taken:

(1) Docket 1145 - Northwestern Traffic & Service Bureau, Inc. Memorandum of January 31st was received from Trial Attorney Wooden, in regard to evidence deemed by Attorney Wooden to warrant criminal prosecution of S. J. Wallace, Secretary of the Missouri St Retail Coal Dealers' Association and perhaps H. L. Laird, Secretary of the Northwestern Traffic & Service Bureau.

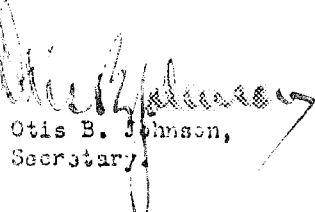
The file was circulated February 9th. Notations by the Commissioners were read and thereafter, it was directed that the file be submitted immediately to the Department of Justice for such action as it deems proper in the premises.

It was further ordered, upon motion of Mr. Van Fleet, that the Chief Counsel have a brief prepared regarding the statute of limit with various exceptions, etc., for the information of the Commission.

Thereupon, at the hour of 12:15 p.m., the Commission adjourned to meet Monday, March 2, 1925, at 10 a.m.

Vernon W. Van Fleet,
Chairman.

Attest:


Otis B. Johnson,
Secretary.

Saturday - February 28, 1925 - No meeting held.

Sunday - March 1, 1925 - No meeting held.

March 2, 1925.

MEETING OF THE FEDERAL TRADE COMMISSION

Monday - March 2, 1925 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
Charles W. Hunt,
Huston Thompson,
William F. Humphrey.

Mr. Nugent absent on account of illness.

The minutes of the meeting of February 27, 1925 were read and approved.

Mr. Van Fleet presented the following listed applications for complaint and action as indicated was taken by the Commission:

(1) File 1-3575 - Spool Cotton Company vs. J. A. Coates & Co.
Mr. Van Fleet stated that this application for complaint came direct to the Commission from the Chief Examiner without reference to the Board of Review pursuant to the rule of December 3, 1924.

Mr. Van Fleet recited the facts and stated that he concurred the recommendation of the Chief Examiner for dismissal.

After consideration, on motion of Mr. Van Fleet, seconded by Thompson, the application for complaint was dismissed by the Commission.

(2) File 1-3513 - Jack Sign Company vs. Jacob D. Goldsmith,
Mr. Van Fleet recited the facts in the case and stated that he concurred in the recommendation of the Board of Review for dismissal. After consideration, on motion of Mr. Van Fleet, seconded by Thompson, the application for complaint was dismissed by the Commission. Mr. Van Fleet called special attention to the fact that the case had been fully investigated by one attorney who recommended dismissal and thereafter had been reinvestigated by another attorney.

Mr. Van Fleet then offered the following motion:

Moved, that the attention of the Chief Examiner be called to this case and that the Chief Examiner be directed to consider well the feature of public interest before incurring the expense of extended examination; and that the Chief Examiner report to the Commission why the investigation was so extended in this case and why after the report by the first attorney (Mr. Tack) another attorney (Mr. Sibbett) was assigned to make further investigation.

The motion was adopted by the Commission and it was so ordered.

March 2, 1925.

(3) File 1-3403 - Tanners' Council of America vs. Sandford Mills.

" 1-3404 - Tanners' Council of America vs. L. C. Chase & Company.

Mr. Van Fleet stated the facts in the cases and thereafter, offered the following motion, which was seconded by Mr. Hunt:

Moved, that file 1-3403 be consolidated with file 1-3404 and that file 1-3404 be referred to the Chief Counsel to be considered by him in connection with a group of cases against manufacturers of imitation leather and from which the Chief Counsel has been directed to select a test case.

The motion was adopted and it was so ordered.

Mr. Hunt presented file 1-3517 - Buxton & Skinner Printing Stationery Company vs. Plateless Engraving Company with memorandum of March 2, 1925 reviewing the facts in the case and stating that he concurred in the recommendation of the Board of Review and recommended that complaint issue.

After consideration, on motion of Mr. Hunt, the Commission directed that complaint issue charging the Plateless Engraving Company with violation of the Federal Trade Commission Act.

The draft of complaint which came forward with the file was referred to the Chief Counsel, via Docket Section, for approval as to form and substance under the rule, with the direction that upon such approval the complaint be referred to the Secretary for service without reference back to the Commission.

Mr. Thompson presented file 1-3528 - Radio Corporation of America vs. Victor Radio Manufacturing Company and file 1-3554 - Radio Corporation of America vs. Radio Tube Corporation with memorandum of March 2, 1925 covering the two cases, which Mr. Thompson stated were alike except as to parties and after discussion, offered the following motion:

Moved, that each case be dismissed.

The motion was seconded by Mr. Humphrey and adopted by the Commission and it was so ordered.

March 2, 1925.

Chairman Van Fleet presented the following matters and action as indicated was taken by the Commission:

(1) Letter of February 27th from the Department of State reply to the Commission's letter of February 10th concerning a communication addressed to the Commission signed by L. M. McCormick-Goodhart for Commercial Secretary of the British Embassy, in regard to the alleged simulation by Haffenreffer & Company of Boston, of the British Royal Arms. The letter stated that the Department of State will be glad to transmit to the Embassy any answer which the Commission may desire to make.

The letter was referred to the Chief Examiner for information and the preparation of reply.

(2) Letter of February 26th from Senator George W. Norris, of Nebraska, transmitting a letter of February 26th from the Dilling Manufacturing & Trading Company, New York City in regard to the matter of the manufacturers of fibre.

The correspondence was read and on motion of Mr. Thompson, was referred to the Chief Economist and the Chief Examiner for information and consideration and for the preparation of reply.

(3) Letter of February 26th from the Personnel Classification Board referring to the Commission's letter of January 28th and requesting further information with respect to the duties of Mr. Robert C. Dalrymple in connection with the Commission's allocation of Mr. Dalrymple to C.A.F. Grade IV from C.A.F. Grade III by reason of change of duties.

The letter was referred to the Secretary for preparation of reply.

(4) Letter of February 25, 1925 from the Grand Rapids Refrigerator Company, Grand Rapids, Michigan, referring to statements in regard to refrigerators in the Commission's report on the House Furnishings I Volume III, entitled, "Kitchen Utensils & Domestic Appliances", the letter reads as follows:

"Grand Rapids Refrigerator Company
Grand Rapids, Mich. Feb. 25, 1925"

The Federal Trade Commission,
Washington, D. C.

Gentlemen:

On February 8th there appeared in the newspapers of the country an Associated Press Dispatch reading in part as follows:

'As to refrigerators, Stone said, the Commission's report appeared to show an agreement not only to maintain but also to increase prices and that the department was prepared to take appropriate action.'

March 2, 1925.

The statement regarding maintaining or increasing prices is absolutely false as can easily be ascertained by asking any dealer.

Such statements as the Commission has made are hindering the sale of our goods and we respectfully ask that an immediate inquiry be made among the trade and the false impression be corrected by equal publicity given the erroneous statement.

Very truly yours,

GRAND RAPIDS REFRIGERATOR COMPANY
By: C. H. Leonard,
President."

CHL-AMH

The letter was read and after discussion, on motion of Mr. Van Fleet, seconded by Mr. Hunt, was referred to an attorney of the Legal Department (Chief Counsel's Office) to examine the Economic Report and report to the Commission upon what evidence the Commission's statement that there was such a combination is based.

The Secretary was directed to acknowledge the letter and say that the Commission will look into the matter.

(S) Letter of February 26th from the Naval Stores Export Corporation, New Orleans, Louisiana, furnishing certain information in response to the Commission's request of February 21st in regard to Export Trade Associations and enclosing copy of a letter dated January 26th from the Naval Stores Export Corporation to Mr. Walter B. Spencer, Attorney, New Orleans, La., with respect to the exchange of unsalable grades of rosin for salable grades in export.

The correspondence was read and referred to the Export Trade Division for attention.

Mr. Hunt presented letter of February 23rd from Mrs. Lattie Parham, Royston, Georgia, R #2, concerning the practices of the Wilson Seed Company, Tyrone, Pa.

The letter was referred to the Chief Examiner for investigation and report to the Commission with direction to the Secretary to acknowledge the letter for Mr. Hunt.

The following matters of general business forwarded to the Commission by the heads of the several divisions were presented by the Secretary and action as indicated was taken by the Commission:

March 2, 1925.

(1) Docket 859 - Pure Silk Hosiery Company.

Memorandum of February 27th was received from the Chief Counsel transmitting memorandum of February 25th by Trial Attorney J. T. Ol reporting conference with respondent in regard to compliance with the order of the United States Circuit Court of Appeals for the Seventh Circuit, stating that little progress, if any, has been made by the respondent toward compliance with the order and recommending that the Commission wait a reasonable time for a detailed statement which respondent has agreed to furnish and if this discloses nothing substantially different from the facts as set forth in Attorney Cla memorandum, that the Commission submit the matter to the Court making the order for such action as it sees fit to take.

It was directed that the matter be circulated.

(2) Memorandum of February 27th was received from Attorney B in regard to decision in the Western Meat case by the Ninth Circuit. Section 7 of the Clayton Act does not authorize the Commission to compel a corporation to divest itself of the physical properties of a corporation which it has acquired by voting stock in the corporation, acquired in violation of Section 7 of the Clayton Act; and to the decision in the case of Swift & Company by the Seventh Circuit which appears clearly to hold the contrary and recommending that petition for certiorari be filed with the Supreme Court in the Western Meat case. Attorney Busick advised instructions.

It was directed that the memorandum be circulated.

From the Circulating Calendar the Commission considered the following matters and action as indicated was taken:

(1) Docket 1141 - Standard Oil Company of Kentucky.

Memorandum of February 13th from the Chief Counsel reporting pursuant to the Commission action of August 9, 1924, that the supplemental investigation conducted by the Chief Examiner established the fact that the respondent was engaged in interstate commerce and that unless directed otherwise the Chief Counsel will so advise the respondent and proceed with the case in regular manner.

The memorandum was circulated February 16th. Notations by the several Commissioners were read and thereafter, it was directed that the Chief Counsel proceed with the trial of the case in the regular course.

(2) Docket 994 - Standard Education Society.

Memorandum of February 10th was received from the Chief Counsel transmitting memoranda from the Chief Examiner, Attorney Craven and Examiner Junge in regard to alleged violation of the Commission's order in this case and also as to the violation of certain of the resolut

March 2, 1925.

adopted at a trade practice submittal by Subscription Book Publishers. Attorney Craven recommended that due to the pendency of the John C. Winston case in the Circuit Court in which identical misrepresentations are involved, that the matter of proceeding against the respondent for a violation of the order be deferred until some time in the near future and then be instituted unless a more satisfactory report can be had from the respondent in reference to its compliance with the order.

The papers were circulated February 16th. Notations by the several Commissioners were read and thereafter, the recommendation of Attorney Craven was adopted and it was ordered that the matter of proceeding against the respondent for the violation of the order be deferred pending decision in the John C. Winston Company case - Docket 1060 - and pending further report from the Chief Counsel as to respondent's compliance with the Commission's order.

(3) Memorandum of February 3th was received from the Chief Counsel transmitting a memorandum dated February 4th from Attorney Walter B. Wooden setting forth Attorney Wooden's examination of a letter dated January 17th, 1925, addressed to the Commission by the Attorney General of the United States in regard to the Louisiana Red Cypress Company.

The papers were circulated February 11th. Notations by the several Commissioners were read and thereafter, it was ordered that the matter be filed without action.

It was further ordered, upon motion of Mr. Thompson, that Attorney Wooden's statement be set forth in the minutes. The memorandum by Attorney Wooden is as follows:

"MEMORANDUM FOR THE COMMISSION

in Re:

Louisiana Red Cypress Company.

"Referring to the letter from the Attorney General, dated January 17, 1925, advising that he does not propose to take any further action with reference to the Louisiana Red Cypress Company, I take it that the main question is whether the Commission should take any formal action against the Company.

The Louisiana Red Cypress Company was investigated by the Commission as a part of the general lumber investigation and particularly in connection with the activities of the Southern Cypress Manufacturers' Association. The Commission's investigation closed in the summer of 1920 and there is no information available showing the activities of either of these organizations since that time. Should the Commission propose to take any action, it would be advisable to bring the investigation down to date.

March 2, 1925.

It is noted that the Attorney General's letter does not discuss the activities of the Southern Cypress Manufacturers' Association, which also dealt with prices in a very effective way by supplementing the activities of the Louisiana Red Cypress Company. It is noted that the Assistant to the Attorney General states that the Louisiana Red Cypress Company was "clearly an illegal combination if the percentage of the total production sold through it is sufficiently large to cause a material restraint of interstate commerce," and further, that at one time it represented about 70% of the entire Cypress output in Louisiana. With reference to the statement that the production now represented is only about one-third of the Cypress produced in Louisiana and about one-eighth of that produced in the United States, it is my understanding that the total Louisiana product is probably 75% of the total United States production. Care should be taken to distinguish between the Red and White Cypress. I suspect that the entire Cypress production is the basis for the one-eighth estimate above referred to. The Red Cypress is considered much more valuable than the White. It is gratifying to learn that the Louisiana Red Cypress Company modified its objectionable practices following the Commission's investigation after carrying them on so continuously and effectively for some fifteen years preceding.

I can see no more reason for the Commission investigating or considering formal action against the Louisiana Red Cypress Company and the Southern Cypress Manufacturers' Association than for taking similar steps with regard to a number of other lumber manufacturers' Associations which were the subject of the Commission's investigation in 1920 and against which, no action was taken by the Department of Justice. In my opinion, the illegal action on the part of a number of these Associations was clearly shown by the evidence uncovered in the Commission's investigation.

Respectfully submitted,

(signed) Walter B. Wooden,
Attorney."

WBW:FEK
2-4-1925.

(4) Docket 1617 - Process Engraving Company.

Memoranda of February 2nd and February 16th from the Chief Counsel in regard to compliance by the respondent with the Order of the Commission. The Chief Counsel reported that the respondent has fully complied with the Commission's Order to cease and desist.

The papers were circulated February 9th. Notations by the several Commissioners were read and thereafter, it was ordered on motion of Mr. Van Fleet, seconded by Mr. Thompson, that no further action be taken upon the papers here submitted and that such papers be filed without action.

March 2, 1925.

(5) Letter of January 30th from the Attorney General of the United States (Harlan F. Stone) referring to the Commission's letter of October 17, 1924, transmitting to the Attorney General copy of the report of the Commission on House Furnishings, Volume entitled, "Kitchen Utensils & Domestic Appliances". The letter was acknowledged on February 5, 1925.

The letter was circulated February 4th and checked by each Commissioner. It was ordered that the letter be filed without further action.

(6) Report dated January 24th, 1925 from the Chief Examiner in regard to the acquisition of the outstanding capital stock of the Union Tool Company by the National Supply Company and recommending that a complaint issue under Section 7 of the Clayton Act. The file was circulated January 28th.

It was directed that the file be referred to Mr. Humphrey for consideration.

(7) Memorandum of December 20, 1924, by Mr. Gaskill and memorandum of January 9, 1925 by Mr. Van Fleet providing for the disposition of cases without formal complaint were circulated on January 27th.

It was directed that the matter be referred to Mr. Humphrey for consideration.

(8) File 1-3581 - National Pharmacy Company vs. Squibbs & Lett. Letter of January 29th was received from Messrs. Dewey, Strong, Townsend & Loftus, attorneys for the National Pharmacy Company, petitioning the Commission to reconsider its action of December 15, 1924, in dismissing the application for complaint.

The matter was circulated February 16th. Motions by the several Commissioners were read and thereafter, on motion of Mr. Fleet, seconded by Mr. Thompson, the request for reconsideration was denied with the direction that the parties making the application be notified.

Thereupon, at the hour of 11:45 a.m., the Commission adjourned to meet Friday, March 6, 1925, at 10 a.m.

Vernon W. Van Fleet,
Chairman.

Attest:

Otis B. Johnson
Otis B. Johnson,
Secretary.

March 6, 1925.

Tuesday - March 3, 1925 - No meeting held.

Wednesday - March 4, 1925 - No meeting held.

Thursday - March 5, 1925 - No meeting held.

MEETING OF THE FEDERAL TRADE COMMISSION

Friday - March 6, 1925 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Nugent,
Charles W. Hunt,
Huston Thompson,
William E. Humphrey.

The minutes of the meeting of March 2, 1925, were read and approved.

Formal docket cases appearing on the weekly Conference Calendar for final determination, were considered by the Commission and action as indicated taken:

(1) Docket 927 - Corn Products Refining Company.

This case laid over for further consideration on next Conference Day.

(2) Docket 1081 - International Ice Cream Company.

On October 17, 1924, the Commission directed that this case go to the Suspense Calendar to be called up after decision by the United States Circuit Court of Appeals in the Pacific States Paper Trade Association case - Docket 934.

Pursuant to the above action, the case is now before the Commission for final determination upon the following record: memorandum of F. 18th from the Chief Counsel; decision of the United States Circuit Court of Appeals in the Pacific States Paper Trade Association case - Docket 934; amended complaint; answer; testimony; report upon the facts by Trial Examiner Baggaly; exceptions thereto by counsel for the respondent; Counsel for the Commission did not file exceptions; brief by counsel for the Commission and counsel for the respondent; final argument was held October 8, 1924. Attorney Wallace represents the Commission. Attorneys Davies & Jones and Thomas F. Cassidy represent the respondent.

March 6, 1925.

After consideration, on motion of Mr. Van Fleet, seconded by Mr. Hunt, the Commission directed that the complaint be dismissed. As to the foregoing action, Messrs. Van Fleet, Nugent, Hunt and Humphrey voted in the affirmative. Mr. Thompson voted in the negative.

The Chief Counsel was directed to prepare and the Secretary to serve order of dismissal.

(3) Docket 1087 - Worthington Creamery & Produce Company.

On January 9, 1925, the Commission directed that an order to cease and desist issue and that the Chief Counsel prepare findings as to the facts and order to cease and desist and submit the same to the Commission for approval as to form.

Pursuant to this action, the case is before the Commission for consideration of findings and order submitted by the Chief Counsel. The following papers were placed in the hands of each Commissioner: memorandum of February 21st from the Chief Counsel; findings as to the facts and order to cease and desist submitted by the Chief Counsel with memorandum of February 21, 1925; complaint.

Mr. Nugent suggested certain amendments to Paragraphs Three, Four, Six, Twelve and Fifteen of the findings as to the facts submitted by the Chief Counsel with memorandum of February 21, 1925, and after discussion, and on motion of Mr. Nugent, the Commission amended the findings as shown on marked copy.

On motion of Mr. Nugent, the findings as amended were adopted by the Commission.

The order to cease and desist submitted by the Chief Counsel with memorandum of February 21, 1925, on motion of Mr. Nugent, was adopted by the Commission without change.

The findings and order as adopted were referred to the Secretary for service without further action.

(4) Docket 1147 - Chase & Sanborn.

On February 6, 1925, the Commission directed that an order to cease and desist issue and directed the Chief Counsel to prepare and submit to the Commission for approval as to form, draft of findings as to the facts and order to cease and desist.

Pursuant to the above action, the case is now before the Commission for consideration of the findings and order submitted by the Chief Counsel. The following papers were placed in the hands of each Commissioner: memorandum of February 24, 1925, from the Chief Counsel; findings as to the facts and order to cease and desist submitted by the Chief Counsel; complaint.

The findings as to the facts submitted by the Chief Counsel with memorandum of February 24, 1925, were amended by the Commission upon motion of Mr. Nugent and as shown on marked copy. The findings were, thereafter, adopted as amended.

The order to cease and desist submitted by the Chief Counsel with memorandum of February 21, 1925 was adopted without change.

March 6, 1925.

The findings and order as adopted were referred to Mr. Nugent with request that he instruct Attorney Craven in the preparation of correct findings with the direction that the findings when corrected upon their approval by Mr. Nugent, be served by the Secretary with the order as adopted without further action by the Commission.

(5) Docket 1149 - Marinello Company.

On October 3, 1924, the Commission directed that an order to cease and desist issue and that the Chief Counsel prepare findings as to the facts and order to cease and desist and submit the same to the Commission for approval as to form.

Pursuant to the above action, the case is before the Commission upon the following record: memorandum of February 18, 1925 from the Chief Counsel; memorandum of February 17th from Trial Attorney Cray findings as to the facts and order to cease and desist submitted by the Chief Counsel with memorandum of February 18th; complaint.

Mr. Van Fleet suggested certain corrections on pages three, four, seven and twelve of the findings as to the facts submitted by the Chief Counsel with memorandum of February 18, 1925 and on motion of Mr. Van Fleet, the findings were amended as shown on marked copy.

Mr. Nugent also suggested certain changes in the findings as shown on marked copy which were likewise adopted by the Commission. The findings as amended were approved.

The order to cease and desist submitted by the Chief Counsel with memorandum of February 18, 1925 was approved without change.

The findings and order as approved were referred to the Secretary to be served without further action.

(6) Docket 1177 - H. R. Mallinson & Company, Inc.

On December 3, 1924, the Commission directed the Chief Counsel to negotiate for a stipulation, such as is ordinarily obtained in cases and in which the practices set forth shall be admitted and in which the respondent shall agree never to resume the practices complained of, but shall agree that if the practices complained of are resumed the stipulation may be used as evidence against the respondent in proceedings by the Commission.

Pursuant to the above action, the case is before the Commission upon the following record: memorandum of February 17th, 1925, from Chief Counsel; memorandum of February 16th from Trial Attorney Clark stipulation as to the facts; complaint. Attorney J. T. Clark represents the Commission. Attorneys Rose & Paskus represent the respondent.

After discussion, Mr. Van Fleet offered the following motion, was seconded by Mr. Hunt:

Moved, that the stipulation be accepted and the complaint dismissed.

March 6, 1925.

In substitution for the foregoing motion, Mr. Thompson offered the following motion, which was seconded by Mr. Nugent:

Moved, that the regular order be followed and the case returned to the Chief Counsel for that purpose.

As to the foregoing substitute motion, Messrs. Nugent and Thompson voted in the affirmative and Messrs. Van Fleet, Hunt and Humphrey voted in the negative. The motion was lost.

Vote was then taken upon the original motion by Mr. Van Fleet. As to this motion, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The motion carried and it was so ordered.

Messrs. Nugent and Thompson asked and it was ordered, that the dissent show upon the minutes, the order and any publicity statement issued.

Mr. Thompson stated that he would file a written dissent to accompany the order of dismissal.

Mr. Thompson also called the Commission's attention to a letter in the file dated June 15, 1923, and signed by Mr. W. S. Clark, attorney-in-charge of the New York Office and addressed to the Chief Examiner reading in part as follows:

"I concur in Mr. Kielland's recommendation that a complaint issue against the respondent. I desire especially to endorse his recommendation that the matter be not handled under the Amendment of February 8th. The respondent is one of the leading silk manufacturers of the country. In fact, it holds itself out as the foremost manufacturer of fine silks and a complaint followed by a public hearing would result in untold good in the industry, the integrity of which is threatened by the use of artificial silk without the disclosure of that fact to the public. The thrashing out of this complaint in a public hearing would do much toward putting an end to a criticism that is frequently heard here to the effect that the Commission is always ready to proceed against the small fry but that the big ones are allowed to go unscathed."

On motion of Mr. Van Fleet, the Commission authorized an order publicity statement saying that the complaint was dismissed for the reason that the respondent has discontinued the practices complained of.

(7) Docket 1255 - Civil Service School, Inc.

This case comes before the Commission for final determination upon the following record: memorandum of February 20, 1925 from the Chief Counsel; complaint; stipulation as to the facts; findings as to the facts and order to cease and desist submitted by the Chief C

March 6, 1925.

and certified to in memorandum of February 20, 1925. No answer was filed. No testimony was taken nor briefs filed. Attorney Butler represents the Commission. Respondent has no attorney of record.

After consideration, on motion of Mr. Nugent, seconded by Mr. Van Fleet, it was directed that an order to cease and desist issue. Mr. Nugent suggested certain changes in the findings as to facts submitted by the Chief Counsel with memorandum of February 1925, which changes were adopted by the Commission.

On motion of Mr. Nugent, the findings as amended were approved. Mr. Thompson suggested certain changes in the order which was adopted and the order was thereafter approved as amended.

The findings and order as amended and adopted were referred to the Secretary for service without further action.

(8) Docket 859 - Pure Silk Hosiery Mills.

On February 10, 1925, the Commission conferred informally with Mr. Holland Hudson of the National Vigilance Committee, Associated Advertising Clubs of the World in regard to alleged improper use of some quarters of the decision of the United States Circuit Court of Appeals for the Seventh Circuit to the injury of the Commission. The following papers were placed in the hands of each Commissioner: graphic report of the informal conference held February 10th; copy of Trade Service Information Bulletin, dated February 9, 1925, issued by the National Vigilance Committee; decision of the United States Court of Appeals for the Seventh Circuit; findings and order issued by the Commission October 24, 1922.

On motion of Mr. Nugent, seconded by Mr. Van Fleet, the Secretary was authorized and directed to advise the National Vigilance Committee, Associated Advertising Clubs of the World that the Commission has no objection to offer to the sending out of the letter proposed by the Committee and as set forth in the transcript of the hearing before the Commission on February 10, 1925.

The Chairman presented the following matters and action as indicated was taken by the Commission:

(1) Letter of March 3rd from Congressman Charles R. Crisp of Georgia, transmitting letter of February 27th addressed to the Chairman by the Len Dickey Lumber Company, Inc., of Fitzgerald, Georgia complaining of the prices of fertilizer. The Congressman requests the Commission to look into the matter and take steps to reduce the price of fertilizer.

The correspondence was read and referred to the Chief Examiner for attention.

(2) Letter of March 3rd from the Department of Justice (A. Seymour, Assistant to the Attorney General) reading as follows:

March 6, 1925.

"Department of Justice

March 3, 1925.

"Honorable Vernon W. Van Fleet,
Chairman, Federal Trade Commission,
Washington, D. C

"My dear Mr. Van Fleet

"The Department is in receipt of your letter of the 25th ultimo, in which, after referring to former correspondence with the Department with respect to the alleged conduct of the Aluminum Company of America, you call attention to the fact that competitors of the Aluminum Goods Manufacturing Company have complained to your Commission that that Company was selling its cheaper line of aluminum ware below the cost of manufacture, in order to eliminate competition in that branch of the industry.

"I thank you very much for calling the attention of the Department to these complaints. The Special Agent assigned to make the investigation into the conduct of the Aluminum Company of America, will be instructed to make a careful investigation of the complaints against the practices of the Aluminum Goods Manufacturing Company.

"Very truly yours,

"A. T. Seymour,
Assistant to the Attorney General."

The letter was read and filed.

(3) Letter of March 2nd from Attorney Walker L. Spencer (Spencer, Giddens, Phelps & Dunbar), New Orleans, Louisiana, representing the Naval Stores Export Corporation, operating under the Export Trade Act. Mr. Spencer's letter referred to the Commission's letter of February 20th in regard to the exchange in the domestic market of non-exportable resin for exportable resin and requested that the Commission permit the Corporation to make such exchanges from time to time without prior consent of the Commission upon each transaction; but with the understanding that a report giving full details of each transaction be submitted to the Commission.

March 6, 1925.

The correspondence was read and after discussion, the Commission authorized and directed that reply be made to the effect that the Commission sees no objection to the plan proposed by Mr. Spencer, that the Corporation exchange in the domestic market non-exportable resin for exportable resin without prior consent of the Commission to each transaction but with the understanding that full details of each transaction be subsequently reported to the Commission and with the clear understanding that the authority granted by the Commission is strictly limited to the exchange and not the sale of resin.

The Export Trade Division was directed to prepare reply for Chairman's signature.

(4) Letter of March 3rd from Senator Walter F. George, of Georgia, quoting information furnished the Senate by Mr. Thomas Davis, Maigs, Georgia, relative to the fertilizer situation. The Senator requested the Commission to make early inquiry into existing conditions.

The letter was read and referred to the Chief Examiner for attention.

(5) Letter of March 2, 1925 from the Treasury Department (D. H. Blair, Commissioner of Internal Revenue), marked confidential and transmitting confidential report by Internal Revenue Agent Art G. Jacobs, under date of February 5th calling "attention to the fact that sales managers of certain large milling companies in San Francisco presumed to be keen competitors, went into joint conference in February 1925."

The correspondence was read and referred to the Secretary for acknowledgment and filing.

(6) Letter of February 27th from Mr. Daniel L. Winslow, President of the Winslow Skate Company transmitting letter of February 24th from Mr. Charles P. Holland (Oscar Schmidt Musical Instrument Factory) New York City, referring to a visit from Messrs. Babcock and South of the New York Office with respect to certain advertisement of goods containing the word "free". Mr. Winslow requested the Commission suggest a reply to Mr. Holland.

The correspondence was read and referred to the Chief Examiner for attention.

(7) Docket 1233 - Permutit Company.

Letter of February 28th was received from the War Department (Dwight F. Davis, Assistant Secretary of War), Washington, D. C., replying to the Commission's letter of February 13th and furnishing certain information with respect to activities of the respondent in procuring specifications for equipment for the War Department.

The letter was read and referred to the Chief Counsel for attention.

March 6, 1925.

(8) Letter of February 25th from Senator George W. Norris of Nebraska, transmitting letter of February 17th and accompanying data sent to the Senator by Mr. W. B. Stewart, Los Angeles, California, in connection with the Federal Trade Commission investigation of the electric power situation.

The correspondence was referred to the Chief Economist for attention.

(9) Letter of March 5th from Senator George W. Norris of Nebraska, transmitting extract from a letter by Mr. Francis H. Cusi, Malden, Massachusetts, in regard to the investigation by the Commission of the electric power situation.

The correspondence was referred to the Chief Economist for attention.

(10) Letter of March 5th from Senator George W. Norris of Nebraska, transmitting letter of February 16th and accompanying data sent to the Senator by Mr. Leo Kenneth Mayer, Director of Research, American City Government League, Brooklyn, N. Y., in connection with the Federal Trade Commission investigation of the electric power situation.

The correspondence was referred to the Chief Economist for attention.

(11) Letter of March 4th from Senator George W. Norris calling "the attention of the Commission to the activities of the Smithsonian Institute in circulating a pamphlet written by Mr. Samuel S. Wyer in criticism and condemnation of the policies of the Hydro-Electric Commission of Ontario, Canada."

The letter was read and on motion of Mr. Van Fleet was referred to the Secretary for acknowledgment and ordered to lay on the table until the next meeting.

(12) Letter of March 2nd from the Mahogany Association, Inc New York City, (F. C. Schmitz, General manager) transmitting separate applications for complaint against the following concerns alleging the sale under the name of "Philippine Mahogany" of a wood or woods which are not mahogany:

Kirschmann Hardwood Company, San Francisco, California.
Frank Paxton Lumber Company, Kansas City, Kansas.
Black & Yates, Inc., New York City.
Pacific Southwest Import Company, Los Angeles, California.
Hammond Lumber Company, Los Angeles, California.

The letter and accompanying data were referred to the Chief Examiner for attention.

March 6, 1925.

Mr. Humphrey presented letter of March 4th from Mr. Henry A. Guiler, Special Assistant to the Attorney General, San Francisco, California, requesting Mr. Humphrey to obtain the authority of the Commission to remove its files with respect to file 1-2949 - Carr Preston vs. Oregon Wholesale Grocers' Association, et al, from the Commission's San Francisco Office to Mr. Guiler's office for the preparation and trial of the case against the Association by the Department of Justice.

The letter was referred to the Secretary for report.

On motion of Mr. Nugent, the Commission agreed to meet in special session at 9:30 a.m., Saturday, March 7, 1925, for confer with the members of the staff of the Economic Division to consider preliminary report on the Broad Inquiry, prepared by the Economic Division pursuant to Senate Resolution 163, adopted February 16, (Senator LaFollette) which report was received by the Commission February 25th and copies delivered to each Commissioner for consideration.

The following matters of general business forwarded to the Commission by the heads of the several divisions were presented to Secretary and action as indicated was taken by the Commission:

(1) Memorandum of March 2, 1925 from the Chief Examiner re the resignation of Mr. I. W. Digges, attorney and examiner, Prof. Grade 4, salary of \$3800., effective March 6, 1925. The Chief Examiner recommended the acceptance of the resignation with regret.

On motion of Mr. Hunt, the resignation was accepted by the Commission.

(2) Pocket 1227 - Harry Blum.

The following orders submitted by the Chief Counsel were approved and entered: (1) that John W. Bennett, an Examiner of the Commission designated to receive testimony, etc., and (2) that the hearing on complaint begin at Washington, D. C., March 12, 1925, at 10 a.m.

Thereupon, at the hour of 12:30 p.m., the Commission adjourned to meet Saturday, March 7, 1925, at 9:30 a.m.

Attest:

Oliver A. Johnson
Oliver A. Johnson,
Secretary.

Vernon W. Van Fleet,
Chairman.

March 7, 1925.

MEETING OF THE FEDERAL TRADE COMMISSION

Saturday - March 7, 1925 - 9:30 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Nugent,
Charles W. Hunt,
Huston Thompson,
William E. Humphrey.

The Commission met in special session in conference with the members of the staff of the Economic Division and considered preliminary report on the Bread Inquiry, prepared by the Economic Division pursuant to Senate Resolution 163, adopted February 16, 1924 (Senator LaFollette). Various amendments and changes were made in the report by the Commission and the report was referred back to the Chief Economist to be prepared in final form and resubmitted to the Commission.

Thereupon, at the hour of 11:00 a.m., the Commission adjourned to meet Monday, March 9, 1925, at 10 a.m.

Vernon W. Van Fleet,
Chairman.

Attest:

John F. Nugent
John F. Nugent,
Secretary.

Sunday - March 8, 1925 - No meeting held.

March 9, 1925.

MEETING OF THE FEDERAL TRADE COMMISSION

Monday - March 9, 1925 - 10 a.m.

PRESENT:

John F. Nugent, Acting Chairman,
Charles W. Hunt,
Huston Thompson,
William E. Humphrey.

Mr. Van Fleet absent.

The minutes of the meetings of March 6 and 7, 1925, were read and approved.

Mr. Nugent referred to the Commission's action of February 13, 1925, in the matter of Docket 1206 - National Remedy Company, et al, whereby the Commission directed that an order to cease and desist issue and requested Mr. Nugent to instruct the Chief Counsel as to the preparation of final draft of findings as to the facts and order. Mr. Nugent submitted draft of findings and order with the statement that the same had been prepared in final form pursuant to the Commission's instructions and moved that the same be approved and issued. The motion was seconded by Mr. Hunt and adopted by the Commission and it was so ordered.

The findings and order as adopted were referred to the Secretary for service without further action.

Mr. Nugent presented the following applications for complaint and action as indicated was taken by the Commission:

(1) File 1-3526 - F. T. C. vs. Lime Cola Bottling Company.

Mr. Nugent presented memorandum of February 28, 1925, reviewing the record and containing the following recommendations:

"I recommend and move that the application be dismissed in respect of the tying contract clause in respondent's contract. That the Chief Examiner be directed to communicate with respondent for the purpose of determining whether or not it is willing not only to eliminate the resale price maintenance clause from all contracts it may enter into in the future with bottlers and to advise all bottlers with whom contracts are now in force, that said clause will not be enforced and that in the event the respondent agrees so

March 9, 1925.

to do, the application be dismissed in respect of said resale price maintenance clause, otherwise, that complaint issue thereon.

"The respondent contends that contracts containing clauses similar to those in question herein are entered into by certain of its competitors, viz., The Chero-Cola Company of Columbus, Georgia; The Coca-Cola Company of Atlanta, Georgia and the Pepco-Cola Company.

"I move that the Chief Examiner be directed to communicate with the companies last named for the purpose of ascertaining the correctness of that statement and report the result of his investigation to the Commission for such action as it may deem appropriate."

The memorandum was read and after discussion, Mr. Nugent moved, that the recommendations contained in the memorandum be adopted by the Commission and carried out. The motion was seconded and adopted by the Commission and it was so ordered.

(2) File 1-8856 - G. & C. Merriam Company, et al vs. World Syndicate Company, Inc.

Mr. Nugent presented memorandum of March 9th reviewing the record, concurring with the recommendation of the Board of Review and recommending that the application be dismissed.

The memorandum was read and after consideration, on motion of Mr. Nugent, seconded by Mr. Hunt, the application for complaint was dismissed by the Commission.

(3) File 1-2222 - F. T. C. vs. International Planters' Corporation.

Mr. Nugent presented memorandum of March 9th reviewing the record, concurring in the recommendation of the Board of Review and recommending that the application be dismissed.

The memorandum was read and after consideration, on motion of Mr. Nugent, seconded by Mr. Hunt, the application for complaint was dismissed by the Commission.

Mr. Hunt presented the following listed applications for complaint and action as indicated was taken by the Commission:

(1) File 1-8564 - George Tiemann & Company vs. Thiemann-Scottcher & Company.

Mr. Hunt submitted memorandum of March 7th reviewing the record, concurring in the recommendation of the Board of Review and recommending that the application be dismissed.

The memorandum was read and after consideration, on motion of Mr. Hunt, seconded by Mr. Humphrey, the application for complaint was dismissed by the Commission.

March 2, 1925.

(2) File 1-3454 - Ham Boiler Corporation vs. Packers' Machinery & Equipment Company.

Mr. Hunt stated that this application came direct from the Chief Examiner, without reference to the Board of Review, pursuant to the rule of December 4, 1924.

Mr. Hunt submitted memorandum of March 2, 1925, reviewing the record, concurring in the recommendation of the Chief Examiner and recommending that the application be dismissed.

The memorandum was read and after consideration, on motion of Mr. Hunt, seconded by Mr. Humphrey, the application for complaint was dismissed by the Commission.

(3) File 1-3386 - Better Business Bureau of the District of Columbia, Inc. vs. Howard (J. Noelle and W. E. Marble)

Mr. Hunt stated that this application came direct from the Chief Examiner, without reference to the Board of Review, pursuant to the rule of December 4, 1924.

Mr. Hunt submitted memorandum of March 2, 1925, reviewing the record, concurring in the recommendation of the Chief Examiner and recommending that the application be dismissed.

The memorandum was read and after consideration, on motion of Mr. Hunt, seconded by Mr. Nugent, the application for complaint was dismissed by the Commission, for the reason that the respondents, J. Noelle and W. E. Marble, co-partners, doing business under the name of "Howard", have gone out of business and because one of the respondents is beyond the jurisdiction of the Commission.

(4) File 1-3612 - Suarez & Crespo vs. Roque Martinez.

Mr. Hunt submitted memorandum of March 2, 1925, reviewing the facts, concurring in the recommendation of the Board of Review and recommending that the application be dismissed.

The memorandum was read and after discussion, on motion of Mr. Hunt, seconded by Mr. Nugent, the application for complaint was dismissed by the Commission.

(5) File 1-3137 - Witwer Grocery Company vs. Western Grocer Company, et al.

Mr. Hunt stated that the application came direct to the Commission from the Chief Examiner without reference to the Board of Review pursuant to the rule of December 4, 1924.

Mr. Hunt presented memorandum of March 5, 1925, reviewing the facts, concurring in the recommendation of the Chief Examiner and recommending that the application be dismissed.

The memorandum was read and after consideration, on motion of Mr. Hunt, seconded by Mr. Humphrey, the application for complaint was dismissed by the Commission.

March 9, 1925.

- (6) File 1-2679 - William F. Kirby vs. Remington Arms-
Union Metallic Cartridge Company, et al.

Mr. Hunt presented memorandum of March 3rd reviewing the record, concurring in the recommendation of the Board of Review, and recommending that the application be dismissed.

The memorandum was read and after consideration, on motion of Mr. Hunt, seconded by Mr. Thompson, the application for complaint was dismissed by the Commission.

It was further ordered, on motion of Mr. Hunt, seconded by Mr. Thompson, that the Chief Examiner, through the attorney-in-charge of the San Francisco Office be directed to make a further informal inquiry and report to the Commission promptly, whether or not an application for complaint should be docketed with respect to a statement by Attorney Haycraft, in the report of the Board of Review, as follows:

"It was developed, however, in the correspondence between the District Manager of the Peters Company in San Francisco and the President of the Company that the California jobbers had made an agreement not to give discounts of more than ten per cent below list price. This is indicated in a letter dated July 20, 1924 (Z-68-69 in the file). It does not appear from this correspondence, however, that the respondent, Peters Company, had anything to do with this agreement."

Mr. Thompson presented the following listed applications for complaint and action as indicated was taken by the Commission:

- (1) File 1-585 - F. F. C. vs. Duluth Board of Trade.

Mr. Thompson submitted memorandum of March 5, 1925, reviewing the record and recommending that the application be dismissed.

The memorandum was read and after consideration, on motion of Mr. Thompson, seconded by Mr. Humphrey, the application for complaint was dismissed by the Commission.

- (2) File 1-3561 - Electric Appliance Company vs. Electric Appliance Company, Inc.

Mr. Thompson recited the facts in the case and stated that he concurred in the recommendation of the Board of Review and recommended that the application be dismissed.

After consideration, on motion of Mr. Thompson, seconded by Mr. Hunt, the application for complaint was dismissed by the Commission.

March 9, 1925.

Mr. Nugent presented memorandum of March 7th from the Chief Economist in regard to the assignment of Miss Anna R. Monahan to the Economic Division. The Chief Economist reported that Miss Monahan could be advantageously and properly assigned to work of a clerical statistical character in the Economic Division with assignment to C. A. F. Grade 5 at the initial salary, thereof, \$1860.

On motion of Mr. Nugent, seconded by Mr. Hunt, Miss Monahan was assigned by transfer from the Administrative Division, C. A. F. Grade 5, salary \$2100. to the Economic Division, C. A. F. Grade 5, at the initial salary thereof, \$1860. the same to be effective upon taking the oath and entering on duty.

Mr. Nugent also presented memoranda of February 24th and March 5th from the Chief Economist with respect to the filling of the vacancy caused by the resignation of Mr. L. F. Bond, accountant at \$4200. by the appointment by transfer from the Legal Examining Division of Mr. J. D. Mullock, at his present salary of \$2800. and salary increases as follows:

Dr. F. W. Mitchell	\$4000 to \$4200.
Mr. J. K. Arnold	3800 to 4000.
Mr. C. G. Farwell	3300 to 3800.
Mr. F. A. Thibodeau	2700 to 3000.

Mr. Nugent informed the Commission respecting the proposed changes and stated that the recommendations by Dr. Walker were submitted with his approval as Commissioner-in-charge of the Economic Division and moved that the recommendations of the Chief Economist be approved and carried out.

J. F. Nugent
John F. Nugent,
Acting Chairman.

Attest:

Otis E. Johnson
Otis E. Johnson,
Secretary.

At this time Chairman Van Fleet entered the meeting.

March 9, 1925.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Nugent,
Charles W. Hunt,
Huston Thompson,
William E. Humphrey.

The motion under discussion was explained to the Chairman by Mr. Nugent and thereafter, the motion was put to vote and adopted by the Commission and it was so ordered, the salary increases to be effective March 16, 1925 and the appointment by transfer of Mr. Mullock, as accountant, C. A. F. Grade 9, at the initial salary of \$3000. be effective upon taking the oath and entering on duty.

Mr. Hunt presented memorandum of February 26th from the Chief Examiner recommending certain appointments and readjustments of salaries growing out of the transfer of Attorney John H. Bass to the Chief Counsel's office and the resignation of Mr. I. W. Digges.

On motion of Mr. Van Fleet, it was directed that the memorandum be circulated and considered as a Special Order of business after the regular order on Monday, March 16, 1925.

Mr. Thompson presented memorandum of March 8th from the Secretary recommending certain salary increases in the Administrative Division by reason of the resignation of Miss Ruth Martineson, clerk at \$1680. The memorandum reads as follows:

"March 9, 1925.

"Memorandum for Commissioner Thompson:

"A short while ago Miss Ruth Martineson, clerk in the Docket Section at \$1680. resigned. Her position has been filled by inter-office transfer without addition to the staff or the salary-roll.

"It is recommended that the \$1680. represented by Miss Martineson's salary, be made available for salary increases in the Administrative Division among certain low salaried clerks who have earned promotion in salary. These promotions can be made without increasing the present pay-roll. I have consulted with the Chiefs of the several sections and the Assistant Secretary, and have received their recommendations, (memoranda of chiefs of sections attached) and based thereon

March 9, 1925.

it is respectfully recommended that the following increases be made effective March 16, 1925:

Library	Peter L. Becker	\$ 60.	\$1260-\$1320.
Mail & Files	Grace E. Rupert	120.	1380-1500.
	Estelle E. Parnell	120.	1260-1380.
	Owen B. Corrigan	60.	1380-1440.
Stenographic	Sarah E. Ferrier	60.	1500-1560.
	Gertrude B. Mathiot	60.	1500-1560.
	Frances E. Taylor	60.	1500-1560.
	Katie V. Grimes	60.	1560-1620.
	Frank M. Hildebrandt	140.	1860-2000.
	Anna Boyle	60.	1620-1680.
Publications	George W. Kehl	120.	1140-1260.
Docket	Julia H. Hartranft	60.	1620-1680.
	Helen A. Burr	120.	1500-1620.
Personnel	Margaret M. Byrne	60.	1500-1560.
Supplies	Laura E. Ruckdaeschel	60.	1140-1200.
	William Coram	60.	1080-1140.
Secretary	William L. Haigh	120.	1500-1620.

"These increases make a total of \$1380. on a yearly basis, leaving \$300. out of Miss Martineson's salary which has not been used.

j-h

Otis B. Johnson,
Secretary."

After discussion, on motion of Mr. Thompson, seconded by Mr. Hunt, the salary increases recommended in the foregoing memorandum were approved by the Commission and authorized, the same to be effective on March 16, 1925.

As to the foregoing action, Mr. Nugent, stated as follows:

"I vote 'no' as to the increases of all stenographers, except the increase granted Mr. Hildebrandt, who I understand is the Chief of the Stenographic Section".

March 9, 1925.

The following matters of general business forwarded to the Commission by the heads of the several divisions were presented by the Secretary and action as indicated was taken by the Commission:

(1) Docket 1115 - General Electric Company, et al.

Memorandum of March 3rd was received from the Chief Counsel transmitting memorandum of March 2nd from Trial Attorney Smith and concurring in the recommendation of Attorney Smith that the hearing set for March 16th be postponed until May 18, 1925.

The recommendation of the Chief Counsel was approved and order approved and entered postponing the taking of testimony to Monday, May 18, 1925, at 10 a.m., at New York City.

(2) Docket 1280 - Banner Silk Knitting Mills, Inc.

Memorandum of March 6th was received from the Chief Counsel transmitting request of counsel for the respondent for an extension of time for filing answer to March 30, 1925 and recommending that the request be granted.

The request was granted by the Commission and order to this effect approved and entered.

(3) Docket 82 and 928 - The American Photo-Engravers' Association, et al.

Memorandum of March 3rd was received from the Chief Counsel calling the Commission's attention to the fact that the proceeding in the United States District Court in St. Louis against Malseed as Secretary of the Photo-Engravers' Union of St. Louis, brought in order to vindicate the Commission's power of subpoena duces tecum, has resulted in complete victory for the Commission.

The memorandum was received and filed.

(4) Docket 800 - Brand & Oppenheim.

Memorandum of March 3rd was received from the Chief Counsel transmitting request of counsel for the respondent for an extension to and including March 28, 1925 for filing answer to the amended complaint and recommending that the request be granted.

The request was granted and order to this effect approved and entered.

(5) Docket 1085 - North Dakota Wholesale Grocers' Association,

Upon receipt of memorandum of March 5th, from the Chief Counsel the final argument of the case before the Commission was postponed from March 16th to Wednesday, April 8, 1925, at 2 p.m., with the direction that the Secretary notify interested parties by registered mail.

March 9, 1925.

(6) Docket 1263 - National Leather & Shoe Finders' Association, et al.

Memorandum of March 5th was received from the Chief Counsel transmitting request of counsel for the Leather & Shoe Finders' Association of Philadelphia, for an extension of time for filing answer and recommended that all respondents be granted an extension for filing answer.

The recommendation was approved and order approved and entered granting all the respondents to and until March 25, 1925 for filing answers.

(7) Docket 1271 - W. Rizcallah & Company.

Memorandum of March 5th was received from the Chief Counsel transmitting request of counsel for the respondent for an extension to and including April 1, 1925, for filing answer and recommended that the request be granted.

The request was granted by the Commission and order to that effect approved and entered.

(8) Docket 1023 - International Shoe Company.

Upon receipt of memorandum of March 3rd from the Chief Counsel, the final argument of the case before the Commission was postponed from March 8th to Wednesday, April 1, 1925, at 2 p.m. with the direction that the Secretary notify interested parties thereof by registered mail.

(9) Docket 1073 - C. T. Swett & Company.

Upon receipt of memorandum of March 3rd from the Chief Counsel, the final argument of the case before the Commission was set down on March 25, 1925, at 2p.m., with the direction that interested parties be notified thereof by registered mail.

(10) Docket 1123 - Real Silk Hosiery Mills.

Memorandum of March 3rd was received from the Chief Counsel transmitting letter by Trial Attorney Rowland to the Chief Counsel also stipulation as to the facts regarding Paragraph Five of the complaint and recommending that the stipulation be approved.

It was directed that the matter be circulated.

(11) Docket 1281 - Thomas E. Powe Lumber Company.

Memorandum of March 2nd was received from the Chief Counsel reporting examination of application for complaint by the Mahogany Association, Inc., against the Thomas E. Powe Lumber Company as submitted with the Association's letter of February 20, 1925. Chief Counsel referred to the Commission's action of February 2 in referring the application to the Chief Counsel for report as whether the pending complaint in the above docket number covers the subject matter in the application for complaint. The Chief

March 9, 1925.

Counsel reported his examination of the application and stated that the pending complaint does cover the charges in the application.

On motion of Mr. Thompson, seconded by Mr. Van Fleet, the Secretary was directed to notify the Mahogany Association, the applicant, that its application for complaint was covered in the pending complaint in Docket 1281 and would be considered in connection therewith.

The Commission further directed that application for complaint be referred to the Chief Counsel for consideration in connection with the trial of Docket 1281.

(12) The Secretary informed the Commission of a letter of February 28th from Attorney Soter in charge of the Chicago Office to the effect (1) that Attorney Soter had been unable to secure either from the Civil Service Commission or by contract the services of a competent stenographer at \$1320. per annum, the initial salary of C. A. F. Grade 2, as authorized by the Commission and (2) in view of this salary limitation of \$1320. and the necessity for stenographic service at the Chicago Office, Mr. Soter had personally paid one of the stenographers \$10. a month in addition to her official salary.

Upon recommendation of the Secretary, the Commission (1) authorized the permanent employment from the Civil Service roll of a stenographer at \$1500. per annum, the minimum salary in C.A.F. Grade 3 and her assignment to the Chicago Office and (2) expressed its disapproval of Mr. Soter's act in paying a portion of a stenographers' salary from his own funds and directed that this practice be discontinued immediately.

As to the employment of the stenographer, at \$1500. per annum, Messrs. Van Fleet, Hunt, Thompson and Humphrey voted in the affirmative and Mr. Nugent voted in the negative.

(13) Memorandum of February 18, 1925, by Mr. Gaskill to be used as a "Foreword" to the Commission's pamphlet containing Grade Practice Submittals.

The memorandum was circulated.

Thereupon, at the hour of 12:30 p.m., the Commission adjourned to meet Wednesday, March 11, 1925, at 10 a.m.

Vernon W. Van Fleet,
Chairman.

Attest:

Otis B. Johnson,
Secretary.

March 11, 1925.

Tuesday - March 10, 1925 - No meeting held.

MEETING OF THE FEDERAL TRADE COMMISSION

Wednesday - March 11, 1925 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Nugent,
Charles W. Hunt,
Huston Thompson,
William E. Humphrey.

The minutes of the meeting of March 9, 1925 were read and approved.

The Chairman presented the following matters and action as indicated was taken by the Commission:

(1) Letter of March 5th from Senator Morris Sheppard of Texas transmitting letter of February 26th from Mr. H. Markley Crosswell, President of the Houston Cotton Exchange of Houston, Texas, referring to the Commission's report on Cotton Merchandising Practices as submitted to the Senate on January 20, 1923, in response to Senate Resolution 252 and suggesting hearing before the Commission prior to the issue of public complaint.

The letter was referred to the Chief Economist for attention.

(2) Letter of March 5th from Senator Morris Sheppard of Texas, referring to the submission of the Commission's report relating to the Empire Cotton Growing Corporation to the Senate in response to Senate Resolution 317 and requesting to be advised as to copies of the report to be published and the number to be allowed for personal distribution by the Senator.

The letter was referred to the Secretary for preparation of reply.

(3) Letter of March 5th from Mr. Phillip P. Wells, Deputy Attorney General of Pennsylvania, calling attention to series of advertisement on the electric light and power industry being published by investment banking houses for consideration by the Commission in connection with its report on electric power industry in response to Senate Resolution 329.

The letter was referred to the Chief Economist for attention.

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(4) Letter of March 7th from the Department of State (Leland Harrison, Assistant Secretary) referring to previous correspondence in regard to the sale in British Guiana of American butter so labeled as to imply Danish origin and enclosing a communication of February 24th from the Danish Minister in further relation to the matter.

The correspondence was referred to the Export Trade Division for attention.

(5) Letter of March 5th from Mr. Walker B. Spencer (Spencer, Gidier, Phelps & Dunbar), New Orleans, Louisiana, representing the Naval Stores Export Corporation, operating under the Export Trade Act and transmitting a letter dated March 5th addressed to Mr. Spencer by the Naval Stores Export Corporation referring to previous correspondence with respect to the exchange of rosin and reciting the facts surrounding the exchange of some 1200 barrels of B grade rosin which is non-exportable for certain K rosin suitable for export and requesting the Commission's approval of the particular transaction. Attorney Spencer requested that the Commission authorize the transaction described.

The correspondence was read and on motion of Mr. Van Fleet, seconded by Mr. Thompson, it was directed that a letter be sent Attorney Spencer advising that the Commission has no objection to offer to the transaction for the exchange of rosin as set forth in this correspondence.

(6) Docket 1115 - General Electric Company, et al.

Letter of March 5th from the Secretary of the Navy (Curtis D. Wilbur), replying to the Commission's letter of March 2nd and granting the Commission's request that Attorney J. L. Smith have access to certain documents in the radio and other divisions of the Navy Department in connection with the proceedings in the above entitled case and with permission to copy such documents as would assist the Commission in the case.

The letter was referred to the Chief Counsel for attention.

(7) Letter of March 2nd from Mr. H. M. Van Court, Miami, Florida, with respect to the increase in the price of gasoline. The letter was addressed to the President and received by reference from the White House.

The letter was referred to the Chief Examiner for attention.

(8) Letter of March 10th from Congressman C. D. Carter of Oklahoma, requesting to be advised "what percentage of increase there is on anthracite cost of production since May 1, 1918".

The letter was referred to the Chief Economist for attention.

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Mr. Thompson referred to the trade practice submittal in the Furniture Industry now under way and the difficulties encountered by reason of the objection of certain portions of the industry, notably the Chair Manufacturers to join in the submittal and the desirability to have expedited certain applications for complaint now pending and involving false branding and advertising of furniture.

Mr. Thompson moved that the following listed applications for complaints and undocketed case be advanced by the Chief Examiner and his staff and transmitted direct to the Commission as promptly as possible with the recommendation of the Chief Examiner without reference to the Board of Review:

- File 1-3682 - Associated Advertising Clubs of the World vs. Spear & Company.
- " 1-3683 - Associated Advertising Clubs of the World vs. Sheppard Knapp Son Company, Inc.
- " 1-3705 - S. Karpen & Brothers vs. Black & Gates, Inc.
- " 1-3713 - Associated Advertising Clubs of the World vs. Ludwig Bauman & Company.
- " 1-3825 - Mahogany Association, Inc. vs. Gimbel Brothers.
- " 1-3829 - Mahogany Association, Inc. vs. Pacific Southwest Import Company.
- " 1-3830 - Mahogany Association, Inc. vs. Frank Paxton Company.
- " 1-3831 - Mahogany Association, Inc. vs. Kirschmann Hardwood Company.
- " 1-3832 - Mahogany Association, Inc. vs. Hammond Lumber Company.

New York Office File 1150 - John Wanamaker.

The motion was seconded by Mr. Van Fleet and adopted by the Commission. It was so ordered.

Mr. Van Fleet offered the following motion:

Moved, that hereafter, it shall be the policy of the Commission not to entertain proceedings of alleged unfair practices where the alleged violation of law is a purely private controversy redressable in the courts except where said practices substantially tend to suppress competition as affecting the public. In all such cases there must be three parties involved, the respondent, the competitor injured and the public. In cases where the alleged injury is one to a competitor only and is redressable in the courts by an action by the aggrieved competitor and the interest of

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the public is not substantially involved, the proceeding will not be entertained. The Chief Counsel is hereby directed to report to the Commission with a memorandum stating his reasons and views all such cases now pending for the disposition of the Commission and the Chief Examiner shall also report to the Commission all pending applications for a complaint where the examination in his opinion shows that said application comes within this rule.

The motion was read, seconded by Mr. Humphrey and adopted by the Commission. It was so ordered, the same to be immediately effecti

Mr. Thompson offered the following motion:

Moved, that the Secretary be directed to call upon the heads of the several divisions for reports in writing with respect to conditions in their divisions in regard to tardiness, unauthorized departure and absence from the building, etc. and report to the Commission; and also that the Secretary report upon the question of sick leave.

The following matters of general business forwarded to the Commission by the heads of the several divisions were presented by the Secretary and action as indicated was taken by the Commission:

(1) Statement showing as of February 28, 1925, a summary of allotments, expenditures and liabilities of the Commission as of that date. The report showed a debit condition and instructions were issued to the Secretary to take up this condition with the heads of divisions with a view to the elimination of the deficit as of March 31, 1925. The report was ordered placed in the calendars.

(2) Docket 1060 - John C. Winston Company.
Memorandum of March 7th was received from the Chief Counsel (Attorney Busick) referring to the decision of the United States Circuit Court of Appeals for the Second Circuit vacating the order of the Commission in this case and asking instructions as to the filing of a petition for writ of certiorari in view of decisions in other Circuits in similar cases, etc.

It was directed that the memorandum be circulated.

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(2) Memorandum of March 2nd from the Docket Section, concurred in by the Chief Examiner, Chief Counsel and the Chairman of the Board of Review recommending the discontinuance of the present practice with respect to the physical arrangement of files and recommending that the earlier method of filing material downward so as to read the file as reading a newspaper or book, be again adopted.

On motion of Mr. Von Fleet, seconded by Mr. Hunt, the recommendation was adopted and it was ordered that the old method be reinstituted.

(4) Docket 1204 - Puritan Silk Corporation.

Letter of February 25th from the Foreign Commerce Department of the Chamber of Commerce of the United States of America, calling the Commission's attention in connection with this case, to a practice in many of the Latin-American customs tariffs of providing that any garment containing anything called silk, whether true silk or imitation silk, must be declared as silk and must pay duty relatively the same as on silk fibre itself. The inquiry was made as to whether the Commission had given any consideration to this phase of the matter. The Commission also received draft of reply prepared by the Chief Counsel to the effect that the nomenclature adopted by foreign countries for the purpose of taxation would not seem to affect the Commission's activities.

The letter was read, approved and ordered forwarded.

See file

(5) Docket 868 - Calumet Baking Powder Company.

Memorandum of February 27th was received from the Chief Counsel referring to allegations of the complaint with respect to the wholesomeness of self-rising flour and to the motion by the Soft Wheat Millers' Association, manufacturers of self-rising flour and intervenor herein, to strike from the complaint the allegation in this respect. The Chief Counsel recommended that the complaint be amended by striking the language to which the intervenor objects.

It was directed that the matter be circulated.

(6) Memorandum of March 5th from the Chief Counsel transmitting separate memoranda by Attorney Wooden dated March 2nd commenting upon two letters from the Attorney General of the United States, dated January 26, 1925, one with respect to the Georgia-Florida Saw Mill Association and the other with respect to the Southern Cypress Manufacturers' Association. Attorney Wooden referred to the submission by the Commission to the Department of Justice of the results of its investigation of these Associations and to examination of the files and subsequent investigation by the Department of Justice as set forth in the two letters from the Attorney General

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wherein the Attorney General advised the Commission that the Department of Justice does not intend to take any further action. Attorney Wooden stated that any action by the Commission must be upon the basis of information now nearly five years old or upon supplemental investigation and that it was a general question of policy for the Commission to decide as to whether any action should be taken by it.

Attorney Wooden's memoranda were read and after discussion, on motion of Mr. Hunt, seconded by Mr. Van Fleet, it was directed that the memoranda and accompanying papers be filed without action.

(7) Letter of March 3rd from Congressman Carl Hayden of Arizona, transmitting a letter of February 26th from Mr. W. R. Wayland, Wayland's Central Pharmacy, Phoenix, Arizona, protesting as to the practice by the Linde Air Products Company of Los Angeles against the Industrial Chemical Company of Phoenix, Arizona. The Congressman requested the Commission to make an investigation with a view to remedying the situation.

The correspondence was read and referred to the Chief Examiner for attention. The Secretary was directed to acknowledge the letter.

(8) Letter of January 30th from Mr. Henry A. Guiler, Special Assistant to the Attorney General, Department of Justice, Western Anti-Trust Section, San Francisco, California, reporting that the Department is investigating the activities of the Retail Furniture Dealers' Association of Washington and requesting the material gathered by the Commission in this investigation of this Association consisting of papers, etc., from the late Douglas White, former head of the California Furniture Dealers' Association.

The Secretary reported the reference of the matter to the Chief Economist and of a statement by the Chief Economist that the material was gathered in connection with an investigation into the House Furnishings Industry in response to Senate Resolution. The Secretary also submitted draft of a letter prepared by the Chief Economist advising Mr. Guiler that under a rule recently adopted by the Commission (January 16, 1925), it would be impossible to furnish the information in the files of the Commission to the Department of Justice except with the written consent of the party from whose files such data was voluntarily obtained.

The correspondence was read and after discussion, Mr. Van Fleet offered the following motion:

Moved, that the letter go forward.

The motion was seconded by Mr. Hunt. As to the foregoing motion, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Lugent and Thompson voted in the negative and requested that their dissent show upon the record and the correspondence.

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Mr. Thompson gave notice of his intention to send a letter to the Attorney General of the United States covering the policy of the Commission as set forth in its rule of January 16, 1925, to the effect that material furnished voluntarily by parties under investigation would not be made available to the Department of Justice except upon written consent of the parties from whom the material was obtained.

Mr. Nugent stated that he would join with Mr. Thompson in the letter.

(9) Report from the Chief Examiner of formal cases in the hands of Trial Examiners as of March 1, 1925.

The report was received and placed in the calendars.

(10) Report of the Chief Examiner of the work of the Legal Investigating Division for the month of February 1925.

The report was received and placed in the calendars.

(11) Memorandum of March 3rd from the Chief Examiner reporting preliminary investigation of the acquisition by the Marlin-Rockwell Corporation of The Gurney Ball Bearing Company.

It was directed that the memorandum be circulated.

(12) File 9-1508 - Association of Ship Store Dealers of North Atlantic Seaboard vs. S. W. Costin & Company.

" 0-1736 - F. T. C. vs. J. DeNegri & Sons.

" 1-2322 - F. T. C. vs. Scherer Supply & Equipment Company.

" 1-2458 - F. T. C. vs. Atlantic Iron Works, Inc.

" 1-2459 - F. T. C. vs. Rourke's Iron Works, Inc.

" 1-2460 - F. T. C. vs. John F. Reilly Machine Works.

" 1-2461 - F. T. C. vs. Marine Iron Works Company, Inc.

" 1-2463 - F. T. C. vs. American Ship Chandlery Company.

" 1-2468 - F. T. C. vs. The Brunswick Marine Construction Corporation.

" 1-2477 - F. T. C. vs. Norfolk Shipbuilding & Dry Dock Company.

" 1-2479 - F. T. C. vs. McLaughlin Iron Works, Inc.

" 1-2480 - F. T. C. vs. Colonna Marine Railway Corporation.

" 1-2481 - F. T. C. vs. George W. Duvall, Inc.

" 1-2534 - F. T. C. vs. Kane Boiler Works.

" 1-2536 - F. T. C. vs. Celli & Carivageli.

" 1-2538 - F. T. C. vs. Atlas Engineering Works.

" 1-2542 - F. T. C. vs. Modern Welding & Blacksmithing Company.

" 1-2543 - F. T. C. vs. Bender Welding Company.

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Separate identical memoranda dated February 27, 1925, were received from the Chief Examiner recommending that the foregoing eighteen cases against concerns dealing in ship chandlery and containing a charge of commercial bribery be taken from the Suspense Calendar and dismissed with the direction that informal inquiry be made in each case as to whether a new application should be docketed against the various concerns.

The Chief Examiner reported that the cases were placed on Suspense following the decision by the United States Circuit Court of Appeals for the Fourth Circuit in the Norden - Docket 614 - and Winslow - Docket 148 - cases wherein the Court held that those concerns charged with commercial bribery were not engaged in interstate commerce and therefore the Commission had no jurisdiction. The Chief Examiner further reported that the test case selected for trial in the First Circuit - Docket 1073 - C. T. Swett, had failed to develop the expected situation whereby the Commission could secure a ruling on the question of interstate commerce in bribery cases from the Supreme Court for the reason that the Swett Company had not refused to permit access to its books and records.

The memorandum was read and on motion of Mr. Thompson, seconded by Mr. Humphrey, the foregoing applications for complaints were dismissed with instruction to the Chief Examiner to select from among these cases the strongest case in the First and Fifth Circuit, if there be any and limit the re-investigation to those cases and report to the Commission.

- (13) File 1-3073 - Tri-State Cooperative Association, Inc. vs. Freese & Son.
- " 1-3074 - Tri-State Cooperative Association, Inc. vs. Swift & Company.
- " 1-3075 - Tri-State Cooperative Association, Inc. vs. Hillsdale Creamery.

Separate identical memoranda dated March 3rd were received from the Chief Examiner covering these files and recommending that the applications be removed from Suspense and dismissed. The Chief Examiner reported that the applications were placed on Suspense pending the Commission's determination of Docket 958 in the matter of the Ohio Dairy Company, which complaint was dismissed by the Commission September 12, 1924 and that none of the foregoing applications are stronger than the Ohio case and should be dismissed as further investigation was not likely to have a different result.

The memoranda were read and after discussion, on motion of Mr. Van Fleet, seconded by Mr. Humphrey, the recommendation of the Chief Examiner was approved and the applications for complaints dismissed.

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(14) Memorandum of March 2nd from the Chief Examiner transmitting undocketed file in regard to the petition of the Oshkosh Trunk Company vs. J. V. Weyerling Trunk Company, et al with request for decision by the Commission upon the applicant's petition of February 27, 1925 requesting that the Commission reconsider the action of the Chief Examiner in declining to docket an application for complaint.

It was directed that the matter be circulated.

(15) Memorandum of March 2nd from the Chief Examiner transmitting the result of preliminary investigation in the matter of the capital stock acquisition by the Continental Baking Corporation in alleged violation of Section 7 of the Clayton Act. The Chief Examiner concurred in the recommendation of Attorney-Examiner Tackett that complaint issue forthwith, charging violation of Section 7 of the Clayton Act; or that should the Commission deem it best to first refer the case to the Board of Review that the case be ordered expedited.

It was directed that the matter be circulated.

(16) Memorandum of March 6th from the Chief Examiner reporting in response to the Commission's action of February 11th in the matter of the code of ethics of the Folding Box Manufacturers' National Association submitted to the Commission for opinion. The Chief Examiner stated that the preliminary investigation indicated that the Association should be advised that portions of the code indicated concerted action having the effect of lessening competition in prices, terms and service and is illegal. The Chief Examiner submitted a letter to the Association.

It was directed that the matter be circulated.

(17) File 1-3588 - Benjamin Moore & Company vs. George E. Watson Company.

Memorandum of March 3rd was received from the Chief Examiner reporting that in compliance with the Commission's direction of January 12, 1925, samples of two additional products being used by the George E. Watson Company, respondent, were secured and sent to the Bureau of Standards for analysis, the results of which accompanied the memorandum. The Chief Examiner recommended that the results of the analysis be transmitted to the Board of Review for use in drawing the complaint ordered by the Commission in this case on January 12, 1925.

The memorandum was read and on motion of Mr. Van Fleet the recommendation of the Chief Examiner was approved and it was so ordered.

(18) Letter of March 2nd from the Department of Justice, (Ira K. Wells, Assistant Attorney General), regarding a proceeding

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instituted in the United States District Court for the Southern District of Ohio, wherein the petitioner is seeking to recover an amount alleged to represent compensation for certain cans of corn which were requisitioned by the War Department, pursuant to the Act of August 10, 1917 (Lever Act). The letter stated that the Department of Justice had been advised by the War Department that the Federal Trade Commission has a file with reference to the cost of canned corn put up by the Esmeralda Canning Company and that this report will doubtless be of assistance to the United States Attorney in the defense of the case. The letter requested that the Commission forward a copy of the report for use in the trial.

The Secretary presented the report in question with the statement that it was one of a number of cost reports prepared by the Commission during the War and showed the canning costs of the Esmeralda Canning Company.

On motion of the Chairman, it was directed that a copy of the report be furnished the Department of Justice.

(19) File 1-3115 - Lindsay Crawford, Irish Consul General vs. Harry Berger.

Memorandum of March 2nd was received from the Chief Examiner reporting in response to the Commission's action of February 11th the result of further inquiry to obtain the facts as to the respondent's discontinuance of the use of the term "Irish Poplin". The Chief Examiner reported that the respondent has discontinued the use of the term and that there seems no reason to doubt but that the label has not been used on respondent's products since January 1, 1924.

The Secretary reported that under date of January 12, 1925, the Commission directed that complaint issue charging the Harry Berger Shirt Company with violation of the Federal Trade Commission Act and that under date of February 11th the Commission had received a memorandum dated February 9th from the Chief Counsel returning draft of complaint with the recommendation that the file be returned to the Chief Examiner to ascertain whether respondent has in truth abandoned the use of the term "Irish Poplin" and that if the affirmative appears the matter be dismissed. The Commission, thereupon, referred the file to the Chief Examiner for such a report.

After discussion, Mr. Van Fleet offered the following motion which was seconded by Mr. Hunt:

Moved, that the entire matter be dismissed for the reason that the respondent has discontinued the practice complained of.

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As to the foregoing motion, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The motion carried and it was so ordered.

Messrs. Nugent and Thompson asked that their dissent show upon the minutes, the order and any correspondence or publicity statement. It was so ordered.

Mr. Thompson stated that he desired the record to show and that the Chief Counsel be advised that he disapproved and objected to the action of the Chief Counsel in sending cases back to the Commission wherein the Commission has ordered a complaint to issue, with a statement by the Chief Counsel that the respondent has discontinued the practice. It was so ordered.

Mr. Van Fleet offered the following motion, which was seconded by Mr. Humphrey:

Moved, that the action of the Chief Counsel in transmitting cases of this character back to the Commission be approved.

As to the foregoing motion, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Nugent and Thompson voted in the negative.

Mr. Nugent thereupon, made the following statement for the record:

"I desire to state in that connection, that I am absolutely opposed to the willful disregard of the Commission's orders as recently evidenced by the Assistant Chief Counsel and I think that he should be directed to carry out the Commission's expressed orders regardless of what he might think of the facts and that the Assistant Chief Counsel be notified of my views".

It was so ordered.

Mr. Thompson stated as follows:

"I agree with Commissioner Nugent and ask that the record show that I agree with him."

It was so ordered.

From the Circulating Calendar the Commission considered the following matter and action as indicated was taken:

(1) Memorandum dated December 20, 1924, by Mr. Gaskill and memorandum dated January 9, 1925, by Mr. Van Fleet with respect to the disposition of cases without formal complaint. These memoranda

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were circulated among the Commissioners on January 9th and referred to Mr. Humphrey for consideration on March 2, 1925.

The Secretary read the memorandum by Mr. Van Fleet, which reads as follows:

"The end and object of all proceedings of the Federal Trade Commission is to end all unfair methods of competition or other violations of the law of which it is given jurisdiction. The law provides for the issuance of a complaint and a trial as procedure for the accomplishment of this end. But it is also provided that this procedure shall be had only when it shall be deemed to be in the public interest, plainly giving the Commission a judicial discretion to be exercised in the particular case.

"It has been contended that the language of the statute using the word 'shall' is mandatory, but in view of the public interest clause no member of the Commission as now constituted holds or has ever held that the statute is mandatory. Hence, the proposed rule for settlement of applications for complaint may be considered on its merits.

"If it were not for the public interest clause it might appear that the statute would be mandatory. It remains to determine what effect the public interest clause has. In the interest of economy and of dispatch of business as well as the desirability of accomplishing the ends of the Commission with as little harm to respondents as possible, all cases should be so settled where they can be except where the public interest demands otherwise.

"But when the very business itself of the proposed respondent is fraudulent, it may well be considered by the Commission that the protection of the public demands that the regular procedure by complaint and order shall prevail. Indeed, there are some cases where that is the only course which would be of any value at all. As for instance, the so-called Blue Sky cases and all such where the business itself, is inherently fraudulent or where a business of a legitimate nature is conducted in such a fraudulent manner that the Commission is warranted in the belief that no agreement made with the proposed respondent will be kept by him.

"It is perhaps hard to draw a definite line, but I think we may say that the rule shall be that all cases shall be settled by stipulation except when the public interest demands otherwise for the reasons set forth above.

"I therefore, move that the foregoing be adopted as a declaration of the policy of the Commission and that the Chief Examiner in accordance therewith, or the Board of Review, shall bring forward to the Commission for such settlement all cases which in their opinion shall fall within this rule with their written recommendation."

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Mr. Van Fleet offered the following motion:

"I move the adoption of my memorandum as a rule of the Commission."

The motion was seconded by Mr. Humphrey.

As to the foregoing motion, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The motion carried and it was so ordered.

Mr. Nugent stated for the record as follows:

"I vote 'no' for the reason that I think each case should be determined upon the facts presented in the particular case."

Mr. Thompson stated for the record:

"I vote 'no' for the reason that I do not think any case should be dismissed without findings of facts based upon stipulation if there be a stipulation in the case or otherwise upon the evidence in the case."

Thereupon, at the hour of 11:45 a.m., the Commission adjourned to meet Friday, March 13, 1925, at 10 a. m.

Vernon W. Van Fleet,
Chairman.

Attest:

W. L. Schenck,
Secretary.

Thursday - March 12, 1925 - No meeting held.

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MEETING OF THE FEDERAL TRADE COMMISSION

Friday - March 13, 1925 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
 John F. Nugent,
 Charles W. Hunt,
 Huston Thompson,
 William E. Humphrey.

The minutes of the meeting of March 1, 1925 were read and approved.

Formal docket cases appearing on the weekly Conference Calendar for final determination were considered and action as indicated was taken by the Commission:

(1) Docket 912 - Film Distributors' League, Inc., et al.

On October 17, 1924, the Commission directed that an order to cease and desist issue and that the Chief Counsel prepare and submit to the Commission for approval as to form, draft of findings as to the facts and order to cease and desist against the Film Distributors' League, Inc.; M. Bruen, doing business under the trade name of Capital Film Exchange; William Alexander and Herman Kirkin; and that a finding be made that there is no evidence to support an order against the other respondents.

On February 20, 1925, the Commission directed that the Chief Counsel state the reasons in the findings why no evidence was taken against respondents as to whom the complaint is to be dismissed and why the Commission did not proceed against them, so as to justify the issuance of an order of dismissal.

Pursuant to this action, the case is before the Commission for consideration of the findings and order submitted by the Chief Counsel with memorandum of February 27, 1925. The following papers were placed in the hands of each Commissioner: memorandum of February 27th from the Chief Counsel; findings as to the facts and order to cease and desist submitted by the Chief Counsel with memorandum of February 27th; complaint. Mr. Nugent suggested numerous changes in the findings submitted by the Chief Counsel with memorandum of February 27, 1925, which were shown on marked copy and after discussion were adopted. On motion of Mr. Nugent, the findings as amended were adopted by the Commission.

On motion of Mr. Nugent, the order as submitted by the Chief Counsel with memorandum of February 27, 1925, was adopted without change.

The findings and order as adopted were referred to the Chief Counsel with instructions to prepare final draft of findings incorporating the amendments by the Commission as shown on marked copy and with

instructions to the Secretary to thereafter, serve the findings and order without further action by the Commission.

(2) Docket 927 - Corn Products Refining Company.

This case comes before the Commission for final determination upon the following record: complaint; answer; testimony; report upon the facts by Trial Examiner Averill; exceptions thereto by counsel for the Commission; brief by counsel for the Commission and counsel for the respondent. Final argument was heard February 16, 1925. Exceptions to the report of the Trial Examiner were not filed by counsel for the respondent. Attorney Cox represents the Commission. Attorneys Frank H. Hall and G. Carroll Todd represent the respondent.

After discussion, Mr. Hunt offered the following motion:

Moved, that the complaint be dismissed.

The motion was seconded by Mr. Van Fleet.

As to the foregoing motion, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The motion carried and it was so ordered.

Messrs. Nugent and Thompson asked that their dissent show upon the minutes, the order of dismissal and any publicity statement issued. It was so ordered.

Mr. Thompson stated that he would file a written memorandum of dissent to accompany the order. It was directed that Mr. Thompson's memorandum be attached to the order.

The Chief Counsel was directed to prepare and the Secretary to serve order of dismissal.

(3) - Docket 1010 - Pittsburgh Coal Company of Wisconsin, et al.

On February 12th, the Commission directed that an order to cease and desist issue and that the Chief Counsel prepare and submit to the Commission for approval as to form, draft of findings as to the facts and order to cease and desist based upon Trial Attorney Haycraft's findings rather than the findings of the Trial Examiner.

Pursuant to the above action, the case is before the Commission for consideration of the findings and order submitted by the Chief Counsel. The following papers were placed in the hands of each Commissioner: memorandum of February 27, 1925, from the Chief Counsel; findings as to the facts and order to cease and desist submitted by the Chief Counsel with memorandum of February 27th; complaint.

Mr. Nugent suggested amendments to the order as shown on marked copy, which amendments were approved by the Commission.

On motion of Mr. Nugent, seconded by Mr. Hunt, the findings as submitted were approved and the order as amended was approved and the findings and order as approved were referred to the Secretary for service without further action.

(4) Docket 1052 - Johnson Process Glue Company.

On February 27, 1925, the Commission directed that an order to cease and desist issue and that the Chief Counsel prepare and submit to the Commission for approval as to form, draft of findings as to the facts and order to cease and desist.

Pursuant to this action, the case is before the Commission for consideration of the findings and order submitted by the Chief Counsel. The following papers were placed in the hands of each Commissioner: memorandum of March 3, 1925, from the Chief Counsel; findings as to the facts and order to cease and desist submitted by the Chief Counsel and certified to in memorandum of March 3, 1925; complaint.

Mr. Nugent suggested certain amendments to the findings submitted by the Chief Counsel with memorandum of March 3, 1925, as shown on marked copy, which were approved.

On motion of Mr. Nugent, the findings as amended were adopted.

On motion of Mr. Nugent, Paragraph Two of the order was stricken and the order was thereafter, adopted.

The findings and order as adopted were referred to the Chief Counsel for preparation of final draft, incorporating the amendments by the Commission and with instructions that such findings and order be thereafter served by the Secretary without further action by the Commission.

(5) Docket 1116 - Eastern Federation Farm Machinery Dealers, et al:
Consideration of this case laid over until next Conference Day.

(6) Docket 1188 - James Heddon's Sons.

On February 13, 1925, the Commission directed that an order to cease and desist issue and that the Chief Counsel prepare and submit to the Commission for approval as to form, draft of findings as to the facts and order to cease and desist.

Pursuant to this action, the case is before the Commission for consideration of the findings and order submitted by the Chief Counsel. The following papers were placed in the hands of each Commissioner: memorandum of February 27th from the Chief Counsel; findings as to the facts and order to cease and desist submitted by the Chief Counsel with memorandum of February 24th; complaint.

Mr. Thompson suggested certain amendments to the findings submitted by the Chief Counsel with memorandum of February 27th as shown on marked copy, which amendments were approved.

Mr. Nugent suggested certain amendments to the findings as shown on marked copy, which were also approved.

Mr. Nugent moved that the Trial Attorney examine the record and report whether or not the findings and order should be amended to conform to the decision of the Supreme Court in the Beechnut case with regard to the use of employees of the respondents to secure information concerning price cutting activities of customers of the respondent; and

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also with respect to the use by respondent of a black-list of price cutters. The motion was adopted by the Commission and it was ordered that the record be returned to the Chief Counsel for report.

The findings and order were accordingly referred to the Chief Counsel with instructions to prepare final draft pursuant to the Commission's action and submit the same to the Commission for approval as to form.

Chairman Van Fleet offered the following motion, which was read:

Moved, that in all cases before the Board of Review, before it shall recommend to the Commission that a complaint issue, it shall give to the proposed respondent a hearing before said Board to show cause why a complaint should not issue. Said hearing shall be informal in its nature and not involve the taking of testimony. The proposed respondent shall be allowed to make or submit such statement of facts or law as it desires. The extent and control of such hearing shall rest with a majority of said Board. Three weeks notice of the time and place of such hearing shall be served on the respondent by the Secretary of the Commission.

At the suggestion of Mr. Nugent, it was directed that a copy of the motion be sent by the Secretary to each Commissioner and on motion of Mr. Van Fleet, it was directed that consideration of the motion be made a special order of business after the regular order on Monday, March 16, 1925.

Chairman Van Fleet presented the following matters and action as indicated was taken by the Commission:

(1) Letter of March 5th from the Dublin & Laurens County Chamber of Commerce, Dublin, Georgia, referring to investigation by the Commission under Senate Resolution 225 of the Imperial Tobacco Company and the American Tobacco Company and endorsing the Imperial Tobacco Company.

The letter was read and referred to the Secretary for acknowledgment and thereafter, to the Chief Examiner for information.

(2) Letter of March 10th from Mr. Junius Barker, counsel for the American Tobacco Company, Inc., referring to a list of pending

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complaints before the Commission alleging violation of the Federal Trade Commission Act by reason of resale price maintenance and requesting the Commission to consider whether or not the public interest does not require that the ten certain cases now at some stage of procedure before the Commission be dropped:

Docket 912 - American Tobacco Company, et al.
 " 917 - American Tobacco Company, et al.
 " 969 - American Tobacco Company, et al.
 " 984 - American Tobacco Company, et al.
 " 987 - American Tobacco Company, et al.
 " 1013 - American Tobacco Company, et al.
 " 1032 - American Tobacco Company, et al.
 " 1036 - American Tobacco Company, et al.
 " 1070 - American Tobacco Company, et al.
 " 1214 - American Tobacco Company, et al.

On motion of Mr. Rugent, the letter was circulated and on motion of Mr. Van Fleet, it was directed that in the meantime, the attorney for the Commission having charge of the cases was directed to prepare and submit a memorandum with respect to the questions presented by Mr. Parker's letter. The Secretary was directed to acknowledge the letter and to forward a copy to the Commission's attorney for his use in preparing the memorandum.

(3) Docket 1126 - Jean Jordeau, Inc.

Letter of March 6th from Senator Walter D. Edge of New Jersey, transmitting a letter of February 26th from Messrs. Howe & Davis, Orange, New Jersey, counsel for the respondent, referring to a recent visit by attorneys for the Commission to the respondent in regard to the respondent's advertisement of the dismissal of the complaint herein and requesting that information be obtained from the Federal Trade Commission as to what, if any objection, the Commission has to the respondent's use of advertising in regard to the Commission's dismissal of the complaint. Senator Edge requested the Commission to advise of its position in the matter in order that the information may be conveyed to Messrs. Howe & Davis, the respondent's attorneys.

The correspondence was referred to the Chief Examiner for preparation of reply.

(4) Letter of March 12th from Senator George W. Norris of Nebraska, transmitting copy of a letter dated February 2nd from Mr. George M. Beltzhoover, Jr., Charles Town, West Virginia, addressed to Mr. A. T. Seymour, Assistant to the Attorney General, with respect to the American Water Works & Electric Company.

The correspondence was read and referred to the Chief Economist for information.

March 13, 1925.

(5) Letter of March 11th from the Department of Justice (A. T. Seymour, Assistant to the Attorney General) referring to the Commission's letter of February 27, 1925, transmitting to the Department of Justice a letter of January 31, 1925, from Attorney Walter B. Wooden relative to alleged disclosure of information concerning shipments in interstate commerce in violation of the Interstate Commerce Act. Mr. Seymour stated that the matter had been referred to the Interstate Commerce Commission and transmitted copy of a letter of March 9th from the Interstate Commerce Commission to Mr. Seymour, in which it was stated that the Commission desired to ascertain whether more than one violation of the Section of the Statute referred to (Section 15) can be established and what injurious effect resulted to the shippers from the violation.

The correspondence was read and referred to the Secretary with instructions to make inquiry of Attorney Wooden whether there is additional information available along the lines desired by the Interstate Commerce Commission and if so, to transmit the same to the Department of Justice.

Mr. Humphrey offered the following two motions, which were read:

That the rule of the Commission that the drafts of complaints be prepared by the Board of Review be repealed and that hereafter, all complaints directed to be issued by the Commission shall be prepared by the Chief Counsel or by such attorneys in his department as he may designate.

That the Rules of Practice before the Commission adopted June 27, 1915, be amended as follows:

Amend Paragraph 3, of Sub-Division 2, headed, "II-COMPLAINTS", after the word "Jurisdiction" by inserting the following:

"and if it shall appear to the Commission that a proceedings by it in respect thereof would be to the interests of the public."

At the suggestion of Mr. Nugent, it was directed that copies of the motion be delivered to each Commissioner and that consideration of the motions be made a special order of business after the regular order on Monday, March 16, 1925.

March 13, 1925.
March 16, 1925.

Thereupon, at the hour of 12:30 p.m., the Commission adjourned to meet Monday, March 16, 1925, at 10 a.m.

Vernon W. Van Fleet,
Chairman.

Attest:

Otis B. Johnson,
Secretary.

Saturday - March 14, 1925 - No meeting held.

Sunday - March 15, 1925 - No meeting held.

MEETING OF THE FEDERAL TRADE COMMISSION

Monday - March 16, 1925 - 10 a.m.

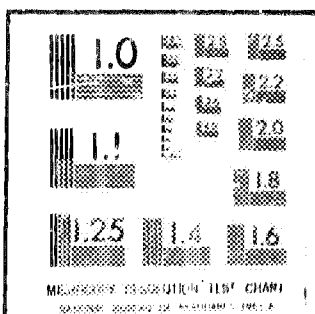
PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Ogden,
Charles W. Clark,
Hester Thompson,
William B. Humphrey.

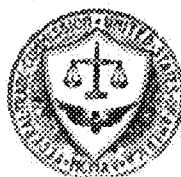
The minutes of the meeting of March 13, 1925, were read and approved.

The Chairman presented the following matters of order as indicated was taken by the Commission:

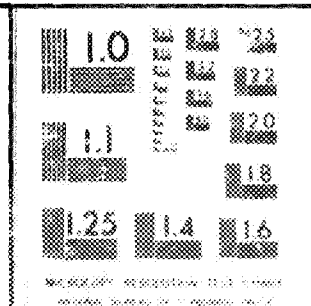
S T A R T



Federal Trade Commission



Certification
and Test Frame



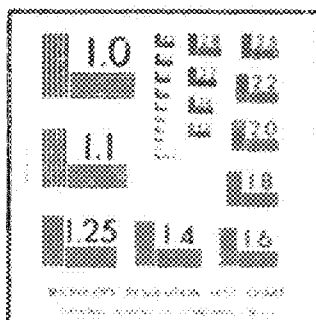
The microfilmed records contained on this film are official records of the Office of the Secretary, Federal Trade Commission, Washington, D. C. 20540. These records were microfilmed in the normal course of agency operations in accordance with current FTC procedures. All appropriate care has been taken to insure that this microfilm record is a complete and accurate record of the original records. The records contained herein have been microfilmed in accordance with 41 CFR 101-11.504.

Chas. Q. Tolson
Secretary

Record Series:

F. T. C.

minutes

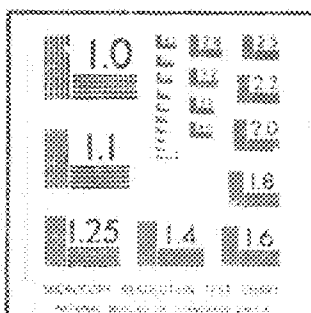
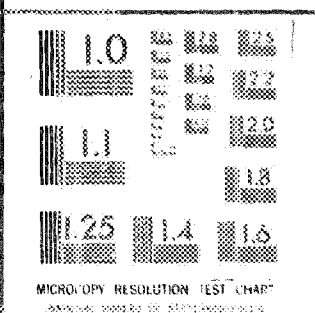
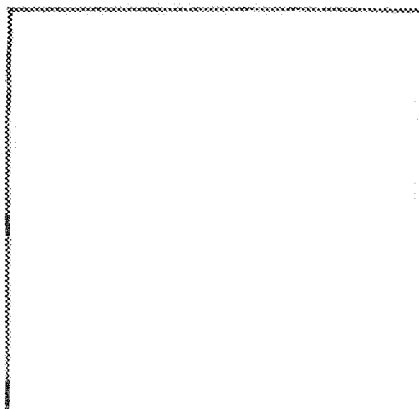


Date Filmed:

MAY 11, 1974

Camera operator:

T. Allen



MARCH 16, 1935.

(1) Letter of March 13th from Congressman W. H. Thatcher of Kentucky, transmitting advertisement of sale of transcript in Docket 1063 - S. Lorn & Company, by the Sidney C. Grushy Company, official reporters for the Commission. The Congressman stated that complaint had been made to him by Grain Dealers of the advertisement by the reporters and requested the Commission to give the matter attention.

The letter was read and on motion of the Chairman, the Secretary was directed to prepare reply to the effect that under existing contract between the Commission and the Sidney C. Grushy Company, advertising the sale of transcript is approved of by the Commission, but that the contract for reporting service will be before the Commission for renewal on July 1, 1935, at which time the questions presented by the Congressman will be given consideration.

(2) Letter of March 13th from the Hocky Mount Clearing House Association (North Carolina) referring to the investigation by the Commission under Senate Resolution 339, of the Imperial Tobacco Company, et al and endorsing the activities of the Imperial Tobacco Company.

The correspondence was read, ordered acknowledged and referred to the Chief Examiner for attention.

(3) Letter of March 13th from the Hughes Grocery Company, Inc., Florida, Alabama, transmitting letter of March 7th to that company from the Felly Town Company, Chicago, Illinois, confectioners, with request to the resale price maintenance upon their goods.

The correspondence was referred to the Chief Examiner for attention.

(4) Docket 1104 - Lewis Feather Bed & Pillow Company.

" 1129 - American Feather Bed & Pillow Company.

Letter of March 13th from the Postoffice Department (Office of the Chief Inspector), transmitting copy of a report by a Postoffice Inspector, regarding the complaint against the Lewis Feather Bed & Pillow Company and the American Feather Bed & Pillow Company, both of Nashville, Tennessee. The letter stated that the papers were being referred to the Commission for consideration in view of the fact, that the evidence obtained by the Inspector did not warrant the issuance of a fraud order or the institution of criminal proceedings but might be of interest to the Commission in connection with its case regarding these Companies.

The correspondence was referred to the Chief Counsel for attention.

(5) Letter of March 13th from "Universal Distributors", Boston, Massachusetts, stating a plan to form an organization to sell Fairbairn products direct to the consumer and asked the Commission's advice as

March 18, 1925.

to whether it is possible for a manufacturer to refuse to sell their products to any individual or concern.

The letter was read and on motion of the Chairman, it was directed that reply be made to the effect that under the law a manufacturer may discontinue the sale of his products at his pleasure subject to contract between the parties.

Mr. Hunt presented the application of Mr. LeRoy A. Palmer for appointment as attorney or examiner in the Federal Trade Commission, accompanied by a file containing letters of endorsements, etc. Mr. Hunt reported conferences with Mr. Palmer and informed the Commission with respect to his qualifications.

Thereafter, Mr. Hunt offered the following motion:

Moved, that Mr. Palmer be appointed as Attorney at a salary of \$2400. per annum and allocated to Professional Grade II and assigned to the Chief Examiner's force at the New York Office to fill a vacancy.

After discussion, the matter was referred to the Secretary with instructions to make inquiry and report to the Commission with respect to the application of the Retirement Act to Mr. Palmer.

Mr. Thompson offered the following motion, which was read and after brief discussion, it was ordered on motion of Mr. Van Fleet, that consideration of the motion be laid over until Wednesday, March 25, 1925 and considered at that time as a Special Order of business after the regular order.

Moved, that the letter dated March 4, 1925, sent by Senator George W. Norris to the Commission relating to the activities of the Smithsonian Institution in circulating a pamphlet written by Mr. Samuel S. Byer, in criticism and condemnation of the policies of the Hydro-Electric Commission of Ontario, Canada, be sent to Mr. Walker for investigation.

Mr. Van Fleet presented the following listed applications for complaint and action as indicated was taken by the Commission:

(1) File 1-3256 - F. T. C. vs. American Ironing Machine Company

Mr. Van Fleet stated that this application came direct to the Commission from the Chief Examiner without reference to the Board of Review pursuant to the rule of December 2, 1924.

March 16, 1925.

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Mr. Van Fleet recited the facts in the case and stated that he concurred in the recommendation of the Chief Examiner for dismissal.

After consideration, on motion of Mr. Van Fleet, seconded by Mr. Thompson, the application for complaint was dismissed by the Commission.

(2) File 1-3442 - F. F. C. vs. Newscott Copper Corporation.

Mr. Van Fleet submitted memorandum reviewing the record and disagreeing with the recommendation of the Board of Review for complaint. Mr. Van Fleet stated that he favored dismissal of the application but that the Board of Review should be heard.

Thereafter, upon motion of Mr. Van Fleet, the Board of Review was heard.

After hearing the Board of Review, Mr. Nugent expressed the desire to further consider the report of the Board and Mr. Van Fleet's memorandum and the case was accordingly, turned over to Mr. Nugent.

It was ordered, on motion of Mr. Van Fleet, that the case be considered by the Commission on Friday, March 27, 1925, as a Special Order of business after the regular order.

Mr. Nugent presented file 1-3461 - Associated Advertising Clubs of the World vs. Nightingale Hosiery Mills, Inc., with memorandum of March 16th reviewing the record and disagreeing with the report of the Board of Review recommending dismissal. Mr. Nugent stated that he favored complaint, but that the Board of Review should be heard prior to commission action.

On motion of Mr. Nugent, the Board of Review was heard and thereafter, Mr. Nugent offered the following motion, which was seconded by Mr. Thompson:

Moved, that complaint issue charging Nightingale Hosiery Mills, Inc., with violation of the Federal Trade Commission Act.

As to the foregoing motion, Messrs. Nugent and Thompson voted in the affirmative and Messrs. Van Fleet, Hunt and Humphrey voted in the negative. The motion was lost.

Mr. Van Fleet, then offered the following motion, which was seconded by Mr. Hunt:

Moved, that the case be referred to the Chief Examiner to obtain a stipulation discontinuing the practice, the stipulation to be in regular order and that if the stipulation is obtained, the application for complaint be dismissed with a statement for the reasons for such dismissal.

March 14, 1925.

As to the foregoing motion, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Lugent and Thompson voted in the negative. The motion carried and it was so ordered.

Messrs. Lugent and Thompson asked that their dissent show upon the minutes, the correspondence and order of dismissal. It was so ordered.

Mr. Hunt presented file 1-2862 - F. T. C. vs. Western Clink Company and stated that the application for complaint came direct to the Commission from the Chief Examiner without reference to the Board of Review pursuant to the rule of December 3, 1924.

Mr. Hunt submitted memorandum of March 13th reviewing the record and concurring in the recommendation of the Chief Examiner for dismissal.

The memorandum was read and after consideration, on motion of Mr. Hunt, the application for complaint was dismissed by the Commission.

The Commission, thereupon, proceeded to consideration of three certain motions offered at the meeting on March 13, 1925, delivered to each Commissioner and made a Special Order of business for today.

The motions are as follows:

First by Mr. Van Fleet:

Moved that in all cases before the Board of Review, before it shall recommend to the Commission that a complaint issue, it shall give to the proposed respondent a hearing before said Board to show cause why a complaint should not issue. Said hearing shall be informal in its nature and not involve the taking of testimony. The proposed respondent shall be allowed to make or submit such statement of facts or law as it desires. The extent and control of such hearing shall rest with a majority of said Board. Three weeks notice of the time and place of such hearing shall be served on the respondent by the Secretary of the Commission.

The motion was read and thereafter, Mr. Van Fleet offered the motion as read and moved its adoption. The motion was seconded by Mr. Humphrey.

At this time (12:15 p.m.), Mr. Thompson stated that it was necessary for him to leave the meeting and asked that his vote be recorded in opposition to the motion by Mr. Van Fleet, covering hearings before the Board of Review and also in opposition to the motion by Mr. Humphrey, in regard to the preparation of draft of complaints by the Chief Counsel. It was so ordered.

March 16, 1925.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Nugent,
Charles W. Hunt,
William A. Humphrey.

Mr. Thompson absent.

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Mr. Nugent stated that he was opposed to the motion but suggested for the consideration of the Commission a number of amendments relating principally to questions of procedure before the Board of Review.

After further consideration, vote was taken upon the motion. As to this motion Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Mr. Nugent voted in the negative. In accordance with the statement by Mr. Thompson, as appearing herein, Mr. Thompson's vote was recorded in the negative.

Messrs. Nugent and Thompson asked that their dissent show upon the minutes and upon the motion as adopted. It was so ordered.

Second by Mr. Humphrey:

Moved, that the rule of the Commission that the drafts of complaints be prepared by the Board of Review be repealed and that hereafter, all complaints directed to be issued by the Commission shall be prepared by the Chief Counsel or by such attorneys in his department as he may designate.

The motion was read and thereafter, Mr. Humphrey offered the foregoing motion and moved its adoption. The motion was seconded by Mr. Van Fleet and adopted by the Commission with Messrs. Van Fleet, Hunt and Humphrey voting in the affirmative and Mr. Nugent voting in the negative. In accordance with the statement by Mr. Thompson, as appearing herein, Mr. Thompson's vote was likewise recorded in the negative. It was so ordered.

Third by Mr. Humphrey:

That the Rules of Practice before the Commission, adopted June 27, 1913, be amended as follows:

Amend Paragraph 3, of Sub-Division 3, headed "II-COMPLAINTS", after the word "jurisdiction" by inserting the following:

"and if it shall appear to the Commission that a proceeding by it in respect thereof would be to the interests of the public."

March 16, 1925.

The motion by Mr. Humphrey was adopted by the Commission and it was so ordered.

Mr. Humphrey presented file 1-3643 - Spicer Manufacturing Corporation, et al vs. United Gear Manufacturers' Corporation and stated that the application came direct to the Commission from the Chief Examiner without reference to the Board of Review pursuant to the rule of December 3, 1924.

Mr. Humphrey submitted memorandum of March 11th concurring in the recommendation of the Chief Examiner and recommending that the application be dismissed.

After consideration on motion of Mr. Humphrey, the application for complaint was dismissed by the Commission.

The Secretary presented the following orders in the matter of Docket 1153 - National Association of Stationers & Manufacturers of the United States, et al, which were approved and entered: (1) in, John W. Bennett, an Examiner of the Commission be designated to receive testimony, etc., and (2) that the hearing of the complaint begin in Chicago, Illinois, April 14, 1925, at 10 a.m.

Thereupon, at the hour of 12:30 p.m., the Commission adjourned to meet Wednesday, March 18, 1925, at 10 a.m.

Vernon W. Van Fleet,
Chairman.

Attest:

Otis S. Johnson
Otis S. Johnson,
Secretary.

Tuesday - March 17, 1925 - No meeting held.

March 18, 1925.

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MEETING OF THE FEDERAL TRADE COMMISSION

Wednesday - March 18, 1925 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Nugent,
Lester Thompson,
William E. Humphrey.

Mr. Hunt absent on official business.

The minutes of the meeting of March 16, 1925, were read and approved.

The Chairman presented the following matters and action as indicated was taken by the Commission:

(1) Letter of March 16, 1925, from the Treasury Department (A. W. Mellon, Secretary) as follows:

"March 16, 1925.

"My dear Mr. Van Fleet:

The President, under date of February 12, 1925, transmitted to me a copy of Senate Resolution No. 322 with the request that so far as possible I comply with its provisions. This resolution requests that the necessary official records of the Treasury Department be made accessible to the officials of the Federal Trade Commission, in order to assist the Commission in its investigation of the American Tobacco Company, the Imperial Tobacco Company and the General Electric Company. In accordance with the provisions of the Executive Order of the President, dated September 27, 1924, in connection with the inspection of income tax returns I shall be glad upon request by you to permit the inspection of the records of this Department material and relevant to the matter under investigation by you.

Sincerely yours,

A. W. Mellon,
Secretary of the Treasury.

Honorable Vernon W. Van Fleet,
Chairman, Federal Trade Commission."

March 18, 1925.

The letter was read and referred to the Chief Examiner and the Chief Economist for their information in connection with the preparation of reports under Senate Resolution 329.

(2) Letter of March 15th from R. D. Cothran, Dealer in leaf tobacco, Manning, South Carolina, referring to the Commission's investigation of the Imperial Tobacco Company under Senate Resolution 329.

The letter was read and referred to the Chief Examiner for attention.

(3) Letter of March 12th from the Cudahy Packing Company, meat packers, Chicago, Illinois, (Thomas Creigh, General Attorney) referring to the Commission's report in response to Senate Resolution 279, in regard to the Packers' Consent Decree, regarding the Company's protest against the items included in the report other than those relating specifically to the provisions of the decree i.e., (1) the ownership by packers of private refrigerator cars, and (2) the carriers' rules and practices.

The letter was read and referred to the Chief Economist for information and filing, after acknowledgment by the Secretary.

(4) Memorandum of March 3rd from the Chief Examiner transmitting the result of a preliminary investigation in the matter of the capital stock acquisition by the Continental Baking Corporation in alleged violation of Section 7 of the Clayton Act, which memorandum was circulated among the Commissioners on March 11th. The Chief Examiner stated that the facts presented afford sufficient reasons to believe that the Continental Baking Corporation has violated and is violating Section 7 of the Clayton Act and concurred in the recommendation of the investigating attorney that complaint issue.

Quotations from the circulating file by the several commissioners were read and thereafter, Mr. Lugent offered the following motion:

Moved, that complaint issue as recommended by the Staff charging the Continental Baking Corporation and United Bakeseries Corporation with violation of Section 7 of the Clayton Act and that the Chief Counsel be directed to prepare and the Secretary to serve a complaint without further action by the Commission.

The motion was seconded by Mr. Humphrey and adopted by the Commission and it was so ordered.

The following matters of general business forwarded to the Commission by the heads of the several divisions were presented by the Secretary and action as indicated was taken by the Commission:

March 18, 1925.

(1) The Secretary referred to the salary increase in the Administrative Division authorized by the Commission on March 18, 1925, and stated that an error had been made in reporting the salary of Miss Jones as being \$1300, whereas in fact the salary was now \$1200. The Secretary recommended that a salary increase of \$50 be allowed Miss Hubert instead of the increase of \$100, as previously allowed.

After discussion, the Commission reconsidered and resolved, for action of March 17, 1925, in allowing Miss Hubert a salary

(2) Report 1212 - Technical Company.

Memorandum of March 18th was received from Miss Katherine Goodrich, President of the Association of Technical Engineers, regarding the proposed increase of salary for the year 1925. The Association of Technical Engineers is a national organization of engineers and architects, and is one of the largest and oldest of the kind in the United States. The Association is composed of members from all over the country, and is one of the most influential organizations in the engineering and architectural fields.

The Association has been very active in the past few years, and has been successful in securing many important legislative enactments. It has also been very active in the promotion of the interests of the engineering and architectural professions, and has been successful in securing many important legislative enactments.

The Association has been very active in the past few years, and has been successful in securing many important legislative enactments. It has also been very active in the promotion of the interests of the engineering and architectural professions, and has been successful in securing many important legislative enactments.

(3) The first memorandum filed report of the Association during the month of February 1925.

The report was received and placed in the file.

(4) Memorandum of March 18th was received from Miss Katherine Goodrich, President of the Association of Technical Engineers, regarding the proposed increase of salary for the year 1925. The Association of Technical Engineers is a national organization of engineers and architects, and is one of the largest and oldest of the kind in the United States. The Association is composed of members from all over the country, and is one of the most influential organizations in the engineering and architectural fields.

The Association has been very active in the past few years, and has been successful in securing many important legislative enactments. It has also been very active in the promotion of the interests of the engineering and architectural professions, and has been successful in securing many important legislative enactments.

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(5) Report 1213 - United States Oil Company, Inc.

Memorandum of March 18th was received from the United States Oil Company, Inc., regarding the proposed increase of salary for the year 1925. The United States Oil Company is a national organization of oil and gas producers, and is one of the largest and oldest of the kind in the United States. The Company is composed of members from all over the country, and is one of the most influential organizations in the oil and gas fields.

The Company has been very active in the past few years, and has been successful in securing many important legislative enactments. It has also been very active in the promotion of the interests of the oil and gas industries, and has been successful in securing many important legislative enactments.

The Company has been very active in the past few years, and has been successful in securing many important legislative enactments. It has also been very active in the promotion of the interests of the oil and gas industries, and has been successful in securing many important legislative enactments.

March 10, 1925.

After discussion, on motion of Mr. Nugent, seconded by Mr. Humphrey, the recommendation of the Chief Counsel was approved and the case ordered reopened for the taking of further evidence.

The Commission also considered from the Circulating Calendar, a memorandum of January 21st from the Chief Counsel transmitting a letter of January 21st from counsel for the respondent requesting an opportunity to file supplemental brief and for further hearings upon the exceptions by counsel for the Commission to the Trial Examiner's report. Counsel for the respondent also requested permission to file a reply brief as to the exceptions raised by counsel for the Commission and to be heard orally as to such exceptions.

The request of counsel for the respondent was denied in view of the fact that the case has been ordered reopened.

(6) Docket 1261 - Thomas L. Fowle Lumber Company.

Memorandum of March 11th was received from the Chief Counsel transmitting request of the respondent for an extension of time for filing answer and recommending that an extension of ninety days from the date of the service of the complaint, (February 14, 1925) be granted.

The recommendation of the Chief Counsel was approved and the Chief Counsel was directed to prepare and the Secretary to serve appropriate order.

(7) Docket 1261 - Thomas L. Fowle Lumber Company.

Letter of March 10th from the J. S. Utie Lumber Company, New Orleans, Louisiana, making inquiry as to whether the Commission would have any objection to this firm calling the trade's attention to the Commission's complaint.

The letter was read and on motion of the Chairman, the Secretary was directed to reply that the complaint is a public document and that in regard to the publicity that the Company might feel warranted in getting out, the Commission has no suggestion or recommendation to offer.

(8) Docket 1277 - Boni & Liveright, Inc.

The following orders submitted by the Chief Counsel were approved and entered: (1) that William F. Bensen, an Examiner of the Commission be designated to receive testimony, etc., and (2) that the hearing of the complaint begin at New York City, March 27, 1925, at 10 a.m.

(9) Docket 1285 - North Dakota Wholesale Grocers' Association, et al

Memorandum of March 12th was received from the Chief Counsel transmitting request of counsel for the respondent for an extension of time to April 1, 1925, for filing brief and waiving final argument before the Commission. The Chief Counsel recommended that the extension be granted.

March 18, 1925.

The extension was granted by the Commission and order to this effect approved and entered. The final argument of the respondent was set for April 8, 1925, was cancelled due to the fact that respondent waived oral argument before the Commission and the Secretary was directed to notify interested parties by registered mail.

(10) Memorandum of March 18th was received from the Personnel Officer calling attention to the terms of employment of Mr. Hugh E. White and a memorandum of March 18th was also received from the Chief Counsel recommending that Mr. White's services be retained until June 15, 1925.

After consideration, on motion of Mr. Ogden, seconded by Mr. Van Fleet, the recommendation of the Chief Counsel was approved and it was ordered, as a matter of record, that Mr. White's services are hereby authorized covering the period from November 1, 1924 to June 15, 1925, inclusive, at a salary of \$5000. per annum under the stipulations set forth in his original contract with the Commission.

(11) Docket 1296 - Abrasive Paper & Cloth Manufacturers' Exchange, et al.

Memorandum of March 18th was received from the Chief Counsel transmitting report of counsel for Lillian F. Schally, et al. for an extension of thirty days for filing answer and recommending that all respondents be granted an extension to and including April 27, 1925 for filing answer.

The recommendation of the Chief Counsel was approved and order to this effect approved and entered.

(12) Docket 1133 - Osterman & Company, et al.

Memorandum of March 18th was received from the Chief Counsel in regard to the action made by counsel for the respondent to dismiss the complaint and the reply of the Chief Counsel to said action recommending that respondent's motion be denied.

After consideration, on motion of Mr. Van Fleet, seconded by Mr. Thompson, the recommendation of the Chief Counsel was approved and it was ordered that the respondent's motion to dismiss be overruled.

The Chief Counsel was directed to prepare and the Secretary to serve appropriate order.

(13) Joint memorandum dated March 18, 1925, signed by Messrs. Hudson and Busick, a committee to review and give final form to the syllabi or handnotes as prepared by Mr. Ely for the Commission's findings and orders. The memorandum referred to the Commission's action of January 6, 1921, appointing Messrs. Busick and Hudson, a committee and stated that the most difficult part of this work in getting a line of precedents established has been accomplished and requesting because of pressure of other work, that the committee be discharged and that the work be left in Mr. Ely's hands.

March 18, 1925.

The committee expressed the opinion, that Mr. May can now handle the work without the aid of a committee.

On motion of Mr. Thompson, the request of Messrs. Wilson and Latta was granted and the committee was discharged and the Police Committee lodged with the committee was transferred to Mr. May.

The Committee reconvened at 12 M. and recessed at 1 p.m.

Roll Call:

Thomas E. Van Fleet, Chairman,
John E. Rogers,
Charles Thompson,
William J. Humphrey.

Mr. Hart stood on official business.

Pursuant to arrangement the committee met to hear final argument in the case of the Chicago National's proposed incorporation, et al. Attorney Totten was heard in support of the complaint. Attorney G. L. Thompson was heard on behalf of the respondents. The hearing continued until the hour of 3:30 p.m., was adjourned and the case taken under advisement.

Thompson, at the hour of 3:30 p.m., the committee adjourned to meet Friday, March 20, 1925, at 10 a.m.

Thomas E. Van Fleet,
Chairman.

Attest:

John E. Rogers,
Secretary.

Thursday - March 19, 1925 - No meeting held.

March 20, 1925.

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MEETING OF THE SPECIAL TRADE COMMISSION

Friday - March 20, 1925 - 10 a.m.

PRESENT:

Carlton N. Van Fleet, Chairman,

John F. Nugent,

Charles Thompson,

William G. Humphrey,

Mr. Hunt absent on official business.

The minutes of the meeting of March 18, 1925, were read and approved.

Several cases appearing on the weekly Conference Calendar for final determination were considered by the Commission and action as indicated was taken:

(1) Packet 1159 - The Lu-Grange Company of America.

This case came before the Commission for final determination upon the following record: memorandum of March 10th from the Chief Counsel; complaint; answers; testimony; stipulation as to the facts; findings as to the facts and order to cease and desist submitted by the Chief Counsel with memorandum of March 10th. A report was filed by the Trial Examiner. No briefs were filed. Attorney Cox represents the Commission. Attorneys Chandler, Thomas & Birch represent the respondent.

Mr. Nugent suggested certain changes in the findings and order, which changes were agreed upon by the Commission as shown on marked copy.

After further consideration, on motion of Mr. Nugent, seconded by Mr. Humphrey, it was directed that the stipulation be approved and that an order to cease and desist issue; that the findings and order as amended be adopted and served without further action by the Commission.

The findings and order were referred to the Chief Counsel for preparation of final draft incorporating changes by the Commission as shown on marked copy, with the direction that thereafter, the findings and order be served by the Secretary without further action by the Commission.

(2) Packet 392 - Michigan Wholesale Grocers' Association, et al.

At the suggestion of Mr. Humphrey, this case was laid over until next Conference Day.

March 20, 1925.

(3) Docket 1101 - Wisconsin Cooperative Creamer, Association, et al.
On January 16, 1925, the Commission directed the Chief Counsel to prepare and submit to the Commission for approval, draft of findings as to the facts and order to cease and desist.

Pursuant to this action the case is before the Commission for final determination upon the following record: memorandum of March 1st from the Chief Counsel transmitting the case and stating that in the opinion of the Chief Counsel the facts in this case will not support an order; findings as to the facts and order to cease and desist submitted by the Chief Counsel; complaint.

After consideration, on motion of Mr. Sugart, this case was referred back to the Chief Counsel with instructions that Trial Attorney Flannery prepare and submit to the Commission a memorandum of his views with respect to the matters set forth in the memorandum of March 3, 1925 from the Chief Counsel wherein the Chief Counsel expressed opinion that the facts will not support an order.

Mr. Flannery did not sit in this case.

(4) Docket 1102 - Pacific Coast Steel Company, et al.

This case came before the Commission for final determination upon the following record: memorandum of March 15th from the Chief Counsel transmitting the case and recommending that the complaint be dismissed; memorandum of February 28th by Trial Attorney Flannery, finding complaint; answer; testimony; report upon the facts by Trial Attorney Flannery; exceptions thereto by counsel for the Commission; and answer for the respondents. No briefs were filed. Attorney Flannery represents the Commission. Attorneys Conley & Gallagher; Edmund L. Herrscher; Hane & Dunnigan and Jones & Hall represent the respondents.

After consideration, it was ordered by the Commission that the complaint be and the case is hereby dismissed.

The Chief Counsel was directed to prepare and the Secretary to serve order of dismissal.

(5) Docket 1112 - Eastern Federation Farm Machinery, Dealers, et al.

Consideration of this case held over until next conference day.

(6) Docket 1227 - J. T. Murphy.

This case came before the Commission for final determination upon the following record: memorandum of March 10th from the Chief Counsel transmitting the case; complaint; stipulation as to the facts; findings as to the facts and order to cease and desist submitted by the Chief Counsel with memorandum of March 10th. No testimony was taken nor briefs filed. Attorney Butler represents the Commission. Respondent has no attorney of record.

On motion of Mr. Sugart, the Commission directed that an order to cease and desist issue.

The findings as to the facts and order to cease and desist submitted by the Chief Counsel with memorandum of March 10th, were amended by the Commission upon motion of Mr. Sugart and as shown on marked copy and were thereafter adopted and ordered read. The

March 26, 1925.

Mr. Humphrey reported long distance telephone request from counsel for the respondent in the matter of Decker v. Brand & Oppenheimer, requesting a further extension of twenty days for filing answer from March 26, 1925. Mr. Humphrey also reported a conference with the complainant's Trial Attorney, Mr. Perkins and stated that the request extension would not interfere or delay the trial of this case.

On motion of Mr. Humphrey, the extension requested was granted and the Chief Counsel directed to prepare and the Secretary to serve appropriate order.

The following matters of general business forwarded to the Commission by the heads of the several divisions were presented by the Secretary and action as indicated was taken by the Commission:

(1) The Secretary reported the completion of tentative plans following a suggestion made by Mr. Lugent of mailing copies of the Commission's findings and order and court decisions to a list of national trade associations representing practically every industry of importance in the United States. The Secretary reported that the estimated maximum cost of distributing printed findings and orders and decisions in separate form to these associations would approximate \$200, per year.

Mr. Lugent informed the Commission in the matter and thereafter, offered the following motion:

Moved, that the Secretary be instructed to send out findings and orders and decisions to the secretaries of the trade associations or institutions at a total cost to the Commission not to exceed \$200, per year.

The motion was adopted and it was so ordered.

(2) Report dated March 10, 1925, by Special Agent Fischer in regard to the acquisition of the capital stock of the Milwaukee-Wisconsin Coal Company, the Great Lakes Coal Mining Company, The Pine-Floyd Coal Company, Inc., by the Pittsburgh Coal Company (Pennsylvania). The Chief Examiner concurred in the recommendation of Mr. Fischer that the matter be docketed as an application for complaint.

It was directed that the report be circulated.

(3) Preliminary report dated March 11, 1925 by Attorney Aidan in the matter of the acquisition by the Federal Watch Corporation of the National Watch Company, Union Watch Company, The Bellville Watch Company, Fred Fear Watch Company, Pennsylvania Watch Company, Indiana

March 20, 1925.

Letch Corporation, Wheeling Latch Company, Minnesota Latch Manufacturing Company and Cleveland Latch Company. The Chief Examiner concurred in the recommendation of Attorney Alden that complaint issue against the Federal Latch Corporation charging violation of Section 7 of the Clayton Act.

It was directed that the report be circulated.

(4) Memorandum of March 3rd was received from the Chief Examiner transmitting pursuant to the Commission's direction of January 28th, the results of the investigation made on the question of interstate commerce only, in connection with the alleged monopolization of the fresh milk business in Greater New York and vicinity by the Borden Condensed Milk Company. The Chief Examiner recommended that no application be docketed as the investigation established the fact that no interstate commerce is involved.

It was directed that the papers be circulated.

(5) Memorandum of March 17th was received from the Chief Examiner transmitting preliminary report by Attorney Simpson in the matter of the acquisition of fifty percent or more of the capital stock of the Ruten Creamery Company by the Trinidad Creamery Company. The Chief Examiner recommended that an application for complaint be docketed in the name of the Commission charging the Trinidad Creamery Company with violation of Section 7 of the Clayton Act.

It was directed that the matter be circulated.

(6) Memorandum of March 17th was received from the Chief Counsel transmitting report of Attorney Burr, pursuant to the Commission's direction of March 3rd, as to the evidentiary basis for the statements in regard to the refrigerator trade contained in the Commission's report in the House Furnishings Industry, Volume III, entitled, "Kitchen Utensils & Domestic Appliances".

It was directed that the matter be circulated.

(7) Docket 1203 - Barnes-Loss Company and Barnes-Irwin Company.

Memorandum of March 13th was received from the Chief Counsel stating that counsel for respondent had filed a motion stating in effect that the complaint charges no violation of law over which the Commission has jurisdiction and requesting a hearing on the objections to the complaint made in the motion. The Chief Counsel recommended that the matter be set down for argument on a day certain.

On motion of Mr. Thompson, it was directed that the matter be circulated together with a report of the Chief Counsel as to the present status of the case.

March 20, 1935.

- (8) Docket 1199 - National Association of Stationers,
Office Outfitters & Manufacturers of
the United States, et al.

Memorandum of March 14th was received from the Chief Counsel and transmitting motion filed by W. W. Bernuth, counsel for Fletcher B. Gibbs, L. T. Marshall, A. M. Childs, E. L. Collins and H. G. Larder, respondents herein, to quash service of the complaint on said parties who were named respondents in two amended complaints. The Chief Counsel recommended that the motion be denied with leave to respondents to renew the same after the testimony is taken and the case is heard before the Commission on the merits.

It was directed that the matter be circulated.

- (9) Docket 1122 - Glidden Company and Forest City Paint & Varnish Company.

Memorandum of March 13th was received from the Chief Counsel reporting pursuant to the Commission's direction of January 2, 1935, the facts as to the manufacture of the labels used by the Forest City Paint & Varnish Company, that the labels were manufactured and paid for by the Forest City Paint & Varnish Company and that no orders were given by the Glidden Company regarding the printing of the labels or the placing of the same on the containers. The Chief Counsel also submitted draft of findings and order as approved by the Commission on September 15, 1934 and withheld pending report with respect to the labels of the Glidden Company.

It was directed that the matter be circulated.

- (10) File 1-3768 - F. T. S. vs. Jimmy Cox's Oil Enterprises.

Memorandum of February 27th was received from the Chief Examiner reporting with respect to twenty-eight certain applications for complaints, including the above case, known as Nine City cases, now on the Suspense Calendar and recommending action by the Commission looking to the dismissal of certain cases.

It was directed that the memorandum be circulated.

- (11) Docket 1211 - The Midland Steel Products Company.

Memorandum of March 14th was received from the Chief Counsel transmitting request of counsel for the respondent for an extension of time to and including May 1, 1935 in which to file answer and recommending that the request be granted.

The request was granted by the Commission and order to this effect approved and entered.

- (12) Docket 1209 - F. Duranleiter.

Memorandum of March 16th was received from the Chief Counsel transmitting request of counsel for the respondent for an extension of time to and including April 14, 1935, for filing answer and recommending that the request be granted.

The request was granted by the Commission and order to this effect approved and entered.

March 25, 1925.

(13) Bucket 1242 - Twinplex Sales Company.

Memorandum of March 13th was received from the Chief Counsel transmitting request of counsel for the respondent for an extension of time to and including April 15, 1925, for filing answer and recommending that the request be granted.

The request was granted by the Commission and order to this effect approved and entered.

(14) Bucket 1046 - Mileproof Sewing, Company.

Memorandum of March 16th was received from the Chief Counsel recommending that counsel for the Commission be granted an extension to and including March 30, 1925 for filing brief.

The recommendation of the Chief Counsel was approved and order to this effect approved and entered.

(15) Bucket 1046 - Mileproof Sewing Company.

Memorandum of March 17th was received from the Chief Counsel transmitting request of counsel for the respondent for an extension of time to and including April 15, 1925, for filing brief and recommending that the request be granted.

The request was granted by the Commission and order to this effect approved and entered.

(16) Bucket 1101 - Glaida Community, Ltd.

Memorandum of March 18th was received from the Chief Counsel transmitting request of counsel for the respondent for an extension of time to and including April 15, 1925 for filing brief and recommending that the request be granted.

The request was granted by the Commission and the Chief Counsel was directed to prepare and the Secretary to serve appropriate order.

(17) Memorandum of March 20th was received from the Chief

Counsel transmitting a memorandum of March 20th from Trial Attorney Wooden requesting that Mr. Wooden be given first call upon the services of Miss Eleanor Forman, stenographer at the Chicago Office.

The request was approved by the Chief Examiner and was granted by the Commission and it was so ordered, with the direction that Miss Forman be assigned to the Chief Counsel's Office and her salary pro-rated between the Chief Counsel's Office and the Chief Examiner's Office on the basis of the time actually credited to each, with the further understanding that Miss Forman will resume her present status as a member of the Chief Examiner's Division should there be for any reason no further need of her services on trial division work.

(18) Memorandum of March 18th from the Chief Counsel referring to the status of Attorney Henry Miller on leave without pay because of illness since August 28, 1923 and recommending that Mr. Miller's employment be terminated.

March 26, 1925.

The memorandum was referred to Mr. Thompson with request to make inquiry as to Mr. Miller's present health and plans.

(13) Senate Resolution 26, dated March 17, 1925, (Senator Kenneth McKellar) as follows:

"Whereas the Federal Trade Commission in its annual report for 1923 states that at the request of the Joint Commission of Agricultural Inquiry the Commission undertook a special investigation concerning the activities of trade associations and found by response to its questionnaires that there were one hundred and fifty 'open-price' associations, or those distributing or exchanging price information', and

"Whereas the Commission reported 'that of the open-price associations also distributed or exchanged information on other features of business, such as orders received, purchases, production, stocks, cost of production and merchandising, and matters of general interest to members'; and

"Whereas such associations may exert a large influence in maintaining prices at an exorbitant level, particularly in the case of manufacturing concerns the products of which are protected by a high tariff duty: Therefore be it

"Resolved, That the Federal Trade Commission is hereby directed to investigate and to report to the Senate at the next session of Congress:

"First. The present number and nature of open-price associations, the names of such associations, the number of their members thereof, and the importance of such associations in the industry.

"Second. To what extent, if any, the effect of such open-price associations has been to maintain among members thereof uniform prices to wholesalers or retailers, or to secure uniform or approximately uniform increases in such prices.

"Third. Whether such open-price associations engage in other activities, and if so, the nature and effects thereof, with respect to alleged violations of the anti-trust laws.

"Attest:

George A. Sanderson,
Secretary.

By: H. W. Graves,
Chief Clerk."

March 20, 1925.

(21) File 1-3004 - Foster Advertising Company, Inc., et al vs. National Outdoor Advertising Bureau, Inc.

Memorandum of March 19th was received from the Chief Examiner stating that the applicant has advised the Commission that they are not interested in the issuance of a complaint based upon this application. The Chief Examiner recommended that the application be placed on Suspense for six months and that if upon inquiry being made, it proves that the proposed elimination of the contracts in question has been carried out, that the application be dismissed.

On action of Mr. Sugent, the application for complaint was dismissed by the Commission for the reason that the applicants are no longer interested in the case and as there is no longer any public interest in the case.

From the circulating calendar, the Commission considered memorandums of February 27th from Attorney Busick in regard to the decision of the United States Circuit Court of Appeals for the Ninth Circuit in the Western Meat case; and the decision of the United States Circuit Court of Appeals for the Seventh Circuit in the Swift & Company case, both cases involving an interpretation of Section 7 of the Clayton Act. The memorandums briefly reviewed the decisions and stated that the decisions were in direct conflict with respect to divestiture of property and stock. Attorney Busick recommended that petition for certiorari be filed with the Supreme Court in the Western Meat Company case.

The memorandum was circulated March 2nd. Resolutions by the several Commissioners were read and thereafter, the Commission approved the recommendation of Attorney Busick and directed that certiorari be applied for in the Supreme Court in the Western Meat Company case.

Thereupon, at the hour of 12:30 p.m., the Commission adjourned to meet Monday, March 23, 1925, at 10 a.m.

Garson D. Van Fleet,
Chairman.

Attest:

Edith D. Connors,
Secretary.

March 23, 1935.

Saturday - March 21, 1935 - No meeting held.

Sunday - March 22, 1935 - No meeting held.

MINUTES OF THE FEDERAL TRADE COMMISSION

Monday - March 23, 1935 - 10 a.m.

PRESENT:

Forbes W. Van Fleet, Chairman,
John K. Nugent,
Austin Chapman,
William L. Humphrey.

Mr. Nugent absent in official business.

The minutes of the meeting of March 20, 1935 were read and approved.

Chairman Van Fleet presented letter of March 20th from S. B. Griffin, Special representative of the New Orleans Cotton Exchange referring to an interview with the Commission's attorney, Mr. Stephen W. Van Fleet, and also requesting an expression from the Commission in regard to an action by the Georgia State authorities against a number of New Orleans and New York Cotton Exchange brokers, particularly as to whether or not this action does not justify an investigation by the Commission and whether it would be advisable for the parties affected to make a formal complaint to the Commission.

The letter was read and referred to the chief examiner for attention.

Mr. Nugent presented the following listed applications for complaint and action as indicated was taken by the Commission:

- (1) File 1-3456 - Unfair competition - Bureau of the Paint & Varnish Industries vs. Bradshaw & Krueger Company.

Mr. Nugent submitted memorandum of March 23rd reviewing the facts and offered the following action:

March 23, 1945.

Moved, that the file be transmitted to the Chief Examiner with request that he instruct the Chicago Office to ascertain whether or not respondent sells its "Pure Shellac", both bottled and canned, or either, in interstate commerce, whether or not the shellac so sold is manufactured from the same formula and whether or not the formula is the one from which is manufactured the "Pure Shellac" which respondent sells to its customers in Illinois.

The motion was adopted by the Commission and it was so ordered.

Accordingly, the file was referred to the Chief Examiner, via Buckett Section.

(2) File 1-3563 - F. T. O. vs. Hayes Brothers.

Mr. Nugent stated that this application came direct from the Chief Examiner without reference to the Board of Review pursuant to the rule of December 3, 1934.

Mr. Nugent presented memorandum of March 3rd reviewing the facts, concurring in the recommendation of the Chief Examiner and recommending that the application be dismissed.

The memorandum was read and after consideration, on motion of Mr. Nugent, seconded by Mr. Thompson, the application for complaint was dismissed by the Commission.

(3) File 1-3243 - Mrs. Everett S. Coffin vs. Beacon Knitting Mills.

Mr. Nugent presented memorandum of March 16th reviewing the record, disapproving the recommendation of the Board of Review and recommending that the Board of Review be heard.

The Board of Review was heard and thereafter, Mr. Nugent offered the following motion, which was seconded by Mr. Van Fleet:

Moved, that complaint issue charging the Beacon Knitting Mills with violation of Section 3 of the Federal Trade Commission Act.

The application was laid over at the request of Mr. Van Fleet, to permit study of the record.

(4) File 1-3459 - Collins Company vs. Marlon Tool Works, Inc.

" 1-3537 - Clipper Tool Company, Inc. vs. Marlon Tool Works, Inc.

Mr. Nugent presented memorandum of March 16th, reviewing the records and recommending that the files in the two cases be consolidated and that complaint issue. Mr. Nugent stated that the Board of Review should be heard.

The Board of Review was heard and thereafter, Mr. Nugent offered the following motion:

March 22, 1935.

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oved, that the files be consolidated and that complaint issue charging the Marion Tool Works, Inc., with violation of the Federal Trade Commission Act.

The motion was seconded by Mr. Thompson.

As to the foregoing motion, Messrs. Nugent and Thompson voted in the affirmative and Messrs. Van Fleet and Humphrey voted in the negative. The motion was lost on its vote.

Mr. Van Fleet, thereafter, moved that the file be referred to the Chief Examiner to negotiate for a stipulation under the rule of March 11, 1935. The motion was seconded by Mr. Humphrey.

As to the foregoing motion, Messrs. Van Fleet and Humphrey voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The motion was lost on its vote.

It was thereupon, ordered by the Commission, that the cases be referred to Mr. Hunt, the absent Commissioner, with request for consideration and report to the Commission.

Mr. Thompson presented the following listed applications for complaint and action as indicated was taken:

- (1) File 1-3134 - Woodstock Typewriter Company vs. Underwood Typewriter Company, Inc.

Mr. Thompson submitted memorandum of March 23rd reviewing the record, concurring in the recommendation of the Board of Review, and recommending that the application be dismissed.

After consideration, on motion of Mr. Thompson, the application was dismissed by the Commission.

- (2) File 1-3145 - Blade Chocolate Company vs. A. Van Buekirk.

Mr. Thompson recited the facts in the case and stated that he concurred in the recommendation of the Board of Review for dismissal.

After consideration, on motion of Mr. Thompson, the application for complaint was dismissed by the Commission.

- (3) File 1-3103 - F. T. J. vs. Wickwire Spencer Steel Corporation.

Mr. Thompson presented memorandum of March 23rd reviewing the facts, concurring in the recommendation of the Board of Review and recommending that complaint issue.

After consideration, on motion of Mr. Thompson, seconded by Mr. Nugent, the Commission directed that complaint issue charging the Wickwire Spencer Steel Corporation with violation of Section 7 of the Clayton Act.

The draft of complaint which came forward with the file was referred to the Chief Counsel, via Docket Section, for approval as to form and substance under the rule, with the direction, that upon such approval, the complaint be served by the Secretary without reference back to the Commission.

March 23, 1935.

(4) File 1-8333 - Mark Brothers vs. La Perfection Pearl Company. (Louis S. Josephson)

Mr. Thompson recited the facts in the case and stated that he concurred in the recommendation of the Board of Review and recommended that complaint issue.

After consideration, on motion of Mr. Thompson, seconded by Mr. Van Fleet, the Commission directed that complaint issue charging Louis S. Josephson, trading as La Perfection Pearl Company with violation of the Federal Trade Commission Act.

Pursuant to the rule of March 18, 1935, the file was referred to the Chief Counsel, via District Section, for the preparation of complaint, the case to be served by the Secretary without reference back to the Commission.

Attorneys Kelley, Brindley and DeBruier of the Chief Counsel's Office appeared and were heard with respect to the Commission's direction of March 18, 1935, that complaint issue charging the Continental Baking Corporation and the United Baking Corporation with violation of Section 7 of the Clayton Act. Attorney Brindley presented a memorandum of March 21st setting forth reasons why the Commission's action in issuing complaint should be limited to the Continental Baking Corporation and also recommending further investigation by the Chief Examiner's Staff to gather information as to whether or not all the corporations whose stock was acquired, have been engaged in commerce.

After the hearing, on motion of Mr. Van Fleet, the recommendations contained in the memorandum of March 21st from Attorney Brindley, as approved by the Chief Counsel, were adopted by the Commission and it was ordered (1) that the record of March 18, 1935, which directed the issuance of complaint against the Continental Baking Corporation and the United Baking Corporation, be corrected by striking therefrom, the name of the United Baking Corporation and (2) that the further investigation by the Chief Examiner be expedited and report submitted to the Chief Counsel not later than April 1, 1935.

Mr. Humphrey referred to the Commission's action of March 18, 1935, in circulating a memorandum of March 12th from Trial Examiner Woodfill in the matter of Docket 1233 - Permutit Company, wherein the Examiner reported the action of Trial Attorney Butler in directing a witness to refuse to answer questions notwithstanding a ruling of the Examiner and requested instructions thereon. Mr. Humphrey stated that the file had been circulated and moved that Attorney Butler be furnished a copy of the Examiner's memorandum and with notice to appear before the Commission and make explanation of his action in the matter.

The motion was adopted with instructions to the Secretary to arrange a time for Mr. Butler's appearance.

March 23, 1933.

MEETING OF THE FEDERAL TRADE COMMISSION

Wednesday - March 22, 1933 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Nugent,
Charles W. Hunt,
William S. Humphrey.

Mr. Thompson absent on account of illness.

The minutes of the meeting of March 23, 1933, were read and approved.

The Chairman presented the following matters and action as indicated was taken by the Commission:

(1) Letter of March 22th from the Department of Justice (Herman J. Galloway, Assistant Attorney General), in the matter of Emeralds Canning Company vs. The United States. The latter stated that this case was set for trial Friday, March 27, 1933, in the United States District Court at Columbus, Ohio, that Colonel A. R. Brindley of the Commission's Legal Staff is familiar with the facts in the case, the claim having been before him when he was with the War Department, and requested that instructions be issued by the Commission to Colonel Brindley to proceed to Columbus, Ohio, for the purpose of acting as a witness on behalf of the Government in the above case. The letter also stated that Colonel Brindley would be paid at the expense of the Department of Justice.

The letter was read and on motion of the Chairman, the request was approved and instructions issued accordingly to Attorney Brindley.

(2) Letter of March 22nd from Congressman Charles B. Crisp of Georgia, advising that an Association of bee raisers desire to enter into an agreement among themselves as to a minimum price to be obtained for their products (bees and queens) grown by themselves and requesting information as to whether such an agreement would violate the Sherman and other anti-trust acts.

The Chairman was requested to reply to the effect that if the product is shipped in interstate commerce, an agreement among members of the Association to fix prices would undoubtedly fall within the provisions of the anti-trust laws.

March 23, 1925.

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(3) Letter of March 23th from Mr. Lars J. Skramme, a member of the Senate of the State of Iowa, stating that he had introduced a bill in the Senate of Iowa, closely patterned after the Federal Trade Commission Act for the purpose of enforcing the State anti-trust laws and requesting the Commission's opinion as to whether such effort on the part of any state would help to enforce the Federal anti-trust laws.

The letter was read and on motion of the Chairman, it was directed that reply be made to the effect that jurisdiction between the State and Federal laws would be absolutely separate and distinct and that the Commission cannot express opinion as to the desirability of the bill, that being for the legislature of the State of Iowa to determine, but that if there was any specific information Senator Skramme desires to obtain, with respect to the Federal Trade Commission, this information will be gladly furnished.

(4) Letter of March 23th signed by a number of Senators requesting the Commission to furnish information regarding combinations being formed abroad by American business in alleged violation of the anti-trust laws, etc. The letter reads as follows:

March 24, 1925.

Sen. Vernon W. Van Fleet,
Chairman, Federal Trade Commission,
Washington, D. C.

Dear Sir:

The Webb-Pomerene Export Trade Act is designed, as we understand it, to help American business corporations and to find a market for their products abroad, and it is alleged that American business interests are establishing themselves in many foreign countries in combination with similar business interests in those countries.

The Federal Trade Commission is vested with the administration of the Webb-Pomerene Act and this Commission is empowered by Section 6, Paragraph h, of the Federal Trade Commission Act:

'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, and to report to Congress thereon, with such recommendations as it seems advisable.'

March 23, 1924.

We respectfully request that the Federal Trade Commission send us as soon as possible whatever information it has regarding the nature of combinations being formed abroad by American business, commercial, and financial firms and corporations in alleged violation of anti-trust laws and the amount of investment made by American interests abroad in connection with such combinations and trade organizations, and the extent to which said American business interests are working with foreign combinations, and whether in any case American goods are sold cheaper to foreign customers as a means of maintaining the prices of such goods manufactured in the United States, than to American consumers.

Yours sincerely,

(signed) J. F. Laid,
 Henrik Shipstead,
 Duncan J. Fletcher,
 C. W. Harris,
 W. H. McMaster,
 Carl S. Mayfield,
 R. B. Howell,
 Robert L. LaFollette,
 Morris Snappard,
 Lynn J. Frazier,
 William B. King,
 Kenneth McCallar,
 John B. Kendrick,
 Burton K. Wheeler,
 J. W. Harrelld,
 Charles L. McNary."

The letter was read and circulated.

Mr. Nugent presented a memorandum of March 24th from the Chief Economist transmitting file of papers in connection with the application of Mr. J. L. Vestal for employment and recommending that Mr. Vestal be given a six months probationary appointment as an accountant and allocated under the Classification Act of 1923 to G. A. F. Grade VI, at the initial salary thereof, to-wit: \$2100. such appointment to fill a vacancy caused by the resignation of Mr. R. A. Grant.

On motion of Mr. Nugent, seconded by Mr. Van Fleet, the recommendation of the Chief Economist was approved and it was so ordered, such appointment to be effective upon taking the oath of office and entering on duty.

March 25, 1925.

Mr. Nugent also presented a letter of March 27th from Senator F. M. Simmons, endorsing the application of Mr. Roland V. Wolfe for appointment with the Commission.

The letter was read and on motion of Mr. Nugent, the application was referred to Mr. Chief Examiner for consideration and report to the Commission in connection with any recommendations that might be made by the Chief Examiner for filling vacancies.

Mr. Hunt presented the following applications for complaint:

File 1-3459 - Collins Company, vs. Marion Tool Works, Inc.

" 1-3337 - Chipper Tool Company, Inc. vs. Marion Tool Works, Inc.
Mr. Hunt referred to the action of March 23rd at which time the cases were referred to him for report after the failure of a motion for complaint and a motion for stipulation by reason of the votes.

Mr. Hunt reported his examination of the records and stated that he favored handling the cases by stipulation.

On motion of Mr. Van Fleet, seconded by Mr. Humphrey, it was ordered that the cases be consolidated and referred to the Chief Examiner, via Pocket Section, with instructions to negotiate for a stipulation under the rule.

Mr. Hunt referred to memorandum of February 20th from the Chief Examiner recommending salary changes growing out of the transfer of Attorney Doss to the Trial Division and the resignation of Attorney Digges, which memorandum was presented to the Commission on March 5th and circulated.

Mr. Hunt suggested the following salary increases in lieu of those recommended by the Chief Examiner and recommended that the same be allowed:

Mr. A. T. Lundquist	\$3000. to \$3400.
Mr. Clarence F. Sadler,	3000. to 3300.
Mr. Joseph L. Klein,	2300. to 2500.
Mr. Emanuel Burton,	3800. to 4000.
Mr. David H. Sibbett,	2400. to 2600.
Mr. George A. Ward,	2400. to 2600.
Mrs. Katherine B. Staves	1500. to 1600.

and further that Harry A. Subcock of the New York Office be given P. Grade-3 in place of P. Grade-2 and Miss Helen E. Smith, stenographer at the Chicago Office be given C. A. P. Grade 3 in place of C. A. P. Grade 2.

After discussion, it was agreed that the recommendation be considered on Wednesday, April 1, 1925, as a Special order of business after the regular order.

March 23, 1925.

Mr. Humphrey suggested that the Commission consider the matter of the issuance of statements to the public on complaints, be considered as a Special Order of business after the regular order of business on Monday, March 30, 1925.
It was so ordered.

Mr. Humphrey stated that he expected to be out of the City for a few days including Friday, March 27, 1925, and asked that the action of Mr. Thompson with respect to letter of March 4th from Senator Harris be not considered in his absence.
It was so ordered.

The following matters of general business forwarded to the Commission by the heads of the several divisions were presented by the Secretary and action as indicated was taken by the Commission:

(1) Application of Mr. LaRoy A. Palmer for employment.
Memorandum of March 17th was received from the Personnel Officer reporting in response to the Commission's direction of March 16th to the effect that insofar as the provisions of the Retirement Act are concerned, there is no reason why Mr. Palmer should not be appointed to the Staff of the Commission.
The memorandum was read and upon motion of Mr. Sugent, it was agreed that consideration of this appointment be laid over until Monday, March 30th.

(2) Memorandum of March 11th from the Chief Counsel recommending certain salary increases made possible by reason of the resignation of Attorney Steinhauser and the proposed resignation of Attorney Wallace.

In motion of Mr. Humphrey, it was agreed that the Chief Counsel's memorandum be considered on Monday, March 30, 1925.

(3) Memorandum of March 13th signed by the secretaries to the several Commissioners requesting salary increase. The Secretary reported with respect to the application of the average rule to promotions within the grade in which the secretaries are placed and stated that at the present time, the average rule excluded promotions of all the Secretaries in the grade and asked permission to again present the memorandum for consideration when the average rule would permit salary increases requested by the private secretaries. This permission was granted by the Commission.

March 23, 1925.

(3) Draft of a letter to the Comptroller General in reply to his letter of February 5th in the matter of suspension of credit in the accounts of the Commission's Disbursing Officer of a payment of \$1000. to Mr. Isaac E. Lambert for legal services on a contract basis from January 23 to April 30, 1924.

The reply was read and was referred to Mr. Regent with request to have a conference with Attorney Busick of the Chief Counsel's Office and report to the Commission.

(5) Docket 234 - Pacific States Paper Trade Association.
Circuit Court of Appeals Dec. 4217.

Memorandum of March 23rd was received from the Chief Counsel stating that counsel for the respondent had advised that it had decided not to apply for certiorari and that the Commission under date of February 20, 1925, had authorized the Chief Counsel to prepare and file a petition for writ of certiorari. The Chief Counsel asked authority to purchase from counsel for the respondent, Mr. Warren Olney, Jr., his copies of the printed transcripts for \$159.40 for use in connection with the Commission's petition for certiorari.

The authority requested by the Chief Counsel was granted by the Commission.

(6) Docket 351 - Armour & Company.
Circuit Court of Appeals Dec. 3223.

Memorandum of March 23rd was received from Attorney Busick requesting authority to sign a stipulation submitted by counsel for Armour & Company, providing that action need not be taken by Armour & Company concerning the printing of the record in this case until after the expiration of a period of ten days from the decision of the Circuit Court of Appeals for the Seventh Circuit in the Swift case now pending on petition for rehearing, Docket 453.

The authority requested was granted by the Commission.

(7) Docket 1259 - Certainseed Products Corporation.

Memorandum of March 19th was received from the Chief Counsel transmitting request of counsel for the respondent for an extension to and including March 31, 1925 for filing answer and recommending that the request be granted.

The request was granted by the Commission and order to this effect approved and entered.

(8) Docket 1433 - Cossan Manufacturing Company, et al.

Memorandum of March 20th was received from the Chief Counsel transmitting request of counsel for the respondents for an extension to and including May 1, 1925 for filing answer and recommending that the request be granted.

The request was granted by the Commission and order to this effect approved and entered.

March 25, 1925.

(9) Memorandum of March 25th was received from the Chief Economist advising that representatives of the Department of Justice had called in regard to the refrigerator section of the Commission's report on House Furnishings, Volume III, and inquired whether they could obtain the names of certain gentlemen who wrote letters published in the report charging that the refrigerator association was a close combination, their purpose being to subpoena the said individuals as witnesses in the Government suit. The Chief Economist asked instructions.

The memorandum was read and thereafter, Mr. Nugent offered the following motion:

Moved, that the names of the parties be furnished the Department of Justice.

The motion was lost for want of a second.

Mr. Van Fleet then offered the following motion:

Moved, that the Chief Economist be instructed not to furnish the names for the reason that the same are of a confidential nature.

The motion was seconded by Mr. Humphrey and adopted by the Commission with Messrs. Van Fleet, Hunt and Humphrey voting in the affirmative and Mr. Nugent voting in the negative.

Mr. Nugent asked that the Chief Economist be directed to inform the agents of the Department of Justice in question, that it was Mr. Nugent's opinion that the Department of Justice in the prosecution of the Government suit was entitled to the information requested and that Mr. Nugent had so voted. It was so ordered.

On motion of Mr. Van Fleet, the Chief Economist was directed by the Commission to inform the agents of the Department of Justice of the Commission's reasons for declining to comply with their request.

(10) Report dated March 23, 1925 of the Commission's Board of Review on Efficiency Ratings (The Secretary and the Personnel Officer), for the six months period from May 13, 1924 to November 13, 1924. This report was submitted pursuant to the Commission's action of November 26, 1924.

The report included efficiency ratings for all the employees, together with a form of notice advising each employee of his individual rating.

The Secretary informed the Commission with respect to the law governing efficiency ratings of Government employees and with respect to the particular system of rating employees as promulgated pursuant to law under which the employees of the Commission had been rated and

March 23, 1925.

also informed the Commission with respect to the several steps taken by the Board of Review and the heads of the several Divisions in rating the employees and of the details of the ratings as submitted.

After consideration, the Commission directed that the rating of 64.75 given Attorney H. M. Flannery be increased five points and thereafter approved and adopted the report of the Board of Review and the efficiency ratings and the form of notice as submitted and designated the Secretary as the Officer of the Commission to give notice of the ratings and take such other action as is contemplated by this efficiency rating system authorized by law.

The report of the Board of Review, the efficiency ratings as adopted by the Commission and the form of notice as adopted, follow:

"March 23, 1925.

"Report of Board of Review on efficiency ratings,
Federal Trade Commission, for the six months'
period, May 15, 1924, to November 15, 1924.

"Under the provisions of Section 4 of the Legislative, Executive and Judicial Appropriations Act for the fiscal year ending June 30, 1912, and the urgent Deficiency Appropriation Act approved February 20, 1916, the President issued an Executive Order, under date of October 24, 1921, directing the Bureau of Efficiency to prescribe a uniform system of ratings for all departments, and requiring the heads of the departments to put the system into effect.

"The law providing for the classification of civilian positions within the District of Columbia and in the field service, approved March 4, 1923, includes the following provisions on the subject of efficiency ratings:

"Sec. 7. Increases in compensation shall be allowed upon the attainment and maintenance of the appropriate efficiency ratings, to the next higher rate within the salary range of the grade: Provided, however, That in no case shall the compensation of any employee be increased unless Congress has appropriated money from which the increase may lawfully be paid, nor shall the rate for any employee be increased beyond the maximum rate for the grade to which his position is allocated. Nothing herein contained shall be construed to prevent the promotion of an employee from one class to a vacant position in a higher class at any time in accordance with civil service rules, and when so promoted the employee shall receive compensation according to the schedule established for the class to which he is promoted.

March 25, 1925.

'Sec. 8. That nothing in this Act shall modify or repeal any existing preference in appointment or reduction in the service of honorably discharged soldiers, sailors, or marines under any existing law or any Executive order now in force.

'Sec. 9. That the board shall review and may revise uniform systems of efficiency rating established or to be established for the various grades or classes thereof, which shall set forth the degree of efficiency which shall constitute ground for (a) increase in the rate of compensation for employees who have not attained the maximum rate of the class to which their positions are allocated, (b) continuance at the existing rate of compensation without increase or decrease, (c) decrease in the rate of compensation for employees who at the time are above the minimum rate for the class to which their positions are allocated, and (d) dismissal.

'The head of each department shall rate in accordance with such systems the efficiency of each employee under his control or direction. The current ratings for each grade or class thereof shall be open to inspection by the representatives of the board and by the employees of the department under conditions to be determined by the board after consultation with the department heads.

'Reductions in compensation and dismissals for inefficiency shall be made by heads of departments in all cases whenever the efficiency ratings warrant, as provided herein, subject to the approval of the board.

'The board may require that one copy of such current ratings shall be transmitted to and kept on file with the board.'

"Carrying out the provisions of the laws and the Executive Order above referred to, the U. S. Bureau of Efficiency issued, in November, 1924, its General Circular No. 10, on efficiency ratings, notes for boards of review on efficiency ratings and notes to Table of Service Elements and Weights for classes described in P. L. 3. Form No. 12. These several circulars of instruction on efficiency ratings have therefore the authority of law.

March 28, 1925.

"Under date of November 23, the Federal Trade Commission appointed the secretary and the personnel officer as a board of review, contemplated by the efficiency rating system as set forth in the circulars of instruction issued on the subject by the U. S. Bureau of Efficiency, approved by the Personnel Classification Board.

"In accordance with these instructions, the Board of Review proceeded to have each employee of the Commission rated by his chief, as follows: These ratings were made in the first instance by the section chiefs throughout the administrative division, the examiners in charge of investigations, and the assistant chief economists in the economic division, attorneys in charge of branch offices, and the assistant chief examiner in the case of the legal investigating division, Mr. Kelley in the case of the Chief Counsel's office, Dr. Metz in the expert trade division, and Mr. M. B. Clarke in the board of review.

"These ratings were reviewed, and in some cases revised by the chiefs of these several divisions, as follows: Mr. Bugans, administrative division; Dr. Walker, economic division; Mr. Hudson, legal investigating; Mr. Fuller, in the trial division; while Dr. Metz and Mr. M. B. Clarke in their respective divisions acted both as rating and reviewing officers. Under the regulations the five Commissioners, the Chief Counsel, and the Chief Economist are not given efficiency ratings. The secretary rated the clerks in his own office, and Mr. Bugans; the five clerks to Commissioners were rated by their respective Commissioners. Dr. Metz, Mr. M. B. Clarke, Mr. Hudson and Secretary Johnson were rated by the respective Commissioners in charge of their work. The original initial ratings, as above outlined, were then placed in the hands of the board of review for equalization and standardization, in order that the employees of each division in the Commission be brought to the standard average of 82.5%, and that the average of all competitors in each grade be brought to approximately the same average.

"In pursuance of the Personnel Classification Board's instruction for the purpose, the Commission's board of review calculated the average efficiency rating given in each division by its chief, and then adjusted such ratings to an average of 82.5% which is in accordance with the recommendation and expectation of the Bureau of Efficiency. The board of review, strictly within its authority as outlined by the Bureau of Efficiency and the Personnel Classification Board, has given a selected group of employees a preferential rating averaging 90%, this group representing the chiefs of divisions, the secretary, the five clerks to Commissioners, and the assistant secretary, one clerk to the Secretary, and the administrative chiefs of sections.

March 23, 1925.

"After this was done, an examination was made of the lists of employees in each grade, and the average of every grade was raised or lowered, as the case required, to approximately 82.5%, so far as necessary to make the general average of all ratings in the Commission exactly 82.5%.

"The ratings herewith submitted give 137 employees a status of eligibility, so far as efficiency ratings are concerned, for salary promotion. They give 167 employees ratings that make them eligible only to retain present salary ratings, while three employees are given ratings so low, by their rating and reviewing officers, as to require the Commission's consideration for reduction in grade and salary, or dismissal. These ratings are submitted herewith, for consideration and adoption, or for such review and revision as the Commission may direct.

"It must be borne in mind that all these efficiency ratings, covering the six months' period, May 15 to November 15, 1924, are necessarily given in the grade to which each employee had been allocated at that time (November 15). Changes to higher or other grades or services since that date, by the Personnel Classification Board, can not affect this efficiency rating classification. The accompanying list of ratings, by grades, gives the name of the employee, his salary, his final efficiency rating, the rating necessary to retain his present salary status, and the rating necessary to make him eligible for promotion, so far as the efficiency ratings are concerned.

"For convenience, a plus mark is placed in red ink before the names of those employees who are eligible for promotion; an equality sign before those who must remain in their present salary status; and a minus sign before the names of those whose cases would need to be considered for demotion or dismissal under the law.

"A copy of the Personnel Classification Board's Circular No. 17, dated January 24, 1925, as to the inspection of efficiency ratings by the employees of the Department, accompanies this report for the information of the Commission, as well as copies of the efficiency ratings circulars issued last November by the U. S. Bureau of Efficiency, with the approval of the Personnel Classification Board.

Respectfully submitted,

(signed) Otis D. Johnson,

(signed) L. H. Waring.

Board of Review."

March 28, 1934.

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"EFFICIENCY RATINGS

FEDERAL TRADE COMMISSION

MAY 15, TO NOVEMBER 15, 1934.

"Showing: (1) name of employee, (2) salary, (3) final efficiency rating, (4) rating necessary to retain present status, and (5) rating necessary to be eligible for salary promotion within the grade.

"The marks in red ink signify: the plus sign, employee eligible for promotion within the grade; the equality sign, employee retained in present status; the minus sign indicates that the efficiency rating calls for consideration as to demotion or dismissal; the letter 'M' following names of employees indicates those who are entitled to military preference.

P-1

Blackford, Wm. R.	\$2200 +	84.62	70	90
Martin, G. A.	3200 +	83.53	70	90
Smith, Mrs. Maybelle Rucker	1800 +	83.26	65	70
Famberton, Irene	3100 +	83.83	65	85
Booth, Walter H.	2300 +	80.56	70	90
Childs, Wm. W.	2300 +	79.99	75	95

P-2

Junge, Henry, Jr.	2800 +	90.79	70	90
Klein, Joseph L.	3000 g	90.90	80	--
Babcock, Harry A.	3000 g	87.26	80	--
Love, Ellen L.	2400 +	84.76	65	70
Walton, Edward H.	2800 +	84.70	75	90
Biggs, John S.	2700 d	85.32	65	65
Ward, George A.	2600 +	85.10	65	80
Marriott, Geoffrey S.	2400 +	84.79	65	70
Furness, Miles J.	3000 g	84.50	80	--
Herne, Wm. B.	2600 +	83.36	70	90
Wilson, Mrs. Margaret R.	2800 +	83.36	70	90
Charnock, Thomas A.	3000 g	83.05	80	--
Patterson, Francis A.	2800 +	82.81	70	90
Hauock, John F.	2500 b	82.66	65	75
Haus, Edwin S.	2800 +	81.95	70	90
Alden, Henry P.	3000 g	81.84	80	--
Kennedy, Leo W.	2800 +	81.36	70	90
Van Fleet, Stephen C.	2700 d	81.00	65	65
Gibbatt, David H.	2400 +	80.69	65	70

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P-2 Continued

Peacock, Samuel C.	33400	a	80.43	65	70
Southworth, John F.	3600	c	80.43	65	60
Taylor, Peloit	2800	e	80.36	70	90
Hacha, Joseph A.	2400	a	79.20	65	70
Windle, Chas. T.	2700	d	78.62	65	35
Bullock, John D.	2800	e	77.09	70	90
Stevens, James S.	2400	a	77.03	65	70
Burkett, John W.	2800	e	76.66	70	90
Rugent, George C.	2400	a	76.32	65	70
Dowlan, John R.	2700	d	69.64	65	65

P-2

Gass, John H.	33300	d	95.10	65	65
Boyle, Morgan J.	3000	a	95.10	65	70
Rielland, Relf H.	3600	g	89.13	80	--
Cyr, Leo	3350	d	88.36	65	65
Horton, James A.	3600	g	88.28	80	--
Lundquist, Andreas T.	3000	a	88.30	65	70
Digges, Isaac W.	3000	a	86.24	65	70
Tackett, Anderson H.	3000	a	86.22	65	70
Simpson, Joseph A.	3000	a	87.90	65	70
Nichol, James W.	3300	d	87.87	65	65
Winkert, Gerald V.	3300	d	87.85	65	65
Miller, Henry	3600	g	86.19	80	--
Lehagen, Ed. A.	3500	f	84.77	75	25
Dynes, John H.	3300	d	83.98	65	65
Twombly, Walter E.	3300	d	83.66	65	65
Parry, Byron Phelps	3300	d	83.38	65	65
Sedler, Clarence T.	3000	a	82.97	65	70
Carroll, Timothy A.	3300	d	82.83	65	65
Baggerly, Franklin C.	3200	c	82.18	65	60
Sierns, Worthy P.	3000	a	81.26	65	70
McFarnett, Ashrose M.	1,000	a	79.91	65	70
Days, Ed. W.	3300	d	79.32	65	65
Blonaker, Ervin	3600	a	79.33	65	70
Becker, Chas. H.	3300	d	79.32	65	65
Fant, James B.	3000	a	77.89	65	70
Fischer, Edward	3000	a	77.13	65	70
Beauregard, Gustave T.	2100	b	76.95	65	75
Howard, John C.	3000	a	75.65	65	70
Stiles, Otto Russell	3500	a	65.10	65	70

P-4

Anderson, Herbert L.	35000	g	90.08	80	--
White, Hugh L.	5000	g	90.19	60	--

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P-4 Continued

Alford, Elias C.	45000	g	89.27	80	--
Baith, Edward L.	5000	g	89.6v	80	--
Bennett, Jean W.	48000	b	88.23	65	75
Brindley, Augustus R.	46000	e	86.93	70	90
Clark, James T.	5000	g	86.29	90	--
Brinson, James M.	46000	e	86.06	70	90
Keff, Chas. M.	50000	g	87.59	80	--
Katz, William F.	46000	e	87.53	70	90
Coles, Lalecia A.	38000	a	86.63	65	70
Cox, Henry A.	40000	b	86.37	65	75
Stephens, G. A.	46000	e	86.09	70	90
Bane, Baldwin B.	46000	e	86.05	70	90
Graves, John Temple, Jr.	46000	e	85.63	70	90
Mitchell, Thos. W.	40000	b	85.07	65	75
Watkins, Geo. F.	40000	f	84.4	75	95
Arnold, John K.	38000	a	84.74	65	70
Jaycraft, Everett F.	46000	e	84.17	70	90
McMillen, Robt. N.	40000	b	83.64	65	75
Reardon, Edward J.	40000	b	83.64	65	75
Rowland, G. Edwin	40000	b	83.64	65	75
Guest, Ed. A.	40000	b	83.64	65	75
Gly, Richard S.	40000	b	83.	65	75
Burton, Ismael	34000	a	82.96	55	70
Greenall, Robt. C.	38000	a	82.95	65	70
Dakruler, Geo.	46000	e	82.25	70	90
Waltley, Richard F.	38000	a	81.12	65	70
Craven, Alfred M.	38000	a	80.85	65	70
Reeson, Wm. G.	40000	b.	80.40	65	75
Adams, J. W.	38000	a	80.33	65	70
Averill, Edward M.	38000	a	79.89	65	70
McGee, Geo.	38000	a	79.83	65	70
Dinmon, Wm. F.	38000	a	79.57	65	70
Addison, John W.	38000	a	79.15	65	70
Butler, T. John	38000	a	78.62	65	70
Woodfill, Web	38000	a	78.56	65	70
Jeppard, W. C.	38000	a	78.11	65	70
Parkins, Lewis B.	38000	a	77.75	65	70
Hawkins, Jaylard A.	48000	f	77.	75	95
Flannery, M. Barkham	40000	b	69.73	65	75
Cornbrock, Edward J.	48000	b	85.10	65	75
Wallace, Geo. J.	48000	b	86.64	65	75
Dougherty, Daniel C.	40000	b	88.43	65	75

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SAF-2

Smith, Helen F.	1680 g	87.1	89	--
Jones, Mattie M.	1440 c	84.88	65	80
Mussey, Edith A.	1620 f	84.44	75	95
Daugh, Joseph	1320 a	83.40	65	70
Weerner, Sadie S.	1500 d	83.35	65	85
King, Russell M.	1320 a	83.31	65	70
Nashburne, Avis G.	1680 g	82.71	80	--
Schenck, Harold E.	1440 c	82.44	65	80
Crane, August	1560 e	81.20	70	90
Mendows, William C.	1620 f	81.91	75	95
Cooper, Elizabeth	1680 g	81.74	80	--
Hartman, Julia H.	1620 f	81.74	75	95
Peterson, Anna P.	1320 a	81.67	65	70
Hopkins, Margaret V.	1620 f	81.65	75	95
Hughes, Florence A.	1440 c	81.49	65	80
Shy, Evelyn L.	1300 d	80.93	65	85
Henkler, Elizabeth	1440 c	79.56	65	80
Marlin, Selma	1440 c	79.35	65	80
Reynolds, George E. F.	1320 a	78.50	65	70
Greer, Anna	1620 f	77.02	75	95
Thompson, Agnes R.	1580 e	76.02	70	90

SAF-3

Balrymple, Robert C.	1620 a	89.19	65	80
Lewis, Louella M.	1740 e	88.39	70	90
Ferman, Eleanor	1680 g	87.58	80	--
McCarthy, Annetta H.	1800 f	87.33	75	95
Donohue, Lucina	1740 e	87.04	70	90
Levin, Amelia	1620 c	86.13	65	80
Kistler, Anna B.	1740 e	86.04	70	90
Jayner, William T.	1740 e	85.72	70	90
Bruneau, Lucille	1740 e	85.69	70	90
Staves, Mrs. Katherine B.	1500 a	85.62	65	70
Harris, Margaret B.	1680 d	85.10	65	85
Benedict, Lucy F.	1740 e	85.04	70	90
Byrne, Margaret M.	1500 a	84.58	65	70
Presser, Pearl	1680 d	84.41	65	85
Grimes, Katie V.	1560 b	84.41	65	75
Burr, Helen A.	1300 a	84.35	65	70
Crittenden, John T.	1600 f	84.02	75	95
Drawbaugh, Helen M.	1740 e	84.02	70	90
Joyce, Helen G.	1740 e	84.02	70	90
Trott, Frances W.	1620 c	83.79	65	80
Whalen, Emily J.	1620 c	83.62	65	80
Boyle, Anna	1620 c	83.58	65	80

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CAF-2

Smith, Helen P.	1680	g	87.	80	--
Jones, Lottie H.	1440	c	84.89	65	80
Mussey, Edith A.	1620	c	84.44	75	95
Baugh, Joseph	1320	a	83.40	65	70
Weerner, Sadie S.	1300	d	83.35	65	85
King, Russell H.	1320	a	83.31	65	70
Washburne, Avis G.	1680	g	83.71	80	--
Scheuck, Harold L.	1440	c	83.44	65	80
Crane, August	1560	e	81.20	70	90
Meadows, William C.	1620	f	81.91	75	95
Cooper, Elizabeth	1680	g	81.74	80	--
Harkruff, Julia H.	1620	f	81.74	75	95
Peterson, Anna P.	1320	a	81.87	65	70
Hopkins, Margaret V.	1620	f	81.83	75	95
Hughes, Florence L.	1440	c	81.49	65	80
Key, Evelyn C.	1300	d	80.53	65	85
Hankler, Elizabeth	1440	c	79.56	65	80
Larkin, Selma	1440	c	79.55	65	80
Reynolds, George A. F.	1320	a	78.50	65	70
Greer, Anna	1620	f	77.02	75	95
Thompson, Agnes R.	1380	e	76.02	70	90

CAF-3

Dalrymple, Robert C.	1620	e	89.19	65	80
Lewis, Louella H.	1740	e	88.39	70	90
Forman, Eleanor	1880	g	87.58	80	--
McCarthy, Annette M.	1800	f	87.93	75	95
Donohue, Louise	1740	e	87.04	70	90
Levin, Analia	1620	c	86.13	65	80
Kistler, Anna B.	1740	e	86.04	70	90
Joyner, William T.	1740	e	85.72	70	90
Brudson, Lucille	1740	e	85.89	70	90
Slavice, Mrs. Katharine B.	1300	d	85.63	65	70
Harrity, Margaret B.	1680	d	85.10	65	85
Benedict, Lucy F.	1740	e	85.04	70	90
Byrne, Margaret M.	1500	a	84.53	65	70
Freese, Pearl	1680	d	84.41	65	85
Grimes, Katie V.	1560	b	84.41	65	75
Burr, Helen A.	1300	d	84.25	65	70
Crittenden, John T.	1800	f	84.02	75	95
Drawbaugh, Helen W.	1740	e	84.02	70	90
Joyce, Helen J.	1740	e	84.02	70	90
Trott, Frances W.	1620	c	83.79	65	80
Whalen, Emily L.	1620	c	83.62	65	80
Boyle, Anna	1620	c	83.58	65	80

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Bardwell, Homer F.	11740 o	85.76	65	75
Baxter, Dorothy E.	1800 o	84.63	65	85
Coore, Hiram H.	1920 e	84.31	70	90
Kahler, Anna T.	2040 g	84.01	80	--
Reeson, Vivian L.	1920 f	84.04	75	95
Evans, Louis	2040 g	83.84	80	--
Lovejoy, William E.	2040 g	83.55	80	--
Wilson, Label L.	1920 e	82.80	70	90
Harris, Mary S.	1740 b	82.09	65	75
Forbes, William E.	2040 g	81.14	80	--
Heliborn, W.	1740 b	80.84	65	75
Watts, Edward C. H.	1860 d	79.41	65	85
Carter, Harry H.	1920 e	79.15	70	90
Madden, Orrel S.	1880 a	78.98	65	70
Erwin, Frank	1980 f	77.88	75	95

CAF-2

Donchan, Anna B.	2100 d	82.35	65	85
Goodwyn, Gwendoline	2100 d	82.74	65	85
Murray, Mae R.	2100 d	87.44	65	85
Alford, Charles C.	2100 d	87.07	65	85
Abercrombie, Label	2100 d	86.88	65	85
Herrity, Jane	2100 d	84.48	65	85
Shaw, Helen T.	1860 a	83.44	65	70
Olsonski, Leopold	2200 e	83.39	70	90
Johnson, Jane W.	1860 a	83.21	65	70
Hildebrandt, Frank C.	1860 a	83.13	65	70
Vinsel, Mina B.	2200 e	82.69	70	90
Stamm, Harold S.	2100 d	82.05	65	85
Gell, Hazel	2100 d	81.95	65	85
Pomeroy, Robert	1860 a	81.80	65	70
Brown, Charles H.	2300 f	80.85	75	95
Schwickardi, Rudolph B.	2400 g	80.56	80	--
Davis, Calvin S.	2400 g	80.35	80	--
Gerlach, Agnes J.	1920 e	80.13	65	75
Gilman, Iva R.	1860 a	79.35	65	70
Feamster, O. T.	2300 f	77.47	75	95
Rougeau, Charles F.	2200 e	76.	70	90
Demaritt, Carrie S.	1860 a	74.77	65	70

CAF-3

Shrout, Sam F.	22600 f	88.48	75	95
Galbraith, William H.	2700 g	86.70	80	--
Grant, Robert A.	2100 a	83.74	65	70

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CAF-4 Continued

Leffler, Milton L.	\$2500	e	82.35	70	98
Buckingham, Frank	2500	f	82.01	75	95
Lardrus, Harry J.	2300	c	81.69	55	88
Lambrecht, Clarence L.	2600	f	81.37	75	95
Gulen, Arne	2400	d	81.32	65	85
Rodgers, Chas. H.	2300	c	80.34	65	80
Kallis, Helmer J.	2100	a	77.18	65	70

CAF-7

Rose, Andrew H.	\$3000	g	92.19	80	--
Karsner, John W.	2900	f	90.50	75	95
Connell, Benie J.	3800	e	85.97	70	90
Thibodeau, Thomas A.	2700	d	84.72	65	85
Lyddane, Arthur L.	3600	c	83.79	65	80
Ogle, Randolph K.	2900	f	83.71	75	95
Flaws, Harold F.	2800	e	83.60	70	90
Saney, John J.	2700	d	83.31	65	85
Himmelwright, Chas. S.	2700	d	82.45	65	85
Moler, Harry W.	2700	d	82.33	65	85
Barnes, Roger L.	2500	b	81.40	65	75
Mason, Wardlaw W.	2600	e	80.26	70	90
Miles, Nicholas, Jr.	2700	d	78.98	65	85
Blessinger, William W.	2700	d	77.88	65	85
Istail, Charles L.	2400	a	75.90	65	70
Higginbotham, Leon C.	2800	e	73.69	70	90
Roberts, W. T.	2800	e	70.83	70	90

CAF-8

Waring, Luther H.	\$3300	g	85.	80	--
Burdette, James W.	3200	f	85.	75	95

CAF-9

Melson, Walter	\$3600	g	87.12	80	--
Farwell, Clarence G.	3300	d	83.34	65	85
Day, H. G.	3600	g	81.14	80	--
Hartley, Albert A.	3500	f	79.99	75	95

CAF-11

Eugene, G. G.	\$4000	b	87.82	65	75
Bond, Lewis F.	4200	c	82.18	65	80

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CAF-12

- Johnson, Otis B.	\$5200 ab	85.58	85	75
- Heaver, LeClaire	5200 ab	81.44	65	75

SH-1

Woodward, Samuel B.	\$720 s	84.04	70	90
Hyde, Walter F. P.	720 s	82.36	70	90
Janning, James B.	720 s	82.18	70	90
Curtin, Lee T.	720 s	79.81	70	90
Smith, Garfield W.	720 s	79.08	70	90
Angle, James	720 s	78.73	70	90

SH-2

Heston, Forrest F.	\$1140 d	84.04	65	85
Hanson, Louis A.	1140 d	83.34	65	85
Crawford, William H.	1140 d	82.90	65	85
Hyles, Monroe	1140 d	82.90	65	85
Agnew, John E.	1140 d	82.44	65	85
Cornes, Winston	1080 s	81.98	65	90
Green, Samuel	1140 d	81.12	65	85
Palmer, Jesse L.	1140 d	80.52	65	85

SH-3

Abert, Allen Heland	\$1380 s	82.90	70	90
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SH-4

Dalwick, George F.	\$1860 s	84.41	80	--
Davis, Clarence Ellis	1500 s	79.61	65	70

Form of notice to employees:

"FEDERAL TRADE COMMISSION

WASHINGTON

March 1923.

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The following is your efficiency rating for the six months ended November 15, 1924:

March 25, 1925.

Classification			Efficiency
			rating
Service	Grade	Class	

The minimum rating for retention in the service is 65%. The maximum rating is 100%. The standard or average is 82.5%.

Any employee desiring to inspect the report of final ratings, as provided by law, may call on the Secretary, Room 1044.

By direction of the Commission:

Secretary."

Mr. Humphrey presented letter of March 18th from Mr. Henry Andersen Guiler, Special Assistant to the Attorney General, Department of Justice, San Francisco, California, referring to the trial of the case of United States vs. Oregon Wholesale Grocers' Association and again requesting the Commission to permit the removal of its files (file 1-2949 - Carr & Preston vs. Oregon Wholesale Grocers' Association, et al), with respect to this association from its office at San Francisco for the purpose of the trial of the above case.

The letter was read and after discussion, on motion of Mr. Van Fleet, the Secretary was directed to reply that this request had been heretofore made to the Commission on three occasions and the Commission in each instance had declined to permit the removal of its files pursuant to its established policy as Mr. Guiler had been heretofore advised and that a majority of the Commission again affirms its policy in this respect and declines to permit the removal of its files from its offices.

March 25, 1925.

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The Commission recessed at 12:15 p.m. and reassembled at 2 p.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Bugent,
Charles W. Hunt,
William L. Humphrey.
Mr. Thompson absent on account of illness.

Pursuant to arrangement the Commission met to hear final argument in Docket 1073 - C. T. Sweet Company. Attorney Wallace appeared on behalf of the Commission. There was no appearance on behalf of the respondent. Attorney Wallace informed the Commission that counsel for the respondent had been notified by registered mail of the time and place of the hearing.

Attorney Wallace was heard in support of the complaint. The hearing continued until the hour of 2:45 p.m., was concluded and the case taken under advisement.

Thereupon, at the hour of 2:45 p.m., the Commission adjourned to meet Friday, March 27, 1925, at 10 a.m.

Vernon W. Van Fleet,
Chairman.

Attest

Gile B. Johnson,
Secretary.

Thursday - March 26, 1925 - No meeting held.

March 27, 1925.

MEETING OF THE FEDERAL TRADE COMMISSION

Friday - March 27, 1925 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Nugent,
Charles W. Hunt.

Mr. Thompson absent on account of illness.
Mr. Humphrey absent on official business.

The minutes of the meeting of March 25, 1925, were read and approved.

Formal docket cases appearing on the weekly Conference Calendar were considered and action as indicated was taken by the Commission:

(1) Docket 891 - Citrus Somp Company.

This case came before the Commission for final determination upon the following record: memorandum of March 16th from the Chief Counsel transmitting the case and recommending dismissal; memorandum of March 18th from Trial Attorney Rowland; amended complaint; answer; testimony; report upon the facts by trial examiner; brief by counsel for the Commission and counsel for the respondent. No exceptions were filed to the report of the Trial Examiner. Attorney Rowland represents the Commission. Attorney H. J. Bischoff represents the respondent.

After consideration, Mr. Nugent moved that the Chief Counsel be directed to prepare and submit to the Commission draft of findings as to the facts and order to cease and desist.

In substitution for the foregoing motion, Mr. Van Fleet moved that the complaint be dismissed.

The substitute motion was seconded by Mr. Hunt and adopted by the Commission and it was so ordered with Messrs. Van Fleet and Hunt voting in the affirmative and Mr. Nugent voting in the negative.

Mr. Nugent asked and it was ordered that his dissent show upon the minutes, the order and any publicity statement issued.

The Chief Counsel was directed to prepare and the secretary to serve order of dismissal.

(2) Docket 922 - Michigan Wholesale Grocers' Association, et al.
Laid over for consideration until next Conference Day.

March 27, 1925.

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(3) Docket 1073 - The C. T. Swett Company.
Laid over for consideration on next Conference Day.

(4) Docket 1204 - Graham Brothers Soap Company.

This case comes before the Commission for final determination upon the following record: memorandum of March 14th from the Chief Counsel transmitting the case and recommending that the complaint be dismissed without prejudice; memorandum of March 15th from Trial Attorney Whiteley; a. plaint; answer; order of dismissal. Testimony was not taken nor briefs filed. Attorney Whiteley represents the Commission. Attorney Loucks, Schert & Petersen represent the respondent.

After consideration, it was ordered, upon motion of Mr. Van Fleet, that the Chief Examiner through the Chicago Office be directed to ascertain and report whether or not the respondent is still in business and whether the respondent is still manufacturing soap and whether or not the respondent is dissolved.

(5) Docket 1108 - Colorado Wholesale Grocers' Club, et al.
Laid over for consideration on next Conference Day, on account of the absence of Mr. Thompson.

(6) Docket 1118 - Eastern Federation Farm Machinery Dealers',
et al.

Laid over for consideration on next Conference Day.

(7) Docket 1148 - Harriet Hubbard Ayer, Inc.

Laid over for consideration on next Conference Day.

(8) Docket 1249 - New York Twine Mills Company, Inc.

This case comes before the Commission for final determination upon the following record: memorandum of March 16th from the Chief Counsel transmitting the case; memorandum of March 10th from Trial Attorney Rowland; letter of January 26, 1925, from the respondent; complaint; answer; stipulation as to the facts; findings as to the facts and order to cease and desist submitted by the Chief Counsel with memorandum of March 16th. No testimony was taken nor briefs filed. Attorney Rowland represents the Commission. Respondent has no attorney of record.

On motion of Mr. Nugent, seconded by Mr. Van Fleet, it was directed that an order to cease and desist issue.

The findings as to the facts submitted by the Chief Counsel with memorandum of March 16, 1925, were amended on motions of Messrs. Van Fleet and Nugent, as shown on marked copy and were thereafter adopted.

The order to cease and desist submitted by the Chief Counsel was adopted without change.

The findings and order as adopted were referred to the Secretary to be served without further action by the Commission.

March 27, 1925.

At the suggestion of the Chairman, the Commission considered file 1-3442 - F. T. C. vs. Kennecott Copper Corporation. This application was first presented to the Commission on March 16, 1925, by Mr. Van Fleet and after hearing the Board of Review, the file was referred to Mr. Nugent for further consideration.

After discussion, it was ordered, that the Export Trade Division report as to what percentage of the export of copper is exported by the Copper Export Association and that the file be referred to the Chief Counsel for legal opinion and report back to the Commission.

The Chairman presented the following matters and action as indicated was taken by the Commission:

(1) Letter of March 23rd was received from Senator Park Trammel of Florida, referring to a resolution introduced by Senator Trammel at the last session requesting the Commission to investigate the price of gasoline and to the failure of the resolution to pass and requesting the Commission of its own initiative to make such investigation as called for in the resolution to ascertain the methods and practices of the oil producers and refiners and as to whether or not there exists any combination in violation of the anti-trust laws. The resolution referred to is Senate Resolution 21, submitted by Senator Trammel on March 12, 1925.

The letter was read and after discussion, it was the opinion of the Commission that by reason of work in hand, particularly work incident to reports to be prepared in response to a number of Senate Resolutions recently enacted, and by reason of limited funds and personnel, the Commission was not able to undertake the investigation requested by Senator Trammel.

It was thereupon, ordered, upon motion of Mr. Nugent, that Senator Trammel be furnished a mimeographed copy of the summary and letter covering the Commission's report to the President in June 1924, on the price of gasoline, with the statement that this represents the latest information in the possession of the Commission and advise the Senator that the Commission cannot initiate the inquiry requested for the reasons given.

(2) Letter of March 26th from the California Cooperative Canneries (Vernon Campbell), San Francisco, California, referring to Senate Resolution 24, (Senator Henrik Shipstead), adopted March 17, 1925, requesting the Commission to investigate the operation of commercial institutions to the cooperatives and advising that the California Cooperative Canneries stand ready to furnish the Commission such evidence as it has along the line of the inquiry and to assist the Commission in its investigation.

March 27, 1925.

within the terms of the Commission's rule of March 11, 1923 and recommending that the application for complaint be dismissed.

On motion of Mr. Hugent, it was ordered, by the Commission, that all applications for complaints coming forward under the rule of March 11, 1923 be received by the Secretary, noted in record and circulated.

It was accordingly directed that the foregoing application be circulated.

(5) File 1-2186 - United States Sugar Manufacturers' Association vs. United States Sugar Association.

Memorandum of March 21, 1925, was received from the Chief Examiner, reporting that the case has little, if any, public interest and that under the Commission's rule of March 11, 1923, it would seem that further negotiations should not be made. The Chief Examiner recommended that the application be dismissed.

Pursuant to the Commission's action of March 27, 1925, the above application for complaint was ordered circulated.

(6) File 1-3743 - Pollack, Barks Company, Inc. vs. Ekstrom & Linne Baking Company.

Memorandum of March 12, 1925 was received from the Chief Examiner reporting the results of the preliminary investigation and recommending that the application for complaint be dismissed upon the receipt of written assurances from the respondent that it will change its labels, etc., as to remove the cause of complaint, which the respondent has expressed a willingness to do.

The recommendation of the Chief Examiner was approved and the case was referred back to the Chief Examiner to obtain the written assurances and report to the Commission.

(7) File 1-3669 - Terri Toilettries vs. Morris, Bauer & Reilly.

Memorandum of March 12, 1925, was received from the Chief Examiner reporting that there is now pending in the United Circuit Court, Southern District of New York, an action by the applicant against the respondent and that the issues involved and the relief sought are identical with those covered by the pending application for complaint. The Chief Examiner recommended in view of these facts that the application be placed upon the Suspense Calendar until the final disposition of the court case.

The recommendation was approved and it was so ordered by the Commission.

(8) File 1-3613 - Jack Sign Company vs. Jacob D. Goldsmith, et al

Memorandum of March 12, 1925 was received from the Chief Examiner reporting in response to the Commission's direction of March 2, 1925 in reference to the conduct of the investigation of the case.

The memorandum was read and ordered filed.

[illegible]

was recommended by the Chief Examiner.
It was noted that an objection for complaint be received
in connection with the foregoing matter, it was moved by Mr.
West that the motion be referred to the Committee on
the subject matter was adopted by the Committee and it was
ordered, with leave, that West and Hunt sitting in the witness
stand and Mr. Hunt in the witness.
Mr. Hunt asked and it was ordered, that the witness stand
upon the witness, the record in the case and upon any correspondence
with the parties.

The above was obtained January 29, 1967. In view of the fact that a complaint arose under Section 4 of the Clayton Act, dated last summer by the National Credit Company and accompanying return to the registration of the company's capital stock at the time Robert dated January 29, 1967 from the chief counsel in following manner:

The above were sold and other information, Mr. Robert offered the Commission was obtained January 29, 1967. In view of the fact that a complaint arose under Section 4 of the Clayton Act, dated last summer by the National Credit Company and accompanying return to the registration of the company's capital stock at the time Robert dated January 29, 1967 from the chief counsel in following manner:

The above were sold and other information, Mr. Robert offered the Commission was obtained January 29, 1967. In view of the fact that a complaint arose under Section 4 of the Clayton Act, dated last summer by the National Credit Company and accompanying return to the registration of the company's capital stock at the time Robert dated January 29, 1967 from the chief counsel in following manner:

[illegible]

(6) 1-10-78 - 1-10-78
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1-10-78 - 1-10-78

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- (9) File 1-2972 - F. T. C. vs. Sugar Creek Creamery, et al.
" 1-3071 - Tri-State Cooperative Association, Inc. vs. Schaeffer Brothers.
" 1-3329 - F. T. C. vs. Michigan Creamery Generators' & Manufacturers'.

Memorandum of March 3, 1925 was received from the Chief Examiner reporting in response to the Commission's action of December 29, 1924, with respect to the application of the Packers & Stockyards' Act to the proposal of the Chief Examiner for access to the files of Swift & Company in connection with these cases. The Chief Examiner reported that no jurisdiction or right for asking for the files of Swift & Company exists in connection with the matters under consideration and recommended (1) that the proposed letter, as suggested by the Chief Examiner, to the general attorney for Swift & Company be not sent; and (2) that file 1-3071 which was formerly placed on Suspense to await disposition of Packet 938 - Ohio Dairy Company be removed from Suspense and dismissed; and (3) that file 1-2972 and file 1-3329 be disposed of in regular order.

The memorandum was read and the recommendations of the Chief Examiner were approved and it was so ordered.

The following matters appearing on the Circulating Calendar were considered and action as indicated was taken by the Commission:

(1) Report dated January 24, 1925 from the Chief Examiner in regard to the acquisition of the outstanding capital stock of the Union Tool Company by the National Supply Company and recommending that a complaint issue under Section 7 of the Clayton Act.

The report was circulated January 26, 1925. Statements by the Commissioners were read and after discussion, Mr. Nugent offered the following motion:

Moved, that an application for complaint be decreed as recommended by the Chief Examiner.

In substitution for the foregoing motion, it was moved by Mr. Van Fleet and seconded by Mr. Hunt, that the papers be filed without action.

The substitute motion was adopted by the Commission and it was so ordered, with Messrs. Van Fleet and Hunt voting in the affirmative and Mr. Nugent in the negative.

Mr. Nugent asked and it was ordered, that his dissent shall upon two minutes, be read in the case and upon any correspondence with the parties.

(2) Report by the Chief Examiner dated February 25, 1925 in regard to the acquisition by the American Woolen Company during the years 1913-1924, inclusive, covering the plants and properties of

March 27, 1925.

twenty-five mills and recommending that the matter be filed without action.

The report was circulated February 27, 1925. Notations by the Commissioners were read and after discussion, on motion of Mr. Van Fleet, seconded by Mr. Hunt, it was ordered that the papers be filed without action as recommended by the Chief Examiner.

(3) Docket 1110 - James S. Kirk & Company.

Memorandum of February 17th from the Chief Counsel transmitting memorandum of February 7th by Trial Attorney Wallace in regard to the motion to dismiss filed by counsel for the respondent and to dispose of the subject matter of the complaint as a trade practice submitted.

The papers were circulated February 20, 1925. Notations by the Commissioners were read and after discussion, it was ordered, that the recommendations of the Chief Counsel be approved, that respondent's motion to dismiss be denied and that the case proceed to trial in regular order.

The Chief Counsel was directed to prepare and the Secretary to serve appropriate order covering Commission's action.

(4) Docket 852 - Pure Silk Hosiery Company.

Memorandum of February 27th was received from the Chief Counsel transmitting and concurring in a memorandum of February 25th submitted by Trial Attorney James T. Clark in regard to respondent's compliance with the order of the United States Circuit Court of Appeals for the Seventh Circuit, which Court sustained the Commission's order and directed the respondent to desist from the use of corporate name including the word "mills", etc. Attorney Clark reported that it is manifest that little progress, if any, has been made by the respondent toward compliance with the order and that meanwhile, apparently, hundreds of respondent's agents are selling hosiery for it as manufacturer, which it is admitted the respondent does not manufacture. The papers were circulated March 2, 1925. Notations by the Commissioners were read.

After discussion, on motion of the Chairman, the Chief Counsel was directed to take all necessary steps looking to the enforcement of the Commission's order.

(5) Memorandum of March 2nd was received from the Chief Examiner transmitting undocketed file in regard to the petition of the Oshkosh Trunk Company vs. J. V. Layering Trunk Company, et al, requesting decision by the Commission upon the applicant's petition of February 27th, 1925, and requesting that the Commission reconsider the action of the Chief Examiner in declining to docket an application for complaint.

The papers were circulated March 11, 1925. Notations by the Commissioners were read and after discussion, on motion of Mr. Van Fleet, the Commission directed that the papers be filed without action and that the Secretary notify the parties requesting reconsideration of the matter that the Commission will not proceed

March 27, 1925.

further for the reason that the matter appears to be a private controversy and one without sufficient public interest to require the Commission to take action.

The action of the Chief Examiner in closing the file without directing an application for complaint was approved by the Commission.

(6) Memorandum of March 6th from the Chief Examiner reporting in response to the Commission's action of February 11, 1925 in the matter of a code of ethics of the Folding Box Manufacturers' National Association, as submitted to the Commission by that Association with the request for expression of opinion. The Chief Examiner stated that the preliminary investigation would indicate that the Association should be advised that Parts 3 and 5 of Section 3 of the Code lessen competition and is, therefore, illegal; and that Part 2 of Section 4 though not objectionable so long as nothing further is involved than the uniform cost system, might become very objectionable should there be concerted action as to uniformity of prices. The Chief Examiner submitted suggested letter advising the Association in accordance with the memorandum.

The papers were circulated March 11, 1925. Notations by the Commissioners were read. The memorandum and the letter were read and the letter was approved and ordered forwarded after correction by the Commission.

(7) Letter of December 12th from the Department of Commerce (Bureau of Standards), reporting the proposal of manufacturers' of builders' hardware to adopt a symbol to identify brass and bronze goods much the same as "sterling" identifies solid silver.

The papers were circulated March 11, 1925. Notations by the Commissioners were read. Mr. Nugent referred to Item A of Paragraph 3 of the letter as follows:

"Would the filing of papers with the Federal Trade Commission stating intent to establish such an identification symbol to signify alloys containing not less than 50 per cent copper, as a trade practice, give the symbol any official or legal standing?"

Mr. Nugent suggested that effort be made to ascertain whether or not alloys containing not less than 50% copper would represent the genuine article.

After discussion, it was ordered, upon motion of Mr. Van Fleet, that the file be referred to the Chief Economist for report as to whether or not a 50% portion of copper in brass and bronze is sufficient to make a genuine article and also as to the proportions of materials included in genuine brass and bronze.

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(8) Docket 888 - Calumet Baking Powder Company.

Memorandum of February 27th was received from the Chief Counsel referring to allegations of the complaint with respect to the wholesomeness of self-rising flour and to the motion by the Soft Wheat Millers' Association, Intervenor herein, to strike from the complaint the alleged as in this respect and recommending that the complaint be amended by striking the language to which the Intervenor objects.

The papers were circulated March 11, 1925. Notations by the Commissioners were read and thereafter, it was ordered, that the complaint herein be amended by striking therefrom the language to which the Intervenor objects in Paragraph 3 and similar language in Paragraph 4 and that the similar language be stricken from the stipulation between the respondent and the Chief Counsel, and that the amended complaint, as submitted by the Chief Counsel with his memorandum of February 27th, be approved and issued without further action by the Commission.

The amended complaint was referred to the Secretary for service.

Thereupon, at the hour of 12:15 p.m., the Commission adjourned to meet Monday, March 30, 1925, at 10 a.m.

Vernon E. Van Fleet,
Chairman.

Attest:

Otto E. Johnson,
Secretary.

Saturday - March 28, 1925 - No meeting held.

Sunday - March 29, 1925 - No meeting held.

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MEETING OF THE FEDERAL TRADE COMMISSION

Monday - March 30, 1925 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Nugent,
Charles W. Hunt,
William E. Humphrey.
Mr. Thompson absent.

The minutes of the meeting of March 27, 1925, were read and approved.

After the reading of the minutes with respect to the hearing in the matter of Docket 1223 - Permutit Company, the Commission agreed to hear Attorney Butler and Examiner Woodfill at 1:30 P.M., this afternoon instead of Tuesday next.

Mr. Van Fleet submitted the following listed applications for complaint and action as indicated was taken by the Commission:

- (1) File 1-3523 - Plate Glass Manufacturers' of America vs. J. H. Werbelovsky's Son. (Abraham Werbelovsky)

Mr. Van Fleet recited the facts in the case and stated that he concurred in the recommendation of the Board of Review for dismissal. After consideration, on motion of Mr. Van Fleet, the application for complaint was dismissed by the Commission.

- (2) File 1-3741 - American Fair Trade League vs. Merchants' Cigar Box Company.

Mr. Van Fleet stated that this application came direct to the Commission from the Chief Examiner without reference to the Board of Review pursuant to the rule of December 4, 1924.

Mr. Van Fleet recited the facts in the case and stated that he concurred in the recommendation of the Chief Examiner for dismissal. After consideration, on motion of Mr. Van Fleet, the application for complaint was dismissed by the Commission.

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Mr. Nugent referred to the Rules on Picket, Calendar, Organization and Procedure, adopted by the Commission on October 11, 1917, governing hearings to be given the Board of Review by the Commission upon these applications for complaint wherein the individual Commissioner does not concur with the recommendation of the Board of Review.

The rule reads as follows:

"In all cases where the Commission is not ready to accept the decision of the Board of Review, the Board shall be notified and its representative may appear before the Commission and be given an opportunity to be heard in support of its report."

Mr. Nugent suggested that the rule be amended so as to provide that the Board of Review be not heard except upon the request of the Commissioner submitting the application for complaint to the Commission or at the request of an individual Commissioner or upon order of the Commission itself.

Mr. Nugent moved that the rule be amended accordingly. The motion was adopted by the Commission and it was so ordered.

Mr. Nugent submitted the following listed Export Trade complaints and applications for complaint and action as indicated was taken by the Commission:

- (1) File 30-81 - Foreign Trade complaint of G. Hoppenstedt of Batavia, Java against Smith, Kirkpatrick & Company of New York City, et al.

Mr. Nugent presented memorandum of February 2nd from the Export Trade Division reporting the preliminary investigation of the matter and recommending that report be made to the Department of Commerce, the papers received from that office returned and the case closed. Draft of letter to the Secretary of Commerce was also received.

The recommendations of the Export Trade Division were approved and the letter as submitted was approved and ordered forwarded.

- (2) File 30-88 - Foreign Trade complaint of Mine & Sacks, Ltd., of Johannesburg, South Africa against the Clinton Radiophone Company of Chicago, Illinois.

Mr. Nugent presented memorandum of February 16th from the Export Trade Division reporting concerning the preliminary investigation and recommending that report be made to the Commerce Department, the papers received from that office returned and the case closed in this office. The Commission also received draft of a letter to the Secretary of Commerce.

The recommendations of the Export Trade Division were approved and the letter as submitted was approved and ordered forwarded.

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(3) File 1-3883 - Tampa Cigar Manufacturers' Association vs. W. H. Blessing & Company, et al.

Mr. Nugent presented memorandum of March 20th reviewing the record and hereafter, offered the following motion:

Moved, that complaint issue against A. L. Wallick charging a violation of Section 5 of the Federal Trade Commission Act in the unfair use by him of the word "Tampa" and "Garcia" and that, in accordance with the statement of Mr. Blessing, the Chief Examiner be directed to negotiate for and enter into a stipulation with Messrs. Blessing & Cohn, under the rule, with the understanding, communicated to them, that findings of fact and an order to cease and desist, based on said stipulation, will be entered by the Commission and issued.

The motion was adopted and it was so ordered by the Commission.

The record was referred to the Chief Examiner for action in accordance with the motion adopted. The record was referred to the Chief Counsel to prepare complaint against A. L. Wallick to be served by the Secretary without further action.

(4) File 1-3906 - Frederick P. Schlatt vs. Airrite Company.

Mr. Nugent presented memorandum of March 26th reviewing the facts, concurring in the recommendation of the Board of Review and recommending that complaint issue.

After consideration, on motion of Mr. Nugent, it was directed that complaint issue charging David B. Clough and W. H. Siebrecht, Jr., trading as Slewin Company with violation of Section 5 of the Federal Trade Commission Act.

The record was referred to the Chief Counsel, via Patent Section for the preparation of complaint, the same thereafter, to be served by the Secretary without reference back to the Commission.

(5) File 1-3935 - United Cloth Hat & Cap Makers of North America vs. Bell Cap Company.

Mr. Nugent presented memorandum of March 30th reviewing the record, concurring in the recommendation of the Board of Review and recommending that complaint issue.

After consideration, on motion of Mr. Nugent, it was directed that complaint issue charging A. Berskowitz, Lerre Goldberg and Samuel Bell, copartners, trading as Bell Cap Company with violation of Section 5 of the Federal Trade Commission Act.

The record was referred to the Chief Counsel, via Patent Section, for the preparation of complaint, the same to be served by the Secretary without reference back to the Commission.

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- (6) File 1-3663 - Tampa Cigar Manufacturers' Association vs. Kanuga Cigar Company. (Willis J. Davis and C. D. Swindt).

Mr. Nugent presented memorandum of March 30th reviewing the record and recommending that a complaint issue.

After consideration, Mr. Nugent offered the following motion:

Moved, that complaint issue charging Willis J. Davis and C. D. Swindt, trading as Kanuga Cigar Company with violation of the Federal Trade Commission Act.

Mr. Van Fleet informed the Commission respecting a recent report by an Examiner of the Commission (Attorney Stephen C. Van Fleet) in file 1-3477 - American Fair Trade League vs. San Martin & Leon Company - covering interviews with cigar manufacturers at Tampa and furnishing information as to the tobacco used in the manufacture of cigars at Tampa, Florida and suggested that this report be considered prior to action upon the pending application.

Mr. Van Fleet's suggestion was adopted by the Commission and it was so ordered, with instructions to the Secretary to circulate a copy of the Examiner's report. The application for complaint file was circulated with the report.

- (7) File 1-2372 - United Woollen Mills Company, Inc. vs. The United Woollen Mills, Company, Inc.

Mr. Nugent submitted memorandum of March 30th reviewing the facts and thereafter offered the following motion:

Moved, that the Chief Examiner be directed to negotiate with Mr. W. A. Hersch for a stipulation under the rule, with the distinct understanding made known to Mr. Hersch, that findings of fact will be made by the Commission and an order to cease and desist, both founded on the stipulation will be issued against his company, in accordance with his request and in the event of his refusal to so stipulate, that complaint be issued.

In substitution for the foregoing motion, it was moved by Mr. Van Fleet, seconded by Mr. Hunt, that the case be referred to the Chief Examiner under the rule for stipulation and if a stipulation is entered into in the usual form, that the application for complaint be then dismissed, otherwise that complaint issue.

As to the foregoing action, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Mr. Nugent voted in the negative and asked that his dissent show upon the minutes, the record and the correspondence. It was so ordered.

Mr. Nugent made the following statement for the record:

March 30, 1925.

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"I vote 'no' for the reason that as shown by this record, Mr. Berach, the respondent, requested the Commission to issue an order to cease and desist against his Company, The United Woollen Mills Company, Inc., because he is the gentleman who inaugurated the proceedings instituted by the Commission against merchant tailors who used the words 'woollen mills' in their names and advertising and in view of his request that an order be issued against him. I think a stipulation should be entered into with Mr. Berach upon which an order to cease and desist should be issued."

Mr. Hunt presented the following listed Foreign Trade complaint and applications for complaint and action as indicated was taken by the Commission:

- (1) File L-2342 - Y. T. C. vs. American Company for International Commerce.

Mr. Hunt stated that this application came direct to the Commission from the Chief Examiner, without reference to the Board of Review, pursuant to the rule of December 4, 1924.

Mr. Hunt submitted memorandum of March 28th reviewing the record, concurring in the recommendation of the Chief Examiner and recommending that the application be dismissed.

After consideration, on motion of Mr. Hunt, the application for complaint was dismissed by the Commission.

- (2) File L-3558 - Mark Wetters vs. Marie Antoinette Paris Company. (Nat. L. Blauson).

Mr. Hunt presented memorandum of March 30th reviewing the record, concurring in the recommendation of the Board of Review and recommending that complaint issue.

After consideration, on motion of Mr. Hunt, it was ordered that complaint issue charging Nat. L. Blauson, trading as Marie Antoinette Paris Company with violation of the Federal Trade Commission Act.

The file was referred to the Chief Counsel, via Booklet Section, for the preparation of complaint, the same to be thereafter served by the Secretary without reference to the Commission.

- (3) File L-3396 - Associated Advertising Clubs of the World vs. Sisktex Woollery Mills. (Ruben Bernan and Simon Bernan)

Mr. Hunt submitted memorandum of March 31st reviewing the record, concurring in the recommendation of the Board of Review and recommending that complaint issue.

After consideration, on motion of Mr. Hunt, it was ordered by the Commission, that complaint issue charging Ruben Bernan, trading as Sisktex Woollery Mills, with violation of Section 5 of the Federal Trade Commission Act.

March 30, 1925.

The file was referred to the Chief Counsel via Pocket Section, for the preparation of complaint, the same thereafter to be served by the Secretary without reference back to the Commission.

(4) File 1-3472 - American Fair Trade League vs. Webster Cigar Company.

Mr. Hunt presented memorandum of March 27th reviewing the facts, concurring in the recommendation of the Board of Review and recommending that the application be dismissed.

After consideration, on motion of Mr. Hunt, the application for complaint was dismissed by the Commission.

(5) File 1-3484 - John R. Nye vs. Display Doughnut Machine Corporation, et al.

Mr. Hunt submitted memorandum of March 25, 1925 reviewing the facts, concurring in the recommendation of the Board of Review and recommending that the application be dismissed.

After consideration, on motion of Mr. Hunt, the application for complaint was dismissed by the Commission.

(6) File 1-3008 - T. T. C. vs. Armour Grain Company.

Mr. Hunt presented memorandum of March 26th, reviewing the facts, concurring in the recommendation of the Board of Review and recommending that the application be dismissed.

After consideration, on motion of Mr. Hunt, the application for complaint was dismissed by the Commission.

(7) File 56-87 - Foreign Trade complaint of Luis H. Luna of Tampico, Mexico vs. Bayl-Zuckerman & Company of Fort Worth, Texas.

Mr. Hunt presented memorandum of March 27th reviewing the facts, concurring in the recommendation of the Export Trade Division that the papers be returned to the Commerce Department with the report on the case and the case closed in this office. The Commission also received draft of letter to the Secretary of Commerce as prepared by the Export Trade Division.

The recommendations were approved and the case closed. The letter was approved and ordered forwarded after signature by the Chairman.

Mr. Humphrey presented the following, listed applications for complaint and action as indicated was taken by the Commission:

(1) File 1-3508 - Associated Advertising Clubs of the World vs. Manhattan Publishing Mills.

Mr. Humphrey submitted memorandum of March 24th reviewing the facts, concurring in the recommendation of the Board of Review and recommending that the application be dismissed.

After consideration, on motion of Mr. Humphrey, the application for complaint was dismissed by the Commission.

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- (2) File 1-3660 - Alumina-Thermic Corporation vs.
Kaiser & Thernit Corporation.

Mr. Humphrey stated that this application came direct to the Commission from the Chief Examiner, without reference to the Board of Review, pursuant to the rule of December 4, 1934.

Mr. Humphrey submitted memorandum of March 24th reviewing the record, concurring in the recommendation of the Chief Examiner and recommending that the application be dismissed.

After consideration, on motion of Mr. Humphrey, the application for complaint was dismissed by the Commission.

- (3) File 1-3567 - Electric Appliance Company vs. Electric Appliance Company. (John I. Purcupile)

Mr. Humphrey submitted memorandum of March 25th reviewing the facts, concurring in the recommendation of the Board of Review and recommending that the application be dismissed.

After consideration, on motion of Mr. Humphrey, the application for complaint was dismissed by the Commission.

- (4) File 1-3456 - Pennsylvania Rubber Company of America, Inc. vs. Sterling Tire Corporation, et al.

Mr. Humphrey submitted memorandum of March 25th reviewing the facts, concurring in the recommendation of the Board of Review and recommending that the application be dismissed.

After consideration, on motion of Mr. Humphrey, the application for complaint was dismissed by the Commission.

- (5) File 1-3603 - Araco Refining Company, Inc. vs. Oxford Paint Company.

Mr. Humphrey submitted memorandum of March 25th reviewing the facts, concurring in the recommendation of the Board of Review and recommending that the application be dismissed.

After consideration, on motion of Mr. Humphrey, the application for complaint was dismissed by the Commission.

- (6) File 1-3508 - Western Union Telegraph Company vs. James R. Conner, et al.

Mr. Humphrey presented memorandum of March 25th reviewing the facts, concurring in the recommendation of the Board of Review and recommending that the application be dismissed.

After consideration, on motion of Mr. Humphrey, the application for complaint was dismissed by the Commission.

- (7) File 1-3643 - International Confectioner, Inc. vs. Heinhart & Newton Company.

Mr. Humphrey submitted memorandum of March 25th reviewing the facts, concurring in the recommendation of the Board of Review and recommending that complaint issue.

March 30, 1925.

After consideration, on motion of Mr. Humphrey, it was ordered by the Commission that complaint issue charging Reinhardt & Newton Company with violation of Section 5 of the Federal Trade Commission Act.

The file was referred to the Chief Counsel, via Docket Section for the preparation of complaint pursuant to the rule of March 16, 1925, the same to be served by the Secretary without reference to the Commission.

(8) File 1-2368 - L. M. Gross Company vs. L. M. Gross Company. Mr. Humphrey stated that this application came direct to the Commission from the Chief Examiner without reference to the Board of Review pursuant to the rule of December 4, 1924.

Mr. Humphrey submitted memorandum of March 25th reviewing the facts, concurring in the recommendation of the Chief Examiner and recommending that the application be dismissed.

After consideration, on motion of Mr. Humphrey, the application for complaint was dismissed by the Commission.

(9) File 1-3428 - Reed Furniture Manufacturers' Protective Association vs. Lloyd Manufacturing Company.

Mr. Humphrey submitted memorandum of March 27th reviewing the facts, concurring in the recommendation of the Board of Review and recommending that complaint issue.

After consideration, on motion of Mr. Humphrey, it was directed by the Commission that complaint issue charging Lloyd Manufacturing Company with violation of Section 5 of the Federal Trade Commission Act.

The file was referred to the Chief Counsel, via Docket Section, for the preparation of complaint pursuant to the rule of March 16, 1925, the same thereafter, to be served by the Secretary without reference to the Commission.

Mr. Humphrey presented a letter of March 27th from Carlimer W. Byers, Chicago, Illinois, counsel for respondents in Docket 1153 - The National Association of Stationers, Office Outfitters & Manufacturers, et al, requesting a hearing before the Board of Review on behalf of the respondents under the new rule. Mr. Humphrey stated that the case was now set for the taking of testimony at Chicago, on April 14th and that Attorney Wooden was the Trial Attorney.

The letter was read and after discussion, on motion of Mr. Humphrey, the Secretary was directed to reply that the rule in question is not applicable to cases wherein complaint has already been issued by the Commission, but applies to applications for complaint before the Board of Review prior to the issue of complaint; but that any suggestion which counsel for the respondent may desire to make or any proposition he may desire to submit may be taken up with the Commission's Trial Attorney, Mr. Wooden, at Chicago.

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Mr. Van Fleet referred to Docket 745 - Austin, Nichols & Company, Inc., and particularly to the minute record of February 25, 1925, at which time Mr. Van Fleet offered a motion referring the case back to the Chief Counsel and the Commission directed that action upon the motion be laid over to permit Mr. Humphrey, the new Commissioner, to familiarize himself with the record.

Upon inquiry, Mr. Humphrey, stated that he had acquainted himself with the record and was prepared to vote upon the action offered by Mr. Van Fleet on February 25, 1925, which action was recorded by Mr. Hunt and which reads as follows:

"I move that the findings of fact and the order submitted by the Chief Counsel be referred back to the Chief Counsel to function and draft findings of facts to be submitted to the Commission in accordance with what he deems the evidence to be in the case and that this be done in accordance with the rule heretofore adopted by the Commission, that is to say, that the findings of fact shall conform to the rules adopted; and that the previous order of the Commission be modified to this extent."

Vote was thereupon, taken upon the foregoing motion.

As to this motion, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Mr. Nugent voted in the negative. The motion carried and it was so ordered and the record was accordingly referred to the Chief Counsel for report.

Mr. Van Fleet referred to the additional work devolving upon the Board of Review in connection with hearings as provided in the rule of March 13, 1925 and suggested that the Board be increased in numbers.

After discussion, Mr. Van Fleet offered the following motion, which was recorded by Mr. Hunt:

I move, that the Board of Review be increased in numbers from three to five members and that the Board of Review consist of Messrs. Clarke, Alford, Maycraft, Coles and McMillan and that for this purpose Messrs. Coles and McMillan be transferred from the Chief Counsel's Office.

At the suggestion of Mr. Nugent, the motion was laid over until Friday, April 3, 1925, and made a special order of business on that day after the regular order.

March 30, 1925.

The Commission recessed at 12:30 p.m., and reassembled at 1:30 p.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
John T. Nugent,
Charles W. Hunt,
William L. Humphrey.

Mr. Thompson, absent.

Pursuant to arrangement the Commission met to hear Trial Attorney Butler and Trial Examiner Woodfill in regard to the action of Trial Attorney Butler in directing a witness to refuse to answer questions, notwithstanding a ruling of the Trial Examiner in the matter of Docket 1233 - Permutit Company.

Trial Attorney Butler and Trial Examiner Woodfill were heard. Attorney Butler filed a memorandum and the Secretary was directed to deliver a copy to each Commissioner.

The hearing continued until the hour of 2:30 p.m., was concluded and the matter placed on the Unfinished Business Calendar.

Pursuant to arrangement the Commission met to hear final argument in Docket 1136 - Patent Cereals Company. Attorney Brownell was heard in support of the complaint. Attorney Nathan D. Lapham was heard on behalf of the respondent. The hearing continued until the hour of 3:15 p.m., was concluded and the case taken under advisement.

Thereupon, at the hour of 3:15 p.m., the Commission adjourned to meet Wednesday, April 1, 1925, at 10 a.m.

Vernon W. Van Fleet,
Chairman.

Attest:

W. L. Humphrey
Otis S. Johnson,
Secretary.

FILE

DIVIDER

April 1, 1925.

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Tuesday - March 31, 1925 - No meeting held.

MEETING OF THE FEDERAL TRADE COMMISSION

Wednesday - April 1, 1925 - 10 a.m.

PRESENT:

John F. Nugent, Acting Chairman,
Charles W. Hunt,
Houston Thompson,
William L. Humphrey.
Mr. Van Fleet absent.

The minutes of the meeting of March 30, 1925 were read and approved.

Mr. Hunt presented the following matters and action as indicated was taken by the Commission:

(1) Letter of March 25th from The Products Import & Export Company, New York City, referring to a trade practice submittal held by Mr. Hunt covering "Engraved Effects" and "Embossed Effects", and requesting to be furnished with a list of the concerns engaged in this business.

The letter was read and referred to the Chief Examiner for report.

(2) Letter of March 25th from Mr. L. G. Scott, attorney, Sebastopol, California, referring to a trade practice submittal held by Commissioner Hunt covering the terms "Engraved Effects" and "Embossed Effects" and requesting a copy of the Commission's report and also a copy of the opinion in the case of Turner & Porter, Inc., - Docket 265.

The letter was read and referred to the Secretary for compliance.

(3) Report by Mr. Hunt dated March 21st covering trade practice submittal with manufacturers of Anti-meg Cholera Serum & Virus, as authorized by the Commission on February 16, 1925 and held before Mr. Hunt at Omaha, Nebraska on March 16, 1925.

Mr. Hunt stated that he desired to make some changes in the report and suggested that it be circulated thereafter. It was so ordered.

April 1, 1925.

Mr. Thompson presented the following listed applications for complaint and action as indicated was taken by the Commission:

- (1) File 1-2373 - United Woollen Mills Company (W. A. Marsh) vs. Union Woollen Mills Company, Inc.

Mr. Thompson submitted memorandum of March 25th reviewing the facts and thereafter offered the following motion:

Moved, that complaint issue charging Union Woollen Mills Company, Inc., with violation of the Federal Trade Commission Act.

The motion was seconded by Mr. Nugent.

In substitution for the foregoing motion, Mr. Hunt moved that the case be handled by stipulation under the rule, as recommended by the Board of Review. The substitute motion was seconded by Mr. Humphrey.

Vote was taken upon the substitute motion. As to this motion, Messrs. Hunt and Humphrey voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The substitute motion was lost on its vote.

Vote was then taken upon the original motion for complaint. As to this motion Messrs. Nugent and Thompson voted in the affirmative and Messrs. Hunt and Humphrey voted in the negative. The motion was lost on its vote.

The application for complaint was thereupon referred by the Commission to Mr. Van Vleet with request to report his vote.

- (2) File 1-2345 - Standard Thermometer Company vs. Standard Thermometer Corporation.

Mr. Thompson submitted memorandum of March 31st reviewing the facts and thereafter, moved that the case be referred to the Chief Examiner with instructions to communicate with respondent and suggest that respondent change its name, as the respondent has expressed a willingness to do and that if this be done the Chief Examiner report the case to the Commission for dismissal.

In substitution for the foregoing motion, Mr. Nugent offered the following motion which was seconded by Mr. Hunt:

Moved, that the application be dismissed for the reason that there is no public interest in it and for the further reason that it appears to be solely a private controversy between the parties.

Vote was taken upon the substitute motion. As to this motion Messrs. Nugent and Hunt voted in the affirmative and Mr. Thompson voted in the negative. Mr. Humphrey did not vote. The substitute motion carried and it was so ordered.

April 1, 1925.

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(3) File 1-3511 - Gilbert H. Montague vs. Crystal Chemical Company, Inc.

Mr. Thompson submitted memorandum of March 31, 1925 reviewing the record, concurring in the recommendation of the Board of Review and recommending dismissal.

After consideration, on motion of Mr. Thompson, the application for complaint was dismissed by the Commission.

(4) File 1-3650 - Manchester Cigar Company (John F. Reichard) vs. Windsor Cigar Company, et al.

Mr. Thompson presented memorandum of March 30th reviewing the record, concurring in the recommendation of the Board of Review and recommending that complaint issue.

After consideration, on motion of Mr. Thompson, it was directed by the Commission that complaint issue charging Windsor Cigar Company; Benjamin Paris, trading as Paris Cigar Company and Raphael C. Paris, sales agent of Benjamin Paris, with violation of Section 5 of the Federal Trade Commission Act.

The file was referred to the Chief Counsel via Pocket Section for the preparation of complaint pursuant to the rule of March 18, 1925, the same to be served by the Secretary without reference to the Commission.

The following matters of general business forwarded to the Commission by the heads of the several divisions were presented by the Secretary and action as indicated was taken by the Commission:

(1) Pocket 840 - Chicago Portrait Company.

Memorandum of March 31st was received from the Chief Counsel recommending that application to the Supreme Court for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit be made for the reason that there appears to be an irreconcilable conflict in the construction given to the Trade Commission Act in this case and that placed upon it by other circuit courts of appeals in cases of a similar nature.

It was directed that the memorandum be circulated.

(2) Pocket 1127 - Calumet Mining Powder Company.

Memorandum of March 30th was received from the Chief Counsel requesting on behalf of counsel for the Commission, authority to file a brief in this case in excess of fifty pages.

The request was granted by the Commission and the Chief Counsel authorized to file a brief not to exceed ninety pages.

(3) Pocket 1115 - General Electric Company, et al.

Joint memorandum of March 30th was received from the Chief Examiner and the Chief Counsel stating that beginning April 6th

April 1, 1925.

Attorney Edwin B. Haas of the Chief Examiner's Office will be assigned to assist Trial Attorney S. L. Smith in the preliminary work on this case and requesting authority for the payment of Mr. Haas' salary and expenses from the allotment of the Chief Counsel's Office on and after the above date while he continues on the radio case.

The authority requested was granted by the Commission.

(4) Preliminary report dated March 27th by Attorney Harry P. Alden in regard to the acquisition by the National Distillers' Products Corporation of Kentucky, Distillers & Warehouse Company, Kentucky Alcohol Corporation, Liberty Yeast Company, The Hannis Distilling Company, Henry H. Schufeldt & Company and The U. S. Food Products Car Line Company and recommending that the matter be closed without action. The Chief Examiner concurred in the recommendation. It was directed that the report be circulated.

(5) Preliminary report dated March 27th by Special Agent Edward Fischer in regard to the acquisition of the capital stock of the Tallapoosa Mills by the William Whitman Company, Inc. The Chief Examiner recommended that the matter be filed without action.

It was directed that the report be circulated.

(6) Docket 1292 - Calumet Baking Powder Company.

Memorandum of March 28 was received from the Chief Counsel reporting in response to the Commission's direction of March 27th, that the complaint in this case does not contain a specification covering the use by respondent of the so-called "Water-Glass Test" and recited the reasons for the omission from the complaint of the specification.

It was directed that the memorandum be circulated.

(7) Memorandum of March 30th was received from the Chief Examiner transmitting letter of March 28th from the Great Lakes Varnish Works, Inc., requesting the Commission to pass upon three certain labels for the firm's products, which labels were enclosed with the letter. The Chief Examiner asked instructions.

The memorandum was read and after consideration, on motion of Mr. Lugent the matter was referred back to the Chief Examiner with the suggestion that the correspondent be furnished copies of the Commission's findings and orders recently issued in shellac and varnish cases covering labeling of these products.

(8) Docket 1233 - Permutit Company.

Memorandum of March 25th was received from the Chief Counsel with respect to the issuance of subpoenas by Trial Attorney Butler requiring unnecessary travel to attend hearings at different points.

The memorandum was received and ordered placed with the files in this case for consideration in connection with action to be taken by the Commission upon the request of Examiner Woodfill for instructions as set forth in his memorandum of March 12, 1925.

April 1, 1925.

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(9) Memorandum of March 17th from the Personnel Officer transmitting report of the sick leave record of employees for the calendar year 1924.

The report was received and circulated.

(10) Memorandum of March 30th was received from the Chief Economist recommending that an additional two hundred and fifty copies of the letter and summary of the report on Gasoline Prices for 1924 be mimeographed.

The recommendation was approved and it was so ordered.

(11) Docket 1104 - Lewis Feather Bed & Pillow Company.

" 1129 - American Feather Bed & Pillow Company.

Memorandum of March 28th was received from the Chief Counsel in regard to possible violation of the cease and desist orders entered in the two above mentioned cases and stating that it appears from the record that the former complaints and orders have not cured the evils against which they were directed and that respondents are not in any sense wholesalers but do business directly with the consumer in every instance, and recommending that the Chief Examiner make an investigation of this phase of the case.

It was directed that the matter be circulated.

(12) File 1-3341 - Dixie Quano Company, Inc. vs. Dixie Quano Company.

Memorandum of March 27th was received from the Chief Examiner reporting the results of preliminary investigation and recommending that the application for complaint be dismissed. The memorandum stated that the actual competition between the two concerns is negligible and that further investigation did not strengthen the case and that there was a lack of evidence of confusion by reason of similar names.

The memorandum was read and on motion of Mr. Lugent, seconded by Mr. Hunt, the application for complaint was dismissed in accordance with the recommendation of the Chief Examiner.

(13) File 1-3714 - Hazeltine Corporation vs. Greater Atlantic & Pacific Radio Stores.

Memorandum of March 28th was received from the Chief Examiner reporting in response to the Commission's direction of March 27th with respect to the status of this case. The Chief Examiner reported that the field investigation was completed but that an office study had shown the desirability of securing further evidence of actual deception and that Attorney Jackson representing the applicant had been communicated with in an endeavor to supply the additional information.

The memorandum was received and the Secretary was directed to reply accordingly to Attorney Jackson's letter of March 28th.

April 1, 1925.

(14) Docket 1260 - The Edison Fixture Company, Inc.

The following orders submitted by the Chief Counsel were approved and entered: (1) that Edward H. Averill, an Examiner of the Commission be designated to receive testimony, etc., and (2) that the hearing of the complaint begin at New York City, April 6, 1925, at 10 a.m.

From the Circulating Calendar the Commission considered memorandum of March 3rd from the Chief Counsel in the matter of Docket 1123 - Real Silk Hosiery Mills. The Chief Counsel transmitted letter of February 28th from Trial Attorney Howland and stipulation covering the matter in Paragraph Five of the complaint (fashioned hosiery) which the respondent does not desire to contest. The Chief Counsel stated that the facts show that in November 1923 almost two years before the complaint was issued, the respondent abandoned the improper use of the word "fashioned" and recommended that the stipulation be approved.

The recommendation of the Chief Counsel was approved and the stipulation accepted.

The Commission recessed at 12:30 p.m., and reassembled at 2 p.m.

PRESENT:

John F. Dugent, Acting Chairman,
Charles W. Hunt,
Huston Thompson,
William E. Humphrey.

Mr. Van Fleet absent.

Pursuant to arrangements the Commission met to hear final argument in Docket 1023 - International Shoe Company. Attorney Brindley was heard in support of the complaint. Attorneys R. E. Blake and Frank Y. Elsdon were heard on behalf of the respondent.

Attorney Brindley presented a copy of the account of Bennett, Ltd., with the National Bank of Commerce in New York, which was certified by Paul B. Helms, Auditor, for the month of June 1923 and which was referred to and identified by Mr. Helms in his testimony before an Examiner of the Federal Trade Commission in New York, N. Y., on June 12, 1924. The statement was received by the Commission and marked Commission's Exhibit 23.

Counsel for the respondent was granted three weeks from date in which to prepare and file rebuttal index-digest of testimony.

April 1, 1925.

April 2, 1925.

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The hearing continued until the hour of 4 p.m., at which time adjournment was taken until 10 a.m., April 2, 1925.

Thereupon at the hour of 4 p.m., the Commission adjourned to meet Thursday, April 2, 1925, at 10 a.m.

John F. Sugent
John F. Sugent,
Acting Chairman.

Attest:

Otis A. Johnson
Otis A. Johnson,
Secretary.

MEETING OF THE FEDERAL TRADE COMMISSION

Thursday - April 2, 1925 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Sugent,
Charles W. Hunt,
Huston Thompson,
William L. Humphrey.

Pursuant to adjournment on April 1, 1925, final argument in the matter of Gasket 1023 - International Shoe Company was resumed before the Commission. Attorneys R. L. Glave and Frank Y. Gladney were heard on behalf of the respondent.

The hearing continued until the hour of 10:55 a.m., was concluded and the case taken under advisement.

Thereupon at the hour of 10:55 a.m., the Commission adjourned to meet Friday, April 3, 1925, at 10 a.m.

Attest:

Otis A. Johnson
Otis A. Johnson,
Secretary.

Vernon W. Van Fleet,
Chairman.

April 3, 1925.

MEETING OF THE FEDERAL TRADE COMMISSION

Friday - April 3, 1925 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
 John F. Nugent,
 Charles W. Hunt,
 Huston Thompson,
 William E. Humphrey.

The minutes of the meetings of April 1st and 2nd, 1925,
 were read and approved.

Mr. Van Fleet called up for consideration, the motion offered
 by him on March 30th, 1925, to increase the Board of Review. This
 motion reads as follows:

"I move that the Board of Review be increased in number
 from three to five members and that the Board of Review
 consist of Messrs. Clarke, Alford, Maycraft, Colas and
 McMillan, and that for this purpose Messrs. Colas and
 McMillan be transferred from the Chief Counsel's Office."

The motion was discussed.

Mr. Nugent stated that he objected to the appointment of
 Mr. Colas on the Board of Review for the reason that he believed
 Mr. Colas to be incompetent as a lawyer.

At this time Mr. Humphrey was excused from the meeting stating
 he was called on an urgent matter and asked if the matter came to
 vote that his vote be recorded in favor of the motion as offered by
 Mr. Van Fleet.

PRESENT:

Vernon W. Van Fleet, Chairman,
 John F. Nugent,
 Charles W. Hunt,
 Huston Thompson.

Mr. Humphrey absent.

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The motion was divided as follows, upon the suggestion of Mr. Nugent:

Moved, that the Board of Review be increased in number from three to five members.

Moved, that the Board of Review consist of Messrs. Clarke, Alverdt, Hayscraft, Colas and McMillan and that for this purpose Messrs. Colas and McMillan be transferred from the Chief Counsel's Office.

After further discussion, vote was taken upon the first motion. As to this motion, Messrs. Van Fleet, Nugent and Hunt voted in the affirmative and Mr. Thompson voted in the negative. The motion carried and it was ordered by the Commission that the membership of the Board of Review be increased from three to five members.

Mr. Thompson made the following statement in explanation of his vote:

"The call for the increase of the Board of Review at this time arises out of the rule of March 11, 1923, providing for hearing of proposed respondents before the Board prior to complaint, which rule I am opposed to. If that rule had not been enacted the Commission would not need to increase the Board, hence my vote in the present instance goes back to the rule and for that reason I am voting 'no' on this motion to increase the membership of the Board."

It was agreed that the second motion naming the members of the Board of Review be laid over until a full membership of the Commission is present.

General docket cases appearing on the Conference Calendar were considered and action as indicated was taken by the Commission:

(1) Docket 1301 - J. R. Speal, et al.

This case came before the Commission for final determination upon the following record: memorandum of March 20th from the Chief Counsel transmitting the case and recommending dismissal; memorandum of March 16th from Trial Attorney Rowland; complaint; answer; no testimony was taken nor briefs filed. Attorney Rowland represents the Commission. Trial Attorney Rowland. Attorneys John Walsh and L. A. Spiess represent the respondents.

After consideration, on motion of Mr. Thompson, the case was laid over and made a Special Order of business on Monday, April 6, 1925 after the regular order of business.

April 3, 1925.

(2) Docket 1073 - The C. T. Swett Company.

This case comes before the Commission for final determination upon the following record: complaint; answer; testimony; report upon the facts by Trial Examiner Bennett; brief by counsel for the Commission. No exceptions were filed to the report of the Trial Examiner. No brief was filed by counsel for the respondent. Attorney Wallace represents the Commission. Attorneys William R. and Edward S. Anthony represent the respondent. Final argument was heard March 25, 1925.

On motion of Mr. Van Fleet, seconded by Mr. Thompson, the case was referred to Attorney Busick in charge of appellate work, for opinion on the question of interstate commerce in the case and for an expression as to the probability of sustaining an order to cease and desist in the Circuit Court.

(3) Docket 626 - Gulf Ship Chandlery Company, Inc.

- " 643 - Alabama Dry Dock & Shipbuilding Company, Inc.
- " 705 - S. Davidson Company, et al.
- " 726 - Garcia, Piller & Company, et al.
- " 748 - W. J. Chapman.
- " 756 - Kelly Dry Dock & Shipbuilding Company, Inc.
- " 804 - Maritime Company, Inc.
- " 821 - Liberty Iron & Wire Company, Inc.
- " 828 - A. S. Davis Packing Company, Inc.
- " 842 - Berkeley Machine Works, Inc.

On motion of Mr. Nugent, these cases were laid over pending determination of Docket 1073 - The C. T. Swett Company.

(4) Docket 623 - Michigan Wholesale Grocers' Association, et al.

This case comes before the Commission for final determination upon the following record: complaint; answers; testimony; report upon the facts by Trial Examiner Averill; exceptions thereto by counsel for the Commission; brief by counsel for the Commission and counsel for the respondent. No exceptions were filed by counsel for the respondents to the report of the Trial Examiner. Final argument was heard March 19th, 1925. Attorney Wooden represents the Commission. Attorneys, Knappen, Uhl & Bryant & Hamilton, Graves & Rowley represent the respondent.

Mr. Nugent offered the following motion, which was seconded by Mr. Thompson:

Moved, that the Chief Counsel be instructed to prepare and submit to the Commission draft of findings as to the facts and an order to cease and desist.

As to the foregoing motion, Messrs. Nugent and Thompson voted in the affirmative and Messrs. Van Fleet and Hunt voted in the negative. The motion was lost on the vote.

Thereupon, Mr. Van Fleet moved that the complaint be dismissed. The motion was seconded by Mr. Hunt.

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As to the foregoing motion, Messrs. Van Fleet and Hunt voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The motion was lost on tie vote.

On motion of Mr. Van Fleet, the case was referred to Mr. Humphrey for deciding vote.

(5) Docket 1023 - International Shoe Company.

Laid over to permit counsel for the respondent to prepare and file rebuttal index-dig. of testimony.

(6) Docket 1100 - Colorado Wholesale Grocers' Club, et al.

This case comes before the Commission for final determination upon the following record: memorandum of March 10th from the Chief Counsel transmitting the case and recommending dismissal; memorandum of March 11th from Trial Attorney Trinson; complaint; answers; testimony; report upon the facts by Trial Examiner Sinden. No exceptions were filed to the report of the Trial Examiner. No briefs were filed. Attorney Trinson represents the Commission. Attorneys Dana, Blout & Silverstein represent the respondents.

After consideration, it was ordered by the Commission that the complaint herein be and the same is hereby dismissed.

As to the foregoing motion, Messrs. Van Fleet, Hunt and Thompson voted in the affirmative and Mr. Humphrey did not vote.

At this time Mr. Humphrey returned to the meeting.

PRESENT:

Harmon W. Van Fleet, Chairman,
John F. Nugent,
Charles W. Hunt,
Houston Thompson,
William L. Humphrey.

Mr. Humphrey made inquiry of the action taken by the Commission on the several cases on the Calendar and upon being informed of the action in Docket 922 - Michigan Wholesale Grocers' Association, et al, voted in favor of the motion by Mr. Van Fleet, seconded by Mr. Hunt, to dismiss the complaint.

It was thereupon ordered that the complaint be and the same is hereby dismissed with Messrs. Van Fleet, Hunt and Humphrey voting in the affirmative and Messrs. Nugent and Thompson voting in the negative.

The Chief Counsel was directed to prepare and the Secretary to serve order of dismissal.

Messrs. Nugent and Thompson asked and it was ordered that their dissent show upon the minutes and upon the order of dismissal and they stated that they would dissent publicly.

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(7) Docket 1116 - Eastern Federation Farm Machinery Dealers, et al.

This case comes before the Commission for final determination upon the following record: memorandum of February 27th from the Chief Counsel recommending that the complaint be dismissed; joint report dated February 25, 1925 by Attorney Bear and Examiner J. W. Adams; complaint; answers. No testimony was taken nor briefs filed.

The Secretary read a memorandum of March 27th from Trial Attorney Bear reporting conference with Assistant Attorney General Meyers with respect to the status of the case of United States vs. International Harvester Company now pending in the District Court of Minnesota. The memorandum stated that it was expected that the case would be decided within the next week or ten days.

After consideration, it was ordered upon motion of Mr. Van Fleet that consideration of the Commission's case be laid over until Friday, April 24, 1925.

(8) Docket 1126 - Reukner Coal Company, et al.

This case comes before the Commission for final determination upon the following record: memorandum of March 17th from the Chief Counsel transmitting the case and recommending dismissal without prejudice; memorandum from Trial Attorney Stites; complaint; answers; stipulation as to the facts. No testimony was taken nor briefs filed. Attorney Stites represents the Commission. Attorneys Bryan, Williams & Gave represent the respondents.

After consideration, on motion of Mr. Nugent, the complaint was dismissed without prejudice.

The Chief Counsel was directed to prepare and the Secretary to serve order of dismissal.

(9) Docket 1136 - Patent Cereal Company.

This case comes before the Commission for final determination upon the following record: complaint; answer; memorandum of January 8th from the Chief Counsel; stipulation as to the facts; brief by counsel for the Commission and counsel for the respondent. No testimony was taken. Final argument was heard March 30, 1925. Attorney Brownell represents the Commission. Attorney Nathan D. Lapham represents the respondent.

After consideration, Mr. Nugent moved that the Commission accept the proposal of counsel for the respondent and under the rule, enter into a stipulation with respondent that respondent has engaged in the practices charged in the complaint, that such practices have been discontinued and will not be resumed; and that when the stipulation is entered into, the case be sent to the Commission for dismissal.

In substitution for the foregoing motion, Mr. Humphrey moved that the complaint be dismissed.

The substitute motion was lost for want of a second.

Vote was taken upon the original motion for stipulation. This motion was unanimously adopted and it was so ordered.

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(10) Docket 1148 - Harriet Hubbard Ayer, Inc.

This case comes before the Commission for final determination upon the following record: complaint; answer; testimony; report upon the facts by Trial Examiner Bennett; exceptions thereto by counsel for respondent; counsel for the Commission did not file exceptions; brief by counsel for the Commission and counsel for the respondent. Final argument was heard March 23, 1925. Attorney Hornibrook represents the Commission. Attorney C. W. Loring represents the respondent.

After consideration, on motion of Mr. Lugent, seconded by Mr. Van Fleet, it was ordered by the Commission that an order to cease and desist issue.

The Chief Counsel was directed to prepare and submit to the Commission for approval as to form, draft of findings as to the facts and order to cease and desist.

Chairman Van Fleet called up for consideration motion previously offered to-day, as follows:

Moved, that the Board of Review consist of Messrs. Clarke, Alford, Haycraft, Coles and McMillan and that for this purpose Messrs. Coles and McMillan be transferred from the Chief Counsel's Office.

Mr. Lugent moved to strike from the motion, the name of Mr. Coles. The motion was seconded by Mr. Thompson.

As to this motion, Messrs. Lugent and Thompson voted in the affirmative and Messrs. Van Fleet, Hunt and Humphrey voted in the negative. The motion was lost.

Vote was taken upon the original motion offered by Mr. Van Fleet. As to this motion, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Lugent and Thompson voted in the negative. The motion carried and it was so ordered.

Mr. Lugent stated for the record, that he was agreeable to the appointment of Messrs. Clarke, Alford, Haycraft and McMillan to the Board but objected to and protested the appointment of Mr. Coles.

On motion of Mr. Humphrey, the Commission agreed to consider the action of Attorney Butler in Docket 1233 - Permutit Company as presented by the testimony and the memorandum of March 10, 1925 by Examiner Woodfill, as a Special Order of business after the regular order on Monday, April 6, 1925.

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The following matters of general business forwarded to the Commission by the heads of the several divisions were presented by the Secretary and action as indicated was taken by the Commission:

(1) Docket 456 - Western Lest Company - (U.S.A. Doc. 4061).
Memorandum of April 3rd was received from the Chief Counsel reporting relative to securing copies of the record for use in connection with the application for writ of certiorari to review the decision of the United States Circuit Court of Appeals for the Ninth Circuit and recommended that the offer of counsel for the Western Lest Company to furnish thirty-six copies of the record at the price of \$424.00 be accepted.

The memorandum was read and after consideration, the recommendation of the Chief Counsel was approved and it was so ordered.

(2) Docket 1083 - International Shoe Company.
Memorandum of April 1st was received from the Chief Counsel transmitting a stipulation entered into between the Chief Counsel for the Commission and counsel for the respondent to correct certain errors in the transcript of evidence. The Chief Counsel recommended that the stipulation be accepted.

After consideration, the stipulation as submitted was accepted by the Commission and the transcript corrected accordingly.

(3) Salary increases in the Chief Counsel's Office and the Chief Examiner's Office.

It was directed that copies of the memorandum of March 11th from the Chief Counsel and recommendations of Mr. Hunt for increases in the Chief Examiner's Office as set forth in the minutes of March 25, 1925, be furnished each Commissioner and the question of salary increases placed on the Unfinished Business Calendar.

(4) File 1-2369 - United Wesles Mills Company, Inc. vs.

The English Woollen Mills Company.

Memorandum of March 28th was received from the Chief Examiner reporting the facts and requesting authority to handle the case under the rule of March 11, 1925 and to take up with proposed respondent the question of stipulation and thereafter to make further report to the Commission.

The memorandum was read and thereafter, Mr. Nugent moved that the case take the regular course. The motion was seconded by Mr. Thompson.

In substitution for the foregoing motion, it was moved by Mr. Van Fleet, seconded by Mr. Hunt, that the recommendation of the Chief Examiner be adopted and carried out.

As to the foregoing substitute motion, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The substitute motion was adopted and it was so ordered.

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(5) File 1-3773 - Gibb Welding Machines Company vs. Electric Arc Cutting & Welding Company.

Memorandum of March 30th was received from the Chief Examiner submitting the case pursuant to the rule of March 11, 1925, and recommending dismissal on the ground that the practice, if proven, can be remedied by a proceeding in the courts and that there is not sufficient public interest to warrant a proceeding by the Commission.

The memorandum was read and it was ordered that the file be referred to Messrs. Luge, and Van Fleet for consideration to be thereafter again presented to the Commission for consideration and further that the case be carried on the Unfinished Business Calendar.

(6) Memorandum of March 31st was received from the Chief Examiner transmitting undocketed application of Tyler Commercial College of Tyler, Texas, against the Byrne Commercial College, et al, Dallas, Texas. The memorandum set forth the result of preliminary investigation and recommended under the rule of March 11, 1925, that the matter be not docketed because of the applicant's remedy at law and of the limited public interest and for the further reason that it is probable interstate commerce is not involved to any great extent.

The memorandum was read and at the suggestion of Mr. Luge, the file was referred to him for examination and ordered carried on the Unfinished Business Calendar.

(7) File 1-3789 - Chandler Motor Car Company vs. Peerless Commerce Company, Inc.

Memorandum of March 30th was received from the Chief Examiner reporting the facts for the consideration of the Commission under the rule of March 11, 1925. The memorandum stated that there appears to be considerable public interest in the case as well as doubt as to whether the applicant has a remedy at law. The Chief Examiner recommended that he be directed to proceed in the regular way with the investigation.

The memorandum was read and upon action of Mr. Luge, seconded by Mr. Thompson, the recommendation of the Chief Examiner was approved and it was so ordered.

(8) Docket 1113 - McKesson & Robbins, Inc., et al.

The Secretary referred to the dismissal of the complaint by the Commission on February 20, 1925 without assignment of reason for dismissal and presented a draft of publicity statement prepared pursuant thereto, which statement bore the following endorsement by the Chairman:

"Bring this back to the Commission as I remember the case was dismissed for failure of proof and I will endeavor to get the Commission to order the publicity to be stated."

V.G.V."

April 3, 1925.

Thereafter it was ordered, on motion of Mr. Van Fleet that the order of dismissal and the publicity notice include a statement that the complaint was dismissed for failure of proof.

As to the foregoing action, Messrs. Van Fleet, Sugent, Hunt and Humphrey voted in the affirmative and Mr. Thompson voted in the negative.

Mr. Humphrey brought up for consideration, the question of passing a rule discontinuing publicity on complaints.

After discussion, it was agreed, that Mr. Humphrey's motion be put in writing and copies furnished each Commissioner and the question considered as a Special Order of business after the regular order on Monday, April 6, 1925.

From the Circulating Calendar the Commission considered the following matters and action as indicated was taken:

- (1) Pocket 912 - American Tobacco Company, et al.
- | | | | | | |
|---|------|---|---|---|---|
| " | 917 | - | " | " | " |
| " | 983 | - | " | " | " |
| " | 984 | - | " | " | " |
| " | 987 | - | " | " | " |
| " | 1013 | - | " | " | " |
| " | 1032 | - | " | " | " |
| " | 1036 | - | " | " | " |
| " | 1070 | - | " | " | " |
| " | 1214 | - | " | " | " |

The Commission considered a letter of March 10th from Mr. Junius Parker, counsel for the American Tobacco Company, Inc., referring to the above pending complaints and requesting the Commission to consider whether the public interest does not require that the complaints now pending at some stage before the Commission, be dropped. The Commission also received memorandum of March 11th from Trial Attorney Robert H. McMillen, reviewing the cases and expressing the opinion "that there is no public interest in the further prosecution of these tobacco cases as against the American Tobacco Company. It seems to me that they can be disposed of without prejudice, upon the ground that the activity complained of ceased with the year 1921".

The file was circulated pursuant to the Commission's action of March 13th. Motions by the several Commissioners were read and thereafter, Mr. Van Fleet offered the following action:

Moved, that the cases be dismissed.

The motion was seconded by Mr. Hunt.

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As to the foregoing motion, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The motion carried and the complaints were dismissed.

Messrs. Nugent and Thompson asked and it was ordered that their dissent show upon the minutes, the order of dismissal and stated that they would dissent publicly.

Mr. Van Fleet stated that he would file a memorandum sustaining the action of the Commission in dismissing the complaints.

The Chief Counsel was directed to prepare and the Secretary to serve orders of dismissal.

(2) Memorandum of March 3rd from the Chief Examiner reporting preliminary investigation of the acquisition by the Harlin-Boswell Corporation of The Gurney Ball Bearing Company.

The file was circulated March 11th. Resolutions by the several Commissioners were read and thereafter, the following motion was offered by Mr. Van Fleet:

Moved, that the matter be filed without action.

The motion was seconded by Mr. Hunt.

In substitution for the foregoing motion, it was moved by Mr. Nugent, seconded by Mr. Thompson, that the papers be docketed as an application for complaint and handled in the regular course.

As to the substitute motion, Messrs. Nugent and Thompson voted in the affirmative and Messrs. Van Fleet, Hunt and Humphrey voted in the negative. The substitute motion was lost.

Vote was thereupon taken upon the original motion to file the papers. As to this motion Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The motion carried and it was so ordered.

Messrs. Nugent and Thompson asked and it was ordered that their dissent show upon the minutes and any correspondence with the parties.

Thereupon, at the hour of 12:30 p.m., the Commission adjourned to meet Monday, April 6, 1925, at 10 a.m.

Vernon W. Van Fleet,
Chairman.

Attest:

Ellis W. Johnson,
Secretary.

April 6, 1925.

Saturday - April 4, 1925 - No meeting held.

Sunday - April 5, 1925 - No meeting held.

MEETING OF THE FEDERAL TRADE COMMISSION

Monday - April 6, 1925 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
Charles W. Hunt,
Huston Thompson,
William G. Humphrey.
Dr. Hugent absent.

The minutes of the meeting of April 3, 1925, were read and approved.

Mr. Van Fleet submitted the following listed applications for complaint and action as indicated was taken by the Commission:

- (1) File 1-3413 - Orleans Grocery Company, Inc. vs. Thompson & Taylor Company.

Mr. Van Fleet stated that this application came direct to the Commission from the Chief Examiner, without reference to the Board of Review, pursuant to the rule of December 4, 1924.

Mr. Van Fleet presented memorandum of March 30th, reviewing the record, concurring in the recommendation of the Chief Examiner and recommending that the application be dismissed.

After consideration, on motion of Mr. Van Fleet, the application for complaint was dismissed by the Commission.

- (2) File 1-2373 - United Woollen Mills Company (W. A. Hersh) vs. Union Woollen Mills Company, Inc.

Mr. Van Fleet referred to the Commission action of April 1, 1925, in referring the foregoing application for complaint to him for deciding vote, after motions for complaint and for stipulation had failed by reason of tie vote and stated that he had examined the record and now voted in favor of the substitute motion by Mr. Hunt, as recorded by Mr. Humphrey, that the case be handled in accordance with the rule of March 11, 1925, by stipulation as recommended by the Board of Review.

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It was accordingly ordered, that the case be referred to the Chief Examiner, via Pocket Section, to be headed under the rule of March 11, 1925, and report to the Commission.

As to this action, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Mr. Thompson voted in the negative.

Mr. Thompson asked and it was ordered that his dissent come upon the minutes and any correspondence with the parties.

(3) File 1-3773 - Gibb Welding Machines Company vs. Electric Arc Cutting & Welding Company.

Mr. Van Fleet presented the file and referred to the action of April 3rd, at which time the case was placed on the Unfinished Business Calendar and referred to Messrs. Nugent and Van Fleet for examination and report. Mr. Van Fleet referred to the memorandum of March 30th from the Chief Examiner recommending that the application for complaint be dismissed under the rule of March 11, 1925, on the ground that the practices, if proven, can be remedied by proceeding in the courts and there is not sufficient public interest to warrant a proceeding by the Commission.

Mr. Van Fleet also called attention to a notation by Mr. Nugent as follows:

"I agree with the Chief Examiner - Nugent."

After reciting in detail the facts in the case, Mr. Van Fleet offered the following motion:

Moved, that the case be referred to the Chief Examiner to report whether the respondent has pending, suits for infringement against the other manufacturers whose customers it is threatening.

The motion was seconded by Mr. Thompson and adopted by the Commission. It was so ordered.

Mr. Van Fleet also presented the following listed foreign trade complaints and action as indicated was taken by the Commission:

(1) File 30-01 - Foreign Trade complaint of Juan I. Salame, of San Salvador, C.A., against the Geneva Cutlery Company of Geneva, N. Y.

Memorandum of April 1st from the Export Trade Division reporting the result of preliminary investigation and recommending that report be made to the Commerce Department, the papers received from that office returned and the case closed in this office. The Commission also received draft of a letter to the Secretary of Commerce prepared by the Export Trade Division.

April 6, 1925.

COPY

The recommendations of the Export Trade Division were approved and the letter to the Secretary of Commerce was approved and ordered forwarded after signature by the Chairman.

- (2) Foreign Trade Complaint of H. Braesscamp Sobral, Ltd., of Lisbon, Portugal against the DeForest Radio Telegraph & Telephone Company of New York City.

Memorandum of March 28th from the Export Trade Division submitting file of papers received from the Department of Commerce setting forth the nature of the complaint and recommending that an informal inquiry be made by the Export Trade Division and report thereon submitted to the Commission for such action as it seems advisable.

On motion of Mr. Van Fleet, the recommendation was approved and the Export Trade Division directed to make inquiry and report.

Mr. Hunt presented the following listed applications for complaint and action as indicated was taken by the Commission:

- (1) File 1-2038 - Associated Advertising Clubs of the World vs. Keystone Furniture Company.

Mr. Hunt presented memorandum of April 4th reciting the facts, which memorandum was read. Thereafter Mr. Hunt offered the following motion:

Moved, that this application be returned to the Chief Examiner and that he invite the respondent to enter into stipulation that in the future, he will abandon the unfair manner of advertising and misrepresentation now complained of and if respondent refuses to stipulate, that a complaint issue.

The motion was seconded by Mr. Van Fleet.

Prior to vote on the motion, Mr. Thompson referred to a trade practice submittal which he was now conducting with the Furniture Industry and protested the handling of this case by stipulation in view of the submittal and made the statement that so handling the case would prejudice the successful outcome of the submittal.

Vote was taken upon the motion as offered by Mr. Hunt. As to this motion, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Mr. Thompson voted in the negative and asked that his dissent show upon the minutes and the correspondence with the parties. It was so ordered.

Mr. Thompson, thereupon, asked to be relieved from the assignment to handle the trade practice submittal with the Furniture Industry and suggested that it be assigned to another Commissioner. There being no objection, Mr. Thompson was relieved from this assignment.

April 6, 1925.

As to the substitute motion, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Mr. Thompson voted in the negative. The motion carried and it was so ordered.

Mr. Thompson asked and it was ordered that his dissent show upon the minutes and any correspondence with the parties.

- (2) File 1-3552 - Tampa Cigar Manufacturers' Association vs. John C. Herman & Company.

Mr. Thompson submitted memorandum of April 4th reviewing the record and thereafter, offered the following motion:

Moved, that complaint issue charging John C. Herman and Edwin S. Herman, trading as John C. Herman & Company with violation of Section 5 of the Federal Trade Commission Act.

In substitution, it was moved by Mr. Van Fleet, seconded by Mr. Hunt, that the recommendation of the Board of Review be adopted and that the case be referred to the Chief Examiner to be handled under the rule of March 11, 1925, by stipulation and report to the Commissioner.

As to the substitute motion, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Mr. Thompson voted in the negative.

Mr. Thompson asked and it was ordered that his dissent show upon the minutes and any correspondence with the parties.

- (3) File 1-3393 - Edwin Bird Wilson Advertising Company vs. P. M. Reed & Barker Associates.

Mr. Thompson presented memorandum of April 4th reviewing the record, concurring in the recommendation of the Board of Review and recommending that the application be dismissed.

After consideration, on motion of Mr. Thompson, the application for complaint was dismissed.

- (4) File 1-3509 - Universal Products Company vs. Bayer Company, Inc.

Mr. Thompson presented memorandum of April 4th reviewing the facts and thereafter, offered the following motion:

Moved, that the application be placed on the Suspense Calendar to await decision in the case of Bayer Company, Inc. vs. United Drug Company by the United States Circuit Court of Appeals for the Second Circuit.

The motion was adopted by the Commission and it was so ordered.

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- (5) File 1-3415 - Midwest Retail Coal Association vs.
Midwest Coal & Mining Company. (A. F.
Dietrich)

Mr. Thompson presented memorandum of April 4th reviewing the record, concurring in the recommendation of the Board of Review and recommending that the application be dismissed.

After consideration, on motion of Mr. Thompson, the application for complaint was dismissed by the Commission.

- (6) File 1-3611 - American Belt Company, Inc. vs. American Belt Corporation.

Mr. Thompson presented memorandum of April 4th reviewing the record, concurring with the recommendation of Examiner Hase and recommending that complaint issue.

The Board of Review was heard and thereafter, Mr. Thompson moved that complaint issue charging American Belt Corporation with violation of Section 3 of the Federal Trade Commission Act.

In substitution, it was moved by Mr. Van Fleet, seconded by Mr. Humphrey, that the case be dismissed for lack of public interest, this matter being a private controversy between the parties.

As to the foregoing substitute motion, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Mr. Thompson voted in the negative.

Mr. Thompson asked and it was ordered that his dissent show upon the minutes, the order of dismissal and any correspondence with the parties.

Mr. Thompson made the following statement for the record:

"I vote 'no' on the ground that this case is similar to the Juvenile Shoe Company case, in which the Commission took jurisdiction and in which it was upheld by the United States Circuit Court of Appeals."

- (7) File 1-3644 - Durable Pure Silk Fashioned Hosiery, Inc.
vs. Irish Linen-Silk Hosiery Company.

Mr. Thompson presented memorandum of April 4th, reviewing the record and recommending that complaint issue.

The Board of Review was heard and thereafter, Mr. Thompson offered the following motion:

Moved, that complaint issue charging R. A. Phil and Mayor Schuman, trading as Irish Linen-Silk Hosiery Company with violation of the Federal Trade Commission Act.

In substitution, Mr. Van Fleet moved, seconded by Mr. Hunt, that the case be referred to the Chief Examiner for settlement by stipulation under the rule of March 11, 1925, in accordance with the recommendation of the Board of Review.

As to the foregoing substitute motion, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Mr. Thompson voted in the negative. The motion carried and it was so ordered.

April 6, 1925.

Mr. Thompson asked and it was ordered that his dissent show upon the minutes and any correspondence with the parties.

Mr. Thompson made the following statement for the record:

"I dissent to the action of the Commission on the ground that this case is identical with the Winsted Hosiery Case in which the Supreme Court sustained the Commission on the question of fraud and the public interest involved."

(8) File 1-3362 - Wyoming Wool Growers' Association vs. Burleigh - Bakera, et al.

Mr. Thompson presented memorandum of April 4th reviewing the record and thereafter offered the following motion:

Resolved, that complaint issue charging Covert & Workman and Newichawanick Company with violation of Section 3 of the Federal Trade Commission Act.

In substitution, it was moved by Mr. Van Fleet, seconded by Mr. Humphrey, that the recommendation of the Chief Examiner be adopted and that the case be handled under the rule of March 11, 1925 by stipulation.

As to the foregoing substitute motion, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Mr. Thompson voted in the negative.

Mr. Thompson asked and it was ordered that his dissent show upon the minutes and any correspondence with the parties.

Mr. Thompson made the following statement for the record:

"I vote 'no' and dissent under the decision of the Supreme Court in the Winsted Hosiery Company case."

Mr. Humphrey submitted the following applications for complaint and action as indicated was taken by the Commission:

(1) File 1-3391 - Lyers Brothers, Inc. vs. Lyers Brothers, (Israel Lyers).

Mr. Humphrey presented memorandum of April 4th reviewing the record, concurring in the recommendation of the Board of Review and recommending that the application be dismissed.

After consideration, on motion of Mr. Humphrey, the application for complaint was dismissed by the Commission.

(2) File 1-3519 - Feinberg Kosher Sausage Company (David Feinberg and Michael Feinberg) vs. Levin's Sinai Kosher Sausage Factory, et al.

Mr. Humphrey stated that this application came direct to the Commission from the Chief Examiner without reference to the Board of

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Review, pursuant to the rule of December 4, 1924.

Mr. Humphrey presented memorandum of April 4th reviewing the facts, concurring in the recommendation of the Chief Examiner and recommending that the application be dismissed.

After consideration, on motion of Mr. Humphrey, the application for complaint was dismissed by the Commission.

(3) File 1-3755 - Associated Advertising Clubs of the World vs. Sun-Ray Products Company.

Mr. Humphrey presented memorandum of April 5th reviewing the facts and thereafter offered the following motion:

Moved, in accordance with the recommendation of the Chief Examiner that the case be handled under the rule of March 11, 1925, by stipulation and be referred to the Chief Examiner for that purpose.

The motion was seconded by Mr. Van Fleet.

In substitution for the foregoing motion, it was moved by Mr. Thompson that the case take the regular order. The substitute motion was lost for want of a second.

Vote was taken upon the original motion to handle the case by stipulation. As to this motion Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Mr. Thompson voted in the negative.

Mr. Thompson asked and it was ordered that his dissent show upon the minutes and any correspondence with the parties.

Mr. Humphrey called up for consideration, the motion covering statements to the press, which action was a Special Order of business for to-days meeting. Mr. Humphrey's motion follows:

Moved, from and after this date, in the settlement of any matter by stipulation before complaint is issued, no statement in reference thereto shall be made by the Commission for publication. After a complaint is issued, no statement in regard to the case shall be made by the Commission for publication until after the final determination of the case.

After a complaint has been issued and the answer of the respondent has been filed, or in case the respondent fails to file an answer as by the rules provided, the papers in the case shall be open to the public for inspection, under such rules and regulations as the Secretary may prescribe.

Copy of the motion was delivered to each Commissioner on April 3rd.

After discussion, Mr. Humphrey offered the foregoing motion and moved its adoption. The motion was seconded by Mr. Van Fleet

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and adopted by the Commission and it was so ordered with Messrs. Van Fleet, Hunt and Humphrey voting in the affirmative and Mr. Thompson voting in the negative.

Mr. Thompson offered the following statement for the record:

"I vote 'no' and I wish the record to show that I protest against the enactment of this rule.

The statute - the Federal Trade Commission Act - in its first paragraph, clearly authorizes the right of a minority to be heard and to have representation.

If the proposed rule had been in vogue at the time some 3,500 steel fabricators initiated before the Federal Trade Commission an application for complaint against the United States Steel Corporation to determine the so-called Pittsburgh Base method of pricing steel, the application could have been dismissed without any statement and thus the public would not have been informed, and, in that case, I would not have been, under the proposed rule, permitted to state my dissent.

I am against this rule because it is contrary to the letter and spirit of the Federal Trade Commission Act and the Constitution of the United States; because it will permit of Star Chamber proceedings to be carried on and the applicant not informed as to what is taking place; and because it will deprive a minority of the right to express its views publicly, and hence is wholly dangerous and perverse of the public welfare.

I request that this statement shall be attached to and given out with any publicity in regard to this proposed rule."

In accordance with Mr. Thompson's request, it was directed that his foregoing statement be attached to and given out with any publicity in regard to the action of the Commission as recorded above.

Mr. Van Fleet stated that he would prepare a statement in support of the Commission's action to be given out with Mr. Thompson's dissent. It was so ordered.

Upon motion of Mr. Van Fleet, it was directed that all Special Orders not disposed of at today's meeting be made Special Orders of business for Wednesday, April 5, 1935, after the regular order.

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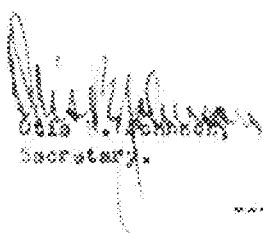
Mr. Thompson referred to the Commission's action of March 20th in regard to Attorney Henry Miller and reported that he had correspondence with Mr. Miller to the effect that Mr. Miller was improving in health and hoped to return to the service of the Commission within a short while.

The report was received and the Commission directed that the Chief Counsel's memorandum of March 14th, recommending that Mr. Miller's employment be terminated, be filed without action. It was further directed that Mr. Miller's leave of absence without pay be extended for a period of three months from February 27, 1925.

Thereupon at the hour of 12:30 p.m., the Commission adjourned to meet Wednesday, April 8, 1925, at 10 a.m.

Vernon W. Van Fleet,
Chairman.

Attest:


Celia A. Johnson,
Secretary.

Tuesday - April 7, 1925 - No meeting held.

MEETING OF THE FEDERAL TRADE COMMISSION

Wednesday - April 8, 1925 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
Charles F. Hunt,
Muster Thompson,
William L. Humphrey.

Mr. Bugent absent.

April 8, 1925.

The minutes of the meeting of April 6, 1925, were read and approved.

The Chairman presented the following matters and action as indicated was taken by the Commission:

(1) Resolutions adopted by the Tobacco Growers' Cooperative Associations at Burlington, N. C., Yanceyville, N. C., Hockers, N. C., and Oxford, N. C., et al, condemning practices of the Imperial Tobacco Company and the American Tobacco Company and deploring the acts of a number of Boards of Trade of tobacco marketing centers in adopting resolutions commending and defending the actions of the Imperial Tobacco Company and the American Tobacco Company. These resolutions being sent to the Commission in connection with the investigation in response to Senate Resolution 328, adopted February 3, 1925 (Senator Ernst), directing the Commission to report agreements between the two tobacco companies mentioned and methods employed towards cooperative marketing associations.

The resolutions were referred to the Chief Examiner for attention.

(2) Foreign Trade complaint of Batiera Pere & Fils against Victory Olive Oil Company.

Letter of March 30th from Messrs. Blake, Durham, Sevilhan & Conwell, attorneys, New York City, requesting to be advised of the status of the above case.

The letter was read and referred to the Secretary for reply.

(3) Letter of March 23rd from the Department of Justice (William J. Donovan, Assistant to the Attorney General) returning under separate cover, duplicate copy of the report in two volumes by the Commission on its investigation of the Northern Lumber & Hardware Manufacturers' Association.

The letter was read and ordered filed.

(4) Docket 1046 - Jacob Busch.

" 1047 - Ontario Silver Company.

" 1048 - Samuel E. Bernstein, Inc.

Letter of March 30th was received from Messrs. Glenn & Genter, attorneys, New York City, requesting a hearing on behalf of the respondents under the recently adopted rule of the Commission, in order that the respondents may be informed of the nature of the public interest involved in these cases wherein complaints had issued, answers filed, but no testimony taken.

The letter was read and it was thereafter, ordered on motion of Mr. Van Fleet, that the Secretary reply advising the writer that the rule in question does not apply to cases wherein complaint has already been issued by the Commission, but only applies to applications for complaints pending before the Board of Review prior to complaint.

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(5) Letter of March 28th from G. M. Duncan, President of the Duncan Lumber Company, making inquiry as to whether the Commission will prevent the use of the name "Duncan Lumber Company" by the Duncan Shingle & Lumber Company, Kansas City, Missouri. The writer requested to be advised of what course of procedure should be followed if the Commission cannot take notice of the matter.

The correspondence was read and after discussion, on motion of Mr. Van Fleet, the Secretary was directed to reply to the effect that the matter presented appears to be of a private nature without sufficient public interest to require the Commission to take action and with the suggestion that the parties consult private counsel.

Mr. Thompson made the following statement:

"I vote for the Commission's action on the ground that as I understand the record before us, there is no interference with competition, hence no public interest in the case."

(6) Letter of April 3rd from Senator Jesse B. Metcalf of Rhode Island, transmitting a letter dated March 30th addressed to the Senator by the Pawtucket Braided Line Company, Inc., complaining of alleged unfair advertising on the part of a competing fish line manufacturer.

The correspondence was read and thereafter, on motion of the Chairman, the matter was referred to the Chief Examiner for informal inquiry to determine whether or not an application for complaint should be docketed.

(7) Letter of April 3rd from the Comptroller General of the United States (J. R. McFarl) requesting that his office be furnished a copy of the findings of the Auditors of the Commission as to the cost of milk supplied the Navy Department by the Colorado Condensed Milk Company, a subsidiary of the Mohawk Condensed Milk Company, under the agreement between the Food Purchase Bureau and the Milk Producers' Association, such information to be for use in connection with a claim now pending before the Comptroller General's Office.

The Secretary was directed to furnish the information requested.

(8) Letter of March 26th from the Comptroller General of the United States (J. R. McFarl) forwarding for administrative examination and report a file of three sheets in reference to the claim of the Espaco Packing Company in the sum of \$14,008.00, representing the difference between the price paid by the Government and the commercial market price for canned vegetables furnished the War Department. The Commission was also requested to furnish a report showing the cost of supplies (canned vegetables) furnished under various orders listed in letter of March 10th from the Comptroller General to the Quartermaster General, War Department, copy of which letter of March 10th accompanied the file.

April 8, 1925.

The Secretary was directed to comply with the request of the Comptroller General and furnish the information desired.

(9) Docket 1101 - Uniside Community, Ltd.

Letter of April 2nd from Mr. Gilbert H. Montague, attorney for the respondent, New York City, requesting an extension of time to May 10th for filing brief. The extension being necessary by reason of Mr. Montague's illness.

The extension was granted by the Commission.

The Chief Counsel was directed to prepare and the Secretary to serve appropriate order.

(10) Docket 1081 - Larkhatten Shirt Company.

Letter of April 2nd was received from Messrs. Taylor, Caskey & Moore, counsel for the respondent, enclosing a motion to dismiss the complaint at the conclusion of the taking of testimony in support of the complaint for the reason that such testimony fails to substantiate the charges and for the further reason that under the recent rule of March 17th, the proceeding is not in the public interest.

The motion was considered and upon motion of Mr. Van Fleet, seconded by Mr. Thompson, was denied.

The Chief Counsel was directed to prepare and the Secretary to serve appropriate order.

(11) Letter of March 30th from Congressman William D. Upshaw, of Georgia, reporting complaints regarding the prices of gasoline in Georgia and requesting the Federal Trade Commission to make an investigation.

The correspondence was read and thereafter, it was directed that Congressman Upshaw be advised that in view of work in hand, particularly work resulting from recently adopted Senate Resolutions, and in view of limited funds and personnel, the Commission is unable to comply with his request and investigate the gasoline situation. It was directed that the reply to the Congressman be along the lines of the letter of April 2, 1925 to Senator Park Trammel, advising that the Commission was unable to conduct an inquiry into the gasoline price situation.

(12) Letter of April 8th from Senator Jay D. Hoff of West Virginia, transmitting letter of April 3rd from the Home Furniture & Department Stores, Inc., Grafton, West Virginia, in which this Company requested an investigation of the "Linoleum-Congoleum Floor Coverings Trust". The Senator requested the Commission to investigate and advise whether there is an unlawful combination to raise prices as alleged.

The correspondence was read and thereafter, an motion of Mr. Van Fleet, the matter was referred to the Chief Examiner with instructions to make an informal inquiry to ascertain whether the raw materials referred to - linseed oil and burlap - have increased

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in price as claimed and if so that the applicant be advised and the file closed.

(13) Letter of March 26th from the Personnel Classification Board advising that the Board has decided it would not be proper to approve the change of classification of Mr. William H. E. Stevens of the Commission's staff from Professional Grade V to Professional Grade VI, as requested by Mr. Stevens.

The letter was referred to the Secretary for attention.

(14) Letter of April 2nd from the Standard Creamery Company, Van Wert, Ohio, complaining of the alleged practices followed by Swift & Company in increasing prices at certain cream buying stations.

It was directed that the letter be referred to the Department of Agriculture and the writer notified of the reference with the statement that the matter is not within the jurisdiction of the Federal Trade Commission and has been referred to the Department of Agriculture under the Packers & Stockyards' Act.

(15) Letter of April 2nd was received from Congressman J. L. Rankin of Mississippi, referring to Senate Resolution 34, adopted March 17, 1925, (Senator Henrik Shipstead) directing the Commission to make inquiry and report relative to cooperative associations and also sending to the Commission copy of House Resolution 439, offered by Mr. Rankin on February 13, 1925, requesting the Commission to make inquiry with respect to alleged combinations to depress prices of cotton seed and cotton seed products in violation of the anti-trust laws, etc. Congressman Rankin requested the Commission to make the investigation contemplated by the proposed resolution.

The request of Congressman Rankin was considered and the Commission also considered Senate Resolution 34, adopted March 17, 1925, directing an investigation and report with respect to cooperative organizations, particularly that portion which reads:

"RESOLVED, That the Federal Trade Commission is hereby directed to make an inquiry (1) into the growth and importance of cooperative associations, including particularly the costs of marketing and distributing of such cooperatives as compared with the corresponding costs of other types of distributors."

The Commission also considered that portion of Senate Resolution 329, adopted February 3, 1925, by Senator Norris which reads as follows:

"The Commission shall also ascertain and report what effort, if any, has been made by the said General Electric Company or other corporations, companies, organizations, or associations, or anyone in its behalf, or in behalf of any trade organization of which it is a member, through the

April 8, 1925.

expenditure of money or through the control of the avenues of publicity, to influence or control public opinion on the question of municipal or public ownership of the means by which power is developed and electric energy is generated and distributed."

These matters were considered with a view to determining in the light of the Federal Trade Commission Act and decisions thereon, and in view of the language of the Appropriation Act approved March 3, 1925, whether the Federal Trade Commission had jurisdiction and authority to go ahead and make investigation under Item I of Senate Resolution 34 and the portion of Senate Resolution 327 quoted above.

After discussion, the Chief Counsel was directed to report prior to April 15, 1925, his opinion in the matter and it was directed that the matter be considered as a Special Order of business after the regular order on April 15, 1925; and that in the mean time action upon the request in the letter of April 2nd from Congressman Harkin be postponed. The Secretary was directed to acknowledge Mr. Harkin's letter.

(16) Buckets 1153 - The National Association of Stationers & Manufacturers of the United States, et al.

Letter of April 1st was received from the Denton Record-Chronicle, Denton, Texas, referring to the proceedings in the above entitled case and advising that this paper was a member of the Southern Newspaper Publishers' Association, one of the respondents, until January 1, 1925 and making inquiry as to whether the Denton Record-Chronicle will be required to enter appearance in the proceeding in view of the fact that they have never been served with a complaint, etc.

The letter was referred to the Secretary with instructions to ascertain whether the Denton Record-Chronicle was respondent in the case and to reply to the letter accordingly.

(17) Letter of March 24th from the Department of Justice (William J. Donovan, Assistant to the Attorney General), enclosing copy of a letter of March 9, 1925, from Mr. D. H. Long, Shenandoah, Pennsylvania, Agricultural Implement Dealer, complaining of the refusal of the International Harvester Company to furnish any part of its line of implements unless the dealer will discontinue the Foreign Tractor, etc.

The letter from the Department of Justice stated that the proceeding against the International Harvester Company in the United States District Court for the District of Minnesota for the dissolution of the company would hardly remedy the situation complained of by Mr. Long and that the matter is referred to the Commission for consideration as a possible violation of Section 3 of the Clayton Act or Section 5 of the Federal Trade Commission Act.

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The correspondence was read and on motion of Mr. Thompson was referred to the Chief Examiner for examination and report as to whether an application for complaint should be docketed.

Mr. Hunt presented application of Mr. Leroy A. Palmer for appointment as attorney or examiner with the Federal Trade Commission accompanied by a file containing numerous letters of endorsements and recommendations and setting forth Mr. Palmer's qualifications for the positions sought. Mr. Hunt reported his interview with Mr. Palmer and stated that a vacancy existed on the Chief Examiner's Staff to which Mr. Palmer could be appointed with the approval of the Chief Examiner.

Mr. Hunt also called special attention to certain letters endorsing Mr. Palmer, which letters were read to the Commission. These letters follow:

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

Washington

March 27, 1925.

My dear Mr. Hunt:

A few days ago I addressed a letter to Senator Cummins concerning Mr. Leroy A. Palmer, until quite recently a law clerk in this Bureau. This letter referred more particularly to Mr. Palmer's legal qualifications and special knowledge along these lines, and no mention was made of his physical vigor and fitness.

To his associates in this Bureau his activities were so pronounced that no thought was given to the fact that he was approaching the period in life when years might constitute an essential point in determining assignment of duty. Mr. Palmer possesses the vigor, physical and mental temperament usually associated with men many years younger, in fact he has the appearance and deportment of a man in his early sixties. I would have no hesitation in assigning him to duties requiring men of mature years but of perfect physical vigor, and in my judgment he would scale one hundred percent in these requirements.

I am quite certain that the statements herein contained insofar as they relate to Mr. Palmer's physical fitness and efficiency would be corroborated by the heads of this Bureau,

April 8, 1925.

the Commissioner and the Assistant Commissioner, and his former office association.

Very truly yours,

(signed) C.F. Hauke
Chief Clerk.

Hon. C. D. Hunt,
Federal Trade Commissioner,
2000 D. Street, N. W.,
Washington, D. C."

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
Washington

April 4, 1925.

My dear Mr. Hunt:

In my recent letter to Senator Cummins, who has presented the name of Mr. LaRoy A. Palmer for appointment as Trade Examiner in the service of the Federal Trade Commission, I perhaps did not stress sufficiently the physical ability and capacity for the duties of the office for which Senator Cummins is urging him.

I beg to supplement my previous letter, and to say that I have had occasion to be in personal daily contact with Mr. Palmer for the past four years, by reason of the fact that my duty during that time was to personally review his work. As my previous letter shows, that work has been the examination of the reports and evidence submitted by our Examiners of Inheritance and Superintendents in the Field Service of the Indian Office and the preparation of the recommendatory decisions of the Commissioner of Indian Affairs, and also the preparation of the final decisions of the Secretary and Assistant Secretary.

It is a matter of wide general knowledge in this office and personally known to me by four years of daily contact with him, that Mr. Palmer's physical vigor, clear grasp, and quick dispatch of every matter submitted to him, is remarkable, and I have no hesitancy whatever in saying that he possesses the clear mind and physical vigor of a man in the prime of life, and his activity is commensurate with his vigor. To say of him that he possesses physical ability above the average man of sixty is only the simple truth and I am glad to say this of him.

I am, with great respect,

Yours truly,
(signed) W.R. Layne,
Chief Law Officer
Indian Bureau.

Hon. C. W. Hunt,
Federal Trade Commission."

April 3, 1925.

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UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
Washington

April 4, 1925.

My dear Mr. Hunt:

Some weeks ago I wrote you a letter in regard to Mr. LeRoy A. Palmer's legal qualifications for a position in the Federal Trade Commission, but omitted to say anything about his physical ability to perform such duties as might be assigned to him, on account of his age.

For many years I have been intimately acquainted with Mr. Palmer and have no hesitancy in saying that he impresses me as a man having the physical vigor of a person sixty years of age. I know that his years have not lessened in any way, so far as I can observe, his ability to satisfactorily carry on the legal work assigned to him in this Bureau and I feel that both his legal and physical abilities are such as will enable him to render satisfactory work wherever employed.

Very truly yours,

(signed) E. B. Lerritt,
Assistant Commissioner.

Hon. C. W. Hunt,
Federal Trade Commission."

After discussion, on motion of Mr. Hunt, seconded by Mr. Van Fleet, the Commission authorized and directed the appointment of Mr. LeRoy A. Palmer as Examiner at a salary of \$2400. per annum with allocation to Professional Grade II with the direction that Mr. Palmer be assigned to the New York Office of the Chief Examiner's staff, the same to be effective on taking the oath of office and entering on duty.

As to the foregoing action, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Mr. Thompson voted in the negative.

Mr. Thompson made the following statement for the record:

"I have voted 'no' and I wish the record to show that I voted with the greatest reluctance because Mr. Palmer has the endorsement of Senator Cummins for whom I have the greatest respect and admiration, but I cannot vote to put on the rolls of the Commission, a man who has been let out in another Department and who is

April 8, 1925.

now well over seventy years of age, particularly when the age of retirement in the Government service is set at seventy years by statute. I further do not believe that it is right that Mr. Palmer who was let out from another Department while receiving a salary of \$1680. should be put on our rolls at the increased salary of \$2400."

It was directed on motion of Mr. Van Fleet, that letters endorsing Mr. Palmer be set out in the record.

As a Special Order of business, the Commission considered Docket 1301 - J. R. Updeal, et al, and after discussion, it was directed that consideration of the case be laid over until Friday, April 10, 1925 and made a Special Order of business after the regular order.

The following matters of general business forwarded to the Commission by the heads of the several divisions were presented by the Secretary and action as indicated was taken by the Commission:

(1) Letter to the Comptroller General of the United States prepared by Mr. Nugent and Attorney Weisk, in reply to the Comptroller General's letter of February 5th suspending credit for payment for legal services made by the Commission to Isaac C. Lambert under contract to handle Docket 836 - National Biscuit Company and Docket 837 - Loose-Wiles Biscuit Company in the United States Circuit Court of Appeals for the Second Circuit. The Comptroller General withheld credit for the payment of money to Attorney Lambert and raised the question whether the employment of an attorney under the circumstances of this contract is not contrary to the provisions of Sections 189 and 365 of the Revised Statutes concerning the procurement of legal services through the Attorney General.

The letter was ordered forwarded upon its approval and signature by the Chairman.

(2) Docket 802 - American Tobacco Company, et al.

Memorandum of April 4th was received from the Chief Counsel stating that the Commission directed an order to cease and desist issue and the preparation of findings as to the facts and order to cease and desist. The Chief Counsel called attention to the fact that there is pending in the Circuit Court of Appeals for the Second Circuit, a case, Docket 886 - Wholesale Tobacco & Cigar Dealers' Association of Philadelphia, Pa., et al, in which the issues are substantially identical and recommending that the preparation of findings and order in Docket 802 - be delayed until the decision

April 2, 1935.

of the Circuit Court of Appeals for the Second Circuit in
Docket 986 as to the findings and order may be prepared in
the light of the law at that time.

The recommendation of the Chief Counsel was approved and
it was so ordered.

(3) Docket 1280 - Warner Silk Milling Mills.

The following orders submitted by the Chief Counsel were
approved and entered: (1) that William F. Dimes, an Examiner of
the Commission, be designated to receive testimony, etc., and (2)
that the hearing of the complaint begin at New York City on April
2, 1935, at 10:30 a.m.

(4) Docket 1280 - Cleveland Metal Products Company.

The following orders submitted by the Chief Counsel were
approved and entered: (1) that Bob Woodfill, an Examiner of the
Commission, be designated to receive testimony, etc., and (2)
that the hearing of the complaint begin at Cleveland, Ohio, on
April 27, 1935, at 10 a.m.

(5) Docket 1281 - Standard Oil Company of Kentucky.

The following orders submitted by the Chief Counsel were
approved and entered: (1) that Bob Woodfill, an Examiner of the
Commission, be designated to receive testimony, etc., and (2)
that the hearing of the complaint begin at Cleveland, Ohio, on
April 27, 1935, at 10 a.m.

(6) Docket 1281 - Julius Klein.

The following orders submitted by the Chief Counsel were
approved and entered: (1) that William F. Dimes, an Examiner of
the Commission, be designated to receive testimony, etc., and (2)
that the hearing of the complaint begin at Cincinnati, Ohio, on
April 29, 1935, at 10 a.m.

From the circulating Calendar the Commission considered the
following matters and action as indicated was taken:

(1) Docket 1283 - Barnes-Wood Company and Barnes-Wood Company.

Memorandum of March 18th was received from the Chief Counsel
recommending that counsel for respondent be granted a hearing upon
motion filed by respondent to dismiss the complaint on jurisdictional
grounds.

The matter was circulated March 20th. Motions by the
several Commissioners were read and after deliberation the matter
was laid over until a full membership is present.

April 8, 1925.

(3) Letter of February 28th from the Grand Rapids Refrigerator Company questioning statements in the Commissioner's report on the House Furnishings Industry, Volume III, entitled, "Kitchen Linoleum & Domestic Appliances."

The Commission also received memorandum of March 17th from the Chief Counsel transmitting report of Attorney Burr as to the evidentiary basis for the statements in regard to the refrigerator trade contained in the Commission's report. Attorney Burr recommended that the Grand Rapids Refrigerator Company be advised that the Commission regards the contents of the report on House Furnishings bearing upon the refrigerator industry as having been justified by the evidence in hand, etc.

The file was circulated March 20th. Citations by the several Commissioners were read and it was ordered that the Grand Rapids Refrigerator Company be informed more fully as to what the Commission's report is based on and that a copy of the information and this letter will be forwarded to the Department of Justice.

The matter was referred to the Chief Counsel to prepare letters for the signature of the Chairman.

(4) Report dated March 10, 1925, from the Chief Examiner in regard to the acquisition of the capital stock of the Milwaukee Western Coal Company, the Great Lakes Coal Mining Company, the Pike-Blair Coal Company, Inc., by the Pittsburgh Coal Company (Pennsylvania). The Chief Examiner recommended that the matter be docketed as an application for complaint.

The report was circulated March 10th. Citations by the several Commissioners were read and thereafter, the recommendation of the Chief Examiner was approved and it was ordered that an application for complaint be docketed.

(4) Pocket 1312 - Glidden Company and Forest City Paint & Varnish Company.

Memorandum of March 5th was received from the Chief Counsel reporting pursuant to the Commission's direction of January 9, 1925, that the labels used by the Glidden Company were manufactured and sold through the Forest City Paint & Varnish Company and that no orders were given by the Glidden Company regarding the printing of the labels or the placing of the mark on the containers. The Chief Counsel also submitted findings and order as approved by the Commission on September 19, 1924, and the service of which were withheld pending the report with respect to the labels of the Glidden Company.

The file was circulated March 20th. Citations by the several Commissioners were read and thereafter, it was ordered, upon motion of Mr. Van Fleet, that the findings of fact and order to cease and desist approved by the Commission on September 19, 1924, be now served by the Secretary without further action.

April 6, 1925.

(5) Preliminary report dated March 11, 1925, by Attorney Sides in the matter of the acquisition by the Federal Latch Corporation of the National Latch Company, Feder Latch Company, The Reliable Latch Company, Brad-Tear Latch Company, Pennsylvania Latch Company, Indiana Latch Corporation, Kauling Latch Company, Minnesota Latch Manufacturing Company and the Cleveland Latch Company. The Chief Examiner recommended that complaint issue against the Federal Latch Corporation charging violation of Section 7 of the Clayton Act.

The report was circulated March 15th. Petitions by the several Commissioners were read and thereafter, it was ordered that an application for complaint be docketed.

(6) Docket 1143 - The National Association of Manufacturers v. Manufacturers of the United States, et al.

Memorandum of March 14th was received from the Chief Counsel transmitting notice filed by E. C. Vernein, counsel for Plaintiff, et al. L. B. Marshall, A. W. Willis, C. C. Collins and H. C. Garner, respondents herein, to quash service of the complaint on said parties who were named respondents in the amended complaint and recommending that the matter be dealt with leave to respondents to renew the same after the testimony is taken and the case is heard before the Commission on the merits.

The file was circulated March 15th. Petitions by the several Commissioners were read and thereafter, the recommendation of the Chief Counsel was approved and respondents' notice was denied with leave to renew the same after the testimony is taken and the case is heard on the merits.

The Chief Counsel was directed to prepare and the Secretary to serve appropriate order.

(7) Memorandum of March 13th from the Chief Examiner transmitting preliminary report by Attorney Simpson in the matter of the acquisition of fifty per cent or more of the capital stock of the Eaton Creamery Company by the Trinidad Creamery Company and recommending that an application for complaint be docketed in the name of the Commission charging the Trinidad Creamery Company with violation of Section 7 of the Clayton Act.

The report was circulated March 15th. Petitions by the several Commissioners were read and thereafter, on motion of Mr. Van Fleet, seconded by Mr. Hunt, the matter was filed without notice.

As to the foregoing action of the Commission, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Mr. Thompson voted in the negative.

Mr. Thompson asked and it was ordered, that the dissent be set upon the minutes and any correspondence with the parties.

April 8, 1935.

(3) Memorandum of March 2nd was received from the Chief Examiner transmitting pursuant to the Commission's direction of January 24th, the results of the investigation made on the question of interstate commerce only, in connection with the alleged monopolization of the fresh milk business in Greater New York and vicinity by the Perini Condensed Milk Company and recommending that no application be denoted as the investigation established the fact that no interstate commerce is involved.

The file was circulated March 25th. Citations by the several Commissioners were read and thereafter, the matter was referred to the Chief Counsel for legal opinion, particularly on the question of interstate commerce.

(4) Trade Practice Submittal "Foreword".

Memorandum of February 18, 1935 by Mr. Gashill to be used as a "foreword" to the Commission's pamphlet containing trade practice submittals.

The memorandum was circulated March 2nd. Citations by the several Commissioners were read and the draft set forth in memorandum of February 18th by Mr. Gashill was rejected and the Secretary instructed to bring forward for consideration, draft of Foreword to be prepared by the Chief Examiner.

Therefore, at the hour of 10:30 p.m., the Commission adjourned to meet Friday, April 10, 1935, at 10 a.m.

Vernon T. Van Fleet,
Chairman.

Attest:

W. T. Gashill,
Secretary.

Thursday - April 8, 1935 - No meeting held.

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MINUTES OF THE FEDERAL TRADE COMMISSION

Friday - April 10, 1935 - 10 a. m.

PRESENT:

Vernor W. Van Fleet, Chairman,
Charles W. Hurt,
Austin Thompson,
William J. Langhrey.

Mr. Nugent absent.

The minutes of the meeting of April 3, 1935 were read and approved.

Verbal docket cases appearing on the weekly conference calendar were considered by the Commission and action as indicated was taken:

(1) Docket 280 - Cream of Wheat Company.

On December 26, 1934, the Commission directed that an order to cease and desist issue and that the Chief Counsel prepare and submit to the Commission for approval as to form, draft of findings as to the facts and order to cease and desist.

Pursuant to this action, the case is now before the Commission for consideration of the findings and order submitted by the Chief Counsel. The following papers have been placed in the hands of each Commissioner: memorandum of March 17, 1935, from the Chief Counsel; memorandum of March 17th from Trial Attorney J. T. Clark; findings as to the facts and order to cease and desist submitted by the Chief Counsel; complaint.

After consideration, on motion of Mr. Van Fleet, the findings as to the facts and order to cease and desist submitted by the Chief Counsel with memorandum of March 17th, 1935, were approved as submitted and referred to the Secretary for service without further action.

(2) Docket 1034 - American Electric Heater Company.

This case comes before the Commission for final determination upon the following record: memorandum of March 10th from the Chief Counsel transmitting the case and recommending that the complaint be dismissed; memorandum of March 27th from Trial Attorney Beardon; complaint; answer. No testimony was taken nor briefs filed. Attorney Beardon represents the Commission. Attorneys Barker & Barker represent the respondent.

After consideration, on motion of Mr. Van Fleet, the recommendation of the Chief Counsel was approved and the complaint dismissed by the Commission.

April 10, 1925.

The Chief Counsel was directed to prepare and the Secretary to serve order of dismissal.

(3) Docket 1435 - North Dakota Wholen Is Growers' Association, et al.

This case comes before the Commission for final determination upon the following record: memorandum of April 3rd from the Chief Counsel transmitting the case; memorandum of March 31st from Trial Attorney Warden; complaint; answer; testimony; report upon the facts by Trial Examiner Addison; exceptions thereto by counsel for the Commission and counsel for the respondent; brief by counsel for the Commission and counsel for the respondent. Respondent waived final argument. Attorney Warden represents the Commission. Attorneys Weston, Ballou & Young & Murphy & Jones represent the respondents.

After consideration, on motion of Mr. Van Fleet, seconded by Mr. Thompson, it was directed that an order to cease and desist issue and that the Chief Counsel be directed to prepare and submit to the Commission for approval as to form, draft of findings as to the facts and order to cease and desist.

(4) Docket 1436 - Quaker Oats Company.

This case comes before the Commission for final determination upon the following record: memorandum of March 19th from the Chief Counsel transmitting the case and recommending dismissal; memorandum of March 30th by Trial Attorney Leff; complaint; answer. No testimony was taken and briefs filed. Attorney Leff represents the Commission. Respondent has no attorney of record.

After consideration, on motion of Mr. Van Fleet, seconded by Mr. Thompson, the recommendation of the Chief Counsel was approved and the complaint dismissed by the Commission for the reason that the contracts questioned in the complaint have expired and have not been renewed and therefore there is no public interest in further proceeding.

The Chief Counsel was directed to prepare and the Secretary to serve order of dismissal.

(5) Docket 1437 - The Walston Company.

This case comes before the Commission for final determination upon the following record: memorandum of March 19th from the Chief Counsel transmitting the case and recommending dismissal; memorandum of March 19th by Trial Attorney Leff; complaint; answer. No testimony was taken and briefs filed. Attorney Leff represents the Commission. Attorneys Bryan, Williams & Cave represent the respondent.

After consideration, on motion of Mr. Van Fleet, seconded by Mr. Thompson, the recommendation of the Chief Counsel was approved and the complaint dismissed by the Commission for the reason that the contracts questioned in the complaint have expired and have not been renewed and therefore there is no public interest in further proceeding.

The Chief Counsel was directed to prepare and the Secretary to serve order of dismissal.

April 10, 1925.

(6) Becker 1170 - M. C. Peters Mill Company.

This case came before the Commission for final determination upon the following record: memorandum of March 18th from the Chief Counsel transmitting the case and recommending dismissal; memorandum of March 18th from Trial Attorney, Hoff; complaint; answer. No testimony was taken nor briefs filed. Attorney Hoff represents the Commission. Respondent has no attorney of record.

After consideration, on motion of Mr. Van Fleet, seconded by Mr. Thompson, the recommendation of the Chief Counsel was approved and the complaint dismissed by the Commission for the reason that the contracts questioned in the complaint have expired and have not been renewed and therefore there is no public interest in further proceedings.

The Chief Counsel was directed to prepare and the Secretary to serve order of dismissal.

(7) Becker 1207 - H. H. Griggs Cigar Company.

This case came before the Commission for final determination upon the following record: undated memorandum from the Chief Counsel transmitting the case and recommending that the complaint be dismissed; affidavit filed by respondent; complaint. No answer was filed. No testimony was taken nor briefs filed. Attorney Sweet represents the Commission. Respondent has no attorney of record.

After consideration, on motion of Mr. Van Fleet, it was ordered that the complaint be dismissed on the recommendation of the Chief Counsel based on an affidavit showing that the respondent now manufactures its cigars in Tampa, Florida.

The Chief Counsel was directed to prepare and the Secretary to serve order of dismissal.

The Chairman presented the following matters and action as indicated was taken by the Commission:

(1) Letter of April 8th from the New York Wholesale Grocers' Association, New York City, (H. L. Foster, Secretary) announcing the 27th annual convention of the Association on April 15th and 16th and stating that an expression from the Commission in regard to the conduct of trade associations would be appreciated.

The letter was read and referred to the Chairman for attention.

(2) Letter of April 8th from the Tobacco Growers' Cooperative Association of Florida, U. S., setting forth a resolution adopted deploring the action of the Boards of Trade of numerous tobacco marketing centers in passing resolutions condemning and defending the Imperial Tobacco Company and the American Tobacco Company.

The letter was read and referred to the Chief Examiner for consideration in connection with the investigation in response to Senate Resolution 226, adopted February 3, 1923, (Senator Ernst).

April 10, 1935.

(3) Letter of April 6th from the Associate Officer of The Furniture Guild, New York City, requesting a copy of pleadings in Furniture cases now pending - Pocket 1228 - National Furniture Distributing Corporation; Pocket 1242 - Big G. Furniture Works; Pocket 1243 - Grand Rapids Furniture Manufacturers' Association, Inc.; Pocket 1244 - Grand Rapids Furniture Sales Company; and Pocket 1276 - Grand Rapids Furniture Company.

The letter was read and referred to the Secretary for compliance.

(4) Letter of April 7th from the American Milk Products Corporation, (C. L. Lee, Managing Director), New York City, referring to the Commission's letter of March 19th and offering suggestions looking to the amendment of the Webb-Kramers Act to permit export trade associations to do business with non-contiguous United States territory, i. e., Philippines, Porto Rico, etc.

The letter was read and referred to the Export Trade Division with the direction to make reply suggesting that the question of amending the Act be taken up with members of Congress.

(5) Letter of March 21st from the General Accounting Office (J. R. Lofgren, Comptroller General) referring to the Commission's letter of January 15th relative to final settlement of the account of J. G. Duaneau, former Disbursing Clerk of the Federal Trade Commission, under certificate of settlement finding the Officer indebted to the United States to the sum of \$42.80 etc., and making request to be advised of the status of a bill of relief forwarded to the House of the Budget.

The letter was read and referred to the Secretary for attention.

Mr. ... presented letter of April 6th from the Horn, Stokes Serum Company, referring to a trade practice submittal conducted by Mr. Hunt at Omaha, Nebraska, on March 14, 1935, with Anti-typhoid Cholera Serum manufacturers and requesting that the stenographic report of the submittal be not sold by the official reporters to any other than producers of serum attending the submittal, or such as may give written consent to the adopted resolutions.

The letter was referred to the Secretary with instructions to reply that under the existing contract, the official reporters, Sidney J. Grady Company were authorized to sell copies of the transcript of the submittal as a public record to anyone making application therefor.

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Mr. Thompson presented memorandum from the Secretary recommending that the salary of Miss Florence S. Hughes, clerk in the Administrative Division be increased from \$1440. to \$1560. Mr. Thompson reported an interview with Miss Hughes and moved that the increase be allowed. The motion was seconded by Mr. Van Fleet and adopted by the Commission. It was so ordered, the same to be effective April 16, 1925.

Mr. Humphrey brought up the question of the status of Attorney F. J. Guiler, which was discussed and on motion of the Chairman, was laid over for further consideration until Monday, April 13, 1925.

Mr. Humphrey referred to the rule adopted April 6, 1923, covering statements to the Press and to the memorandum of dissent thereto filed by Mr. Thompson and stated that he would probably desire to file a statement in reply to Mr. Thompson's memorandum.

The Commission considered as a Special Order of business, Docket 1501 - J. R. Speal, et al, submitted on April 3, 1925, with memorandum of March 25, 1925, from the Chief Counsel recommending that the complaint be dismissed.

The Chairman reported conference with Trial Attorney Rowland and Investigating Attorney Horton and expressed the opinion that the case should go to trial.

After discussion, on motion of Mr. Van Fleet, seconded by Mr. Thompson, it was directed that consideration of the recommendation of the Chief Counsel for dismissal of the complaint be postponed and that Trial Attorney Rowland be ordered to proceed with the trial of the case immediately and to report to the Commission the progress of the case from time to time.

The following matters of general business forwarded to the Commission by the heads of the several divisions were presented by the Secretary and action as indicated was taken by the Commission:

(1) Letter of April 6th from John F. Hauck, Special Agent in the Economic Division, requesting three months additional leave without pay from April 13, 1925. The request was endorsed by the Chief Economist.

After consideration, the request was referred to Mr. Hauck for a statement of the reasons why the additional leave without pay should be granted.

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(2) Letter of April 1st from Mrs. Theo I. Rees, Clerk in the Economic Division, requesting the maximum amount of sick and annual leave and six months leave without pay because of illness. The request was approved by the Chief Economist.

Upon motion of Mr. Van Fleet, seconded by Mr. Thompson, the Commission granted Mrs. Rees thirty days annual and thirty days sick leave for the calendar year 1925 and three months leave without pay to be taken thereafter.

(3) Docket 1127 - Calumet Mining Powder Company.

Memorandum of April 6th was received from the Chief Counsel transmitting request of counsel for the respondent for an extension of time to and including April 30, 1925, in which to file exceptions to the trial examiner's report and recommending that the extension be granted.

The request was granted by the Commission and order to this effect approved and entered.

(4) Memorandum of April 6th from the Chief Counsel reporting the need in the trial of cases for the services of a class of attorneys to assist trial attorneys in charge of the most important and complex cases and submitting standard job description sheet for such assistant attorneys in Professional Grade III, for approval of the Commission and submission to the Personnel Classification Board if approved.

The Chief Counsel's memorandum reads as follows:

MEMORANDUM FOR THE COMMISSION:

It becomes necessary at times to assign attorneys to assist the attorney in charge of trial cases. Assignments of this character are necessary, particularly in connection with the trial of large cases where the evidence is voluminous, the issues complex and more or less national in scope, such as the so-called radio, motion picture, steel merger, stationery and advertising cases and in connection with the trial of a large number of cases involving similar issues, such as the Grand Rapids Furniture and tobacco cases.

In the past, most of the assignments to assist the trial attorneys were made from the Chief Examiner's Division. This has resulted in curtailing the Chief Examiner's work. Messrs. Norton and Hase, of the Chief Examiner's division, are now assisting Mr. Smith on the radio case; Mr. Furness is assisting Mr. Boyle on the Grand Rapids Furniture cases; Mr. Van Fleet is assisting Mr. Beardon on the tobacco cases; Messrs. Barnes, Salco and Tomister are assisting Mr. Kane and Mr. White; Mr. Ward is assisting Mr. Hornibrook and Mr. Burkett is assisting Mr. Jackson. This is a pretty heavy drain on

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the Chief Examiner's Division and I am reluctant to ask the Chief Examiner for assistance of this character at times when it is really necessary.

Attorneys Stiles and Bowler are the only attorneys on the Chief Counsel's Staff available for this character of work. There is need for at least two or three more attorneys to do this work. The grade description of such attorneys should include a description of this character of work and it is recommended that the classification grade description set out herein be adopted. It is also recommended that Mr. Stiles' and Mr. Bowler's grade classification sheets be changed to include the description set out below. Mr. Stiles is now in Grade 2, receiving a minimum salary of \$3510; Mr. Bowler is in Grade 3, receiving \$2750. It is recommended that Mr. Bowler be promoted to Grade 3, minimum salary \$3000. In my judgment attorneys doing this character of work should be in Grade 3. I think the character of the work calls for such grade description.

It is recommended that the matter of Mr. Bowler's promotion and the adoption of the grade sheet set forth herein for Messrs. Stiles and Bowler be taken up by the Secretary with the Personnel Classification Board. It is also recommended that Attorneys Stephen Van Fleet and Miles J. Furnas be transferred to this division, Grade 3 and that the matter of their transfers be also taken up by the Secretary with the Personnel Classification Board. Messrs. Van Fleet and Furnas are suggested because they have shown adaptability to aid and assist our trial attorneys in connection with the trial of very important cases.

Recognition of Work - Grade 3.

In charge of the preparation for trial and trial of cases of average importance before trial examiners of the Commission or members of the Commission and thereafter, briefs and argues them before the Commission. This work involves important and difficult legal work in the examination and consideration of questions of law, evidence and fact. Or assisting the attorney-in-charge of the trial of the most complex and difficult cases instituted by the Commission. This work embraces chiefly the study of the records in such cases, preparing memorandum with respect to the facts, consideration of important questions of law and evidence and the examination of witnesses before trial examiners or members of the Commission and otherwise assisting in the preparation for trial and trial of such cases.

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Does employee work under immediate supervision or, to a large extent upon his own responsibility? (Describe fully).

Regarding the trial of cases of average importance, his work is done under the general supervision of the Chief Counsel. This work is done to a large extent upon his own responsibility. Regarding assisting the attorney-in-charge of the trial of the most complex and difficult cases, his work is done under the general supervision of the attorney-in-charge but with considerable latitude in the exercise of independent judgment.

State the qualifications required for the proper performance of the duties specified.

Good academic and legal education, preferably college graduate in both branches. Three or more years' experience either in private practice of law or an equivalent experience in a law office or with a Government agency.

W. H. Fuller,
Chief Counsel.

April 9, 1925.

WTH

After discussion, on motion of Mr. Van Fleet, the standard job description sheet for attorneys in Professional Grade III as submitted by the Chief Counsel was approved by the Commission with instructions to the Secretary to submit the same to the Personnel Classification Board for approval and report to the Commission.

(3) Letter of April 4th from the Comptroller General of the United States (J. R. McDeri) requesting to be furnished with a copy of the findings of the auditors of the Commission as to the cost of milk furnished the Navy Department by Libby, McNeill & Libby under the agreement between the Purchase Board and the Canned Milk Producers' Association to be used by the Comptroller General in the consideration of a claim of Libby, McNeill & Libby, pending before that office.

The letter was read and referred to the Secretary for compliance with the request of the Comptroller General.

(4) Memorandum of April 4th from the Secretary showing the number of applications for complaint on the Suspense Calendar as of April 1, 1925.

The report was referred to the Chief Examiner for report covering any application for complaint now ready for the attention of the Commission.

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(7) Pocket 1034 - Graham Brothers Soap Company.

Memorandum of April 7th was received from the Chief Examiner reporting in response to the Commission's direction of March 27th with respect to the present status of the respondent. The Chief Examiner reported as follows:

"The Graham Bros. Soap Company has not done any business since August 1924. The assets of the company were taken over by the Bellows Company of Cincinnati, Ohio, at that time. The Graham Bros. Soap Company, however, is still in existence, the stock being held by A. F. Peterson, attorney, in escrow. This arrangement is for the sole purpose of adjusting the lease of the respondent's old quarters in Chicago, the owners having refused to let the respondent surrender its lease. The charter of the Graham Bros. Soap Company will not be surrendered until this matter is adjusted which will probably be at the end of 1925 when the lease expires."

This case was submitted to the Commission on March 27th by the Chief Counsel with memorandum dated March 14, 1925, recommending that the complaint be dismissed. Upon receipt of this memorandum, the Commission directed the Chief Examiner to report.

The Chief Examiner's memorandum was considered and thereafter, on motion of Mr. Thompson, seconded by Mr. Van Fleet, the complaint herein was dismissed for the reason that the respondent has gone out of business.

The Chief Counsel was directed to prepare and the Secretary to serve order of dismissal.

(8) File 1-3272 - Audreps Company of America vs. Chero-Cola Company.

Memorandum of April 3rd was received from the Chief Examiner reporting that pursuant to the Commission's instructions of February 9, 1925, negotiations for a stipulation of facts had been conducted with respondent and recommending that complaint issue as it appears that the respondent has no intention of signing a stipulation that will have any binding legal effect.

The Secretary referred to the action of February 9th authorizing a stipulation and to the report of the Board of Review recommending complaint if the respondent refuses or fails to stipulate.

After consideration, on motion of Mr. Thompson, it was ordered that complaint issue charging the Chero-Cola Company with violation of the Federal Trade Commission Act.

The file was referred to the Chief Counsel, via Pocket Section for preparation of complaint under the rule, the same to be served by the Secretary without further action by the Commission.

April 10, 1933.

- (9) File 1-3796 - Better Bedding Alliance of America vs. Colorado Mattress Manufacturing Company.
(Morris Stein and M. Sternberg).

Memorandum of April 4th was received from the Chief Examiner reporting the facts in the case and recommending, notwithstanding that the objectionable practices have been partially abandoned, that authority be granted to negotiate for their complete abandonment and for the signing of a stipulation; and that in the event of a refusal to sign, that a complaint issue.

The memorandum was read and after discussion, on motion of Mr. Van Fleet, seconded by Mr. Hunt, the recommendation of the Chief Examiner was approved and the case was referred back to the Chief Examiner, via Pocket Section, to negotiate for a stipulation under the rule of March 11, 1933 and report to the Commission.

As to the foregoing action, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Mr. Thompson voted in the negative.

Mr. Thompson asked and it was ordered that his dissent show upon the minutes and any correspondence with the parties.

- (10) Report from the Chief Examiner of formal cases in the hands of Trial Examiners as of April 1, 1933.

The report was received and placed in the Calendars.

- (11) Report from the Chief Examiner of the work of the Legal Investigating Division, for the month of March 1933.

The report was received and placed in the Calendars.

- (12) Pocket 1083 - Garrett S. Eern, et al.

Memorandum of April 3rd was received from the Chief Counsel transmitting request of counsel for the respondent for an extension of twenty-five days from April 3, 1933 for filing brief and recommending that counsel for the Commission and counsel for the respondent be granted an extension of time.

The recommendation was approved and order approved and entered granting counsel for the Commission to and including May 1, 1933 for filing brief and counsel for the respondent to and including May 13, 1933 for filing brief.

- (13) Report dated April 7, 1933 from the Chief Examiner in the matter of the organization of the Van Camp Sea Food Company, Inc., and the acquisition by it of the Van Camp Sea Food Company; International Packing Corporation of California; Neilson & Little Canning Company, Ltd., and White Star Canning Company. The Chief Examiner recommended that the papers be filed without action.

It was directed that the report be circulated.

- (14) Pocket 1362 - Larrows Milling Company, et al.

Memorandum of April 10th was received from the Chief Counsel transmitting request of counsel for the Larrows Milling Company for an extension of time for filing answer to and including June 14, 1933 and recommending that all the respondents be granted an extension.

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The recommendation of the Chief Counsel was approved and all the respondents of record were granted an extension of time for filing answer to and including June 14, 1925.

The Chief Counsel was directed to prepare and the Secretary to serve appropriate order.

(15) Memorandum of April 2nd from the Chief Examiner transmitting draft of a letter to the Products Import & Export Company, New York City in response to a letter of March 28th from the Company requesting a list of concerns engaged in the raised printing industry. The Chief Examiner's reply suggested that the list be obtained from the Ben-Plate Engraving Company, New York City.

The reply was approved and ordered forwarded. See file

(16) Preliminary report dated April 2nd from the Chief Examiner in the matter of the acquisition by the American Tobacco Company of the Tobacco Products Corporation. The Chief Examiner recommended that the matter be filed without action.

It was directed that the report be circulated.

(17) Memorandum of March 21st from the Chief Examiner transmitting file in the matter of an undocketed application of Tyler Commercial College of Tyler, Texas, against the Byrne Commercial College, et al, Dallas, Texas. The Chief Examiner reported the facts and recommended that the matter be not docketed because of applicant's remedy at law and of the limited public interest and that the file be closed and the applicant so advised.

The file was referred to Mr. Nugent on April 3rd for examination and bearing the endorsement of Mr. Nugent agreeing with the Chief Examiner.

On motion of Mr. Van Fleet, seconded by Mr. Humphrey, it was ordered that the recommendation of the Chief Examiner be adopted.

As to the foregoing action, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Mr. Thompson voted in the negative.

Mr. Thompson asked and it was ordered, that his dissent show upon the minutes and any correspondence with the parties and stated that he would file a statement of his views.

(18) File 1-2442 - F. T. C. vs. Connecticut Copper Corporation.

Memorandum of April 3rd was received from the Chief Counsel reporting in response to the Commission's action of March 7th, reciting the facts and expressing opinion that the acquisition of the shares of capital stock in question by the Connecticut Copper Company has not been used to bring about a substantial lessening of competition, and there has been none such. The Chief Counsel recommended that the application for complaint be dismissed.

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On motion of Mr. Van Fleet, it was directed that the case be laid over and considered as a Special Order of business on Wednesday, April 15, 1925 and that in the meantime, the Secretary forward to each Commissioner a copy of the Chief Counsel's memorandum of April 3, 1925.

(19) File O-2124 - Benton-Bailey Company, Inc. vs. Southern Automotive Equipment Jobbers' Association, et al.

Memorandum of March 28th was received from the Chief Counsel referring to the Commission's action of February 16th directing that complaint issue, reviewing the record and expressing the opinion that the application for complaint should be dismissed for the reason that the proof is not sufficient to maintain any one of the charges in the complaint.

The Chief Counsel transmitted a memorandum of March 24th from Trial Attorney Cox reviewing the record and expressing the opinion that the present record does not justify the issuance of the proposed complaint as any complaint against the respondents.

The Chief Counsel's memorandum was read and after consideration, it was ordered, upon motion of Mr. Van Fleet, seconded by Mr. Humphrey that the case be dismissed upon the recommendation of the Chief Counsel and the Trial Attorney.

(20) File 1-2775 - Unfair Competition Bureau of the Paint & Varnish Industries vs. Lasso Company, Ltd.

Memorandum of March 25th was received from the Chief Examiner reporting that respondent has misbranded its shellac products and requesting authority to take up the question of stipulation with the respondent under the rule of March 11, 1925.

The memorandum was read and on motion of Mr. Van Fleet, seconded by Mr. Humphrey, the case was returned to the Chief Examiner, via Docket Section, for stipulation under the rule of March 11, 1925 and report to the Commission.

As to the foregoing action, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Mr. Thompson voted in the negative.

Mr. Thompson asked and it was ordered that his dissent show upon the minutes and any correspondence with the parties.

(21) File 1-3448 - J. J. Jany Company vs. J. J. Jany Knitting Mills.
 " 1-3447 - " " " vs. Majestic Knitting Mills Company.
 " 1-3449 - " " " vs. Superior Knitting Mills Company.
 " 1-3450 - " " " vs. Lamp Knitting Company.
 " 1-3452 - " " " vs. Friedman-Devay Knitting Company.

Memoranda of March 18th were received from the Chief Examiner reporting that under date of September 3, 1924, the files in the above numbered applications for complaint were returned to the Chief Examiner

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by the Board of Review with request that evidence of actual deception be secured in all cases. The Chief Examiner reported the facts and requested authority under the rule of March 11, 1925, to take up with the proposed respondents, the question of voluntarily discontinuing the practices involved. The Chief Examiner stated that some of the proposed respondents had already indicated a willingness to abandon the use of the term "Knitting Mills."

The memoranda were read and after consideration, on motion of Mr. Van Fleet, seconded by Mr. Humphrey, the recommendation of the Chief Examiner was approved and it was ordered that the cases be returned to the Chief Examiner, via Deskset Section, for stipulations under the rule of March 11, 1925, and report to the Commission.

As to the foregoing action, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Mr. Thompson voted in the negative.

Mr. Thompson asked and it was ordered that his dissent show upon the minutes and any correspondence with the parties.

From the Circulating Calendar the Commission considered the following matter:

(1) Memorandum of February 27th from the Chief Examiner reporting with respect to the status of twenty-eight certain applications for complaint, known as Blue-sky cases, now on Suspense Calendar and recommending action by the Commission looking to the dismissal of certain cases.

The Chief Examiner recommended: (1) that with respect to a group of cases listed below in which fraud orders have been issued by the Postal authorities, or in which criminal proceedings have been terminated, that the cases be removed from the Suspense Calendar and dismissed:

- File 1-2758 - F. T. C. vs. Jimmie Cox's Oil Enterprises.
- " 1-2760 - F. T. C. vs. Mark Harris.
- " 1-2761 - F. T. C. vs. Revere Oil Company.
- " 1-2762 - F. T. C. vs. McPhail Oil Company.
- " 1-2768 - F. T. C. vs. McIntyre & Company (Saxen Oil Company).
- " 1-2828 - F. T. C. vs. General Lee Development Interests.
- " 1-2848 - F. T. C. vs. Mexia-Wortham Oil & Leasing Syndicate.
- " 1-3150 - F. T. C. vs. Robert Shmond Mineral Deeds Syndicate.
- " 1-3132 - F. T. C. vs. Blue Bird Oil Corporation (Butler Parryman), et al.
- " 1-3138 - F. T. C. vs. Harry Morris Refining Company (Harry Morris), et al.
- " 1-3139 - F. T. C. vs. Smackover 500% Syndicate, et al.
- " 1-3142 - F. T. C. vs. Petroleum Producers' Association.

The Chief Examiner recommended: (2) that as to the following group of cases resulting in no action by the Postoffice Department,

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or on which no record can be found, that a letter of inquiry be directed to the Postmaster General and obtain official confirmation of their present status and then determine whether these applications should be dismissed or reinvestigated:

- File 1-2759 - F. T. C. vs. Danites Oil & Gas Development Company, Inc.
- " 1-2767 - F. T. C. vs. Van Ivan Petroleum Company.
- " 1-2761 - Barbara "Oil, et al vs. Consumers' Oil Company, et al.
- " 1-2803 - F. T. C. vs. Radiant Oil Company.
- " 1-2906 - F. T. C. vs. Fruit-Lexia Orange Interstate, et al.
- " 1-3141 - F. T. C. vs. Rosser Petroleum (W. H. Rosser).
- " 1-3131 - F. T. C. vs. Lexia Royalty Pool. (Glor B. Moore).

The Chief Examiner recommended: (3) as to the group of cases listed below which are still under investigation by the Postoffice Department, or in which criminal proceedings are still pending, that no action be taken at the present time and that the cases remain on the Suspense Calendar:

- File 1-2765 - F. T. C. vs. Consolidated Texas Products Company.
- " 1-2905 - F. T. C. vs. Lexia Royalty & Producing Syndicate.
- " 1-3044 - F. T. C. vs. Heart of Lexia Oil Syndicate.
- " 1-3088 - F. T. C. vs. Prime Oil Corporation.
- " 1-3119 - A. G. Crockett vs. Pat Harr Company (Arkansas Trust Estate).
- " 1-3129 - F. T. C. vs. Associated Oil Syndicate (V. G. Schimmel).
- " 1-3140 - F. T. C. vs. Mike Lyvers Syndicate.
- " 1-3143 - F. T. C. vs. Evans Royalty & Producing Company (L. L. Evans).

With respect to file 1-3205 - F. T. C. vs. Arizona Copper Company, et al, the Chief Examiner reported that this case is already being investigated by the Chief Examiner, since the Postoffice Department advised the Commission some time ago that their case was closed.

On motion of Mr. Van Fleet, seconded by Mr. Hunt, the recommendations of the Chief Examiner were adopted and it was so ordered by the Commission.

Thereupon, at the hour of 12:30 p.m., the Commission adjourned to meet Monday, April 13, 1925, at 10 a. m.

Attest:

Otis S. Japucha
Otis S. Japucha,
Secretary.

Vernon W. Van Fleet
Vernon W. Van Fleet,
Chairman.

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Saturday - April 11, 1925 - No meeting held.

Sunday - April 12, 1925 - No meeting held.

MEETING OF THE FEDERAL TRADE COMMISSION

Monday - April 13, 1925 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
Charles W. Hunt,
Husten Thompson,
William E. Houghrey.

Mr. Nugent absent.

The minutes of the meeting of April 10, 1925, were read and approved.

Mr. Van Fleet presented the following listed applications for complaint and action as indicated was taken by the Commission:

- (1) File 1-3522 - Patoka Coal Company vs. W. H. Howe Coal Company.

Mr. Van Fleet recited the facts in the case and stated that he concurred in the recommendation of the Board of Review for dismissal.

After consideration, on motion of Mr. Van Fleet, the application for complaint was dismissed by the Commission.

- (2) File 1-3512 - Unfair Competition Bureau of the Paint & Varnish Industries vs. Baer Brothers.

Mr. Van Fleet recited the facts in the case and thereafter, offered the following motion:

Moved, that the recommendation of the Board of Review be adopted and that the case be referred to the Chief Examiner for stipulation under the rule of March 11, 1925 and report to the Commission.

The motion was seconded by Mr. Hunt.

Mr. Thompson thereupon, offered the following substitute motion:

Moved, that the application for complaint be dismissed.

April 13, 1925.

The substitute motion was lost for want of a second.

Vote was then taken upon the original motion for stipulation. As to this motion Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Mr. Thompson voted in the negative. The motion carried and it was so ordered.

Mr. Thompson asked and it was ordered that his dissent enter upon the minutes, the order and any correspondence with the parties.

(3) File 1-3793 - Northern Lumber Company vs. Northern Milling Company, Inc.

Mr. Van Fleet stated that this application came direct to the Commission from the Chief Examiner without reference to the Board of Review, pursuant to the rule of December 4, 1924.

Mr. Van Fleet recited the facts and stated that he concurred in the recommendation of the Chief Examiner for dismissal.

After consideration, on motion of Mr. Van Fleet, seconded by Mr. Humphrey, the application for complaint was dismissed by the Commission.

Mr. Hunt presented the following listed applications for complaint and action as indicated was taken by the Commission:

(1) File 1-3585 - E. G. Dickinson Company vs. Kay Laboratories, (Ernest Kay).

Mr. Hunt stated that this application came direct to the Commission from the Chief Examiner without reference to the Board of Review, pursuant to the rule of December 4, 1924.

Mr. Hunt presented memorandum of April 10th reviewing the record, concurring in the recommendation of the Chief Examiner for dismissal.

After consideration, on motion of Mr. Hunt, seconded by Mr. Van Fleet, the application for complaint was dismissed by the Commission.

(2) File 1-2649 - F. T. C. vs. New Jersey Retail Jewelers' Association.

Mr. Hunt stated that this application came direct to the Commission from the Chief Examiner without reference to the Board of Review, pursuant to the rule of December 4, 1924.

Mr. Hunt submitted memorandum of April 8th reviewing the facts, concurring with the recommendation of the Chief Examiner and recommending that the application be dismissed.

After consideration, on motion of Mr. Hunt, the application for complaint was dismissed by the Commission.

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(3) File 1-3017 - Pathe Exchange, Inc. vs. West Coast Theatres, Inc., et al.

Mr. Hunt submitted memorandum of April 7th reviewing the facts, concurring in the recommendation of the Board of Review and recommending that complaint issue.

The memorandum was read and after consideration, on motion of Mr. Hunt, it was directed by the Commission that two separate complaints issue, one against West Coast Theatres, Inc., and its subsidiaries: - West Coast Theatres, Inc. of Northern California; Venice Investment Company; Hollywood Theatres, Inc.; The co-partnership, Turner, Babken & Langley, or its successors; All Star Feature Distributors, Inc.; Educational Film Exchange; Principal Pictures Corporation and Messrs. A. L. Gore, Michael Gore, Sol Lesser, Adolph Sculsen, Dave Gershon and G. L. Langley as individuals; and one against West Coast Theatres, Inc.; West Coast Theatres, Inc. of Northern California; The T & B Jr. Enterprises, Inc.; Herbert L. Rothschild Entertainment, Inc.; and Turner, Babken & Langley, a co-partnership, charging violation of the Federal Trade Commission Act.

The file was referred to the Chief Counsel, via Pocket Section, for the preparation of complaints, the same to be thereafter served by the Secretary without further action by the Commission.

Mr. Hunt also presented file 30-93 - Foreign Trade complaint of Jan Gederen & Van Ick of Rotterdam, Holland, against Abraham Cash, of New York, with memorandum of April 7th reviewing the facts and concurring in the recommendation of the Export Trade Division that a report of the facts be made to the Department of Commerce, the papers received from that office returned and the case closed. The Commission also received draft of a letter to the Secretary of Commerce as prepared by the Export Trade Division.

After consideration, the recommendations of the Export Trade Division were approved and the letter submitted was approved and ordered forwarded after signature by the Chairman. See file.

Mr. Thompson presented the following listed applications for complaint and action as indicated was taken by the Commission:

(1) File 1-3484 - F. T. C. vs. Tidewater Oil Company, et al.

Mr. Thompson stated that this application came direct to the Commission from the Chief Examiner without reference to the Board of Review, pursuant to the rule of December 4, 1924.

Mr. Thompson presented memorandum of April 11th reviewing the facts, concurring in the recommendation of the Chief Examiner and recommending that the application be dismissed.

April 13, 1925.

The memorandum was read and after consideration, on motion of Mr. Thompson, the application for complaint was dismissed by the Commission.

(2) File 1-3479 - A. T. Walrusen Book Cover Company vs. Everett Wadley Company, et al.

Mr. Thompson presented memorandum of April 11th reviewing the record, concurring in the recommendation of the Board of Review and recommending that the application be dismissed.

After consideration, on motion of Mr. Thompson, the application for complaint was dismissed by the Commission.

(3) File 1-3469 - Gilchrist Company vs. Arnold Electric Company.

Mr. Thompson submitted memorandum of April 11th reviewing the record, concurring in the recommendation of the Board of Review and recommending that complaint issue.

The memorandum was read and after consideration, on motion of Mr. Thompson, it was ordered by the Commission (1) that complaint issue charging Arnold Electric Company with violation of the Federal Trade Commission Act in enforcing an unlawful scheme of resale price maintenance by cooperative methods; and (2) that an application for complaint be docketed involving the charge of pooling of applications for patents in restraint of trade.

The file was referred to the Chief Counsel, via Secret Section for the preparation of complaint under the rule, the same thereafter, to be served by the Secretary without further action by the Commission.

(4), File 1-3034 - North Banger Slate Company vs. Cartland Grinding Wheels Corporation, et al.

Mr. Thompson reported the facts as developed by preliminary investigation and set forth in the report of the Board of Review, and informed the Commission with respect to the recommendation of the Board that complaint issue and also informed the Commission with respect to the hearing given the proposed respondents by Mr. Thompson on April 7, 1925, pursuant to the action of the Commission on January 19, 1925.

Mr. Thompson stated that Messrs. John R. Kempf, President, Detroit-Star Grinding Wheel Company; Frank R. Henry, Vice-President and Secretary respectively of A. A. Simons-Dayton Company and Grinding Wheels Manufacturers' Association, Dayton, Ohio; and Clifford S. Anderson, Assistant Secretary of the Norton Company, Inc. of Worcester, Massachusetts, representing the proposed respondents attended the hearing in his office.

After discussion, Mr. Thompson offered the following motion:

"I move that complaint issue."

In substitution for the foregoing motion, it was moved by Mr. Humphrey, seconded by Mr. Van Fleet, that the file be referred back to the Board of Review with instructions to proceed under the

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rule of March 16, 1933, and accord the proposed respondents a hearing and report to the Commission.

The substitute motion was adopted by the Commission and it was so ordered.

As to the foregoing action, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Mr. Thompson voted in the negative.

Mr. Thompson also presented file 50-83 - Foreign Trade complaint of Tabacqueria Filipina of Shanghai, China against Thomas W. Simmons & Company of San Francisco, California, and called attention to memorandum of April 6th from the Export Trade Division reporting the result of informal investigation and recommending that report be made to the Department of Commerce, the papers received from that office returned and the case closed in this office. The Commission also received draft of a letter to the Secretary of Commerce prepared by the Export Trade Division.

After consideration, the recommendations of the Export Trade Division were approved and the letter as submitted was approved and ordered forwarded after signature by the Chairman. See file.

Mr. Humphrey presented file 1-3413 - American Association of Engineers (L. E. Drayer) vs. Loyne Trade & Engineering School, et al, and after reciting the facts, expressed the opinion that the case was not a proper one to be handled by stipulation as recommended by the Board of Review for the reason that the business engaged in was inherently fraudulent and that the case presented an exception to the rule of March 11, 1933.

Mr. Humphrey thereafter, offered the following motion:

Moved, that complaint issue charging Jai-Lay Home Study, Inc., et al, with violation of the Federal Trade Commission Act.

The motion was adopted by the Commission and it was so ordered.

It was further ordered that the Secretary forward statement of facts in the case to the Department of Justice and the Postoffice Department.

The file was referred to the Chief Counsel, via Pocket Section, for the preparation of complaint, the same thereafter, to be served by the Secretary without further action by the Commission.

April 12, 1925.

The following matters of general business forwarded to the Commission by the heads of the several divisions were presented by the Secretary and action as indicated was taken:

(1) Memorandum of April 10th from the Chief Counsel transmitting letter dated April 10, 1925, addressed to the Commission by T. John Fuller, Attorney-Examiner, in which Mr. Fuller resigned his position effective at the close of business June 6, 1925.

At the suggestion of Mr. Thompson, consideration of the resignation was laid over and made a Special Order of business after the regular order on Wednesday, April 15, 1925.

(2) Trade Practice Submittal Pamphlet.

In response to the action of April 8th, the Commission received from the Chief Examiner a memorandum in the nature of a "Foreword" for publication in a pamphlet covering trade practice submittals held before the Commission.

It was directed that the Chief Examiner's memorandum be circulated.

(3) The Secretary referred to the Commission's action of April 10th in granting Miss Florence L. Hughey, salary increase from \$1440. to \$1560. per annum and reported that under the efficiency ratings in force, Miss Hughey was eligible for an increase of but \$60. per annum.

The Commission thereupon, assented to previous order and directed that Miss Hughey be granted a salary increase from \$1440. to \$1500. the same to be effective April 16, 1925.

(4) Docket 1201 - J. R. Speal, et al.

The following orders submitted by the Chief Counsel were approved and entered: (1) that Sub Wadfill, an Examiner of the Commission be assigned to receive testimony, etc., and (2) that the hearing of the complaint begin at New York City, April 16, 1925, at 10:30 a.m.

The Commission recessed at 12:13 p.m., and reconvened at 2 p.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
Charles W. Hunt,
Huston Thompson,
William G. Humphrey.
Mr. Nugent absent.

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Pursuant to arrangements the Commission met to hear final argument in Docket 1186 - Louis Levitt. Attorney Brewnell was heard in support of the complaint. Attorney Frank R. Galigne was heard on behalf of the respondent. The hearing continued until the hour of 3 p.m., was concluded and the case taken under advisement.

Thereupon, at the hour of 3 p.m., the Commission adjourned to meet Tuesday, April 15, 1925, at 10 a.m.

Vernon W. Van Fleet,
Chairman.

Attest:

Otis B. Johnson,
Secretary.

Tuesday - April 14, 1925 - No meeting held.

MINUTES OF THE FEDERAL TRADE COMMISSION

Tuesday - April 15, 1925 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Nugent,
Charles W. East,
Eustice Thompson,
William E. Humphrey.

The minutes of the meeting of April 13, 1925, were read and approved.

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The Chairman presented the following matters and action as indicated was taken by the Commission:

(1) Letter of April 11th from the Postmaster General (Harry S. New) referring to the Commission's letter of April 15th, 1924, concerning the alleged use of the mails for fraudulent purposes by Mr. C. F. Lerman of Fort Worth, Texas and transmitting for the information of the Commission copy of a report of a Postoffice Inspector, dated March 30, 1923, showing the results of his investigation of the case and concluding with the recommendation that the case be closed.

The letter from the Postmaster General and the accompanying files were referred to the Chief Examiner for attention.

(2) Memorandum of April 13th from the Chief of the Export Trade Division transmitting papers received from the Exporters of Wood Products, Inc., New York City, in connection with its organization under the Export Trade Act. The memorandum stated that the papers appeared to be formally in shape for filing and recommended that the papers be placed on file in the Export Trade Division and the usual publicity given.

After consideration, an action of the Chairman, the recommendation was approved and it was so ordered.

(3) Foreign Trade complaint of Rotiere Pare & Fils against Victory Olive Oil Company.

Letter of April 13th was received from Messrs. Blake, Burham, Wilkinson & Jewell, attorneys, New York City, referring to the Commission's letter of April 11, 1925, advising that the Commission would not proceed in the matter for the reason that the complaint is now the basis of a suit at law and requested the Commission to reconsider its action and reopen the case and continue its investigation.

The letter was read and after discussion, at motion of the Chairman, the Secretary was directed to reply that the Commission declines to reconsider its action as set forth in its letter of April 11, 1925.

(4) Docket 1102 - Pacific Coast Steel Company, et al.

Letter of April 7th from Mr. Daniel E. Dougherty, attorney-at-law, San Francisco, California, referring to the dismissal of the complaint.

The letter was referred to the Chief Examiner for attention.

(5) Letter of April 6th from L. S. Barron, Omaha, Nebraska, requesting Federal Trade Commission regulations regarding the creamery business.

The letter was read and referred to the Chief Examiner for attention.

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(c) Letter of April 9th from S. C. Hille, Chairman, Executive Board, Music Publishers' Protective Association, New York City, expressing appreciation of the Commission changes in procedure and policies as announced March 17, 1935 and expressed the readiness of the Association to submit any information desired by the Commission concerning the Association's activities.

The letter was read and referred to the Secretary for acknowledgment and filing.

The Commission proceeded to the consideration of the following special orders of business appearing on the calendar:

(1) Updated memorandum from the Chief Counsel relative to authority of the Commission to proceed under certain portions of Senate Resolution 329, directing inquiry into electric power and Senate Resolution 34 with regard to cooperatives.

It was directed that a copy of the memorandum be delivered to each Commissioner and that the matter be considered as a Special Order of business after the regular order on Friday, April 19, 1935.

(2) File 1-3442 - F. T. C. vs. Connecticut Copper Corporation.

This case was before the Commission for consideration of the following memorandum from the Chief Counsel, dated April 8, 1935, reviewing the record and recommending that the application be dismissed:

"RECORD OF THE COMMISSION:

This report is in response to the direction of the Commission of March 27, 1935, in referring the above-entitled file to the Chief Counsel for legal opinion. It is deemed advisable to first set forth the salient facts.

The Connecticut Copper Corporation is a New York Corporation (incorporated in 1915) engaged principally in operating copper mines in Alaska.

The Utah Copper Company is a New Jersey corporation (incorporated in 1901) engaged principally in operating copper mines in Utah.

The Graham Copper Mines Company is a Delaware corporation (incorporated in 1909) engaged in operating copper mines in Chile.

Nevada Consolidated Copper Company is a Maine corporation (incorporated in 1904) engaged principally in operating copper mines in Nevada.

The Lander Lake Lignite Mines Company is a Delaware corporation (incorporated in 1917) engaged principally in operating copper mines in Alaska.

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In 1910, the Utah Company acquired 1,000,500 shares of the total 1,929,497 shares of the capital stock of the Nevada Company.

Between 1919 and 1923, the Kennecott Company acquired 1,210,370 shares of the total 1,624,490 shares of the capital stock of the Utah Company.

In 1915 and 1916, the Kennecott Company acquired practically the entire number of shares of the capital stock of the Braden Company.

In 1919, the Alaska Development Company, whose stock is owned by the Kennecott Company, acquired 1,900,100 out of 2,400,000 shares of the capital stock of the Mother Lode Company. The ore of the Mother Lode Mine is taken out through the Kennecott Company, Bonanza Mine, through a tunnel - this being the only feasible method of operating the Mother Lode mine. The ore is handled by the Kennecott Company and smelted at the Tacoma Smelter of the American Smelting & Refining Company, as is the ore from the Kennecott Company mines.

The Braden Company ships to Europe as much ore as that country will absorb (about 1/3 of its production) the balance is shipped to the United States and refined.

The Utah Copper Company's ore is refined by the Garfield Smelting Company at Garfield, Utah.

The Nevada Consolidated Company smelts its own ore and does not refine them. This is done by the American Smelting & Refining Company at Tacoma, Washington and Baltimore, Md.

The copper of the Kennecott, Braden, Nevada Consolidated and Utah sold in the United States is sold through the firm of Ruggenheim Bros. of New York City. This firm also sells the copper of the Ray Consolidated Copper Company and the China Copper Company. The Mother Lode copper sold in the United States is sold through the agency of American Smelting & Refining Company.

All the copper of the five companies above named which sold outside the United States was sold through the Copper Export Association until 1924. This Association was formed under the Webb Export Act, which until 1924, included most of the United States copper producing companies. In 1923, the Association shipped 60% of the total exports of refined copper from the United States. In 1924, eight members of the Association resigned, including the Kennecott and Utah companies. In 1925, the Association exported 34% of the total copper exported from the United States. The above companies are engaged in other activities which comprise mostly business carried on within the limits of their states. They are here concerned with only the copper business. The agreement between

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Copperstein Bros. and those companies provided that this firm is the exclusive agent for the sale of each company's copper. Each company may withdraw its copper temporarily from sale or make the minimum price below which it will not sell. The contract is subject to termination on short notice. Subject to these exceptions, each company agrees to deliver its total output at its own account.

During the years 1930 to 1932 inclusive, all the companies (except Mother Lode whose copper is sold through American Smelting & Refining Company) sold in the United States from 30,000,000 to 100,000,000 lbs. This was all sold through Copperstein Bros. The sales of the Mother Lode Copper Company amounted to from 10,735,490 in 1930 to 33,451,407 lbs. in 1932. The total production of copper in the United States was 1,309,681,640 lbs. in 1930 and in 1932, 1,124,939,472 lbs. The world's production of copper for 1930 was approximately 2,000,000,000 lbs.

The capacity of the copper mines of the United States is considerably more than the consumptive demand. The market is uncontrolled and highly competitive. The reason for this is the very large American and world production over consumption. The United States Geological Survey Report states that domestic production is much more than 25% over the consumptive market and that this excess production will not allow more than 70 to 75% of the productive capacity to operate without a loss and that the industry needs Government protection especially in the export trade and a more liberal policy "which might permit a reasonable selling price for the metal rather than to promote ruinous competition and the maintenance of high costs".

The facts here show that the controlling purpose of the Kennecott Company, in acquiring control of the companies, was to extend its business and by increase of production protect itself in the way of an increase in net earnings for the stockholders and not to stifle competition or create a monopoly or control the market. From the facts in this record, it is apparent that the control of these companies by the Kennecott Company would not put the Kennecott Company in a position in the copper business to affect the market price of copper or in any sense control the market.

It is apparent in the facts recited that the control of the Kennecott Company brought about by the purchase of the controlling stock in these companies is perfectly valid at common law and under the Sherman Law.

April 15, 1925.

In my judgment Section 7 of the Clayton Act calls for an application of reason applied to the facts and circumstances of the particular case. It is important to note that the function of the Commission is one of administration. Congress has the responsibility of the legislative which is being administered. The Commission has the responsibility of administering the law. This function of the Commission is one of administration and nothing would be more incompatible with its function or more undesirable in view of the important public duties that it is discharging than that it should rest the violations of the law upon technicalities or upon relief and remedy not in reason with the facts and circumstances as each case requires. This responsibility does not leave the mere application of intellect as that per se, necessarily and immediately any control by stock purchase creates a violation of the law. Section 7 does not mean that every purchase of stock resulting in control of management of one corporation engaged in interstate commerce over a competitor corporation engaged in interstate commerce creates per se a violation of the Clayton act.

On the other hand, Section 7 of the Clayton Act creates a different standard of reason to be applied from the standard of reason applied under the Sherman Law, i.e., the standard of reason which had been applied at common law. Section 7 was intended to step in the beginning, control through stock ownership where the result of combination by this method may be to occupy a position in that field tending toward monopoly or where the effect may be to substantially lessen competition between the companies to the combination brought about by virtue of the stock control. The intent was to eliminate the danger of such before the combination reached, by virtue of that result, violations of the Sherman Law. This does not mean, however, that every control by stock ownership by one interstate competitor over another interstate competitor is per se illegal. Certainly, some common judgment is to be applied.

In the case of the Commission v. Hygrade Lamp Company, the Hygrade Company acquired by stock purchase control of a competitor, the Lux Manufacturing Company, without application of reason to the special facts a complaint was recommended upon the ground of a technical violation of Section 7. The fact was that General Electric Company under valid patents controlled the manufacturing and selling of all tungsten lamps including those made and sold by the Hygrade Lamp Company and the Lux Company. The General Electric Company itself made and sold 85% and licensed the balance to 20 other companies under license. Hygrade and Lux combined made and sold 3 or 4%. The divestiture of the stock meant nothing. The license was the thing of value.

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A report on this case by the Chief Counsel recommended that the matter be dismissed. This is an extreme case but it aptly illustrates the necessity for an application of some standard of reason.

In the writer's opinion the acquisition of the shares of capital stock in question herein by the Kennecott Company has not been used to bring about a substantial lessening of competition. In view of the facts in this case, when all is said which the facts justify, the sole acquisition of the stock and its possible or potential exercise in the future, as well as to eliminate competition between the Kennecott Company and companies whose stock was acquired, is the only basis upon which may be invoked the prohibition of Section 7. I think the considerations that have been recited herein outweigh this to the extent of making it quite clear that there has not been a substantial lessening of competition within any reasonable meaning of Section 7.

It is to be noted that at all times prior to 1901 all companies sold through one common agency and since 1901 all companies sold to the same agency except the Mother lode Company which sells through a different agent. It is the fact that the selling agency agreements may be terminated on short notice. The fact that no competition existed prior to the acquisition of the stock in question would not in my judgment under different facts and circumstances thus appear in this case necessarily control. On the other hand, there should be no straining of the law regarding elimination of possible competition or potential competition. Possible competition or potential competition may mean many things. If the Section is construed to mean something that can be imagined or something that can be conjectured, then in my opinion the statute would be invalid. Under such circumstances it does not require much to bring anybody into competition with somebody under some circumstances if you are left free to conceive the circumstances. This in itself is sufficient to show that Congress never intended such an application of Section 7.

Suppose an order was entered directing a divestiture of the stock in question acquired by the Kennecott Company. Each company would continue to sell through a common sales agency. They always have and it appears to be the natural and efficient method of disposing of the copper because of the peculiar facts attendant in the industry. In my opinion the acquisition of the shares of capital stock in question herein by the Kennecott Company has not been used to bring about a substantial

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lessening of competition, and there has been none such. For the foregoing reasons I am of the opinion that the application for complaint should be dismissed.

(signed) W. H. Fuller,
Chief Counsel.

April 3, 1925.

WTK

The case was first presented by Mr. Van Fleet on March 16, 1925, with a recommendation for dismissal.

After consideration, Mr. Humphrey offered the following motion, which was seconded by Mr. Hunt:

Moved, that the recommendation of the Chief Counsel be adopted and the application for complaint dismissed.

In substitution for the foregoing motion, it was moved by Mr. Nugent, seconded by Mr. Thompson, that complaint issue as recommended by the Board of Review.

As to the substitute motion, Messrs. Nugent and Thompson voted in the affirmative and Messrs. Van Fleet, Hunt and Humphrey voted in the negative. The substitute motion was lost.

Vote was thereupon taken upon the original motion to dismiss the application for complaint. As to this motion, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The motion carried and it was so ordered.

Messrs. Nugent and Thompson asked that their dissent show upon the minutes, the order of dismissal and the correspondence with the parties. Mr. Thompson stated that he would file a dissenting memorandum.

(2) Letter of April 16, 1925 from Attorney T. John Butler resigning his position effective June 6, 1925.

At the suggestion of Mr. Thompson, consideration of the resignation was laid over and made a Special Order of business after the regular order on Friday, April 17, 1925.

Mr. Humphrey presented a letter of April 10th from J. H. McLaurin, President, American Wholesale Grocers' Association, Washington, D. C., requesting a hearing before the Commission with respect to the practices of certain trade agencies.

The letter was read and referred to the Secretary to be acknowledged and circulated.

April 19, 1935.

The following matters of general business forwarded to the Commission by the heads of the several divisions were presented by the Secretary and action as indicated was taken by the Commission:

(1) Memorandum of April 10th from the Chief Counsel reporting in accordance with the direction of the Commission as set out in its memorandum of March 17th, in which the Chief Counsel was directed to report on all formal cases now pending with a view to ascertaining whether or not such cases involve public interest sufficient to warrant further proceeding. The memorandum set forth the Chief Counsel's examination of the following cases together with a recommendation in each case or group of cases:

Packet 1006 - Brand & Oppenheimer.
Packet 1045 - Waterman Ink Pencil Company.
Packet 1144 - Parfumers' Journal.
Packet 1176 - Taverly Oil Works.
Packet 1185 - Fivolt-Union Company.
Packet 1187 - Franklin Coal Company.
Packet 1190 - U. S. Sanitary Specialties Corporation.
Packet 1211 - Sea Island Thread Company.
Packet 1230 - New England Manufacturing Company.
Packet 1236 - Double A. Platinum Works.
Packet 1238 - Permutit Company.
Packet 1237 - California Grape Growers' Exchange.
Packet 1241 - Julius Bierlein.
Packet 1245 - B. Z. E. Knitting Company.
Packet 1252 - The Long-Hock Company.
Packet 1260 - Wilson Picture Company.
Packet 1261 - Conn-Hall-Lark Company.
Packet 1265 - Baltimore Paint & Color Works.
Packet 1267 - Cuban-American Sponge Company.
Packet 1268 - Bardell Brothers.
Packet 1269 - Shanghai Lace Corporation.
Packet 1270 - Tsungyang Brothers.
Packet 1271 - W. Riscallan & Company.
Packet 1272 - H. B. Bardwell & Company.
Packet 1273 - A. D. Sutton & Sons.
Packet 1274 - Alfred Ashberg.
Packet 1275 - Kimo & Lalotak.
Packet 1282 - Triplex Sales Company.
Packet 1283 - Non-Plate Engraving Company, Inc.
Packet 1294 - Plateless Engraving Company.
Packet 1215 - Dr. V. H. Barry Chemical Company.
Packet 1210 - The Vanner Laundry & Furnace Company, et al.
Packet 1286 - Vanner Silk Knitting Mills.
Packet 1283 - Serres-Anos Company, et al.
Packet 1216 - American Goods Export Association.
Packet 1244 - Pacific Commercial Company, et al.

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Docket 1276 - Lewis Brothers, et al.
 Docket 1238 - Gano, et al.
 File 1-3271 - Royal Soap Company.
 File 1-3218 - Wapstead Leather Company, et al.
 File 1-3457 - Continental Company.
 File 1-3469 - Benson Leather Cloth Company.
 File 1-3314 - Chapman Knitting Mills, et al.

It was directed that a copy of the memorandum be delivered to each Commissioner and the matter considered as a Special Order of business after the regular order on Wednesday, April 22, 1925.

(1) Memorandum of April 16th from the Assistant Secretary recommending that the temporary employment of Messrs. Frank G. Weatherabee, Joseph L. Capinera and James H. Golden, dictaphone operators at salaries of \$1320. per annum, U. S. V. Grade 2 be continued for a further period of three months.

The recommendation was approved by the Commission and the extension of the temporary employment authorized and directed.

(2) Docket 945 - Keith Thomas Black Company.

Memorandum of April 16th was received from the Chief Counsel reporting that brief of attorney for the Commission is due on April 19, 1925 and recommending that the time for filing the Commission's brief be indefinitely postponed to enable the Commission's attorney to negotiate with respondent for the disposition of the case by stipulation.

The memorandum was read and thereafter, the following action was offered by Mr. Humphrey, seconded by Mr. Hunt:

Moved, that the recommendation of the Chief Counsel be adopted and the Chief Counsel be authorized to negotiate with respondent for the disposition of the case by stipulation.

In substitution for the foregoing motion, it was moved by Mr. Rogers, seconded by Mr. Thompson, that the recommendation of the Chief Counsel be disapproved and that the matter proceed in the regular course.

As to the substitute motion, Messrs. Rogers and Thompson voted in the affirmative and Messrs. Van Fleet, Hunt and Humphrey voted in the negative. The substitute motion was lost.

Vote was thereupon taken upon the original motion for stipulation. As to this motion, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Rogers and Thompson voted in the negative and asked that their dissent enter upon the minutes, the correspondence, any order issued and also any publicity statement made.

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Mr. Thompson reads the following statement for the record:

"I wish my dissent to show that after spending the time, money and energy necessary to bring this case up to the point of oral argument, where it now is, that the Commission should have the right to hear oral argument."

(4) Docket 1358 - Wickwire-Spencer Steel Corporation.

Memorandum of April 10th was received from the Chief Counsel transmitting request of counsel for respondent for an extension of time to and including May 27, 1935, for filing answer and recommending that the request be granted.

The request was granted and order to this effect approved and entered.

(5) Docket 913 - American Tobacco Company, et al.

Docket 917 -	"	"	"
Docket 969 -	"	"	"
Docket 984 -	"	"	"
Docket 997 -	"	"	"
Docket 1013 -	"	"	"
Docket 1032 -	"	"	"
Docket 1076 -	"	"	"
Docket 1070 -	"	"	"
Docket 1214 -	"	"	"

The Secretary referred to the action of the Commission under date of April 3, 1935, in dismissing the complaints in the foregoing listed cases and submitting draft of an order of dismissal prepared by the Chief Counsel which reads as follows:

IN THE MATTER OF)	Docket No.'s
)	913, 917, 969, 984, 997,
The American Tobacco Company, et al.,)	1013, 1032, 1036, 1070, 1214.

ORDER OF DISMISSAL

Came on for consideration the question of further proceeding in certain of the so-called Tobacco Cases, being all those cases in which the American Tobacco Company is charged with conspiring, during the year 1921, with tobacco jobbers in various sections of the United States to suppress competition. The Commission has before it the letter of March 18, 1935, from Mr. Julius Parker, as General Counsel for the American Tobacco Company, and the memorandum, dated March 21, 1935 of the Commission's attorney having those cases in charge,

"There has been referred to me, via the Chief Counsel's Office, with instructions to prepare and submit a memorandum with respect to the questions presented, the letter of Mr. Junius Parker, counsel for The American Tobacco Company, under date of March 10, 1937, relative to a disposition of the following so-called tobacco cases, in each of which the American Tobacco Company is a respondent and is joined with tobacco farmers in various localities:

- Docket No. 916, Milwaukee jobbers.
Docket No. 917, Chattanooga jobbers.
Docket No. 968, Kansas City jobbers.
Docket No. 984, Pittsburgh (Western Pa.)
jobbers.
Docket No. 987, Erie, Pa. jobbers.
Docket No. 1013, Columbus Gro. grocers and
fishhouse jobbers.
Docket No. 1032, Pacific Coast jobbers.
Docket No. 1036, Wilkes-Barre (Eastern Pa.)
jobbers.
Docket No. 1072, New England jobbers.
Docket No. 1211, West Virginia Wholesale grocers.

The question Mr. Parker raises is whether the public interest will be served by a further prosecution of these cases as against the American Tobacco Company. The pertinent part of Mr. Parker's letter is in substance as follows: That in the spring and summer of 1921 there was a slump in business due to a reaction from war extravagance and war carelessness as to prices. Jobbers were cutting prices on cigarettes and tobacco to such an extent that very few of them were selling these products as high as actual cost of doing business, and that many of them, distributors of the American Tobacco Company, were in danger of insolvency. Because of this situation, and the damage to the Tobacco Company's distribution, the Company felt it incumbent upon itself "to go as far as the law permitted in securing the jobbers of its products a living compensation." He then states that with the coming of something like normal conditions in 1922 the activities of the cigarette men, this line ceased. He virtually

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admits that this activity took the form complained of by the Commission when he says, on the last page of his letter,

'They [referring to the various cases] were never started until after the American Tobacco Company had ceased all activities, proper or improper, which are complained of.'

He further refers to the Philadelphia case now pending before the Circuit Court of Appeals, the Second Circuit, and states that if the court sustains the Commission there will be an order to cease and desist that will be coextensive with the country but if it should not sustain the Commission that it would be a judicial determination that what was done by the Company in Philadelphia is not violative of the law, for what was done in Philadelphia was the same as what was done in other sections of the country.

It will be readily conceded that it is not the province of the Commission to punish for past acts, but rather, finding business conditions existing presently, so to speak, to order them to cease and desist. Therefore, if Mr. Parker's premise is correct, that is, that the activity of the American Tobacco Company, about which the Commission complains, was brought about by a certain condition in business, that that condition passed away and such activity, therefore, ceased some three years ago, then the conclusion that there is no public interest in the further prosecution of these cases is almost inevitable.

The writer is not familiar with Dockets 918 and 917 as these cases were handled entirely by Mr. M. L. Smith. I have taken all the evidence in Dockets 969 and 1003; I have carefully studied and analyzed the investigation file in Docket 1070 and have supplemented it with some field investigation. I have also studied and analyzed the investigation files in Dockets 984, 987, 1013 and 1014. (I have not yet given any attention to Docket 1036). In addition to the information I have from the above-mentioned sources I have talked to a great many witnesses who did not go and have not yet gone on the stand.

In the light of the information I have from these sources, I know that Mr. Parker's description of the generalized condition of the tobacco and cigarette business in 1932 is a fair statement, and I am convinced that all activity of the

April 13, 1925.

American Tobacco Company along the lines set out in the complaints in those cases closed with the year 1922.

As to the other respondents in those cases, the Local Tobacco Associations, Mr. Parker expressed the belief that none of these associations have really functioned since the early spring of 1922. This is true as to Pocket 960, Kansas City, 984, Pittsburgh, 987, Erie, 1070, New England, with the possible exception of Boston, and 1032 the Pacific Coast, with the exception of Oregon. I have no information as to Pocket 912, Milwaukee, and 917, Chattanooga, which, as I said, were handled by Mr. Smith. In Pocket 1013, Columbus, O., and 1014, West Virginia, the respondents, other than the American Tobacco Company, are Wholesale Grocers Associations. I am of the opinion that these associations still exist, but have no information as to whether they are taking any joint action on tobacco prices.

There is no evidence that there are any local tobacco associations in New England, with the possible exception of Boston. There is some indication that an association still exists there and is still working along the lines of fixing uniform prices on tobacco products. As to the other exception mentioned above, that is, the Oregon Association (Pocket 1032) there is no doubt in my mind that this association still exists and is functioning. Its secretary and directing officer is Mr. Roscoe L. Nelson of Portland, a prominent lawyer of that city. At the time of the hearing in Pocket 1032 at Portland, Mr. Nelson readily admitted that he had an association, that they fix a uniform price on tobacco products, that they levied fines and penalties for a violation of the price schedule, but contended that they were not violating the Federal Trade Commission Law because they were not within the jurisdiction of the Commission. Their articles of association limit their activity on price fixing entirely within the state of Oregon and it was his contention that they were strictly following this policy. It was clear from the evidence that they were endeavoring to follow this policy but it was also as equally clear that they were not able to do so in every case, there were some cases in which their influence and activity extended outside State lines. If the Commission desires to ascertain with certainty whether the association is still functioning, a letter of inquiry to Mr. Nelson would bring a prompt and reliable response.

April 15, 1925.

I am, therefore, of the opinion that there is no public interest in the further prosecution of these tobacco cases or against the American Tobacco Company. It seems to me that they can be disposed of without prejudice, upon the ground that the activity complained of ceased with the year 1921. That is our information and there is a direct representation to that effect in Mr. Parker's letter. If the company should again resume the same or similar practices, after the Commission has dismissed these cases, it seems to me that it would be such evidence of a fixed intent that they would be heard with poor grace to again say that they had ceased before the Federal Trade Commission had issued its complaint.

Respectfully submitted,

(signed) Robt. S. McMillen."

The Commission has fully considered the matter, has been fully advised in the premises, and relies upon the truth of the representations of the respondent, American Tobacco Company, in said letter contained, that it had ceased early in 1922 the practices complained of, and the information in the hands of the Commission confirms these representations.

The Commission finds that the respondent local tobacco jobbers in the following localities, to wit: Kansas City (Docket 96), Western Pennsylvania (Docket 204), Erie, Pennsylvania (Docket 987), and New England with the possible exception of Boston (Docket 1070), and the states west of the Rocky Mountains with the possible exception of Oregon (Docket 1032), did also cease, early in the year 1922, the practices complained of. But the Commission was not sufficient information since the year 1922 to inform it whether the same be true of the respondent local jobbers in Oregon (Docket 1032), Boston (Docket 1070), Milwaukee (Docket 912), Chattanooga (Docket 917), Columbia and Cleveland (Docket 1013), Eastern Pennsylvania (Docket 1036), and West Virginia (Docket 1114). In the pending complaints the foregoing groups of jobbers are joined with respondent American Tobacco Company; three years have elapsed since the Commission's investigation into their activities closed, and in the meantime there have been, without doubt, many business changes among such jobbers.

In view of all the foregoing facts and considerations, a majority of the Commission are of the opinion that the public interest would not be served by a further prosecution of the above mentioned complaints.

April 16, 1935.

IT IS HEREBY ORDERED that the complaints in the following matters be, and hereby are, dismissed without prejudice to future action by the Commission should the practices complained of, or practices similar thereto, be resumed by the respondents or any of them:

Docket No. 912,	American Tobacco Company, et al.
Docket No. 917,	" " "
Docket No. 969,	" " "
Docket No. 984,	" " "
Docket No. 987,	" " "
Docket No. 1013,	" " "
Docket No. 1020,	" " "
Docket No. 1036,	" " "
Docket No. 1070,	" " "

and as to the American Tobacco Company only.

Docket No. 1014, American Tobacco Company, et al.

AND IT IS FURTHER ORDERED that the Chief Examiner's Office make such investigation as may be necessary to ascertain whether the respondent local jobbers in Oregon, Boston, Milwaukee, Chattanooga, Columbus and Cleveland, West Virginia and Eastern Pennsylvania are continuing the practices complained of so as to warrant the issuance of separate complaints against them.

Commissioners Johnson and Magent dissent.

By order of the Commission:

Osie B. Johnson,
Secretary.

RMH:Mjw
April 16, 1935.

Copy/MSH
4-16-35."

The Chairman explained the contents of the order and particularly that portion which directed the Chief Examiner to make further investigation of certain cases and thereafter offered the following motion:

Moved, that the foregoing order, amending the order of April 3, 1935, be adopted as submitted.

April 13, 1925.

The motion was seconded by Mr. East and adopted by the Commission and it was so ordered.

As to the foregoing motion, Messrs. Van Fleet, East and Thompson voted in the affirmative and Messrs. Nugent and Thompson voted in the negative.

Messrs. Nugent and Thompson asked and it was ordered, that their dissent show up in the minutes, the order of dismissal, and any publicity statement issued and stated that they would file a dissenting memorandum to accompany the order.

The minutes of April 7, 1925, stated that Mr. Van Fleet would file a memorandum sustaining the action of the Commission in dismissing the complaints.

The order was referred to the Secretary for service.

(6) Monthly report of the Chief Economist of the work of the Economic Division for the month of March 1925.

The report was received and placed in the Calendar.

(7) Memorandum of April 10th was received from Mr. Francis Walker, Chief Economist, transmitting a letter addressed to the Personnel Classification Board requesting change of allocation from Professional Grade VI to Professional Grade VII.

It was directed that the matter be circulated.

(8) Memorandum of April 10th from the Chief Economist transmitting a letter addressed to the Personnel Classification Board by Mr. George P. Watkins, requesting change in allocation from Professional Grade IV to Professional Grade V.

It was directed that the matter be circulated.

(9) File 1-2715 - Green Oil Soap Company re. Viscor Soap & Oil Company.

Memorandum of April 1st was received from the Chief Examiner reporting the facts and stating that in view of the fact that there appears to be no substantial public interest in this matter and that the applicant was wronged at law, and recommending that this application be dismissed under the change in the rules adopted by the Commission March 11, 1925.

The memorandum was read and after discussion, Mr. Van Fleet offered the following motion, which was seconded by Mr. Thompson:

Moved, that the application be dismissed upon the recommendation of the Chief Examiner for lack of public interest.

The motion was unanimously adopted and it was so ordered.

Mr. Thompson stated for the record that he voted in the affirmative on the motion for the reason that he believed that there was no unfair method of competition shown under the facts reported by the Chief Examiner.

Mr. Nugent stated for the record that he voted "aye" on the motion because of the absence of public interest.

April 19, 1935.

(10) File 1-3683 - Tampa Cigar Manufacturers' Association vs. W. G. Blossing & Company, et al.

Memorandum of April 9th was received from the Chief Examiner referring to the Commission's action of March 26, 1935, as follows: "That the Chief Examiner be directed to negotiate for and enter into a stipulation with Messrs. Blossing and W. G. Dunn, under the rule, with the understanding communicated to them, that findings of fact and an order to cease and desist, based on said stipulation, will be entered by the Commission and issued."

The Chief Examiner stated that he had proceeded to prepare a proposed stipulation but upon submitting the file to the Chief Counsel's office for the purpose of passing on the sufficiency of the document, the Chief Counsel suggested that an averment had been made and that the Commission did not mean that a formal complaint would issue, if the stipulation should be signed. The Chief Examiner asked instructions.

The memorandum was read and after discussion, an action of Mr. Van Fleet, the file was ordered circulated.

(11) File 1-3528 - F. Y. C. vs. Lime Juice Bottling Company.

Memorandum of April 9th was received from the Chief Examiner reporting that the case had been handled pursuant to the Commission's authority of March 9, 1935, by stipulation, and transmitting respondent's letter of March 30, 1935, agreeing to discontinue the practices, etc., and recommending that the stipulation be accepted and the application dismissed.

The Chief Examiner also reported pursuant to the action of March 26th, that consultation had been had with a number of respondent's competitors, i.e., Genco-Cola Company, De Cocco-Cola Company and The Pepsi-Cola Company, for the purpose of ascertaining the correctness of the charge by the respondent that these competitors had contracts containing a resale price maintenance clause similar to that questioned in the contracts of the respondent. As to this charge the Chief Examiner reported that the contracts of the Genco-Cola Company and The Pepsi-Cola Company, competitors of the respondent contain no resale price maintenance clauses. As to the De Cocco-Cola Company, the Chief Examiner reported that the contracts of this Company were under investigation in file 1-3572 - Nu-Grape Company of America vs. De Cocco-Cola Company.

The memorandum was read and thereafter, Mr. Van Fleet offered the following action, which was accepted by Mr. Nugent:

Moved, that the stipulation be accepted and the application dismissed.

The motion was adopted by the Commission and it was so ordered.

April 16, 1935.

Mr. Nugent called the Commission's attention to the fact that the rule of March 11, 1933, requires a stipulation of consent, upon which the Commission will decide and that under this rule, the Chief Examiner has been forwarding to the Commission not stipulations signed by the respondents and a representative of the Commission, but letters signed alone by the proposed respondents, which letters are submitted in lieu of stipulations. Mr. Nugent raised the question of whether or not a proper legal stipulation should be required under the rule.

After discussion, Mr. Hunt, Commissioner-in-Charge of the Chief Examiner's Office was requested to take this question up with the Chief Examiner and report back to the Commission.

(10) File 1-3038 - William Kinross & Company vs. Ohio Shellac Company.

Memorandum of April 7th was received from the Chief Examiner reporting that respondent has violated its stipulation under which this application for complaint was dismissed on December 21, 1933 and recommending that complaint issue charging the Ohio Shellac Company with violation of the Federal Trade Commission Act.

The memorandum was read and at the suggestion of the Chairman, the file was referred to him for examination and report back.

(11) Tentative allocation of funds for the fourth quarter of the present fiscal year covering the months of April, May and June 1935, was submitted by the Secretary and laid over for consideration as a Special Order of business after the regular order on Friday, April 17, 1935, with the direction that copies of the budget be delivered to each Commissioner.

(12) Memorandum of April 11th from the Chief Economist transmitting draft of reply to a letter of April 3, 1935 from Mr. Sydney Anderson, President of the Millers' National Federation in regard to the collection and dissemination of statistics by the association.

It was directed that the papers be circulated.

(13) Memorandum of April 11th from the Chief Economist transmitting copies of letters of February 19 and February 24, 1935, from Sydney Anderson, President of the Millers' National Federation, declining to permit access to the Association's files.

It was directed that the matter be circulated.

From the Circulating Calendar the Commission considered the following matters and action as indicated was taken by the Commission:

April 15, 1935.

(1) Memorandum of March 17th from the Personnel Office transmitting report of leave record of employees for the calendar year 1934 and also reporting a list of employees

Heise H. Butler,
 Edwin B. Key,
 Caroline V. Hyde,
 Nicholas Miles, Jr.,
 Waring P. Stearns

who during the calendar years 1932, 1933 and 1934 took approximately the full amount of thirty days of both annual and sick leave.

The memorandum was circulated April 1, 1935. Notations by the several Commissioners were read and after discussion, the Secretary was directed to report in writing the circumstances surrounding the leave taken by the above named employees.

(2) Report by Attorney Burling, dated March 31, 1935 in regard to the acquisition by the Interstate Window Glass Corporation of the Consolidated Window Glass Company, June Glass Company, Pennsylvania Window Glass Company, et al and recommending that the matter be declared as an application for complaint against the Interstate Window Glass Corporation, such recommendation was concurred in by the Chief Examiner.

The report was circulated March 27, 1935. Notations by the several Commissioners were read and thereafter, Mr. Van Fleet offered the following motion, which was accepted by Mr. Hunt:

Moved, that the papers be filed without action.

As to the foregoing motion, Messrs. Van Fleet, Hunt and Montgomery voted in the affirmative and Messrs. Tolson and Thompson voted in the negative. The motion carried and it was ordered that the papers be filed without action.

Mr. Thompson made the following statement for the record:

"I call attention to my statement in the file and vote 'no' on this motion in accordance with the statement."

Mr. Thompson's statement reads as follows:

"I am strongly in favor of a complaint under Section 5 for Section 5 according to the Supreme Court may be declarative of the Sherman Act.

According to the report before us we certainly have a monopoly in the making here. The combine under question will be the second largest in the United States. Year concerns now make seventy per cent of all window glass in

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the United States. The Interstate Commerce will make a survey in a certain geographical district in the United States and as such is against the decision of the Supreme Court and the principle principle concerned in the brief case even though that was a Section 7 case."

"B.7."

(3) Report 1034 - Subject Taking Powder Company.

Memorandum of March 21st from the Chief Counsel reporting in response to the Commissioner's direction of March 27th that this complaint had not contained a specification covering the use of, independent of the so-called "Water-Glass Test" and defining the remedy for the violation from the complaint of the specification. This report was reported by the Commissioner following the receipt of letter of March 26th from Attorney, Mr. Hall, Lewis & Cunningham.

The file was circulated April 1, 1925. Letters to the several Commissioners were sent. The explanation of the Chief Counsel in his memorandum of March 27th was satisfactory to the Commissioner and it was directed that the same be received and filed and that in accordance with the Chief Counsel's recommendation a letter be sent by the Secretary in reply to the letter of March 26th from Messrs. Lewis, Hall, Lewis & Cunningham, thanking for the response.

(4) Memorandum of March 21st from the Chief Counsel transmitted preliminary investigation of undetected application against the L. & S. Lumber Company of Chicago, Illinois, with the recommendation that the file be forwarded to the Postoffice Department.

The file was circulated March 27th. Letters to the several Commissioners were sent and thereafter, it was ordered upon motion of Mr. Van Fleet, seconded by Mr. Humphrey, that the suggestion of Mr. Hays as recorded in the file be adopted. Mr. Hays's suggestion reads as follows:

"I agree that this matter be referred to the Postoffice Department with the request that if that Department concludes not to take action, the file be returned to us."

This action was adopted and it was so ordered.

(5) Ticket 1164 - Lewis & Cunningham and a Miller Company.

"1164 - Lewis & Cunningham and a Miller Company."

Memorandum of March 21st was received from the Chief Counsel in regard to possible violation of the same and similar orders entered in the two above mentioned cases, stating that it appears

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from the record that the former complaints and orders have not cured the evils against which they were directed and that respondents are not in any sense wholesalers but do business directly with the consumer in every instance and recommending that the Chief Examiner make an investigation of this phase of the case.

The file was circulated April 1st. Notations by the several Commissioners were read and thereafter, the recommendations of the Chief Examiner were adopted and it was so ordered.

(6) Bucket 1213 - Barnes-Ware Company, et al.

Memorandum of March 17th from the Chief Counsel recommending that respondent be granted a hearing upon its motion to dismiss the complaint on jurisdictional grounds.

The file was circulated March 22nd. Notations by the several Commissioners were read and thereafter, on motion of Mr. Lugert, decided by Mr. Humphrey, it was directed that the respondent be granted a hearing upon its motion to dismiss the complaint on jurisdictional grounds and that the Secretary set the matter down for hearing on Tuesday, April 2, 1935, at 10 a.m., and notify the respondent of the time and place of hearing by registered mail.

(7) Preliminary report, dated March 27th from Attorney Henry F. Alden, in regard to the acquisition by the National Distillers' Products Corporation of Kentucky Distillers & Warehouse Company, Kentucky Alcohol Corporation, Liberty Yeast Company, The Humble Distilling Company, Henry W. Kempfeldt & Company and E. O. S. Food Products War Line Company and recommending that the matter be filed without action.

The file was circulated April 1st. Notations by the several Commissioners were read and thereafter, it was ordered that the file be closed without action.

Mr. Thompson presented the following listed applications for complaint and action as indicated was taken by the Commission:

(1) File 1-1698 - F. T. S. vs. Ford Brothers & Company, et al.

Mr. Thompson stated that this application came direct to the Commission from the Chief Examiner without reference to the Board of Review pursuant to the rule of December 4, 1934.

Mr. Thompson recited the facts including the recommendations of the Staff and thereafter, offered the following recital:

Moved, that the application for complaint be dismissed.

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The motion was seconded by Mr. Hunt and adopted by the Commission.

In the foregoing notice, Messrs. Van Fleet, Hunt and Thompson voted in the affirmative, Mr. Subject voted in the negative and Mr. Humphrey did not vote.

(2) File 1-2667 - Karyales Company vs. Hercules Candy Manufacturing Company, et al.

Mr. Thompson called attention to the memorandum of March 15th from the Chief Examiner requesting authority to proceed under the rule of March 11, 1935 and thereafter offered the following motion:

... Moved, that the application for complaint be dismissed.

In substitution for the foregoing motion, it was noted by Mr. Van Fleet, seconded by Mr. Hunt, that the recommendation of the Chief Examiner be accepted and that the case be referred to the Chief Examiner to be handled under the rule of March 11, 1935, by stipulation and report made to the Commission.

The substitute motion was adopted and it was so ordered.

(3) File 1-2668 - George Looms Inc. Cream Company, Inc. vs. Atlanta Chocolate Confectioners' Association, et al.

Mr. Thompson verified the facts in the case and called the Commission's special attention to the recommendation of Special Agent Arnold that complaint issue against the Atlanta Chocolate Confectioners' Association, et al and that no complaint be issued against the Looms Company; Planters' Nut & Chocolate Company and the Hershey Chocolate Company.

Mr. Thompson also called special attention to the report of the Board of Review recommending that two complaints issue, one against the respondent Association, Atlanta Chocolate Confectioners' Association, its officers and members, et al, and the second complaint against the respondent, Planters' Nut & Chocolate Company.

Mr. Thompson also called attention to the supplemental recommendation of Attorney Dolbe, member of the Board of Review, that complaint issue not only against The Atlanta Chocolate Confectioners' Association, et al; and The Planters' Nut & Chocolate Company but also against other manufacturers, i.e., Looms Company and The Hershey Chocolate Company.

After discussion, Mr. Thompson offered the following motion, which was seconded by Mr. Page:

... Moved, that complaint issue as recommended by the Board of Review including the manufacturers mentioned by Attorney Dolbe in his supplemental recommendation.

April 15, 1925.

In substitution for the foregoing motion, Mr. Van Fleet offered the following motion, which was seconded by Mr. Hunt:

Moved, that complaint issue be recommended by Special Agent Arnold and that no complaint issue be in any other parties.

After discussion, and prior to vote upon either the motion or the substitute motion, the case was referred to Mr. Van Fleet, at his suggestion for further examination and report to the Commission.

Thereupon, at the hour of 12:15 p. m., the Commission adjourned to meet Friday, April 17, 1925, at 10 a.m.

Vernon B. Van Fleet,
Chairman.

Attest:

Edith M. Smith,
Secretary.

Thursday - April 16, 1925 - No meeting held.

LISTING OF THE FORMAL TRAFFIC COMMISSION

Friday - April 17, 1925 - 10 a.m.

PRESENT:

Vernon B. Van Fleet, Chairman,
John F. Nugent,
Charles W. Hunt,
Huston Thompson,
William C. Humphrey.

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The minutes of the meeting of April 13, 1923, were read and approved.

Former docket cases appearing on the Weekly Conference calendar for final determination were considered and action as indicated was taken:

(1) Docket 1186 - Louis Leavitt.

This case came before the Commission for final determination upon the following record: complaint; answer; testimony; report upon the facts by Trial Examiner Addison; exceptions thereto by counsel for the Commission and counsel for the respondent; brief by counsel for the Commission and counsel for the respondent. Final argument was heard April 13, 1923. Attorney Brownell represents the Commission. Attorney Frank H. O'Connell represents the Respondent.

After consideration, on motion of Mr. Hunt, it was directed by the Commission that an order to cease and desist issue and that the Chief Counsel prepare and submit to the Commission for approval as to form, draft of findings as to the facts and order to cease and desist.

Mr. Sugent did not participate in the final disposition of the case for the reason that he was not present at the oral argument before the Commission.

(2, Docket 1234 - Kings & Rochester.

On October 15, 1922, the Commission returned this case to the Chief Counsel with instructions that the stipulation of facts and the findings as to the facts be redrawn to include therein the same preliminary matters as are included in the modified findings as to the facts in the Don-G-Lac case - Docket 924.

Pursuant to this action, the case is now before the Commission for consideration of modified stipulation as to the facts and proposed modified findings as to the facts and order to cease and desist. The following papers have been placed in the hands of each Commissioner: memorandum of March 20th from the Chief Counsel transmitting the case; modified stipulation as to the facts; proposed modified findings as to the facts and order to cease and desist submitted by the Chief Counsel with memorandum of March 20, 1923; findings as to the facts and order to cease and desist issued by the Commission on August 14, 1922; modified findings and order in Docket 924 - Don-G-Lac Company; complaint.

Mr. Van Fleet suggested that Paragraph One of the modified order be amended by the addition of the words "a color adjective" so as to make such Paragraph read as follows:

"1. Using the words 'Pure Shellac' or 'Shellac' alone or in connection with a color adjective, unless the product designated is pure shellac gum dissolved or cut in alcohol."

April 17, 1925.

Upon motion of Mr. Van Fleet, it was so ordered by the Commission.

After consideration, on motion of Mr. Van Fleet, seconded by Mr. Hunt, the modified stipulation submitted by the Chief Counsel with memorandum of March 20, 1925, was accepted and the modified findings as to the facts and order to cease and desist as amended were adopted by the Commission and ordered issued.

As to the foregoing action, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Nugent and Thompson voted in the negative and stated that they based their dissent upon their views as expressed in connection with the modification of the findings and order in Docket #24 - Don-O-Lac Company and asked that their dissent to this effect show upon the minutes and the modified findings and order.

(3) Docket 1033 - Baer Brothers.

On October 10, 1924, the Commission returned this case to the Chief Counsel with instructions that the stipulation of facts and the findings as to the facts be redrawn to include therein the same preliminary matters as are included in the modified findings as to the facts in the Don-O-Lac case - Docket #24.

Pursuant to this action, the case is before the Commission for consideration of modified stipulation as to the facts and proposed modified findings as to the facts and order to cease and desist.

The following papers have been placed in the hands of each Commissioner: memorandum of March 20th from the Chief Counsel transmitting the case; modified stipulation as to the facts; proposed modified findings as to the facts and order to cease and desist submitted by the Chief Counsel with memorandum of March 20, 1925; findings as to the facts and order to cease and desist issued by the Commission on October 10, 1924; modified findings and order in the Don-O-Lac case - Docket #24.

Mr. Van Fleet suggested that Paragraph One of the modified order be amended by the addition of the words "a color adjective" as as to date such Paragraph read as follows:

"1. Using the words 'Pure Shellac' or 'Shellac' alone or in connection with a color adjective unless the product designated is pure shellac gum dissolved or put in alcohol."

Upon motion of Mr. Van Fleet, the amendment was ordered by the Commission.

After further consideration, on motion of Mr. Van Fleet, seconded by Mr. Hunt, the modified stipulation submitted by the Chief Counsel with memorandum of March 20, 1925, was accepted and the modified findings as to the facts and order to cease and desist as amended were adopted by the Commission and ordered issued.

SAFETY FILM

April 17, 1935.

As to the foregoing action, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Lugent and Thompson voted in the negative and stated that they based their dissent upon their views as expressed in connection with the modification of the findings and order in Bucket 934 - Ben-G-Lac Company and asked that their dissent to this effect show upon the minutes and the modified findings and order.

(4) Bucket 1095 - DeGolyer Varnish Works.

On October 19, 1934, the Commission returned this case to the Chief Counsel, with instructions that the stipulation of facts and the findings as to the facts be redrawn to include therein the same preliminary matters as are included in the modified findings as to the facts in the Ben-G-Lac case - Bucket 934.

Pursuant to the above action, the case is before the Commission for consideration of modified stipulation as to the facts and findings and order. The following papers have been placed in the hands of each Commissioner: memorandum of March 28th from the Chief Counsel transmitting the case; modified stipulation as to the facts; findings as to the facts and order to cease and desist submitted by the Chief Counsel and certified to in memorandum of March 28, 1935; modified findings and order in the Ben-G-Lac case - Bucket 934; complaint.

After consideration, on motion of Mr. Van Fleet, it was directed that an order to cease and desist issue.

Mr. Van Fleet suggested that Paragraph One of the order be amended by the addition of the words "a color adjective" so as to make such Paragraph read as follows:

"1. Using the words 'Pure Shellac' or 'Shellac' alone or in connection with a color adjective, unless the product designated is pure shellac, as dissolved or out in alcohol."

Upon motion of Mr. Van Fleet, the amendment to the order to cease and desist was directed by the Commission.

After further consideration, on motion of Mr. Van Fleet, seconded by Mr. Hunt, the modified stipulation submitted by the Chief Counsel with memorandum of March 28, 1935, was accepted and the findings as to the facts and the order to cease and desist as amended were adopted by the Commission and ordered issued.

As to the foregoing action, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Lugent and Thompson voted in the negative and stated that they based their dissent upon their views as expressed in connection with the modification of the findings and order in Bucket 934 - Ben-G-Lac Company and asked that their dissent to this effect show upon the minutes and the findings and order. It was so ordered by the Commission.

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(5) Docket 1256 - Advance Paint Company.

This case comes before the Commission for final determination upon the following record: undated memorandum from the Chief Counsel transmitting the case and recommending that the complaint be dismissed; complaint; stipulation as to the facts. No answer was filed. No testimony was taken nor briefs filed. Attorney Brownell represents the Commission. Attorney William E. Bailey represents the respondent.

After consideration, Mr. Van Fleet offered the following motion:

Moved, that the recommendation of the Chief Counsel be adopted and that the complaint be dismissed with a full statement of the reasons as shown by the record and as set forth in the Chief Counsel's memorandum.

The motion was seconded by Mr. Hunt and adopted by the Commission and it was so ordered.

As to the foregoing motion, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Nugent and Thompson voted in the negative and asked that their dissent be noted on the minutes and on the order of dismissal. It was so ordered.

The Chief Counsel was directed to prepare and the Secretary to serve order of dismissal.

(6) Docket 1277 - Soni & Liveright, Inc.

This case comes before the Commission for final determination upon the following record: undated memorandum from the Chief Counsel transmitting the case; complaint; testimony; stipulation as to the facts; findings as to the facts and order to cease and desist submitted by the Chief Counsel. No answer was filed. Attorney Brownell represents the Commission. Respondent has no attorney of record.

After consideration, on motion of Mr. Nugent, the Commission directed that an order to cease and desist issue.

Upon further motion of Mr. Nugent, the findings as to the facts and order to cease and desist as submitted by the Chief Counsel with undated memorandum were amended as shown on attached copy.

As amended the findings and order were adopted by the Commission and referred to the Secretary for service without further action by the Commission.

(7) Docket 1080 - Wisconsin Cooperative Creamery Association, et al.

On January 16, 1925, the Commission directed the Chief Counsel to prepare and submit to the Commission for approval, draft of findings as to the facts and order to cease and desist.

April 17, 1925.

On March 6, 1925, the case was returned to the Chief Counsel with instructions that Trial Attorney Flannery prepare and submit to the Commission a memorandum of his views with respect to the matters set forth in the memorandum of March 3, 1925, from the Chief Counsel, wherein the Chief Counsel expressed the opinion that the facts will not support an order.

Pursuant to the above action, the case is before the Commission for consideration of memorandum of Trial Attorney Flannery. The following papers have been placed in the hands of each Commissioner: memorandum of April 8th from the Chief Counsel; memorandum of April 1st from Trial Attorney Flannery; memorandum of March 3rd from the Chief Counsel; findings as to the facts and order to cease and desist; complaint.

After consideration, on motion of Mr. Van Fleet, seconded by Mr. Hunt, it was directed that an order to cease and desist issue and that the findings as to the facts and order to cease and desist submitted by the Chief Counsel with memorandum of March 3, 1925, be adopted and issued.

The findings and order as adopted were referred to the Secretary for service without further action.

The Commission thereupon proceeded to the consideration of the following matters listed on the Calendar as special orders of business and action as indicated was taken:

(1) Memorandum from the Chief Counsel in regard to the authority of the Commission to proceed under Section 6 of the Federal Trade Commission Act.

After brief discussion, upon motion of Mr. Nugent, this matter was laid over for consideration as a Special Order after the regular order on Friday, April 24, 1925.

(2) Resignation of Attorney T. John Butler.

Memorandum of April 10th was received from the Chief Counsel transmitting letter of April 10, 1925 from Attorney Butler resigning his position effective at the close of business June 6, 1925. The Chief Counsel recommended that the resignation be accepted and that the charges and the answer of Mr. Butler be withdrawn from the files.

After consideration, on motion of Mr. Humphrey, the resignation of Attorney Butler was accepted by the Commission effective at the close of business June 6, 1925.

The Secretary was instructed by the Commission to withdraw the charges and the answer referred to from every record of the Commission, but that the confidential minutes made in reference thereto stand.

April 17, 1925.

(3) Allocation of funds for the fourth quarter of the present fiscal year.

Mr. Nugent reported conference with the Chief Economist with respect to the tentative budget submitted by the Secretary on April 15, 1925 and suggested that the amount of \$12,000 for travel expense made available in this budget to the Chief Counsel, Chief Examiner and the Chief Economist be equally divided among these three divisions.

After discussion, it was agreed that consideration of the budget be laid over until Monday, April 20, 1925, in order to permit conference between Mr. Hunt and the Chief Examiner and Mr. Humphrey and the Chief Counsel.

Mr. Thompson presented letter of April 16th from Mr. Herman Blum, President and Treasurer of L. A. Craftex Mills, Inc., Philadelphia, Pennsylvania, commenting on Mr. Thompson's dissent in the Ballineen case, setting forth the adoption by the trade of term "Rayon" to designate the product heretofore known as Artificial Silk and making inquiry whether the Commission would officially recognize this term as a new generic name.

On motion of Mr. Thompson, the letter was referred to the Chief Counsel and the Chief Examiner for report as to whether the Commission has made any expressions in the past with respect to this term.

Mr. Hunt stated that in response to the Commission's request of April 16th, he had conferred with the Chief Examiner in regard to the form of stipulation to be used in the settlement of applications for complaints under the rule of March 11, 1923. Mr. Hunt submitted memorandum of April 16th from the Chief Examiner stating that the form of letter now in use in lieu of legal stipulation followed the form approved by the Commission in handling cases by stipulation under the rule of February 7, 1923, but stated that if the Commission thought it desirable the Chief Examiner will at once begin following substantially the form of stipulation now in use by the Chief Counsel in formal cases, viz: with a caption showing the parties, followed by the necessary recitals between the Chief Examiner and the proposed respondent and providing that the same is made subject to the approval of the Commission.

The Chief Examiner's memorandum was read and thereafter, on motion of Mr. Hunt, seconded by Mr. Humphrey, the suggested plan of the Chief Examiner was adopted and it was directed that the form of stipulation described in the memorandum be used in the settlement of applications for complaint under the rule of March 11, 1923.

April 17, 1925.

Mr. Hunt also presented a letter of April 14th from the Corn Belt Serum Company, East St. Louis, Illinois, complaining of statements used in advertising by the Gregory Farm Laboratories, White Hall, Illinois, containing an intimation that the serum and virus of other serum companies who use stockyard pigs in the production of their product is full of organisms harmful to the serum.

The letter was read and referred to the Chief Examiner for attention.

The following matters of general business forwarded to the Commission by the heads of the several divisions were presented by the Secretary and action as indicated was taken by the Commission:

- (1) Docket 1010 - Pittsburgh Coal Company of Wisconsin, et al.

Memorandum of April 14th was received from the Chief Counsel transmitting request of counsel for the respondent for an extension of sixty days in which to file report of compliance with the Commission's order and recommending that the extension be granted.

The recommendation was approved and the extension of sixty days granted and the Chief Counsel directed to prepare and the Secretary to serve appropriate order.

- (2) Report from the Chief Examiner showing the status of docketed applications which have been pending before the Legal Investigating Division for more than six months.

The report was received and placed in the Calendars.

- (3) Docket 1255 - Civil Service School, Inc.

Letters of April 11th from the United States Civil Service Commission (John T. Doyle, Secretary), referring to the order recently issued by the Commission in the above case and making complaint against the following schools:

Federal Civil Service School, W. B. Jaynes, Proprietor.
Civil Service Preparatory School, L. Adolph Richards, Principal.
Columbia School of Civil Service, George W. Robbins, President.

It was directed that the letters be circulated.

- (4) Docket 1048 - Moleproof Hosiery Company.

Upon receipt of memorandum of April 15th from the Chief Counsel, the Commission set the case down for final argument before the Commission on Wednesday, April 29, 1925, at 2 p.m., with the direction to the Secretary that interested parties be notified by registered mail.

April 17, 1923.

(5) Pocket 1127 - Calumet Baking Powder Company.

Upon receipt of memorandum of April 16th from the Chief Counsel, the Commission set the case down for final argument before the Commission on Monday, May 25, 1923, at 3 p.m., with the direction that the Secretary notify interested parties thereof by registered mail.

(6) Letter of April 16th from Clarence W. Davis resigning his position as general mechanic, custodial service, Grade VI, \$1300, effective at the close of business April 15, 1923.

The resignation of Mr. Davis was accepted by the Commission.

The Secretary was authorized and directed to employ a general mechanic to fill the vacancy caused by the resignation of Mr. Davis at the minimum salary of the grade occupied by Mr. Davis, to-wit: custodial service Grade VI at \$1300.

(7) Letter of April 16th from Miss Edith B. Seamer, stenographer in the Administrative Division requesting thirty days leave without pay from April 17, 1923.

The leave requested was granted by the Commission.

Thereupon at the hour of 12:15 p.m., the Commission adjourned to meet Monday, April 20, 1923, at 10 a.m.

Attest:

[Signature]
Otis S. Johnson,
Secretary.

Vernon W. Van Fleet,
Chairman.

Saturday - April 18, 1923 - No meeting held.

Sunday - April 19, 1923 - No meeting held.

April 20, 1925.

MEETING OF THE FOREIGN TRADE COMMISSION

Monday - April 20, 1925 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Nugent,
Charles W. Hunt,
Huston Thompson,
William L. Humphrey.

The minutes of the meeting of April 17, 1925 were read and approved.

Mr. Van Fleet exhibited the following listed applications for complaints and foreign trade complaint and action as indicated was taken by the Commission:

- (1) File 1-2800 - Charles v. Sohn re. Aluminum Company of America.

Mr. Van Fleet read a memorandum reviewing the facts and the recommendations of the Investigating Staff and the Board of Review and after discussion suggested that the Board of Review be heard. The Board of Review was heard.

At this time Mr. Thompson was removed from the meeting.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Nugent,
Charles W. Hunt,
William L. Humphrey.

Mr. Thompson absent.

After further discussion, Mr. Van Fleet offered the following motion:

Moved, that the Chief Counsel be instructed to take up this case with the proper parties in the Department of Justice personally and see what the condition of the matter is over there and what the prospects might be for action by the Department of Justice and report to the Commission.

April 20, 1925.

The motion was adopted by the Commission and it was so ordered and the file referred to the Chief Counsel.

At the suggestion of Mr. Nugent, the case was listed on the Conference Calendar for Friday, April 24, 1925.

(2) File 1-3034 - William Zinsener & Company vs. Ohio Shelled Company.

Mr. Van Fleet referred to the Commission's action of April 13, 1925 in transmitting this case to him for report in connection with the memorandum of April 7th from the Chief Examiner reporting that respondent had violated its stipulation with the Commission and recommending complaint under the Federal Trade Commission Act. Mr. Van Fleet recited the facts and thereafter offered the following motion:

Moved, that complaint issue forthwith under the Federal Trade Commission Act against the individuals in the Company and against the Company charging the facts in the case and further that an agreement was made with the Commission and a stipulation entered into and setting out the stipulation in the complaint and alleging its subsequent violation by the respondents.

The motion was seconded by Mr. Humphrey and adopted by the Commission and it was so ordered.

The file was transmitted to the Chief Counsel, via Buckett Section for the preparation of complaint to be served by the Secretary without further action by the Commission.

It was ordered upon further motion of Mr. Van Fleet, that as soon as answer is filed, or answer is due, that the case be not referred to a Trial Examiner for the taking of testimony but be set before the Commission for trial at the earliest possible date.

(3) File 1-3680 - National Pharmacy Company vs. Pender Company.

Mr. Van Fleet recited the facts and thereafter, moved that the case be dismissed, pursuant to the recommendation of the Board of Review.

The motion was adopted and the application for complaint dismissed by the Commission.

(4) File 1-3540 - L. E. Waterman Company vs. Waterman & Company (P. C. Waterman and W. B. Wales.)

Mr. Van Fleet recited the facts and thereafter moved that the application for complaint be dismissed. The Board of Review recommended that complaint issue.

The motion was seconded by Mr. Nugent and adopted by the Commission and it was so ordered.

April 20, 1925.

- (5) File 1-3843 - Turner & Parker, Inc. vs. Golden Pappy Company.

Mr. Van Fleet recited the facts and thereafter offered the following motion:

Moved, that the case be referred to the Chief Examiner to be settled under the rule of March 11, 1923 by stipulation.

The motion was seconded by Mr. Hunt and adopted by the Commission and it was so ordered.

As to the foregoing motion, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Mr. Nugent voted in the negative.

Mr. Nugent asked that his dissent show and made the following statement for the record:

"I vote 'no' in view of the action heretofore taken by the Commission in a number of instances in issuing complaints in this class of cases and in view of the holding of a trade practice submitted and the issuance of a statement by the Commission covering the subject."

- (6) File 30-21 - Foreign Trade complaint of Juan I. Salvo of San Salvador, C. A., against the Geneva Cutlery Company of Geneva, S. V.

Memorandum of April 1st from the Chief of the Export Trade Division reporting the facts developed by preliminary inquiry and recommending that the facts be reported to the Commerce Department, the papers received from that office returned and the case in this office closed. The Commission also received letter to the Secretary of Commerce as prepared by the Export Trade Division.

The recommendation of the Export Trade Division was adopted and the letter approved and ordered forwarded.

Mr. Nugent presented the following listed applications for complaint and action as indicated was taken by the Commission:

- (1) File 1-3492 - F. T. C. vs. Green Satch Company.

Mr. Nugent submitted memorandum of April 6th reviewing the facts, concurring in the recommendation of the Board of Review and recommending dismissal.

The memorandum was read and after consideration, on motion of Mr. Nugent, the application for complaint was dismissed by the Commission.

April 26, 1935.

(2) File 1-3677 - United States Pencil Company vs.
United States Pencil Company.

Mr. Nugent stated that this application came direct to the Commission from the Chief Examiner, without reference to the Board of Review, pursuant to the rule of December 4, 1924.

Mr. Nugent submitted memorandum of April 13th reviewing the facts, concurring in the recommendation of the Chief Examiner and recommending that the application for complaint be dismissed.

The memorandum was read and after consideration, on motion of Mr. Nugent, the application was dismissed by the Commission.

Mr. Hunt presented file 1-3634 - F. T. C. vs. Ray Generalized Ledger Company and stated that this application came direct from the Chief Examiner without reference to the Board of Review pursuant to the rule of December 4, 1924.

Mr. Hunt submitted memorandum of April 14th reviewing the facts, concurring in the recommendation of the Chief Examiner and recommending that the application be dismissed.

The memorandum was read and after consideration, on motion of Mr. Hunt, the application was dismissed by the Commission.

As to the foregoing action, of the Commission, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Mr. Nugent voted in the negative.

Mr. Nugent asked and it was ordered that his dissent show upon the minutes, the order of dismissal and any correspondence with the parties and that he would file a dissent in writing.

The Chairman submitted the following matters and action as indicated was taken by the Commission:

(1) Docket 1253 - Geesee Manufacturing Company, et al.

The Chairman read to the Commission a letter of April 16th from Messrs. Winston, Strawn & Snow, Chicago, Illinois, attorneys for the respondents, requesting that the Commission remit the case to the Board of Review for the purpose of granting the respondents a hearing before the Board of Review and for the purpose of having the Board make such recommendations as are proper and lawful for the approval of the Commission.

After discussion, Mr. Van Fleet offered the following motion:

Moved, that the case be referred back to the Board of Review with the letter of April 16th from counsel for the respondents and the Board of Review directed to notify counsel for the respondent that they may appear

April 20, 1923.

within ten days from receipt of the notice for a hearing before the Board and present such matters as they desire relative to this case; with instructions to the Board to thereafter make speedy report to the Commission.

The motion was seconded by Mr. Humphrey and after discussion was adopted by the Commission and it was so ordered with Messrs. Van Fleet, Hunt and Humphrey voting in the affirmative and Mr. Nugent voting in the negative.

Mr. Nugent asked and it was ordered, that his dissent come upon the minutes and the correspondence.

(2) Letter of April 17th from the American Walnut Manufacturers' Association, Chicago, reporting the proposal of the Northwest Hardwood Company to introduce as a cabinet wood, the native Oregon Myrtle under the name of "Hague River Walnut". The letter stated that Oregon Myrtle is not related to walnut in any way and requested the Commission to discourage the efforts to introduce this wood under the name suggested.

The letter was read and referred to the Chief Examiner for attention, after its acknowledgment by the Secretary.

(3) Letter of April 17th from The Viscose Company, New York City, referring to the dissent in the Lullineen case and to the adoption by the trade of the word "Rayon" as a new generic term to designate the material heretofore called artificial silk and making inquiry whether the Commission would recognize the adoption of the term officially.

The letter was read and referred to the Secretary for acknowledgment and to the Chief Counsel and the Chief Examiner for report.

(4) Letter of April 13th from the Civil Service Commission inviting attention to the existing rule that no employee shall be promoted during probation except upon approval of the Civil Service Commission.

The letter was read and referred to the Secretary for attention.

(5) Letter of April 16th from the Missouri Farmers' Association, Inc., Columbia, Missouri, alleging that Fourth Class Postmasters are making an unfair fight on the Association in the shipment of eggs.

The letter was read and referred to the Chief Examiner for attention.

April 30, 1925.

(6) Docket 1241 - Thomas E. Fowle Lumber Company.

Letter of April 16th from the Bureau of Foreign & Domestic Commerce of the Department of Commerce offering assistance in the matter of the use of the name Philippine Mahogany.

The letter was read and referred to the Chief Counsel for consideration in the trial of the above case and similar cases. The Secretary was directed to acknowledge the letter.

(7) Letter from Dr. C. Fauguet, Chief of the Cooperatives Service, International Labour Office, Geneva, transmitting a circular letter and preliminary notes on the inquiry into the relations between agriculture and distributive cooperative societies, with request that the Commission furnish information on the subject.

The letter was read and referred to the Export Trade Division for attention.

The following matters of general business forwarded to the Commission by the heads of the several divisions were presented by the Secretary and action as indicated was taken by the Commission:

(1) An undated memorandum from Mr. George E. Wallace, Special Attorney (received by the Secretary April 17, 1925) resigning his position effective at the close of business May 14, 1925.

The resignation was accepted by the Commission.

(2) Memorandum of April 18th was received from the Chief Economist referring to a memorandum from the Chief Counsel in regard to the powers of the Commission under Section 6 of the Federal Trade Commission Act (see minutes of April 15, 1925) and requesting that the Commission allow the Chief Economist until the 24th day of April to prepare and submit his comment thereon.

The memorandum was read and the request was granted by the Commission, on motion of Mr. Nugent.

Thereupon, at the hour of 12:15 p. m., the Commission adjourned to meet Wednesday, April 22, 1925, at 10 a.m.

Vernon E. Van Fleet,
Chairman.

Attest:

Edwin E. Johnson
Edwin E. Johnson,
Secretary.

April 22, 1925.

Tuesday - April 21, 1925 - No meeting held.

MEETING OF THE FEDERAL TRADE COMMISSION

Wednesday - April 22, 1925 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Nugent,
Charles W. Hunt,
Rustan Thompson,
William C. Humphrey.

The minutes of the meeting of April 20, 1925 were read and approved.

The Chairman presented the following matters and action as indicated was taken by the Commission:

(1) Letter of April 16th from the Department of Agriculture (R. T. Dudley, Acting Secretary) replying to the Commission's letter of April 4th in which an opinion was requested of the Department in the matter of a complaint registered with the Commission by a foreign consignee concerning a shipment of Western Red wheat.

The letter was read and referred to the Export Trade Division for attention.

(2) Letter of April 16th from The Merchant's Association of New York transmitting copy of resolutions adopted by the Board of Directors April 16, 1925, recommending the change in policy and procedure instituted by the Commission and announced March 17, 1925.

The letter was read and referred to the Secretary for acknowledgment.

In the matter of No. 1060 - John C. Kingston Company and in response to the Commission's request, Mr. Nugent reported conference with Attorney Busch with respect to the question of applying to the Supreme Court for writ of certiorari to review the decision of the United States Circuit Court of Appeals for

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the Third Circuit. Mr. Nugent stated that the conference related particularly to matters set out in a trade practice submitted with the Subscription Book Publishers and the statements of the Commission issued with respect thereto, under date of July 31, 1924; and that Attorney Busick had stated that the trade practice submitted with the Subscription Book Publishers was not held until three months after the attestation of facts was entered into in which this case was heard and was not therefore introduced in evidence; but that if the Winston Company continued to pursue the practices in the future and if evidence was produced to that effect, it might be well to issue another complaint in which the opinion of the trade as registered in the trade practice submitted should be introduced in evidence and that both he and Attorney Busick had come to the conclusion to let the case rest and inform Attorney Edwin B. Cassels, representing the Subscription Book Publishers' Association, interveners herein, that if the Winston Company continued to pursue the practices and if evidence was produced to that effect it might be well for another complaint to be issued.

After discussion, Mr. Nugent offered the following motion:

Moved, that no application for writ of certiorari be made in this case and that Attorney Busick be directed to communicate with Attorney Cassels with respect to the decision of the Commission not to apply for the writ.

The motion was adopted by the Commission and it was so ordered.

Mr. Hunt referred to the tentative budget providing for allocation of funds for the Fourth Quarter of the present fiscal year as prepared by the Secretary and submitted to the Commission on April 13, 1925. Mr. Hunt reported conference with Assistant Chief Examiner Anderson in the absence of the Chief Examiner, with reference to the allocation of funds for travel as suggested in the budget and thereafter, offered the following motion:

Moved, that the allocations made by the Secretary be approved as submitted.

The motion was seconded by Mr. Humphrey.

In substitution, Mr. Nugent offered the following motion:

Moved, in substitution, that in view of the fact that the Chief Counsel and the Chief Examiner in the aggregate exceeded their allotment in the sum of approximately \$5000. in the last quarter, while the

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Chief Economist by strict economy remained within his allotment to the extent of over \$600, and as the Chief Economist is now engaged in the prosecution and preparation of reports under Congressional resolutions and in my judgment under the circumstances these reports are of more importance than the investigation of certain of the cases now before the Chief Examiner and the Chief Counsel, that an equal division of the \$13,000. allotment for traveling expenses for the current quarter would be fair and I move that the \$13,000. be divided into three equal parts, to-wit: that \$4,333. be allotted to the Chief Economist and a like amount to the Chief Counsel and the Chief Examiner.

The substitute motion by Mr. Dugent, was seconded by Mr. Thompson.

As to the substitute motion, Messrs. Dugent and Thompson voted in the affirmative and Messrs. Van Fleet, Hunt and Humphrey voted in the negative. The substitute motion was lost.

Vote was then taken upon the original motion by Mr. Hunt to adopt the budget submitted by the Secretary. As to this motion, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Dugent and Thompson voted in the negative. The motion was adopted and it was so ordered.

The budget so adopted follows:

"Allotments for period April-June 1925
and expenditures January-March 1925.

	Allotment April-June.	Expended January-March.
<u>ADMINISTRATIVE</u>		
Salaries	\$12,535.00	\$43,704.31
Supplies	1,700.00	4,174.73
Rents	3,185.97	1,474.47
Communications	272.53	1,121.02
Total	48,393.50	52,474.53
<u>GENERAL</u>		
Salaries	48,904.00	56,862.98
Travel Expenses	2,000.00	12,187.80
Total	61,904.00	69,050.78
<u>FIELD SERVICE</u>		
Salaries	12,843.00	13,483.37
Witness Fees	300.00	1,127.50
Reporting Service	900.00	3,168.13
Travel Expenses	2,000.00	13,377.44
Total	48,043.00	61,156.44

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CHIEF CLERK

Salaries	\$49,765.00	\$50,137.60
Contract Services	100.00	124.51
Travel Expenses	<u>5,000.00</u>	<u>13,221.74</u>
Total	\$54,865.00	\$63,483.85

BOARD OF REVIEW

Salaries	\$,715.00	\$,751.26
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EXPORT TRADE

Salaries	\$,215.00	\$,233.04
Travel Expenses	<u>200.00</u>	<u>505.66</u>
Total	\$,215.00	\$,638.70

- SUMMARY -

Administrative	\$48,394.00	\$49,473.59
Recreation	\$1,000.00	\$80,490.47
Chief Clerk	48,845.00	\$1,136.49
Chief Examiner	\$4,545.80	\$3,600.54
Board of Review	\$,715.00	\$,755.31
Export Trade	<u>2,215.00</u>	<u>2,428.70</u>
Total	\$105,710.80	\$108,421.54

AMOUNT AVAILABLE

Lump Sum Appropriation	\$940,000.00
Expend July-March	<u>217,201.02</u>
Balance	\$722,798.98

REMARKS

Maintenance: Does not include fire alarm included in operating list.

Recreation: Does not include, fees, Pickensburg, Back on leave without pay, for leaves, vacation, travel and other assigned to other Divisions. Included amount of reduced salary and increases allowed under Re-Classification to Bullock, Robinson and Farrell.

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Chief Council Includes Hane, DeBruier, McKee, Fennester, Horton, Barnett, Barnes and Nolan, also Margaret Herrity. Does not include Alvord, Cole, McMillen and Miller. Includes \$300. contract service for Jackson.

Chief Engineer Includes Palmer from April 1924, Alvord and Haines, also promotion of \$180. for Miss Kriesling. Does not include Hane, Horton, Barnett assigned to Chief Council or Margaret Herrity, included in Loring's list.

Board of Review Includes McMillen and Cole and eliminates DeBruier and McKee, assigned to Chief Council.

(Signed) Otis S. Johnson,
Secretary."

Mr. Hunt presented certain additional data to accompany his memorandum of March 21st regarding upon trade practice submitted held at Omaha, Nebraska, on March 18th by manufacturers of Mill-Hag Shovelers Denver and Virgo. Mr. Hunt informed the Committee respecting the additional data and suggested that the original file accompanied by the additional papers be circulated. It was so ordered.

Mr. Thompson submitted a letter of April 14th from James Lindsay, Minister of Labor, Province of Ontario, referring to a report by the Committee into alleged continuation in the distribution of profits and royalties in Western Canada and requesting any information which the Commission has in its records regarding the Lash organization, etc.

The letter was read and referred to the Secretary for reply and with instructions to furnish any public information available.

Mr. Humphrey presented letter of April 16th from the National Steel Construction Company, Seattle, Washington (John Wilson, President), complaining of alleged discrimination in freight rates and asking that the Whitaker Steamer Company, Portland, Ore., et al, be ordered to desist from allowing freight on their goods and that their goods be sold on the Pacific Coast at the same prices they are sold at the factory plus all freight charges.

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The latter was read and referred to the Chief Examiner for informal inquiry and report to the Commission.
In this connection, Mr. Nugent offered the following motion:

Moved, that the Chief Examiner be requested to report to the Commission, the progress made in the investigation ordered some time since in respect to the practices followed by steel manufacturers, other than the United States Steel Corporation in regard to the 'Pittsburgh Plus' system; and also that the Chief Examiner be directed to report the progress made in the investigation ordered several months ago with respect to the system followed by sugar manufacturers similar to the Pittsburgh Plus system.

The motion was adopted by the Commission and it was so ordered.

Mr. Thompson, thereupon, moved that a similar request be addressed to the Chief Economist, with the direction that he report to the Commission, pursuant to the Commission's Directive of February 18, 1923, the progress made in the inquiry ordered with respect to the loading point practice in the cement industry.

The motion was adopted and it was so ordered.

At the suggestion of Mr. Humphrey, the Commissioner, thereupon, proceeded to consider as a Special Order of business, the memorandum of April 18, 1925, from the Chief Counsel reporting in accordance with the Commission's Directive of March 17th with respect to all formal cases now pending in the Chief Counsel's office with a view to ascertaining whether all such cases involve public interest sufficient to warrant further proceedings. The Chief Counsel set forth in his memorandum an enumeration of the following cases and recommendations concerning each case:

- Packet 810 - Grand A. Oppenheimer.
- " 1243 - Waterbury Ink Penell Company.
- " 1144 - Perfumers' Journal.
- " 1176 - Waverly Oil Works.
- " 1138 - Fivell-Linton Company.
- " 1197 - Franklin Feed Company.
- " 1190 - U. S. Sanitary Specialties Corporation.
- " 1211 - San Island Thread Company.
- " 1220 - New England Manufacturing Company.
- " 1226 - Double A. Plastics Works.

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Docket 1223 - Vermitt Company.
" 1237 - California Grape Growers' Exchange.
" 1241 - Julius Kierfein.
" 1245 - S. Z. B. Knitting Company.
" 1250 - The Long-Rock Company.
" 1249 - Wilson Fixture Company.
" 1251 - John-Hall-Lark Company.
" 1260 - Baltimore Paint & Color Works.
" 1267 - Cuban-American Sponge Company.
" 1268 - Hardell Brothers.
" 1269 - Shanghai Lure Corporation.
" 1270 - Leong Brothers.
" 1271 - W. Sigelbach & Company.
" 1272 - A. P. Hardell & Company.
" 1273 - A. B. Sutton & Sons.
" 1274 - Alfred Kohlberg.
" 1275 - Lisa & Halstah.
" 1282 - Twinplex Sales Company.
" 1283 - Mon-Plate Engraving Company, Inc.
" 1284 - Photoless Engraving Company.
" 1210 - Dr. G. H. Perry Chemical Company.
" 1213 - Banner Laundry & Finishing Company, et al.
" 1290 - Banner Silk Knitting Mills.
" 1286 - Royal Soap Company.
" 1296 - Chipman Knitting Mills, et al.
File 1-3318 - L. I. Dupont de Nemours & Company, et al. vs. Laphland Leather Company, et al.
" 1-3407 - Tanners' Council of America vs. Laphland Leather Company.
" 1-3409 - Tanners' Council of America vs. Laphland Leather Company.
Docket 1202 - Surace-Arce Company, et al.
" 1214 - American Wool Export Association.
" 1244 - Pacific Commercial Company, et al.
" 1278 - Lewis Brothers, et al.
" 1279 - Lane, et al.

The Commissioner considered the foregoing listed cases and action as indicated herein was taken:

(a) Docket 850 - Brand & Oppenheimer.

With respect to this case, the Chief Counsel reported as follows:

"The complaint herein charges respondent with the use of the word 'alkette' as a label upon an advertisement of a cotton fabric, which is finished to look like silk. The file contains sufficient evidence to support the complaint concerning this particular word. However, in respondent's answer, that since the

955
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Commission's investigation, it has changed its advertising and its label, and that it now uses the phrase 'all cotton' or some similar phrase, whenever it uses the word 'silkette'.

"Sufficient public interest appears in this proceeding. The case presents a grave question as to whether or not the word 'silkette' when accompanied by the words 'all cotton', has the capacity or tendency to mislead or deceive anyone. The attorney who has charge of this case has filed a memorandum with the Chief Examiner requesting further investigation to determine what the exact label now used by respondent is and whether or not, in its present form, it is considered to be misleading.

"It is recommended that this matter proceed and await this further investigation and that the matter be considered in the light of the facts developed by this investigation."

After consideration, the Commission approved the recommendation of the Chief Counsel and directed that the case proceed as recommended.

(b) Docket 1083 - Waterman Ink Pencil Company.

With respect to this case, the Chief Counsel reported as follows:

"The charge in this case is that respondent, in advertising and labelling its ink pencils, used the name 'Waterman' in conspicuous type and by the form of its advertising and circulars featured the name 'Watermans', so that the purchasing public was misled and deceived into the belief that such ink pencils were the product of the well known concern of L. & Waterman & Company, famous for its product of Waterman fountain pens.

"It appears from the file that the Postoffice Department received a complaint concerning this case respondent and investigated a charge that he was using the mails for fraudulent purposes. The Postoffice Inspector, a copy of whose report is in the file, found that the respondent had abandoned his former place of business in June or July of 1922 and search failed to locate him. There is also in the files a record of attempts by Commission's representatives to find this respondent, all of which have met with failure.

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"I therefore recommend, that this proceeding be dismissed, on the ground that since the respondent has gone out of business, there is no longer public interest in further action."

After consideration, on motion of Mr. Van Fleet, seconded by Mr. Humphrey, the recommendation of the Chief Counsel was approved and the complaint dismissed on the ground that since the respondent has gone out of business, there is no longer any public interest in further action.

Mr. Sugart made the following statement for the record:

"I vote for dismissal for the reason that as respondent has gone out of business, there is no one against whom the Commission can proceed or issue an order."

Mr. Thompson made the following statement for the record:

"I vote 'aye' for the reason that there is no respondent against whom the Commission can proceed, the respondent having gone out of business."

(c) Docket 1144 - Perfumers' Journal and Essential Oil Recorder.

With respect to this case, the Chief Counsel reported as follows:

"The complaint herein charges respondent with the adoption and use of a name for his publication similar to that of a competing publication of an earlier origin. It appears that respondent and the complaining company are each engaged in the publication of a trade paper for distribution to the manufacturers of and dealers in perfumes, cosmetics and the like. The name of the complaining witness's paper is 'The American Perfumer & Essential Oil Review'. This paper is published by Louis G. Levy and was established in 1908. Complainant alleged that his paper had become known to the trade as 'The Perfumers Journal'. Respondent purchased a going concern which was publishing a paper called 'Perfumery Art' in 1920 and thereupon changed its name to 'Perfumers Journal and Essential Oil Recorder' and later changed it to 'Perfumers Journal, a National Magazine of Cosmetic News'.

"It appears that the circulation of both trade publications is limited, being entirely among concerns engaged in some branch of the perfumery and cosmetic business. There appear a few instances of confusion in the mails, letters being delivered to respondent when intended for applicant, and vice versa.

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"The file further shows that respondent, upon learning of the Commission's inquiry, sent a circular letter to each of its patrons, asking them for an expression of opinion as to confusion in their minds or in the trade between the complainant's and the respondent's publications. Practically all of these patrons replied that there was, to their knowledge, no confusion.

"This case appears to fall directly under the classification of cases where the rights involved are those of private concerns, with no particular interest on the part of the general public in its outcome. Only a small number of people use and read the trade papers of the parties to this proceeding and among such readers there is no substantial evidence of confusion.

"It is therefore recommended that this case be dismissed, on the ground that there is no public interest sufficient to warrant further action by the Commission."

After consideration, on motion of Mr. Van Fleet, seconded by Mr. Humphrey, the recommendation of the Chief Counsel was approved and it was ordered, that the complaint be dismissed on the ground that the rights involved are those of private concerns, and that there is not public interest sufficient to warrant further action by the Commission.

As to the foregoing action of the Commission, Messrs. Van Fleet, Lugen, Hunt and Humphrey voted in the affirmative and Mr. Thompson voted in the negative.

Mr. Thompson asked and it was ordered, that his dissent show upon the minutes, the order of dismissal and any publicity statement.

The Chief Counsel was directed to prepare and the Secretary to serve order of dismissal.

(d) Docket 1176 - Javerly Oil Marks.

With respect to this case, the Chief Counsel reported as follows:

"Respondent is charged with misbranding and false advertising of two products designed and adapted for use as ingredients in paints and as substitutes, respectively, of turpentine and linseed oil. These two products are labeled 'Tur-Win-Tine, Mineral Turpentine' and 'Win-seed Oil, Petroleum Paint Oil'.

"The complaint is, that these names import that the products are made up, in part at least, of turpentine and linseed oil.

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"The record shows that the respondent advertises these products expressly as mineral and as being manufactured from Pennsylvania crude oil. It recommends that 'Tur-Min-Tine' be used as a substitute for turpentine, but advises that better results are obtained by a mixture of 'Tur-Min-Tine' and turpentine. 'Tur-Min-Tine' has not the odor of turpentine, but has a strong kerosene odor.

"The record shows that the greater part of these products is sold to manufacturers of paint, but that some is sold direct to the consuming public.

"It is my opinion that the words in the form used, separated into three syllables, are not, per se, deceptive. There is no evidence in the record to show whether they have actually deceived the purchasing public or the trade.

"I would therefore recommend that this case be dismissed, unless it can be shown that the words have actually been confused with the words 'Turpentine' and 'Lined Oil' and have thereby worked a deception upon the public.

"It appears in the file that, prior to and during the investigation of this matter by the Commission, there was some correspondence between the respondent and the Department of Agriculture in connection with the Naval Stores Act, approved March 2, 1933. The Department of Agriculture expressed the opinion that the use of the phrase 'mineral turpentine' was in violation of this Act. However, the Commission has no jurisdiction to enforce said Act. It appears from that correspondence that the respondent was willing to make any modification of its advertisement necessary to remove any possibility of deception, except the abandonment of its trade name, which it claims to be a valuable asset. Therefore, it would seem that a great deal might be accomplished by a conference between the Commission's attorneys and this respondent."

After consideration, Mr. Van Fleet moved that the case be referred back to the Chief Counsel to be handled by stipulation and report to the Commission. The motion was seconded by Mr. Hunt.

In substitution for the foregoing motion, it was moved by Mr. Nugent, seconded by Mr. Thompson, that the case take the regular course.

As to the substitute motion, Messrs. Nugent and Thompson voted in the affirmative and Messrs. Van Fleet, Hunt and Humphrey voted in the negative. The substitute motion was lost.

Vote was thereupon taken upon the original motion by Mr. Van Fleet to handle the case by stipulation. As to this motion Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and

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Messrs. Nugent and Thompson voted in the negative. The motion carried and it was so ordered.

Messrs. Nugent and Thompson asked and it was ordered, that their dissent show upon the minutes and any correspondence with the parties.

(s) Docket 1177 - Fivoli-Union Company - John C. Carver.
With respect to this case the Chief Counsel reported as follows:

"Respondent herein manufactures and sells a beverage, which is named and labeled 'Flag-Staff Malt Beverage'. It is alleged in the complaint that a much older competing company manufactures a malt beverage which it calls 'Falstaff' and that the close simulation of names has resulted in deception both of the trade and of the public.

"The attorney-in-charge of the proceeding has filed a memorandum recommending its dismissal on the ground that he can find no evidence to establish public interest in further procedure. I have also examined the file and concur with the attorney in his conclusion. There is no evidence in the record that the consuming public, or even the trade, is confused or deceived, or in any way interested in this private controversy. I would therefore recommend that the case be dismissed."

After consideration, the recommendation of the Chief Counsel was approved by the Commission and it was ordered that the complaint be dismissed on the ground that only a private controversy is involved and that there is no public interest in further proceedings.

Mr. Thompson dissented and asked that his dissent show upon the minutes, the order of dismissal and any publicity statement.

The Chief Counsel was directed to prepare and the Secretary to serve order of dismissal.

(f) Docket 1187 - Franklin Coal Company.

With respect to this case, the Chief Counsel reported as follows:

"Complaint herein alleges that respondent is selling its coal in interstate commerce under the descriptive terms of 'Mt. Olive Coal' and 'Mt. Olive District Coal'. It is further alleged that there is a type of coal of good grade known commercially as 'Mt. Olive Coal' which is mined in the vicinity of

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Mt. Olive and Stanton, Illinois. It is further alleged that respondent's mines are not in this territory and that therefore its use of the quoted phrase is unfair. Hearings have been held and the case is now ready for briefs and final argument.

"It appears that the issue is one of fact - that is, whether or not respondent's mines are actually located in a district so that it can properly describe the coal as 'Mt. Olive Coal' or 'Mt. Olive District Coal'.

"Since the issue is one of fact and hearings have been completed, it is recommended that the case take the regular course of procedure, as there seems to be a question presented which involves public interest."

The recommendation of the Chief Counsel was approved and it was directed by the Commission, that the case take the regular course of procedure.

(1) Docket 1190 - U. S. Sanitary Specialties Corporation. With respect to this case, the Chief Counsel reported as follows:

"Respondent manufactures a deodorizing chemical product which it calls 'Aerogenator Blocks' upon which there were granted letters patent. While application for the patent was pending the respondent caused to be sent, and since said patent was issued has continued to send, to competitors manufacturing competing deodorizing blocks and to customers of said competitors, letters of warning, advising the recipients of said letters that the manufacture, sale or use by them of said competing deodorizing block constituted an infringement of respondent's patent and threatening legal proceedings. Respondent did institute at least one such suit, but the patent was declared invalid by the trial court. Appeal was taken and the trial court was sustained. During the pendency of this litigation respondent continued to issue the aforementioned warning letters. I am informed by Mr. Whiteley that he has no evidence that there have been any warning letters issued since the decision in the Appellate Court. He further tells me that he is making investigation to ascertain whether respondent is continuing to issue these letters. If it be found that respondent discontinued the issuing of warnings with the final decision of the case against it, then I would recommend that this case be dismissed for lack of public interest."

After consideration, it was ordered, upon notice of Mr. Van Fleet, seconded by Mr. Hunt, that the further investigation suggested by the Chief Counsel be made to ascertain whether or not the respondent is continuing the practice complained of and report made to the Commission.

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(H) Pocket 1211 - Sea Island Thread Company.

With respect to this case, the Chief Counsel reported as follows:

"This is the usual charge of the misuse of the word 'silk' in the manufacture and sale of a mercerized cotton thread, the name used being 'Satin-silk'. In some instances this name is qualified by the addition of words stating that the thread is made of cotton, but these words are displayed in much less conspicuous type than the trade name.

"Evidence was taken in this case on March 17th and it is my understanding that the taking of evidence has been completed. There seems to be sufficient evidence that this thread is made of cotton and that the label imports a silk content, which is false and misleading to the purchasing public. I, therefore, recommend that this case go through to final determination by the Commission."

After consideration, it was ordered by the Commission that the recommendation of the Chief Counsel be approved and that the case take the regular procedure.

(I) Pocket 1220 - New England Manufacturing Company.

With respect to this case, the Chief Counsel reported as follows:

"The respondents in this case are engaged in the business of selling tablecloths, bedspreads, towelings and other linen and cotton products, to wholesalers and retailers exclusively. They make such sales under the above-mentioned trade name, indicating thereby, and by affirmative representations and conduct, that they manufacture all or part of such products, when in truth they manufacture none of them. There is no doubt that a deception is worked by respondents, but there is no evidence that there is any public interest involved. This deception is not shown to extend to the consuming public and there is no evidence that such deception in any way influences wholesale and retail purchasers to buy from respondents in preference to others. It is believed that such purchasers are able to discriminate and buy with reference to quality and price rather than with reference to any consideration of whether they are purchasing from a manufacturer or from a jobber or broker."

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"There is also a charge in the complaint that on the letter head of respondents appears an illustration of a milling plant closely resembling and intentionally resembling, the Kenmouth Mills, an old and well established concern and that thereby, the public is led to believe that respondents are the owners of the Kenmouth Mills. I find no evidence in the record that this illustration appearing on respondent's letterhead had any such effect.

"The Trial Examiner has filed his report in this case, but he makes no finding to supply the lacking elements mentioned above. I, therefore, recommend a dismissal in this case, for want of public interest."

After consideration, Mr. Nugent offered the following motion which was seconded by Mr. Thompson:

Moved, that the case take the regular order.

The motion was adopted and it was so ordered, with Messrs. Van Fleet, Nugent, Hunt and Thompson voting in the affirmative and Mr. Humphrey voting in the negative.

(j) Docket 1236 - Double A Platinum Works.

With respect to this case, the Chief Counsel reported as follows:

"The charge in this case is the stamping of jewelry findings with the words 'Double A Platinum' and in some cases 'A. A. Plat.' which said findings still bearing these stamps, are ultimately offered for sale and sold to the consuming public in the form of jewelry of various kinds. Such representation has the capacity and tendency to mislead the trade and the purchasing public into the belief that such jewelry is made of pure platinum without alloy, when in truth and in fact the said findings are made of platinum alloyed with other metal.

"I am of the opinion, that the evidence in the file supports the charges of the complaint, and that there is a question of public interest involved. I recommend that this case go through to a final determination by the Commission."

After consideration, the Commission approved the recommendation of the Chief Counsel and directed that the case proceed in regular order.

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(k) Docket 1003 - Paracell Company.

With respect to this case, the Chief Counsel reported as follows.

"The respondent is the owner of a process for softening water which he calls 'Ecolite Water Softener' and claims let's a patent covering the same. He is charged with sending out to owners and purchasers of other apparatus for and methods of, softening water letters of warning that the same are an infringement of his said patent. The evidence in this proceeding has been taken and the case closed. It is in evidence that the respondent has one or two infringement suits pending, which is, of course an evidence of good faith on respondent's part in sending out these warning letters; but there is other evidence which shows a lack of good faith. It is in evidence that respondent has instructed his employees to attack the credit of these competitors, one method of so doing being as follows: - Where a contractor is engaged in putting in a rival water-softening apparatus and process, the person for whom the contract is being performed is warned that he will be held responsible for the infringement of the contractor. If, then, a bond is demanded by the contractor from the other party, to protect against an infringement claim, the respondent seeks to influence extortion and to discourage the execution of such bond.

"The trial attorney is convinced that he has sufficient evidence of bad faith to overcome the evidence of good faith shown by the actual bringing of the aforementioned infringement suit or suits.

"I recommend, therefore, that this case proceed to final determination by the Commission, as I am of the opinion that there is a question of public interest involved."

After consideration, the Commission approved the recommendation of the Chief Counsel and directed that this case proceed in regular order.

(l) Docket 1007 - California Grape Growers' Exchange.

With respect to this case, the Chief Counsel reported as follows:

"The respondents in this case, A. Singer and Charles Schaffer, doing business under the above trade name, are charged with representing an association of grape growers in California known as The California Grape Growers' Exchange. The latter is an association

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of persons residing in California and raising grapes and marketing them by cooperative means through this association. Respondents reside in and have their place of business in New York, and purchase their grapes some in California and others at auction sales in New York and Chicago.

"The evidence in this case has been taken and the case closed. The respondents have discontinued their business as of October 1, 1934. They have disappeared and there is every indication that they are gone out of business for good. The California Grape Growers' Exchange is, however, interested in the proceeding, and state that they wish to have an order of the Commission issued as a deterrent for others who might pirate upon their name and good will. I think there is enough public interest in this case to let the matter come to for final hearing upon the Examiner's report. In my judgment, an order in this case should issue."

After consideration, the Commission approved the recommendation of the Chief Counsel and directed that the case proceed in regular order.

(a) Packet 124) - Julius Klorfuth.

With respect to this case, the Chief Counsel reported as follows:

"This is a case of the class well known to the Commission, wherein cigars made only in part of tobacco grown on the island of Cuba are labeled 'Havana' or 'Habana'. There is also a charge that respondent used on these mixed cigars the name 'Garcia Brand'. It is alleged that the word 'Garcia' was originally the name of a manufacturer of a high grade cigar made entirely of Cuban tobacco, and that the respondent is trading upon the reputation of that name without any warrant for its use. Whether this charge can be sustained is doubtful, but it may well go along with the charge of the improper use of the word 'Havana'.

"There seems to be a considerable conflict of opinion among manufacturers of and dealers in cigars, whether the word 'Havana', standing alone without the addition of the word 'clear', imparts a pure Cuban tobacco cigar. However, within recent times, the Fair Trade League has been endeavoring to make uniform the practice of using the word 'Havana' only with a cigar made entirely of Cuban tobacco and has met with considerable success among cigar manufacturers. Attorney-Examiner Van Fleet made

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quite a survey of this question at Tampa, Florida and found that by far the majority of manufacturers of cigars of blended Cuban and domestic tobacco had consented to discontinue the use of the word 'Havana' without indicating the blending of other tobacco. From his survey it would seem that it has become almost a settled practice to apply the word only to a pure Cuban-tobacco cigar. I would recommend, therefore, that this case be allowed to proceed to a determination by the Commission."

After consideration, the Commission approved the recommendation of the Chief Counsel and directed that the case proceed in regular order.

(n) Docket 1245 - B Z B Knitting Company.

With respect to this case, the Chief Counsel reported as follows:

"Complaint herein charges respondent with false and misleading advertising in its use of the terms 'Fashioned Hosiery' and 'Full Fashioned Hosiery' to describe products which it sells. The case is similar to several that have been considered by the Commission. It appears that this respondent sells its hosiery by means of canvassers who go from house to house and deal directly with users of the hosiery. The manner in which this hosiery is represented and the manner in which it is actually made is fully established by facts appearing in the file. There is also public interest as the alleged misrepresentations are made directly to the public.

"The attorney-in-charge of the case states that there is now pending in the courts a proceeding wherein the true meaning of the word 'Fashioned' and of the words 'Full Fashioned' must be determined by the court. Since the result of this trial will have a decided bearing upon the issues presented by this proceeding before the Commission, he advises that further procedure be postponed until the conclusion of the civil suit mentioned.

"I, therefore, recommend that this case be allowed to take the regular course, but that its active prosecution be suspended, awaiting determination of the aforesaid civil suit."

After consideration, the Commission approved the recommendation of the Chief Counsel and directed that the case proceed in regular order and that the active prosecution of the case be suspended pending determination of the case of Durson

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Knitting Company vs. Better Business Bureau of Detroit
and the Associated Advertising Clubs of the World in the
U. S. District Court for the Eastern District of Southern
Michigan.

(c) Packet 1258 - The Long-Jack Company.

With respect to this case, the Chief Counsel reported as
follows:

"The charge herein, is that respondent labels
certain jewelry mountings, which it makes, with the
symbol '14K' and '10K', when in truth and in fact the
entire mounting so marked is not manufactured from 10K
or 14K gold, but consists of other metals plated with
gold. Respondent sells to dealers who pass on the
mountings so marked to ultimate purchasers.

"The file appears to contain ample evidence of
the misleading character of these marks. There also
seems to be sufficient proof of public interest and
I, therefore, recommend that the case follow the
regular procedure to a determination by the Commission."

After consideration, the Commission approved the
recommendation of the Chief Counsel and directed that the case
proceed in regular order.

(p) Packet 1260 - Wilson Fixture Company.

With respect to this case, the Chief Counsel reported as
follows:

"This complaint is drawn in two counts - the
first charging respondent with the unauthorized use of
the word 'Wilson' as part of the corporate name, thereby
leading the purchasing public to believe that the company
is connected in some way with James A. Wilson, and thus
giving the public confidence in the products of respondent
because of the reputation of said Wilson in the electrical
field. It is alleged that as a matter of fact respondent
has no right to use the word 'Wilson', is in no way
connected with James A. Wilson nor any of the legitimate
Wilson companies and that the fixture which respondent
sells is not in any sense an 'Wilson' fixture. The second
count charges respondent with false representations in the
actual sale of its products, in that it gives false
information, uses trickery in representing that certain
lamps which it sells use less electric current and produce
greater illumination than ordinary lamps, and that the
lamps will replace burned-out lamps free of charge;
all of which representations are alleged to be false.

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"The file contains adequate proof that the corporate name used by respondent is confusing and misleading to the purchasing public and that the companies who rightfully use the word 'Gideon' are much injured thereby. There is some proof in the file of the charges under the second count, but it probably amounts only to a charge of breach of contract, or a failure on the part of purchasers to see that a written contract contains all the terms of the purchase agreement.

"I am of the opinion that public interest herein is involved to an extent sufficient to justify the Commission's further procedure and therefore, recommend that the case take the regular course to a determination by the Commission."

After consideration, the Commission approved the recommendation of the Chief Counsel and directed that the case proceed in regular order.

(q) Record 1261 - Cam-Hall-Lark Company.

With respect to this case, the Chief Counsel reported as follows:

"This complaint charges respondent with misbranding and false and misleading advertising, in that it uses the words 'Gideon Cloth' on labels and in advertising matter, to describe a fabric made entirely of cotton finished to closely resemble silk. The file shows that after this proceeding was brought to the respondent's attention it communicated with the Commission and sent a copy of a new form of label which it had just adopted and which was as follows:

'Gideon Cloth,
Finest Egyptian Cotton
English Broadcloth

It inquired whether or not this label met the Commission's approval, to which a reply was sent stating that this label was not satisfactory.

"The file shows a number of questionnaires which were sent to individuals in several different sections of the United States to determine whether or not the last form of label adopted by respondent would be misleading. The replies to this questionnaire in the file show that a large majority of those who considered the matter stated that they considered the labels to indicate that the fabric as described contained some silk; that this impression arose from the use of the word 'cocoon' which indicated to them that the cocoon of the silk-worm had been used and that the other words of the label merely

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indicated that some cotton had been mixed with the silk.

"In view of the replies to this questionnaire and the understanding as indicated, I am of the opinion that the label now used by respondent can be proven to be misleading to a substantial proportion of the purchasing public and therefore, a false label. The public interest is involved in the same sense as it was held to exist in the Winsted case and therefore, I recommend that the proceeding take the regular course to a final determination by the Commission."

After consideration, the Commission approved the recommendation of the Chief Counsel and directed that the case proceed in regular order.

(r) Docket 1365 - Baltimore Paint & Color Works.

With respect to this case, the Chief Counsel reported as follows:

"The respondent in this case is charged with the use of paint falsely labeled as he is import that it is surplus paint of the United States Government, and/or is made according to Government specifications and requirements. It is also charged that while it uses containers of recognized standard size and capacity, these containers are not filled to capacity. The record contains sufficient evidence to prove these charges.

"I recommend, therefore, that this case proceed to final determination by the Commission."

After consideration, the Commission approved the recommendation of the Chief Counsel and directed that the case proceed in regular order.

(s) Docket 1367 - Cuban-American Sponge Company.

With respect to this case, the Chief Counsel reported as follows:

"It is charged that this respondent deals in Channel 4 line and sponges, and, by various statements on his letterheads and other literature, represents that he uses the Channel 4 line and runs his own fishing fleets for sponges, thereby representing that customers are avoiding the middleman's profit.

"It is not clear from the record whether he sells only to the wholesale and retail trade, or whether a substantial part of his sales is direct to consumers.

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It is my opinion that the evidence should show that a substantial part of his business is done with the consumer, or that wholesalers and retailers purchasing from him are influenced to their prejudice by these misrepresentations.

"It has also come to my knowledge that Attorney-James Van Fleet, while interviewing this respondent concerning another case, received assurances from him, that, in the instant case, he was willing to abide by the views of the Commission and was willing to cease any business practice to which the Commission made objection, and would, therefore, sign a stipulation, or take such other steps as the Commission desired him to take. It is learned from the trial attorney that a stipulation has been forwarded to respondent.

"I, therefore, recommend that the case be settled by stipulation, if possible; but failing in that, that further investigation be made to supply the lacking proof. In the present condition of the investigation records, no public interest appears."

After consideration, Mr. Nugent offered the following motion, which was seconded by Mr. Thompson:

Moved, that the case take the regular order.

In substitution for the foregoing motion, it was moved by Mr. Van Fleet, seconded by Mr. Hunt, that the recommendation of the Chief Counsel be approved and that the case be handled by stipulation and report made to the Commission.

As to the substitute motion, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The substitute motion was carried and it was so ordered.

Messrs. Nugent and Thompson asked and it was ordered that their dissent show upon the minutes and the correspondence.

- (t) Docket 1268 - Bardwell Brothers.
 " 1269 - Shanghai Lace Corporation.
 " 1270 - Nanyang Brothers.
 " 1271 - W. Riscallan & Company.
 " 1272 - H. B. Bardwell & Company.
 " 1273 - A. D. Sutton & Sons.
 " 1274 - Alfred Kohberg.
 " 1275 - Lian & Malabak.

With respect to the above listed cases, the Chief Counsel reported as follows:

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"Complaints in all the above-styled letters are drawn to charge the same offense. The respondents are all importers of lace and since their practices which are called in question by these complaints are identical, they are treated herein by this single memorandum.

"It is charged, that these respondents respectively buy lace from Chinese manufacturers, import it into this country, and sell it as 'Irish lace', thereby deceiving the buying public by causing purchasers to believe that the lace is made in Ireland. The complainants, of course, are those individuals and business concerns who actually import lace made by Irish hand labor in Ireland.

"The file is full of statements from competent witnesses, fully establishing the fact that at least to a very considerable portion of people in this country the term 'Irish lace' means that the lace was made by Irish people in Ireland; to many others it means only the style or design and does not import origin in Ireland. However, I believe there is sufficient proof to establish the misleading character of the term as applied to lace made in China.

"Another exhibit to this case appears, which in my opinion indicates that these importers who are respondents in the above-named cases are not the proper parties for the Commission to proceed against. The proof is clear that these importers sell principally to manufacturers of garments upon which the lace is used as trimming. When sold by respondents, the lace is wound about pieces of stiff cardboard about seven inches long by four inches wide. Upon these cardboard strips the respondents stamp in conspicuous letters the words 'made in China'; upon trade statements and advertising literature used by respondents in making these sales appear statements and designations clearly indicating the origin of the lace to be sold. In fact, the investigators of the Commission and others who have reviewed these files admit that there is no deception as to the origin of the lace among the direct purchasers from respondents.

"The complaints are predicated upon the assumption that respondents have, by the use of the term 'Irish lace' upon invoices, supplied their patrons with an instrument for the ultimate deception of those who buy the laces and lace-trimmed garments. But even in some of these invoices the word 'Irish' is preceded by 'Swedish', 'Szechuan', etc., the location in China where the lace is made.

"In my opinion there is no evidence to support the alleged fact that these respondents are guilty of any deception. In all the cases where the Commission or the courts have traced a deception through the retail dealer

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back to the manufacturer, it has appeared that the manufacturer did something or furnished something which was used for the purpose of furthering the deception of the ultimate consumer. In some cases it is a brand or label furnished by the manufacturer; in other cases it is an advertisement publicly displayed, or a catalogue, or some other tangible thing which the unscrupulous retail dealer may use to mislead his customers.

"Applying this test to the present case, it appears that these respondents clearly and fully inform their customers of the nature of the lace which they sell. Certainly nobody could see the style of packing and the accompanying literature used by these respondents in such sales without fully understanding that the lace was made in China. There is no false or misleading label or misrepresentation used, furnished or made by respondents that reaches the public or deceives anyone. It is not at all likely that the labels are used by the manufacturer of garments to prove to the ultimate purchaser who buys such goods in retail stores that the lace is real 'Irish lace'. It is clear that the ones who are responsible for deceiving the public in these cases are the advertisers who first use the phrase 'Irish lace' in literature or advertisements or labels which are seen by the public. It may be that the manufacturers, who use lace bought from respondents, advertise their lace-trimmed garments as being made with 'Irish lace'. If this be true, and sales are made in interstate commerce, they would be proper respondents. In other cases, it appears that the retailer is guilty of false representations, and probably in most such cases the matter has been in interstate commerce and not within the Commission's jurisdiction.

"I recommend, therefore, that the charges against all the above-named respondents be dismissed and that the matter be referred to the Chief Examiner's office and it be ascertained whether the garment manufacturers who use this lace in trimming are guilty of deceiving the retailers and/or, through them, the public."

After consideration, it was ordered by the Commission, upon motion of Mr. Sugent, seconded by Mr. Thompson, that the Chief Counsel select from among these cases the three past cases and proceed in the regular way with the trial, and that in the meantime, the other cases be suspended; and it was further ordered that the Chief Examiner be directed to make any further investigation desired by the Chief Counsel to secure evidence,

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(i.) Docket 1288 - Whirlpool Sales Company.

With respect to this case, the Chief Counsel reported as follows:

"The charge in this case is that respondent, a manufacturer of water shroppers, in order to further the sales of its product, has given and offered to give sums of money to salesmen in the employ of retail merchants, without knowledge or consent of their respective employers, to induce said salesmen to sell respondent's product to the exclusion of the products of competitors. The file contains substantial proof of this practice having been carried out in the retail stores of a number of large concerns in Chicago and there is intimation that a similar practice has been used in other places."

"This case is distinguished from that of Federal Trade Commission v. Kinney-Boss, 273 Fed. 685, because in that case bonuses were given with the knowledge and consent of the employers of the salesmen who received them, whereas in the instant case it appears that respondent carefully concealed its activities from the employers of salesmen and in several instances acted in direct contravention of the strict rule of the retail store."

"The investigation was closed in February 1924, at which time, it appears, the objectionable practice was still being carried on. Unless it has ceased since then, public interest appears to be involved to an extent sufficient to justify proceedings by the Commission and it, therefore, recommends that this matter take the regular course to a final decision by the Commission."

The Commission approved the recommendation of the Chief Counsel and directed that the case proceed in regular course.

(iv.) Docket 1289 - Leo-Plate Engraving Company, Inc.

" 1294 - Plateless Engraving Company.

With respect to the above listed cases the Chief Counsel reported as follows:

"The methods of business explained of in these cases are familiar to the Commission. The process employed is in reality printing, but the finish has the appearance of engraving, and the respondents are charged with using in their advertising the words 'Leo-Plate Engraving', 'Improved Effects', 'Leo-Plate Engraving', 'Lopper Plate and Steel Die Effects', etc., and that the public is thereby deceived into believing that the work turned out by these respondents is real engraving."

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"The record contains little more than proof of the fact that the respondents are engaged in this business and exhibits of their means of advertising. There is nothing in the record to show that either the public or public is deceived and I would recommend that this case be referred back to the Chief Examiner's office for further investigation along this line. It seems to me that there is no public interest in the case unless the public is or may be deceived.

"The trial attorney tells me that the Don-Plate Company is desirous of complying with the views of the Commission and would like to go into conference, in an effort to settle the matter amicably. I recommend that this course be followed before further prosecution of the case."

After consideration, Dr. Nugent offered the following motion which was seconded by Mr. Thompson:

Moved, that the case take the regular order in view of the trade practice submitted which was held about a year ago and the unfair practices determined upon at that submission which were approved by the Commission.

In substitution for the foregoing motion, it was moved by Mr. Van Fleet, seconded by Mr. Thompson, that the case be sent back to the Board of Review for negotiations with the respondents to ascertain whether or not the case should be handled by stipulation and report to the Commission.

The substitute motion was adopted with Messrs. Van Fleet, Hunt and Humphrey voting in the affirmative and Messrs. Nugent and Thompson voting in the negative.

Messrs. Nugent and Thompson asked and it was ordered that their dissent show upon the minutes and the correspondence.

(w) Docket 1010 - Dr. J. H. Berry Chemical Company.

With respect to this case the Chief Counsel reported as follows:

"The respondent is a manufacturer of toilet preparations and is charged with passing off and appropriating the good will of an older, established business, The Jia H. Berry Company. Practically all the evidence to be offered by the Commission in support of its complaint has been received, but the offering of evidence by the respondent has been delayed. The trial attorney has filed a memorandum recommending a dismissal of the case, on the ground that it is a private controversy, that the prospect of establishing the allegations of the

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complaint is doubtful and that the question of public interest is remote. I concur in this and recommend that this complaint be dismissed."

After consideration, Mr. Nugent offered the following motion, which was seconded by Mr. Thompson.

Moved, that the case proceed in the regular course.

In substitution for the foregoing motion, it was moved by Mr. Van Fleet, seconded by Mr. Humphrey, that the recommendation of the Chief Counsel be approved and that the complaint be dismissed on the ground that the case presents a private controversy, and for lack of public interest.

As to the substitute motion, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The substitute motion carried and it was so ordered.

Messrs. Nugent and Thompson asked and it was ordered, that their dissent show upon the minutes, the order of dismissal and any publicity statement issued.

The Chief Counsel was directed to prepare and the Secretary to serve order of dismissal.

(x) Docket 1212 - The Warner Foundry & Furnace Company and The Warner-Mahoning Furnace Company.

With respect to this case, the Chief Counsel reported as follows:

"The attorney to whom this case has been assigned for trial has filed a recommendation recommending dismissal, on the ground that the question involved constitutes a private controversy, with little or no public interest. The applicant is the Xlth Century Heating & Ventilating Company. The charge is, that certain officers of the applicant company pulled away and organized a rival company doing business, successively, under the names mentioned above. The applicant company manufactured a furnace. The new company is alleged to have procured, without right, a model of the Xlth Century furnace and manufactured a furnace very similar - in fact, so nearly the same that its parts would fit the Xlth Century furnace. The new company's furnace is put out under an entirely different name and there is no question of patent infringement in the case. There is also a charge that the new company sought to and did entice from the old company certain of its skilled employees. It is clear that the whole matter is a private controversy between the rival companies and that there is no public interest involved. I, therefore, concur in the recommendation of the trial attorney that the complaint be dismissed."

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After consideration, Mr. Humphrey offered the following motion, which was seconded by Mr. Hunt:

Moved, that the recommendation of the Chief Counsel be adopted and that the complaint be dismissed as being one of a private controversy between parties in which there is no public interest requiring the Commission to proceed further.

In substitution for the foregoing motion, it was moved by Mr. Nugent, seconded by Mr. Thompson, that the case proceed in the regular course.

Vote was taken upon the substitute motion. As to this motion, Messrs. Nugent and Thompson voted in the affirmative and Messrs. Van Fleet, Hunt and Humphrey voted in the negative. The substitute motion was lost.

Vote was thereupon taken upon the original motion by Mr. Humphrey to dismiss the complaint. As to this motion, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The motion carried and it was so ordered.

Messrs. Nugent and Thompson asked and it was ordered, that their dissent show upon the minutes, the order of dismissal and any publicity statement.

The Chief Counsel was directed to prepare and the Secretary to serve order of dismissal.

(7) Docket 1280 - Banner Silk Knitting Mills.

With respect to this case the Chief Counsel reported as follows:

"The respondent manufactures cotton fabrics finished to closely resemble silk. It advertises these fabrics under a certain trade name or brand and advertises them as being made of knitted silk and designates them as knitted silk fabrics, etc. There is no silk whatever in the make-up of these fabrics. The respondent distributes its products through retailers and garment manufacturers and deceives the public by extensive advertising of these fabrics under these trade names or labels and as being made of silk and thus puts in the hands of the retailer and garment-maker an insurmountable barrier for deceiving the public.

"There is sufficient public interest involved to warrant these cases going through to a final determination by the Commission."

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After consideration, the recommendation of the Chief Counsel was adopted and it was ordered that the case proceed in regular course.

(c) Ticket 1888 - Royal Soap Company.

With respect to this case the Chief Counsel reported as follows:

"Royal Soap Company is the trade name under which the respondent, F. Burkhalter, does business. He sells a soap which he calls 'Royal Medicated Cuticle Doctor Soap'. His method of doing business is to go into a town or city, select a dealer to be his sole representative in that town or city and then place the agency with him for the handling of this soap. He represents the soap to be medicated and to possess curative properties. He also represents that it is a regular soap seller, but that, for the purpose of demonstration and introduction, it is to be sold at 10¢ per cake. He then places an attractive window display of the soap and suggests lurid advertising for the local papers. He represents that he is the manufacturer - or rather, that he is the chief officer of the Royal Soap Company and that it manufactures this soap.

"The facts disclosed by the investigation files are, that he does not manufacture the soap, but has it manufactured at various factories; it also appears that the soap is not medicated and that it has no curative properties and that its regular sale price is ten cents and not twenty-five cents.

"This case reveals a clear instance of fraud practice both on the retail dealer and on the public. The only question is, whether his operations are of sufficient magnitude to make it a case warranting the attention of the Commission. So far as the record shows, we have had but three complaints - that is, we have but three of his victims, but he himself states in an interview, that he has done and is doing business all over the United States.

"However, since it is a clear case of fraud and the probabilities are that his operations are more or less extensive, I recommend, that the case proceed to final determination by the Commission."

After consideration, the Commission approved the recommendation of the Chief Counsel and directed that the case proceed in the regular course.

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(aa) File 1-3318 - L. L. duPont de Nemours & Company, et al vs.
Lapham Leather Company, et al.

" 1-3407 - Tanners' Council of America vs.
Textile Leather Company.

" 1-3495 - Tanners' Council of America vs.
Japan Leather Cloth Company.

With respect to the above cases the Chief Counsel
reported as follows:

"These cases are all similar and involve the
passing off of imitation leather fabric as leather.
It has been directed by the Commission that one of
these cases be tried as a test case and an investigation
is now under way to determine which case shall be
tried."

After consideration, it was directed that the cases
proceed in regular course pursuant to the orders heretofore
issued by the Commission.

(ab) Docket 1269 - Chipman Knitting Mills, et al.

With respect to this case the Chief Counsel reported as
follows:

"This is a companion case to Docket 1245 - B. E. B.
Knitting Company, supra, and is in the same status.

"I, recommend, therefore, that this case be allowed
to take the regular course, but that its active procedure
be suspended, awaiting determination of the civil suit
mentioned in connection with Docket 1245."

After consideration, the Commission approved the
recommendation of the Chief Counsel and directed that the case
proceed in the regular course.

(ac) Docket 1203 - Barnes-Ames Company, et al.

" 1215 - American Woods Export Association, et al.

" 1244 - Exporters & Importers Association of the World

" 1275 - Lease Brothers, et al.

" 1238 - Gano, et al.

With respect to the above listed cases, the Chief Counsel
reported as follows:

"In the first three cases named, the breach of a
single contract is involved. In the matter of Lease
Brothers, about fifteen breaches of contract are
involved. In the matter of Gano, et al, two breaches
of contract are involved.

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Chiefly the entire proof on behalf of the Commission in Docket 1216 and 1044 will have to be taken by deposition - in one case in Rome, Italy and in the other in Sydney, Australia.

Most of the evidence of respondents in these cases will be proven by witnesses here in our own country. The Commission's side of the case in the Barnes-Arce matter and in Docket 1216 and 1044 will be difficult to establish.

The point I wish to make with respect to the three first named cases is that it does not appear to the Chief Counsel that the practice complained of is an unfair method of competition within the meaning and intent of the statute. It is submitted that every act done in 'Commerce' is not an act of 'competition'. Commerce and competition are not synonymous or coextensive terms. For argument, suppose that in each case a single breach of contract was (1) a conscienceless piece of trickery; (2) done in the course of commerce; and further suppose, for argument, that the breach of contract was injurious to the public. Congress did not use the term 'unfair trade practice injurious to the public'. This term is far more comprehensive than 'unfair methods of competition'. It is suggested for the consideration of the Commission that if this language had been incorporated into the statute there would have been considerable doubt of its constitutionality, since it may have amounted to an unconstitutional delegation of legislative power. Indeed, there was considerable doubt expressed at the time the law was enacted, whether the words 'unfair methods of competition' were sufficiently definite to avoid this danger. It was thought, however, that as there was a considerable body of law in this and other countries dealing with the subject of unfair competition and as there was in addition a fairly well - formed opinion among the lawyers on the subject of unfair competition, all of which might be drawn upon to assist in interpreting the terms used, they were sufficiently definite to avoid the constitutional difficulty.

The Chief Counsel feels it his duty to advise the Commission that in his opinion the Commission lacks authority under Section 5 to institute proceedings involving the breach of a single contract, whether the same be committed in dealing with foreign customers or customers at home. Grave doubt exists where there has been a breach of contract so often that it may be said to have become a practice. As pointed out heretofore, the difference is between a practice that injures the public and one unfair to competitors. The statute contemplates

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both. If the Commission is desirous of taking testimony in cases involving the breach of contract and making the result public for such effect as it may have, this can be accomplished with authority under Section 6(a) and 6(b). Subpoenas can be issued and testimony taken in a public hearing, if the Commission so desire and the result may be made public at its discretion.

"The Chief Counsel, in the matter of Barnes-Ames Company, recommended that the motion filed by counsel for respondent to dismiss for lack of jurisdiction be set down for hearing, so that this important question would be fully presented to the Commission."

After consideration, it was ordered, on motion of Mr. Van Fleet that consideration of this group of cases be postponed until after the hearing granted the respondents in Docket 1203 - Barnes-Ames Company, at all and now set before the Commission for April 26, 1925, and that after each hearing, the cases to be again brought to the attention of the Commission.

Upon motion of Mr. Van Fleet, it was ordered by the Commission that the orders of dismissal in the foregoing cases dismissed by the Commission and the publicity statement issued in connection therewith, state the reasons for the dismissal of the complaints.

The following matters of general business forwarded to the Commission by the heads of the several divisions were presented by the Secretary and action as indicated was taken by the Commission:

(1) Memorandum of April 20th was received from the Chief Counsel reporting in response to the Commission's direction of April 6th, the examination of the memorandum of March 3rd from the Chief Examiner and the accompanying file in the matter of the alleged monopolization of the fresh milk business in Greater New York and vicinity by the Borden Condensed Milk Company, particularly the question of interstate commerce. The Chief Counsel expressed the opinion that the Commission has no jurisdiction in the matter.

It was directed that the matter be circulated.

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(2) Docket 1242 - New York Wine Mills Company.

Memorandum of April 20th was received from the Chief Counsel transmitting request of the respondent for an extension of ninety days from the date of the issuance of the order, March 31, 1925, to comply with the terms of the order. The Chief Counsel recommended that an extension of sixty days be granted.

After consideration, the recommendation of the Chief Counsel was approved and respondent granted sixty days from the date of the issuance of the order to comply with its terms.

The Chief Counsel was directed to prepare and the Secretary to serve appropriate order.

(3) Memorandum of April 21st was received from the Chief Economist reporting in response to the Commission's action of April 16th and giving further information regarding the request of J. F. Hauck of the Economic Staff for additional leave without pay and submitted a letter of April 10th from Mr. Hauck advising that the leave was requested because of the illness of Mrs. Hauck.

Upon action of Mr. Nugent, the Commission, thereupon, granted Mr. Hauck additional leave without pay for a period of three months beginning April 5, 1925.

(4) File 1-3366 - Associated Advertising Clubs of the World vs. Pyx Hosiery Company.

Memorandum of April 11th was received from the Chief Counsel calling attention to the order of the Commission under date of February 18, 1924, directing that complaint issue, rejecting the complaint submitted with the file and instructing the Chief Counsel as to the preparation of another complaint charging false and misleading advertising and misrepresentation in the sale of hosiery pursuant to Mr. Cassill's memorandum of February 14, 1924. The Chief Counsel reported concerning the supplemental investigation of the Chief Examiner and recommended that the complaint in this case is not issued.

It was directed that the file be circulated.

From the Circulating Calendar the Commission considered the following matters and action as indicated was taken:

(1) Report dated April 7th, 1925 from the Chief Examiner in the matter of the organization of the Van Camp Sea Food Company, Inc., and the acquisition by it of the Van Camp Sea Food Company, International Packing Corporation of California, Heileman & Little Canning Company, Ltd. and the White Star Canning Company. The Chief Examiner recommended that the papers be filed without action.

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The report was circulated April 10th. Notations by the several Commissioners were made and thereafter, the following motion was offered by Mr. Van Fleet, seconded by Mr. Hunt:

Moved, that the recommendation of the Chief Examiner be approved and that the papers be filed without action.

In substitution for the foregoing motion, it was moved by Mr. Nugent, seconded by Mr. Thompson, that the papers be docketed as an application for complaint.

As to the substitute motion, Messrs. Nugent and Thompson voted in the affirmative and Messrs. Van Fleet, Hunt and Humphrey voted in the negative. The substitute motion was lost.

Vote was thereupon taken upon the original motion by Mr. Van Fleet, to file the papers without action. As to this motion Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The motion carried and it was so ordered.

Messrs. Nugent and Thompson asked and it was ordered, that their dissent show on the minutes and the correspondence.

The Secretary reported at the request of the Chief Examiner, that the Chief Examiner wished to advise the Commission that he would not bring forward additional cases involving the acquisition of physical assets in view of the action of the Commission as recorded recently in a number of such cases wherein the Commission refused to docket as applications for complaints, the preliminary reports covering acquisition of physical assets.

The Commission directed the Chief Examiner to report his plans in this respect in writing.

(2) Preliminary report dated March 27th by Special Agent Fischer in regard to the acquisition of the capital stock of the Tallapoosa Mills by the William Whitman Company, Inc. The Chief Examiner recommended that the matter be filed without action.

The report was circulated April 1, 1925. Notations by the several Commissioners were read and thereafter, Mr. Van Fleet offered the following motion, which was seconded by Mr. Hunt:

Moved, that the recommendation of the Chief Examiner be adopted and that the papers be filed without action.

In substitution for the foregoing motion, it was moved by Mr. Nugent, seconded by Mr. Thompson, that the papers be docketed as an application for complaint.

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As to the substitute motion, Messrs. Lugent and Thompson voted in the affirmative and Messrs. Van Fleet, Hunt and Humphreys voted in the negative. The substitute motion was lost.

Vote was thereupon taken upon the original motion by Mr. Van Fleet to file the papers without action. As to this motion, Messrs. Van Fleet, Hunt and Humphreys voted in the affirmative and Messrs. Lugent and Thompson voted in the negative. The motion carried and it was so ordered.

Messrs. Lugent and Thompson asked and it was ordered that their dissent show on the minutes and the correspondence.

(3) File of papers in the matter of the request of the Illinois Agricultural Association as set forth in letter of September 11, 1924, from the Secretary of that Association, that the Commission continue the study of terminal middlemen's profits and margins. This file included the following papers:

- (a) Letter of September 11, 1924 from the Illinois Agricultural Association.
- (b) Action adopted by the Commission on September 19, 1924, as follows:

"Moved, that pursuant to the request of the Illinois Agricultural Association of September 11, 1924 and under the powers granted to the Commission by the Section 6 of the Federal Trade Commission Act, or otherwise conferred by law, an investigation is hereby ordered into the margin and profits of terminal grain middlemen for the last four crop years in the principal grain markets, especially for wheat, and the Chief Economist is directed to initiate the said investigation immediately and to begin the work with the said middlemen at Chicago."

- (c) Letter of October 3, 1924 from the Grain Marketing Company requesting delay in undertaking the investigation and stenographic report of conference between the Commission and representatives of the Grain Marketing Company on October 15, 1924 with respect to the request for delay of sixty days from October 13, 1924.
- (d) Memorandum from the Chief Economist reporting in response to the Commission's direction of February 2, 1925 regarding the status of the inquiry. This memorandum was circulated among the Commissioners on February 4, 1925.
- (e) Memorandum of February 26th from the Chief Economist setting forth in chronological order the developments of the inquiry into terminal elevator profits initiated on September 19, 1924.

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(f) Memorandum of March 11th from the Chief Economist as follows:

"MEMORANDUM FOR THE COMMISSION"

March 11, 1925.

"Senate Resolution 143 directs an inquiry into the costs and profits affecting bread 'from the time the wheat leaves the farm until the bread is delivered to the consumer'. It is evidently necessary, therefore, to get the costs, profits and margins of country and terminal elevators to answer this inquiry.

"An examiner-in-charge of the last mentioned phase of the inquiry, accompanied by an accountant, went to Chicago last August for the purpose of beginning work upon the books of the Chicago terminal elevators. He met with immediate protests from the elevators which were merged in the Grain Marketing Company on the ground that they were overwhelmed with the work of moving the crop at that time and they suggested that the work be deferred. The situation was reported to the Commission which directed that the work be diverted to Minneapolis and Kansas City, for the time being.

"The accountant who was sent to Minneapolis to initiate work on the elevators there was also refused access to the records and more recently access was refused by the elevators at Kansas City.

"A few weeks after work was deferred at Chicago, at the request of the Illinois Agricultural Association, the Commission ordered an independent inquiry into the financial results of terminal elevator companies and directed that the work begin in Chicago. When accountants were sent to begin the work protests were again made by the Grain Marketing Company officials against the elevator work at Chicago at that time and on October 15 a delay of three months was requested by certain representatives of that company. This request was placed on the calendar of unfinished business by the Commission.

"Further effort to get the data in question seems desirable and the best step to take now, apparently, is to ask the Chicago elevators for access to their books, the delay they requested having been fully allowed. After getting this information at Chicago, it is quite possible that the elevators at Minneapolis and Kansas City will reconsider their refusal and permit access without compelling the Commission to resort to any form of compulsory process.

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"It is recommended, therefore, that authority be given to resume work at Chicago."

(signed) Francis Walker,
Chief Economist."

After consideration, the following motion was offered by Mr. Van Fleet, seconded by Mr. Hunt:

Moved, that the vote by which the motion of September 19, 1934 was adopted, be reconsidered.

The motion was unanimously adopted and it was so ordered. Mr. Van Fleet, thereupon, offered the following motion, which was seconded by Mr. Hunt:

Moved, that the motion of September 19, 1934 be not made.

The foregoing motion was unanimously adopted and it was ordered that the motion of September 19, 1934 as follows was not made by the Commission:

"Moved, that pursuant to the request of the Illinois Agricultural Association of September 12, 1934 and under the powers granted to the Commission by Section 5 of the Federal Trade Commission Act, or otherwise conferred by law, an investigation is hereby ordered into the margins and profits of terminal grain addressees for the last four crop years in the principal grain markets, especially for wheat and the Chief Economist is directed to initiate the said investigation immediately and to begin the work with the said addressees in Chicago."

After further discussion, Mr. Nugent offered the following motion, which was seconded by Mr. Thompson:

Moved, that the recommendation of the Chief Economist be set forth in his memorandum of March 11, 1935 with respect to the investigation now being conducted under Senate Resolution 189, adopted February 18, 1934 (Senate Document 1401) be approved.

After discussion and prior to vote upon the motion by Mr. Nugent, it was directed by the Commission that the memorandum of the Chief Economist, dated March 11, 1935, be circulated among the Commissioners.

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Thereupon, at the hour of 12:15 p. m., the Commission adjourned to meet Friday, April 24, 1925 at 10 a.m.

Vernon W. Van Fleet,
Chairman.

Attest:

Edie M. Johnston
Edie M. Johnston,
Secretary.

Thursday - April 23, 1925 - No meeting held.

MINUTES OF THE FEDERAL TRADE COMMISSION

Friday - April 24, 1925 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Nugent,
Charles W. Hunt,
Austin Thompson,
William C. Sawyer.

The minutes of the meeting of April 22, 1925 were read and approved.

Verbal district cases appearing on the weekly Conference Calendar for final determination were considered by the Commission and action as indicated was taken by the Commission:

(1) Docket 127 - Swanger Amusement Company.

This case came before the Commission for final determination upon the following record: memorandum of April 10th from the Chief Counsel transmitting the case and recommending that the complaint be dismissed without prejudice; memorandum of April 9th from Trial

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Attorney Hawkins; amended complaint, answer; testimony. The Trial Examiner did not file a report of the facts. No briefs were filed. Attorney Hawkins represents the Commission. Attorneys S. L. Harold and Charles Rosen represent the respondent.

In memorandum of April 10, 1925, the Chief Counsel reviewed the case and recommended as follows: "I am forwarding herewith memorandum of Trial Attorney Gaylord R. Hawkins recommending that the complaint in the above-entitled matter be dismissed without prejudice. I concur in Mr. Hawkins' recommendation."

After consideration, on motion of Mr. Van Fleet, seconded by Mr. Thompson, the Commission ordered that the complaint be dismissed without prejudice upon the recommendation of the Chief Counsel.

The Chief Counsel was directed to prepare and the Secretary to serve order of dismissal.

(2) Docket 1120 - Boston Automobile Dealers' Association, et al.

This case comes before the Commission for final determination upon the following record: memorandum of April 10th from the Chief Counsel transmitting the case and recommending dismissal; memorandum of April 10th from Attorney Beardon; complaint; answers. No testimony was taken nor briefs filed. Attorney Beardon represents the Commission. Attorneys Irish & George represent the respondents.

After consideration, on motion of Mr. Van Fleet, seconded by Mr. Nugent, the complaint was dismissed without prejudice for the reason that no interstate commerce is shown.

The Chief Counsel was directed to prepare and the Secretary to serve order of dismissal.

(3) Docket 1266 - Empire Manufacturing Company.

This case comes before the Commission for final determination upon the following record: memorandum from the Chief Counsel transmitting the case and recommending dismissal; memorandum of March 30th from Attorney Stiles; complaint; answer; stipulation as to the facts. No testimony was taken nor briefs filed. Attorney Stiles represents the Commission. Respondent has no attorney of record.

Mr. Van Fleet reported his examination of the stipulation submitted by the Chief Counsel with undated memorandum and stated that the stipulation was faulty in that it did not contain a statement that the respondent will not resume the practice charged or that if they did that the stipulation may be used against them subsequently.

After discussion, Mr. Van Fleet moved that the case be sent back to the Chief Counsel to obtain a proper stipulation. It was so ordered by the Commission.

(4) Docket 1254 - Cosur d'Alene Mill Company.

This case comes before the Commission for final determination upon the following record: memorandum of March 31st from the Chief Counsel transmitting the case and recommending dismissal; memorandum

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of March 31st from Trial Attorney Brinson; complaint; answer. No testimony was taken nor briefs filed. Attorney Brinson represents the Commission. Attorneys Patts & Wernette represent the respondent.

In memorandum of March 31st, the Chief Counsel reviewed the case and recommended as follows: "I am of the opinion, therefore, that this abandonment of the name Western White Pine, especially in view of the serious questions of law involved in these cases, affords legitimate reason for dismissal and I so recommend."

After consideration, Mr. Van Fleet, moved that the complaint be dismissed upon the recommendation of the Chief Counsel with statement of reasons in the order of dismissal and the publicity statement.

In substitution for the foregoing motion, it was moved by Mr. Thompson, seconded by Mr. Nugent, that the case proceed in the regular course.

As to the substitute motion, Messrs. Nugent and Thompson voted in the affirmative and Messrs. Van Fleet, Hunt and Humphrey voted in the negative. The substitute motion was lost.

Vote was thereafter, taken upon the original motion by Mr. Van Fleet. As to this motion, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The motion carried and it was so ordered.

Messrs. Nugent and Thompson asked and it was ordered, that their dissent show upon the minutes, the order of dismissal and any publicity statement issued.

The Chief Counsel was directed to prepare and the Secretary to serve order of dismissal.

(5) Docket 1285 - Grande Bande Lumber Company.

This case comes before the Commission for final determination upon the following record: memorandum of March 31st from the Chief Counsel transmitting the case and recommending dismissal; memorandum of March 31st by Trial Attorney Brinson; complaint; answer. No testimony was taken nor briefs filed. Attorney Brinson represents the Commission. Attorneys Smith & Anderson represent the respondent.

In memorandum of March 31, 1925, the Chief Counsel reviewed the case and recommended as follows: "I am of the opinion, therefore, that this abandonment of the name Western White Pine, especially in view of the serious questions of law involved in these cases, affords legitimate reason for dismissal and I so recommend."

After consideration, Mr. Van Fleet offered the following motion:

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Moved, that complaint be dismissed upon the recommendation of the Chief Counsel and that a statement of the reasons be given in the order of dismissal and the publicity statement.

The motion was seconded by Mr. Hunt.

In substitution for the foregoing motion, it was moved by Mr. Nugent, seconded by Mr. Thompson, that the case proceed in regular order.

As to the substitute motion, Messrs. Nugent and Thompson voted in the affirmative and Messrs. Van Fleet, Hunt and Humphrey voted in the negative. The substitute motion was lost.

Vote was thereupon taken upon the original motion by Mr. Van Fleet. As to this motion, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The motion carried and it was so ordered.

Messrs. Nugent and Thompson asked and it was ordered, that their dissent show upon the minutes, the order of dismissal and any publicity statement issued.

The Chief Counsel was directed to prepare and the Secretary to serve order of dismissal.

(d) Docket 1286 - McGoldrick Lumber Company.

This case comes before the Commission for final determination upon the following record: memorandum of March 23th from the Chief Counsel transmitting the case and recommending dismissal; memorandum of March 23rd from Attorney Brinson; complaint; answer. No testimony was taken nor briefs filed. Attorney Brinson represents the Commission. Respondent has no attorney of record.

In memorandum of March 23th, the Chief Counsel reviewed the case and recommended as follows: "I concur with him (Mr. Brinson) and move dismissal for the following reasons:

'Complaints charge, in substance sale, in interstate commerce of yellow pine, botanically called *pinus ponderosa*, under the name of Western White Pine, as and for white pine, botanically called *pinus strobus*, to the prejudice of the public and competitors of the respondents.

'Respondents above named, the Shevlin-Hixon Lumber Company, being the most substantial of all respondents in the White Pine Cases, have filed answers in which they state, among other things, that they ceased on or about August 4, 1934, to sell *pinus ponderosa* under the name of Western White Pine. This was approximately six months before service of complaints in the above entitled matters.'

After consideration, Mr. Nugent offered the following motion, which was seconded by Mr. Thompson:

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Moved, that the case proceed in regular order.

In substitution for the foregoing motion, it was moved by Mr. Van Fleet, seconded by Mr. Hunt, that the complaint be dismissed upon the recommendation of the Chief Counsel and that a statement of reasons be given in the order of dismissal and the publicity statement.

As to the substitute motion, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The substitute motion carried and it was so ordered.

Messrs. Nugent and Thompson asked and it was ordered, that their dissent show upon the minutes, the order of dismissal and any publicity statement issued.

The Chief Counsel was directed to prepare and the Secretary to serve order of dismissal.

It was further ordered by the Commission, upon motion of Mr. Van Fleet, that an application for complaint be docketed against the Long-Bell Lumber Company of Kansas City, Missouri, et al as recommended by the Chief Counsel.

(7) Docket 1287 - Bear Park Lumber Company.

This case came before the Commission for final determination upon the following record: memorandum of March 25th from the Chief Counsel transmitting the case and recommending dismissal; memorandum of March 23rd from Trial Attorney Brinson; complaint; answer. No testimony was taken nor briefs filed. Attorney Brinson represents the Commission. Respondent has no attorney of record.

In memorandum of March 25, 1924, the Chief Counsel reviewed the case and recommended as follows: "I concur with Mr. Brinson) and move dismissal for the following reasons:

"Complaints charge, in substance said, in interstate commerce of yellow pine, botanically called *pinus ponderosa* under the name of Western White Pine as and for white pine, botanically called *pinus strobus* to the prejudice of the public and competitors of the respondents.

"Respondents above named, the Shavlin-Rixon Lumber Company, being the most substantial of all respondents in the White Pine cases, have filed answers in which they state, among other things, that they ceased on or about August 4, 1924, to sell *pinus ponderosa* under the name of Western White Pine. This was approximately six months before service of complaints in the above-entitled matters."

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After consideration, Mr. Van Fleet moved, seconded by Mr. Humphrey, that the complaint be dismissed upon the recommendation of the Chief Counsel and that a statement of the reasons be given in the order of dismissal and the publicity statement.

In substitution for the foregoing motion, it was moved by Mr. Nugent, seconded by Mr. Thompson, that the case proceed in the regular order.

As to the substitute motion, Messrs. Nugent and Thompson voted in the affirmative and Messrs. Van Fleet, Hunt and Humphrey voted in the negative. The substitute motion was lost.

Vote was thereupon taken upon the original motion by Mr. Van Fleet. As to this motion, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The motion carried and it was so ordered.

Messrs. Nugent and Thompson asked and it was ordered, that their dissent show upon the minutes, the order of dismissal and any publicity statement issued.

The Chief Counsel was directed to prepare and the Secretary to serve order of dismissal.

(3) Docket 1238 - The Sawlin-Nixon Company.

This case came before the Commission for final determination upon the following records: memorandum of March 25th from the Chief Counsel transmitting the case and recommending dismissal; memorandum of March 23rd from Attorney Brinson; complaint; answer. No testimony was taken nor briefs filed. Attorney Brinson represents the Commission. Respondent has no attorney of record.

In memorandum of March 25, 1925, the Chief Counsel reviewed the case and recommended as follows: "I concur with him (Mr. Brinson) and move dismissal for the following reasons:

'Complaint charges, in substance and in interstate commerce of yellow pine, botanically called *pinus ponderosa*, under the name of Western White Pine, as and for white pine, botanically called *pinus strobus*, to the prejudice of the public and competitors of the respondents.

'Respondents have denied, the Sawlin-Nixon Lumber Company, being the most substantial of all respondents in the White Pine case, have filed answers in which they state, among other things, that they ceased on or about August 4, 1924, to sell *pinus ponderosa* under the name of Western White Pine. This was approximately six months before service of the complaints in the above entitled matters.'

After consideration, Mr. Nugent offered the following motion, seconded by Mr. Thompson:

April 24, 1935.

Moved, that the case take the regular course.

In substitution for the foregoing motion, it was moved by Mr. Van Fleet, seconded by Mr. Hunt, that the complaint be dismissed upon the recommendation of the Chief Counsel and that a statement of the reasons be given in the order of dismissal and the publicity statement.

As to the substitute motion, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Lugent and Thompson voted in the negative. The substitute motion was carried and it was so ordered.

Messrs. Lugent and Thompson asked and it was ordered, that their dissent show upon the minutes, the order of dismissal and any publicity statement issued.

The Chief Counsel was directed to prepare and the Secretary to serve order of dismissal.

(5) Docket 1116 - Interior: Federation Farm Machinery Dealers, et al.

On motion of Mr. Lugent, it was ordered by the Commission that this case be placed on the Unfinished Business Calendar for a period of two weeks from date to be then called up by the Secretary.

Mr. Hunt referred to the recommendations of the Chief Examiner as set forth in memorandum of February 28th that Harry A. Babcock of the New York Office and Miss Helen F. Smith, clerk-stenographer at the Chicago Office be promoted in Classification Grade. Mr. Hunt reported the facts in each case and thereafter offered the following motions:

First: That Attorney-Examiner Harry A. Babcock at \$3000. per annum, assigned to the New York Office be promoted in Classification Grade from Professional Grade II to Professional Grade III, without change in salary as Mr. Babcock's present salary of \$3000. is the minimum salary in Professional Grade III.

The motion was seconded by Mr. Van Fleet and adopted by the Commission and it was so ordered.

Second: That Miss Helen F. Smith, clerk-stenographer at the Chicago Office at a salary of \$1880. per annum, be promoted in Classification Grade from C.A.F. Grade II to C.A.F. Grade III, without change in salary.

April 24, 1925.

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The motion was adopted and it was so ordered.

The following matters of general business forwarded to the Commission by the heads of the several divisions were presented by the Secretary and action as indicated was taken by the Commission:

(1) The Secretary referred to memorandum from the Chief Counsel in regard to authority of the Commission under Section 6 of the Federal Trade Commission Act, which memorandum was set as a Special Order of business for to-day.

The Secretary presented a memorandum of April 23rd from the Chief Economist commenting on the memorandum of the Chief Counsel referred to above.

Chairman Van Fleet then offered the following motion:

"I move that the President be requested by letter to request from the Attorney General an opinion on the authority of the Commission to conduct the Senate investigations now before the Commission.

"The letter shall contain the resolutions and there shall be transmitted therewith, copies of the opinion of the Chief Counsel and of the Economic Department.

"The letter shall also request an opinion on the extent of the authority of the Commission to require information by questionnaire or otherwise in economic investigations."

The motion was seconded by Mr. Hunt.

Mr. Lugent asked that if the letter goes forward, it would set out the picture of the entire situation with respect to the economic work as it exists at this particular time. This was agreed to by the Commission and the Chairman, with the consent of his second, which was given, amended his motion in the second paragraph thereof by adding the words "and their status" immediately following the word "resolutions", so as to make the second paragraph read as follows:

"The letter shall contain the resolutions and their status and there shall be transmitted therewith copies of the opinion of the Chief Counsel and of the Economic Department."

After discussion, vote was taken upon the motion as offered by Mr. Van Fleet, seconded by Mr. Hunt and amended as shown above. As to this motion, Messrs. Van Fleet, Lugent, Hunt and Humphrey voted in the affirmative and Mr. Thompson voted in the negative. The motion carried and it was so ordered.

April 24, 1925.

The Chairman stated that he would draft a letter in accordance with the foregoing action of the Commission and submit copies thereof to each Commissioner with the understanding that the letter will be brought to the Commission for consideration as to its form.

(2) Docket 1140 - Cleveland Metal Products Company.

Memorandum of April 23rd was received from the Chief Counsel stating that the case has been set for the taking of testimony at Cleveland, Ohio, on May 3, 1925 and calling attention to the direction of the Commission postponing the hearing. The Chief Counsel submitted draft of an order postponing the hearing to a date to be fixed later by the Commission and recommending that the order be entered.

The recommendation of the Chief Counsel was approved and the order postponing the date of hearing was approved and entered.

Upon motion of Mr. Thompson, it was directed that the question of setting the date for the beginning of the taking of testimony be carried on the Unfinished Business Calendar.

(3) Docket 1141 - Standard Oil Company of Kentucky.

Memorandum of April 23rd from the Chief Counsel stating that the case has been set for the taking of testimony at Cleveland, Ohio, on April 27, 1925 and calling attention to the direction of the Commission postponing the hearing. The Chief Counsel submitted draft of an order postponing the hearing to a date to be fixed later by the Commission and recommending that the order be entered.

The recommendation of the Chief Counsel was approved and the order postponing the date of hearing was approved and entered.

Upon motion of Mr. Thompson, it was directed that the question of setting the date for the beginning of the taking of testimony be carried on the Unfinished Business Calendar.

(4) Docket 1134 - F. H. Vance Lifting Company.

Memorandum of April 23rd was received from the Chief Counsel recommending that request for the Commission and counsel for the respondent be granted an extension to and including May 24, 1925 in which to file extensions to the report of the Trial Director.

The recommendation of the Chief Counsel was approved and the order submitted by the Chief Counsel approved and entered.

(5) Docket 1151 - Great Western Wholesale Furniture Company.

Memorandum of April 23rd was received from the Chief Counsel recommending that counsel for the Commission be granted an extension to and including May 24, 1925 for filing brief.

The recommendation of the Chief Counsel was approved and order to that effect approved and entered.

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(8) Docket 915 - Cutler-Kenna Company.

A memorandum of April 23rd was received from the Chief Counsel transmitting (1) draft of order granting counsel for the respondent and counsel for the Commission an extension of time to and including July 27, 1925, in which to file exceptions to the report of the Trial Examiner and (2) draft of order granting counsel for the Commission to and including July 17, 1925, in which to file brief and counsel for the respondent to and including July 27, 1925, in which to file brief.

The orders as submitted by the Chief Counsel were approved and entered.

From the circulating calendar the Commission considered the following matters and action as indicated was taken:

(1) Memorandum of April 18th from Mr. Francis Walker, Chief Economist, transmitting a letter to the Personnel Classification Board, in which Mr. Walker requested change of allocation from Professional Grade VI to Professional Grade VII.

The memorandum was circulated April 18th. Citations by the several Commissioners were read and thereafter, Mr. Lugent suggested in accordance with his notes in the file, that the letter be sent along with the Commission's approval.

Mr. Van Fleet stated that he was willing to send the letter over simply saying that the Commission transmits it for the consideration of the Personnel Classification Board.

Mr. Lugent, thereupon, made the following statement for the record:

"I dissent from the action taken to-day by the Commission in respect to the request for opinion from the Attorney General in those matters relating to the Economic Division and let the record show my dissent, and I change my vote from 'aye' to 'nay' and dissent to action of majority of the Commission."

Mr. Van Fleet, thereupon, withdrew his statement as shown above with respect to Mr. Walker's appeal to the Personnel Classification Board and stated that he was willing to sign a letter as Chairman, transmitting Mr. Walker's letter with the Commission's approval.

It was, thereupon, directed that Mr. Walker's appeal be forwarded with the approval of the Commission and the Secretary was instructed to prepare an appropriate letter.

April 24, 1925.

(2) Letter of March 24th signed by a number of Senators requesting the Commission to furnish information regarding allegations that combinations are being formed abroad by American business in alleged violation of the anti-trust laws. The letter read as follows:

"UNITED STATES SENATE"

Washington, D. C.,
March 24, 1925.

Hon. Vernon W. Van Fleet,
Chairman, Federal Trade Commission,
Washington, D. C.

Dear Sir:

The Webb-Pomeroy Export Trade Act is designed, as we understand it, to help American business corporations and to find a market for their products abroad, and it is alleged that American business interests are establishing themselves in many foreign countries in combination with similar business interests in those countries.

The Federal Trade Commission is vested with the administration of the Webb-Pomeroy Act and this Commission is empowered by Section 6, Paragraph b, of the Federal Trade Commission Act:

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

We respectfully request that the Federal Trade Commission send us as soon as possible whatever information it has regarding the nature of combinations being formed abroad by American business, commercial, and financial firms and corporations in alleged violation of anti-trust laws and the amount of investment made by American interests abroad in connection with such combinations and trade organizations and the extent to which said American business interests are working with foreign combinations and whether in any cases American goods are sold cheaper to foreign customers as a means of maintaining the prices of such

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goods manufactured in the United States, then to American consumers.

Yours sincerely,

(signed) E. F. Ladd,
W. H. Webster,
Henrik Shipstead,
Dymond W. Fletcher,
G. W. Morris,
Earle B. Layfield,
H. B. Howell,
Robert L. LaFollette,
Harrie Shoppard,
Lyons J. Fryer,
William M. King,
Kenneth McNeill,
John B. Kendrick,
Richard A. Chandler,
John E. Harrold,
Charles L. LeMay."

The letter was circulated each fifth. Relations by the several Commissioners were read and thereafter Mr. Van Fleet offered the following motion:

Moved, that the letter be referred (1) to the Chief of the Export Trade Division and (2) to any other division in the Commission that might have information on the subject and thereafter, that a letter be prepared setting forth whatever information the Commission now has regarding the matter. This to be done without field investigation.

The motion was adopted by the Commission and it was so ordered.

Whereupon, at the hour of 12:15 p.m., the Commission adjourned to meet Monday, April 27, 1925, at 10 a.m.

Vernon W. Van Fleet,
Chairman.

Attest:

Otis H. Spenson,
Secretary.

April 27, 1925.

MEETING OF THE FEDERAL TRADE COMMISSION

Monday - April 27, 1925 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Nugent,
Charles W. Hunt,
Huston Thompson,
William E. Humphrey.

The minutes of the meeting of April 24, 1925, were read and approved.

Mr. Nugent presented the following listed applications for complaint and foreign trade complaints and action as indicated was taken by the Commission:

- (1) File 1-3878 - J. L. Goldberg vs. L. Shapiro & Sons.

Mr. Nugent submitted memorandum of April 1st reviewing the record, disagreeing with the recommendation of the Board of Review and recommending complaint.

The memorandum was read and after discussion, it was ordered upon motion of Mr. Nugent, seconded by Mr. Thompson, that complaint issue charging Louis Shapiro, Barney Shapiro and Frank S. Shapiro, trading under the firm name and style of L. Shapiro & Sons, of Baltimore, Maryland, with violation of the Federal Trade Commission Act.

The file was referred to the Chief Counsel, via Docket Section, for preparation of complaint, the same thereafter to be served by the Secretary without further action by the Commission.

It was further ordered, upon motion of Mr. Nugent, that the Chief Examiner be directed to conduct a preliminary investigation for the purpose of determining whether or not the Prudential Worsted Mills, Philadelphia, Pennsylvania is as a matter of fact manufacturing cloth consisting in part of cotton which it is selling or invoicing to manufacturers of clothing as All-Wool or Commercial Wool and thereby placing in the hands of clothing manufacturers an instrument as set out in the Supreme Court decision in the Beechnut case, which enables sellers of clothing to defraud the public; and also to ascertain whether the Prudential Worsted Mills did as a matter of fact sell to the respondent Shapiro cloth which it advertised or invoiced as All-Wool or Commercial Wool.

April 27, 1925.

the papers received from that office returned and the case in this office closed. The Commission also received draft of a letter to the Secretary of Commerce as prepared by the Export Trade Division.

The memorandum was read and after consideration, the recommendations were approved and the letter approved and was forwarded. See file.

(2) File 1-3616 - Callingbourne Mills, Inc. vs. Spool Cotton Thread Company.

Mr. Hunt stated that this application came direct to the Commission from the Chief Examiner without reference to the Board of Review pursuant to the rule of December 4, 1924.

Mr. Hunt submitted memorandum of April 23rd reviewing the facts, concurring in the recommendation of the Chief Examiner and recommending that the application be dismissed.

The memorandum was read and after discussion, on motion of Mr. Hunt, the application for complaint was dismissed by the Commission.

Mr. Humphrey submitted the following listed applications for complaint and motion as indicated was taken by the Commission:

(1) File 1-3189 - F. T. C. vs. National Association of Sheet & Tin Plate Manufacturers.

Mr. Humphrey stated that this application came direct to the Commission from the Chief Examiner without reference to the Board of Review, pursuant to the rule of December 4, 1924.

Mr. Humphrey submitted memorandum of April 22nd reviewing the record, concurring in the recommendation of the Investigating Examiner and recommending dismissal.

Mr. Humphrey also read the conclusions and recommendations for dismissal by Examiner Sage as set forth in his final report dated April 16, 1925, in which the Chief Examiner concurred and also recommended dismissal.

After discussion, Mr. Humphrey offered the following motion, which was seconded by Mr. Hunt:

Moved, that the case be dismissed on the recommendation of the Chief Examiner.

In substitution for the foregoing motion, it was moved by Mr. Thompson, seconded by Mr. Nugent, that complaint issue.

Vote was taken upon the substitute motion. As to this motion, Messrs. Nugent and Thompson voted in the affirmative and Messrs. Van Fleet, Hunt and Humphrey voted in the negative. The substitute motion was lost.

April 27, 1925.

Vote was thereupon taken upon the original motion for dismissal. As to this motion Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The motion carried and it was so ordered. Messrs. Nugent and Thompson asked and it was ordered, that their dissent be noted.

(2) File 1-3559 - Berk Brothers vs. Leonards Novelty Company, et al.

Mr. Humphrey submitted memorandum of April 22nd reporting the recommendation of the Board of Review for complaint and thereafter offered the following motion, which was seconded by Mr. Van Fleet:

Moved, that the case be referred back to the Chief Examiner for further inquiry to gather present information as to whether the respondent is still in business and following the practices complained of in interstate commerce.

The motion was adopted by the Commission and it was so ordered.

(3) File 1-3558 - Berk Brothers vs. Marie Antoinette Parle Company. (Nat L. Stanton).

" 1-3565 - Berk Brothers vs. La Perfection Pearl Company. (Louis E. Josephson).

Mr. Humphrey submitted memorandum of April 27th reporting that complaints were ordered issued by the Commission in these two cases and that the Chief Counsel states the files in these cases are subject to the same considerations upon which recommendation for further investigation was made in the Leonards Novelty Company case - file 1-3559 - and for that reason recommended that the order of the Commission directing complaint be held in abeyance until a similar investigation is made in these two cases.

Upon action of Mr. Humphrey, it was so ordered by the Commission and these two cases, together with the Leonards Novelty Company case - file 1-3559 - were referred to the Chief Examiner for further investigation as ordered in the Leonards case and report to the Commission.

The Chairman presented the following matters and action as indicated was taken by the Commission:

(1) Letter of April 25, 1925 was received from Mr. Sydney Anderson, President, Millers' National Federation, Washington, D. C.

April 27, 1925.

informing the Commission of the adoption of a resolution by the Federation as a result of which a bulletin will be issued by the Federation requesting the cooperation of the mills in filling out and forwarding to the Commission questionnaires on "Flour Milling - Costs and Profits".

The letter was read and referred to the Chief Economist for attention and to the Secretary for acknowledgment, thanking the Federation for its cooperation.

(2) Letter of April 24th from Senator E. F. Ladd, of North Dakota, making inquiry as to the status of the request for information contained in letter dated March 24, 1925, submitted to the Commission by a number of Senators regarding the nature of combinations being formed abroad by American business in alleged violation of the anti-trust laws.

The letter was read and referred to the Secretary to advise the Senator that the data requested in the letter of March 24th is being prepared and will be forwarded at the earliest possible moment.

The following matters of general business forwarded to the Commission by the heads of the several divisions were presented by the Secretary and action as indicated was taken by the Commission:

- (1) File 1-3944 - Permatex Company, Inc. vs. Durkee-Atwood Company.

Memorandum of April 18th was received from the Chief Examiner reporting that in the descriptive matter in the catalogues and advertising literature used by the proposed respondent, the word "compound" is not uniformly used in connection with the word "shellac" and recommending that the Chief Examiner be instructed to negotiate with the proposed respondent for a stipulation.

The memorandum was read and thereafter, the recommendation of the Chief Examiner was approved by the Commission.

- (2) File 1-3869 - Unfair Competition Bureau of the Paint & Varnish Industries vs. Murray & Leonard, (David Freed), et al.

Memorandum of April 18th was received from the Chief Examiner stating that on December 8, 1924, the Commission directed that this application be placed on the Suspense Calendar and instructed the Chief Examiner to report to the Commission whether or not the respondent had carried out his expressed intention of so changing the style of labels as to avoid any misleading effect therefrom, etc. The Chief Examiner reported that after some difficulty, the respondent was located and a written statement secured, dated

April 27, 1925.

April 14, 1925, in which it is stated that the respondent has not been engaged in the varnish business for over a year; that he has discontinued handling the line of varnishes which were involved in this application; that he has no labels of any kind which he can furnish the Commission and that it is not his intention to resume their distribution. The Chief Examiner recommended that the application be taken from the Suspense Calendar and dismissed.

The memorandum was read and thereafter, the recommendation of the Chief Examiner was approved by the Commission, the application removed from Suspense and dismissed.

(3) Docket 1278 - Lease Brothers Motors, et al.

Memorandum of April 23rd was received from the Chief Counsel transmitting request of counsel for respondent, John P. Agnew, for an extension of time to and including May 24, 1925 for filing answer and recommending that the request be granted.

The request was granted by the Commission and order to this effect approved and entered.

(4) Docket 1044 - Pacific Commercial Company, et al.

Memorandum of April 23rd was received from the Chief Counsel transmitting request of counsel for John P. Agnew, one of respondent herein, for an extension of time to and including May 24, 1925 for filing answer and recommending that the request be granted.

The request was granted by the Commission and order to this effect approved and entered.

(5) Docket 1115 - General Electric Company, et al.

The following memorandum of April 24th was received from the Chief Counsel:

"April 24, 1925.

MEMORANDUM FOR THE COMMISSION:

In re: Docket 1115 -
General Electric Company, et al.

The hearings in this case are scheduled to commence on May 18th. The attorney in charge of the case is Edward L. Smith. I understand from him that if the hearings are commenced on May 18th they will run at least until July 1st; that a daily transcript of testimony is apparently necessary; that a great number of witnesses will be subpoenaed and that at least three of the Commission's representatives will be required continuously in New York.

April 27, 1925.

The condition of the Commission's funds will not permit the trial of this case before July 1st. Therefore, I recommend that it be postponed, and I transmit herewith the draft of an order which I deem appropriate in the premises. The order fixes no definite time for the taking of testimony, except that it directs that the hearings shall be commenced some time prior to September 15th. The order is submitted in this form because I anticipate that counsel for the respondents will not desire, because of vacation arrangements, to begin the hearings during July or August.

Respectfully submitted,

W. H. Fuller,
Chief Counsel."

The memorandum was read and the order submitted by the Chief Counsel postponing the case was adopted. This order reads as follows:

"IT IS HEREBY ORDERED, that the taking of testimony in support of the complaint in this proceeding be postponed from May 18, 1925, to some time between July 1, 1925 and September 15, 1925, at New York, N. Y., agreeable to counsel for the respondents and counsel for the Commission; and that if counsel for the respondents and counsel for the Commission be unable to agree upon a time, the taking of such testimony be postponed to a time and place to be fixed by the Commission."

(c) Memorandum of April 25, 1925, was received from the Chief Examiner relative to cases involving acquisition of physical assets. The memorandum reads as follows:

"Reference is made to the Commission's direction of April 2, 1925.

"Prior to the receipt by this office of notice of the action of the Commission on the case involving the acquisition by the Interstate Window Glass Corporation of the Consolidated Window Glass Company, etc., it was our understanding that such cases were to be considered in the light of the complaint against the Bethlehem Steel Corporation, et al - Docket 982. Upon receipt of the notice of the Commission's action on that case (after April 15, 1925) it was concluded that the Bethlehem Steel Corporation case should no longer be considered as controlling and oral instructions were issued that in the future merger cases

April 27, 1925.

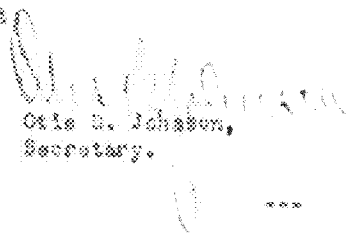
would be investigated only far enough to determine the nature of the acquisition, viz., whether of stock or of physical assets and if it proved to be the latter only, that then the file would be closed.

"About the same time, or shortly after, the Chief Examiner made a verbal suggestion to the Secretary that any cases of this character in his hands and not yet acted upon by the Commission should be withdrawn. No such files have been presented by us to the Commission since its action on the Interstate Window Glass Corporation, but there were a few already in the hands of the Secretary."

At this time Chairman Van Fleet was excused from the meeting.

Vernon W. Van Fleet,
Chairman.

Attest


Otis G. Johnson,
Secretary.

PRESENT:

John F. Nugent, Acting Chairman,
Charles E. Hunt,
Barton Thompson,
William S. Humphrey.

Mr. Van Fleet absent.

The memorandum from the Chief Examiner was read and after discussion was approved with the direction that a record be maintained of cases wherein physical assets alone were acquired and that such cases be reported to the Secretary by the Chief Examiner with instructions to the Secretary to place the report in the Calendar for the information of the Commissioners.

Mr. Thompson stated for the record that in assenting to the plan approved by the Commission, he wished it understood and the record to show that he was not assenting to the idea that the Commission does not have jurisdiction under Section 5 of the Federal Trade Commission Act to investigate and issue complaints where physical assets have been taken over and the effect is a

April 27, 1925.

substantial lessening of competition and a tendency to create a monopoly; and that he further acceded to the plan only in view of the fact that a majority of the Commission has repeatedly expressed itself as against the taking of jurisdiction in cases where only physical assets have been acquired by competing corporations.

Mr. Nugent stated for the record, that he agreed to the foregoing statement by Mr. Thompson.

(7) Docket 1257 - South Jersey Wholesale Confectioners' Association of Trenton, N. J., et al.

The following orders submitted by the Chief Counsel were approved and entered: (1) that Edward M. Averill, an Examiner of the Commission be designated to receive testimony, etc., and (2) that the hearing of the complaint begin at New York City, May 4, 1925, at 10:30 a.m.

(8) Docket 1213 - Lenders, Frary & Clark.

The following orders submitted by the Chief Counsel were approved and entered: (1) that Web Woodfill, an Examiner of the Commission be designated to receive testimony, etc., and (2) that the hearing of the complaint begin at Washington, D. C., on April 27, 1925, at 10:30 a.m.

Thereupon, at the hour of 11:43 a.m., the Commission adjourned to meet Tuesday, April 28, 1925, at 10 a.m.

John F. Nugent,
Acting Chairman.

Attest:


Otis B. Johnson,
Secretary.

April 28, 1925.

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MEETING OF THE FEDERAL TRADE COMMISSION

Tuesday - April 28, 1925 - 10 a.m.

PRESENT:

John F. Nugent, Acting Chairman,
Charles W. Hunt,
Houston Thompson,
William S. Humphrey.

Mr. Van Fleet absent.

Pursuant to arrangements the Commission met to hear argument upon the motion filed by respondents to dismiss the complaint on jurisdictional grounds, in the matter of Dushet 1203 - Barnes-Ames Company and Barnes-Irvin Company. Attorney Brinson was heard on behalf of the Commission. Attorney Edwin Shattuck was heard on behalf of the respondents.

Counsel for the respondent filed brief in support of the motion, which was received. Counsel for the Commission was granted five days time in which to file reply brief.

The hearing continued until the hour of 11 a.m., was concluded and the matter taken under advisement.

Thereupon, at the hour of 11 a.m., the Commission adjourned to meet Wednesday, April 29, 1925, at 10 a.m.


John F. Nugent,
Acting Chairman.

Attest


Otis C. Johnson,
Secretary.

April 29, 1925.

MEETING OF THE FEDERAL TRADE COMMISSION

Wednesday - April 29, 1925 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Nugent,
Charles W. Hunt,
Houston Thompson,
William E. Humphrey.

The minutes of the meetings of April 27 and 28, 1925, were read and approved.

The following matters of general business forwarded to the Commission by the heads of the several divisions were presented by the Secretary and action as indicated was taken by the Commission:

(1) Letter of April 29th from Miss Louise A. Webster, clerk in the Economic Division, requesting leave without pay for a period of ninety days beginning May 1, 1925 for the purpose of pursuing educational work. The request was approved by the Chief Economist and granted by the Commission.

(2) Letter of April 28th from J. Edgar Eagle, messenger at \$720. per annum resigning his position effective at the close of business May 23, 1925.

The resignation was accepted by the Commission and the Secretary was authorized to fill the vacancy in accordance with Civil Service regulations.

(3) Memorandum of April 28th from the Chief Examiner reporting in response to the Commission's direction of April 22nd with respect to the progress made in the investigation ordered by the Commission on November 21, 1924, in reference to the use of plus price on sugar. The Chief Examiner reported that file 1-3723 - F. T. C. vs. Texas Sugar Refining Company had been docketed, but the investigation postponed because of the expense involved. The Chief Examiner reported that his present plan is to make the case a leading one after July 1, 1925 and to concentrate on one of the concerns involved, probably the Great Western Sugar Company, as a test case instead of trying to cover all the forty odd companies in the industry.

April 29, 1925.

The memorandum was read and after discussion, upon motion of Mr. Van Fleet, seconded by Mr. Thompson, the Chief Examiner was directed to confine the investigation of the subject to the specific complaint made to the Commission. The Chief Examiner's plan of going forward with the investigation after July 1st was approved.

(4) Memorandum of April 28th from the Chief Examiner reporting in response to the Commission's direction of April 22nd that the Chief Examiner has no record nor recollection of any investigation ordered with respect to the practices followed by steel manufacturers, other than the United States Steel Corporation, in regard to the Pittsburgh Plus System.

The memorandum was read and after discussion, on motion of Mr. Thompson, the Commission directed that Hugh E. White of the Chief Counsel's Staff report whether or not he has information or there is information in the Commission with respect to the practices of steel concerns, other than the United States Steel Corporation, in regard to the basing point practice condemned in the Pittsburgh Plus case - Docket 740.

(5) Memorandum of April 27th was received from the Chief Economist reporting in response to the Commission's direction of April 22nd, that the inquiry into cement price making conditions, as ordered under date of February 18, 1925 had been completed and in accordance with the Commission's order, the report has just been submitted to the Chief Counsel for examination and report to the Commission.

The memorandum was received and filed.

(6) Letter of April 27th from the United States Civil Service Commission referring to the order to cease and desist entered by the Commission in Docket 1255 - Civil Service School, Inc., Washington, D. C. and making complaint against the Springfield Civil Service & Commercial School, Springfield, Massachusetts, with request that the Commission investigate this school.

Upon motion of Mr. Thompson, seconded by Mr. Van Fleet, it was directed that the letter be docketed as an application for complaint.

(7) Docket 1290 - Abrasive Paper & Cloth Manufacturers' Exchange, et al.

Memorandum of April 27th was received from the Chief Counsel transmitting request of counsel for the respondent for an extension to and including June 1, 1925, in which to file answer and recommending that the request be granted.

The request was granted by the Commission and order submitted by the Chief Counsel to this effect was approved and entered.

April 29, 1925.

(8) Docket 1083 - S. Zorn & Company.

Memorandum of April 27th was received from the Chief Counsel recommending that counsel for the Commission be granted an extension to and including June 3, 1925, in which to file brief and counsel for the respondent be granted an extension to and including June 14, 1925 in which to file brief.

The recommendation of the Chief Counsel was approved and order to this effect approved and entered.

(9) Docket 573 - Owens Bottle Company.

Memorandum of April 27th was received from the Chief Counsel transmitting letter of April 24th from Lloyd T. Williams, counsel for the respondent, notifying the Commission that counsel for the respondent is preparing and will tender at once a supplemental memorandum on the hearing of the decision in the Thatcher Case - Docket 730 - United States Circuit Court of Appeals for the Third Circuit, decided April 16, 1925 - with respect to the facts in the Owens Bottle Company case.

The Secretary reported that the Owens case was listed on the Conference Calendar for May 1st for decision.

The Commission directed that the Owens Bottle Company case be withheld from the Conference Calendar for one week pending receipt of the supplemental memorandum from counsel for the Owens Bottle Company.

(10) Lett. of April 10th from the Mahogany Association, Inc., New York City, (F. C. Schmitt, General Manager) transmitting applications for complaints on behalf of the Association against R. H. Macy Company, Inc., New York City and Stern Brothers, Inc., New York City, with respect to alleged false and misleading descriptions of furniture.

The Commission directed that the papers be referred to the Chief Examiner for attention.

(11) Letter of April 28th from the Personnel Classification Board approving typical or standard classification sheet prepared by the Commission for the position of "associate attorney" and allocating such position to Professional Grade III under the Classification Act of 1923. The classification sheet was transmitted to the Board pursuant to the Commission's action of April 11, 1925.

The letter from the Board and the classification sheet as approved were referred to the Secretary for attention.

(12) Docket 1044 - Pacific Commercial Company, et al.

" 1276 - Robert M. Lease Company, et al.

Memorandum of April 27th was received from the Chief Counsel transmitting request of counsel for John P. Agnew, respondent in the above cases, requesting an extension of time to and including

April 29, 1925.

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June 30, 1925 in which to file answer in each of the above cases and recommending that the request be granted.

The request was granted by the Commission and orders to this effect were approved and entered.

(13) File 1-3746 - Kenneth G. Glover vs. Sical Sales Corporation, et al.

Memorandum of April 18th was received from the Chief Examiner reporting the status of the case in response to the Commission's direction of March 20, 1925 and pursuant to request made to the Commission in letter of March 18, 1925 from Messrs. Hansen & Orth, attorneys for the applicant, the Plymouth Cordage Company and requesting that the case be dismissed.

The Chief Examiner reported that pursuant to the Commission's direction of August 18, 1924, this case was now on Suspense Calendar awaiting the results of a suit already instituted by the Department of Justice against the same parties. The Chief Examiner recommended that the application remain on Suspense pending the decision in the Department of Justice suit as originally ordered by the Commission; that Messrs. Hansen & Orth be so advised; and also that the Department of Justice be furnished with a copy of the letter of March 18, 1925, from Messrs. Hansen & Orth.

The memorandum was read and the recommendations of the Chief Examiner were approved and it was so ordered.

(14) File 1-3800 - Charles B. Bohn vs. Aluminum Company of America.

Memorandum of April 22nd was received from the Chief Counsel reporting in response to the Commission's direction of April 20th in regard to a conference held with officials of the Department of Justice concerning the status of proceeding by the Department of Justice for violation of the decree of the District Court in the case of United States against Aluminum Company of America decided in 1912.

The Chief Counsel's memorandum was read and the disposition to be made by the Commission of the pending application for complaint was considered.

Thereafter, Mr. Thompson offered the following motion:

Moved, that complaint issue.

The motion failed for want of a second.

Mr. Nugent then offered the following motion, which was seconded by Mr. Van Fleet:

Moved, that the Chief Counsel be directed to consult with the Department of Justice in respect to the record set forth in this file and ask for an opinion as to whether or not the matters so

April 29, 1935.

set forth are in the opinion of that Department, violations of the decree heretofore rendered against the Aluminum Company of America; and to call particular attention to the matters set out in the file in respect to the attitude of the proposed respondent concerning the Sand Castings situation and the Scrap Situation and report promptly to the Commission.

The foregoing action was adopted by the Commission, with Messrs. Van Fleet, Nugent, Hunt and Humphrey voting in the affirmative and Mr. Thompson voting in the negative and made the following statement for the record:

"The Department of Justice has been investigating the Aluminum Company of America since 1922. On October 19, 1924, the Commission voted to send its data on this Company to the Department. Within the last week, the Department has reported that it will need some months more for investigation and gives no assurance that it will determine what action it will take at the end of that time. In the case under discussion, known as file 1-3800 - Charles S. Bohn vs. Aluminum Company of America, I have made something of a study of the record and am convinced that this case includes practices not covered by the decree existing against the Aluminum Company of America and under which the Department of Justice will proceed.

"I, therefore, believe that we should vote to issue a complaint and not delay by further conferences with the Department. This, and the fact that the Department has failed to proceed after long investigation causes me to vote 'no' in the present instance. Generally speaking, I am in favor of and have always cooperated with the Department of Justice where they have shown diligence, their jurisdiction covers the same ground as ours and they have requested us to suspend action under our jurisdiction."

(15) File 1-3377 - Harris-Manlo Company vs. Altman-Pellerman Silk Company, Inc.

Memorandum of April 28th was received from the Chief Examiner reporting in response to the Commission's action of December 23, 1924, the facts with respect to the manner in which the proposed respondent in this case invoices its goods to wholesalers, jobbers and retailers, and also as to how the goods are invoiced by wholesalers to the retailers and the manner in which the retailers advertise such goods in the newspapers, etc., for the reading of the ultimate consumers.

April 29, 1925.

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The Chief Examiner's memorandum reporting with respect to the above matters was read and after discussion, Mr. Van Fleet offered the following motion, which was seconded by Mr. Humphrey:

Moved, that the case be referred to the Chief Examiner to obtain a stipulation from the parties under the rule of March 16, 1925.

In substitution for the foregoing motion, Mr. Nugent offered the following motion, which was seconded by Mr. Thompson:

Moved, that complaint issue against the respondent.

Vote was taken upon the substitute motion. As to this motion Messrs. Nugent and Thompson voted in the affirmative and Messrs. Van Fleet, Hunt and Humphrey voted in the negative. The substitute motion was lost.

Vote was thereupon taken upon the original motion by Mr. Van Fleet. As to this motion, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The motion carried and it was so ordered.

Messrs. Nugent and Thompson asked and it was ordered that their dissent be noted.

- (16) File 1-3682 - Associated Advertising Clubs of the World vs. Spear & Company.
" 1-3683 - Associated Advertising Clubs of the World vs. Sheppard Knapp Son Company, Inc.
" 1-3703 - S. Karpan & Brothers vs. Slack & Yates, Inc.
" 1-3713 - Associated Advertising Clubs of the World vs. Ludwig, Bauman & Company.
" 1-3825 - Mahogany Association, Inc., vs. Gimbel Brothers, Inc.

The Secretary reported that pursuant to the Commission's action of March 11, 1925, directing that these applications for complaint among others involving false and misleading advertising in the furniture industry be expedited by the Chief Examiner and reported direct to the Commission without reference to the Board of Review, the Chief Examiner submits the foregoing cases reporting preliminary investigation and recommendations for Commission action.

The Commission directed that the applications for complaint be circulated.

Mr. Humphrey called up for consideration, the question of applying for writ of certiorari in the matter of Docket #40 - Chicago Portrait Company. This question came before the Commission in a Memorandum of March 31, 1925, from Attorney Busick recommending petition for certiorari and asking instructions. The file is now on the Circulating Calendar.

April 29, 1935.

After discussion, Mr. Thompson offered the following motion, which was seconded by Mr. Humphrey:

Moved, that petition for writ of certiorari be made to the Supreme Court and that the Chief Counsel and Attorney Busick be instructed to proceed accordingly.

The motion was adopted and it was so ordered, with Messrs. Nugent, Hunt, Thompson and Humphrey voting in the affirmative and Mr. Van Fleet voting in the negative.

From the Circulating Calendar the Commission considered the following matters and action as indicated was taken:

(1) Letter of April 11th from the United States Civil Service Commission referring to the order issued by the Commission in Docket 1255 - Civil Service School, Inc. and making complaint against certain schools listed below:

Federal Civil Service School, Washington, D. C.
Civil Service Preparatory School, Washington, D. C.
Columbia School of Civil Service, Washington, D. C.

The file was circulated April 17th. Notations by the several Commissioners were read and thereafter, it was ordered by the Commission that separate applications for complaint be docketed against the schools listed above.

(2) Letter of April 10th from J. H. McLaurin, President, American Wholesale Grocers' Association, Washington, D. C., requesting a hearing before the Commission with respect to the practices of certain trade agencies.

The matter was circulated April 15th. Notations by the several Commissioners were read and thereafter, on motion of Mr. Nugent, seconded by Mr. Van Fleet, the Secretary was directed to advise Mr. McLaurin, that the time of the Commission is at this time of the year fully taken up with other matters, including final hearings and to suggest that anything definite in the way of complaint that Mr. McLaurin desires to bring to the attention of the Commission be submitted in writing and that the Commission will upon consideration of Mr. McLaurin's statement determine whether or not a hearing is necessary.

April 29, 1925.

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(3) Memorandum (undated) from the Chief Examiner in response to the Commission's action of April 8, 1925, authorizing the Chief Examiner to prepare a memorandum in the nature of a "Foreword" for publication in a pamphlet covering Trade Practice Submittals held before the Commission.

The memorandum was circulated April 13th. Notations by the several Commissioners were read and after certain amendments suggested by Mr. Thompson and shown on marked copy, which amendments were approved by the Commission, the Chief Examiner's memorandum was approved as a "Foreword" for the Trade Practice Submittal pamphlet and the Secretary was authorized to re-issue the pamphlet as of May 1, 1925.

The Commission recessed at 12 m. and reassembled at 2 p.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Nugent,
Charles W. Hunt,
Huston Thompson,
William E. Humphrey.

Pursuant to arrangements the Commission met to hear final argument in Docket 1048 - Holaproof Tissue Company. Attorney Sweet was heard in support of the complaint. Attorney L. A. Lecher was heard on behalf of the respondent. The hearing continued until the hour of 3:10 p.m., was concluded and the case taken under advisement.

Thereupon, at the hour of 3:10 p.m., the Commission adjourned to meet Friday, May 1, 1925, at 10 a.m.

Vernon W. Van Fleet,
Chairman.

Attest

W. E. Humphrey
William E. Humphrey,
Secretary.

May 1, 1925.

Thursday - April 30, 1925 - No Meeting held.

MEETING OF THE FEDERAL TRADE COMMISSION

Friday - May 1, 1925 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Nugent,
Charles W. Hurt,
Huston Thompson,
William E. Humphrey.

The minutes of the meeting of April 29, 1925 were read and approved.

Formal docket cases appearing on the weekly Conference Calendar for final determination were considered by the Commission and action as indicated was taken:

(1) Docket 1023 - International Shoe Company.

This case comes before the Commission for final determination upon the following record: complaint; answer; testimony; report upon the facts by Trial Examiner Bennett; exceptions thereto by counsel for the respondent; counsel for the Commission did not file exceptions; brief by counsel for the respondent; index digest of testimony by counsel for the Commission and counsel for the respondent. Final argument was heard April 1, 1925. Attorney Brindley represents the Commission. Attorneys Frank Y. Gladney and R. S. Blake represent the respondent.

This case was laid over until next Conference Day.

Mr. Nugent commented upon the absence of brief in this case by attorney for the Commission and spoke of the desirability of having briefs in all cases argued before the Commission and referred to the fact that if the index digest of the testimony filed by attorney for the Commission were used each Commissioner would have to refer to the record.

After discussion, Mr. Nugent offered the following motion, which was seconded by Mr. Van Fleet and adopted by the Commission:

Moved, that the Chief Counsel be directed to advise every attorney on his staff to file a brief in any case which the attorney intends to argue before the Commission, unless the attorney obtains permission from the Commission to omit the filing of a brief.

FILE

DIVIDER

May 1, 1925.

Thursday - April 30, 1925 - No Meeting held.

MEETING OF THE FEDERAL TRADE COMMISSION

Friday - May 1, 1925 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Nugent,
Charles W. Hunt,
Houston Thompson,
William E. Humphrey.

The minutes of the meeting of April 29, 1925 were read and approved.

Formal docket cases appearing on the weekly Conference Calendar for final determination were considered by the Commission and action as indicated was taken:

(1) Docket 1023 - International Shoe Company.

This case comes before the Commission for final determination upon the following record: complaint; answer; testimony; report upon the facts by Trial Examiner Bennett; exceptions thereto by counsel for the respondent; counsel for the Commission did not file exceptions; brief by counsel for the respondent; index digest of testimony by counsel for the Commission and counsel for the respondent. Final argument was heard April 1, 1925. Attorney Brindley represents the Commission. Attorneys Frank Y. Gladney and R. E. Blais represent the respondent.

This case was laid over until next Conference Day.

Mr. Nugent commented upon the absence of brief in this case by attorney for the Commission and spoke of the desirability of having briefs in all cases argued before the Commission and referred to the fact that if the index digest of the testimony filed by attorney for the Commission were used each Commissioner would have to refer to the record.

After discussion, Mr. Nugent offered the following motion, which was seconded by Mr. Van Fleet and adopted by the Commission:

Moved, that the Chief Counsel be directed to advise every attorney on his staff to file a brief in any case which the attorney intends to argue before the Commission, unless the attorney obtains permission from the Commission to omit the filing of a brief.

May 1, 1945.

(2) Docket 1048 - Haloproof Hosiery Company.

This case comes before the Commission for final determination upon the following record: complaint; answer; testimony; report upon the facts by Trial Examiner Woodfill; exceptions thereto by counsel for the Commission and counsel for the respondent; brief by counsel for the Commission and counsel for the respondent. Final argument was heard April 29, 1945. Attorney Sweet represents the Commission. Attorney L. A. Lecher represents the respondent.

After consideration, Mr. Van Fleet offered the following action, which was seconded by Mr. Hunt:

Moved, that findings as to the facts and an order to cease and desist be prepared by the Chief Counsel and submitted to the Commission in this case.

The foregoing motion was adopted by the Commission with Messrs. Van Fleet, Nugent, Hunt and Thompson voting in the affirmative and Mr. Humphrey voting in the negative.

Mr. Humphrey asked that his dissent be noted and made the following statement for the record:

"I dissent because I do not believe there is sufficient evidence to show any cooperation to maintain prices illegally."

(3) Docket 1155 - Western Silver Works, Inc.

This case comes before the Commission for final determination upon the following record: memorandum of March 21st from the Chief Counsel transmitting the case; amended complaint; stipulation as to the facts; findings as to the facts and order to cease and desist submitted by the Chief Counsel. No answer was filed. No testimony was taken nor briefs filed. Attorney Dowlan represents the Commission. Respondent has no attorney of record.

Upon motion of Mr. Nugent, it was directed by the Commission that an order to cease and desist issue.

The findings as to the facts and order to cease and desist submitted by the Chief Counsel with memorandum of March 21, 1945, were approved by the Commission, after amendments upon motion of Mr. Nugent and as shown on marked copy and were thereafter referred to the Secretary with instructions to incorporate the amendments and for service without further action by the Commission.

(4) Docket 1094 - Joseph S. Weinstein.

This case comes before the Commission for final determination upon the following record: memorandum of March 21st from the Chief Counsel transmitting the case; amended complaint; stipulation as to the facts; findings as to the facts and order to cease and desist submitted by the Chief Counsel. No answer was filed. No testimony was taken nor briefs filed. Attorney Dowlan represents the Commission. Respondent has no attorney of record.

May 1, 1925.

Upon motion of Mr. Nugent, it was directed by the Commission that an order to cease and desist issue.

The findings as to the facts and order to cease and desist submitted by the Chief Counsel with memorandum of March 21, 1925 were approved by the Commission, after amendments upon motion of Mr. Nugent and as shown on marked copy and were thereafter referred to the Secretary with instructions to incorporate the amendments and for service without further action by the Commission.

(5) Docket 1161 - Abraham Ash Company.

This case comes before the Commission for final determination upon the following record: memorandum of March 21st from the Chief Counsel transmitting the case; amended complaint; answer; stipulation as to the facts; findings as to the facts and order to cease and desist submitted by the Chief Counsel. No testimony was taken nor briefs filed. Attorney Dowlan represents the Commission. Respondent has no attorney of record.

Upon motion of Mr. Nugent, it was directed by the Commission that an order to cease and desist issue.

The findings as to the facts and order to cease and desist submitted by the Chief Counsel with memorandum of March 21, 1925 were approved by the Commission, after amendments upon motion of Mr. Nugent and as shown on marked copy and were thereafter referred to the Secretary with instructions to incorporate the amendments and for service without further action by the Commission.

(6) Docket 1200 - Louis Batlin.

This case comes before the Commission for final determination upon the following record: memorandum of March 21st from the Chief Counsel transmitting the case; amended complaint; stipulation as to the facts; findings as to the facts and order to cease and desist submitted by the Chief Counsel. No answer was filed. No testimony was taken nor briefs filed. Attorney Dowlan represents the Commission. Respondent has no attorney of record.

Upon motion of Mr. Nugent, it was directed by the Commission that an order to cease and desist issue.

The findings as to the facts and order to cease and desist submitted by the Chief Counsel with memorandum of March 21, 1925 were approved by the Commission, after amendments upon motion of Mr. Nugent and as shown on marked copy and were thereafter referred to the Secretary with instructions to incorporate the amendments and for service without further action by the Commission.

The Chairman presented the following matters and action as indicated was taken by the Commission:

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(1) Docket 1101 - Onside Community, L.A.

Letter of April 30th from Gilbert N. Montague, New York City, attorney for the respondents, requesting a further extension of time within which to file brief to and until June 10, 1925 because of the illness of Mr. Montague.

The letter was read and referred to the Chief Counsel for report.

(2) Docket 859 - Pure Silk Hosiery Mills.

Letter of April 24th was received from Mr. Charles W. Howard, Manager of the Industrial Board of the Chattanooga Chamber of Commerce, Chattanooga, Tennessee, stating that since the decision of the United States Circuit Court of Appeals for the Seventh Circuit the respondent has installed a number of machines in the Browning Mills and increased their capital holdings and making inquiry whether this action would not "have a favorable bearing in case the matter was reopened in the usual form."

The letter was read and referred to the Secretary for acknowledgment with the statement that the information furnished would have the attention of the Commission if the case comes before the Commission again for consideration.

(3) Letter of April 23rd from the Director of the Bureau of the Census, Department of Commerce, requesting data with respect to the personnel of the Commission for publication in "An Official Register of the United States" to be prepared by the Bureau of the Census yearly, pursuant to the act of March 3, 1925 and requesting the Commission to designate an officer to confer with representatives of the Bureau of the Census.

The Commission designated the Secretary for the purpose with the direction to furnish the data requested by the Bureau of the Census.

(4) Letter of April 26th from the Merchants' Association of New York requesting copies of the Commission's report on the advance in gasoline prices.

The letter was read and referred to the Secretary with instructions to furnish copies of the mimeographed summary of the Commission's report to the President in June 1924 with respect to the prices of gasoline.

(5) Docket 1305 - Continental Baking Corporation.

Letter of April 24th from G. G. Barber, Chairman, Continental Baking Corporation, referring to the complaint issued by the Commission and stating that "we desire, informally, to submit testimony showing the facts as they actually exist and, therefore, we respectfully request the Commission to refer this matter to the Board of Review where we may have the privilege of testifying and answering questions which the Commission or its representative may care to ask". The hearing was requested on or before May 1st or on or after May 11th.

May 1, 1925.

The letter was read and after discussion, Mr. Van Fleet, offered the following motion, which was seconded by Mr. Hunt:

Moved, that the case be referred to the Board of Review along with the letter from the Corporation to give the parties a hearing in accordance with the procedure under the rule; to make report to the Commission of the proceedings; that Attorney Brindley, the Commission's attorney assigned to the case, be instructed to be present at the hearing; that this hearing be had on or after May 11, 1925, at such date as may be fixed by the Board of Review upon notice to the respondents; and that the time for filing answer be postponed until after this matter is disposed of by the Commission.

Vote was taken upon the foregoing motion. As to this motion, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Nugent and Thompson voted in the negative and asked that their dissent be noted. The motion was adopted and it was so ordered.

(6) File 1-3210 - Remington Arms Company vs. National Cash Register Company.

Letter of April 29th was received from Attorney William Wallace, Jr. (Chadbourne, Stanchfield & Levy), New York City, representing the applicant and requesting the Commission to expedite its decision in the case and submitting a letter dated April 13, 1925 sent to the Department of Justice with respect to the phase of the matter pending before that Department, involving past acts relative to violation of the 1918 Ohio decree.

Mr. Nugent stated that the case had recently been referred to him from the Board of Review and that he had been working upon it for some time since, preparing the case for submission to the Commission.

The Secretary was directed to reply to Attorney Wallace that the case is now in the hands of a Commissioner and will very probably be considered by the Commission at an early date and with instructions to refer the letter to Mr. Nugent.

(7) Letter of April 21st from the Department of Justice, (William J. Donovan, Assistant to the Attorney General) acknowledging the receipt of the Commission's letter of April 17th transmitting to the Attorney General, copy of correspondence from C. H. Leonard, President of the Grand Rapids Refrigerator Company of Grand Rapids, Michigan, with respect to statements made by Attorney General Stone commenting upon the Commission's report on House Furnishing Industry, Volume XII, with particular reference to the refrigerator industry.

The letter was read and filed.

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Mr. Humphrey presented memorandums of April 27th from the Chief Counsel transmitting a letter of April 27th from Mr. Edward H. Walton of the Chief Counsel's Staff resigning his position effective May 15, 1925.

On motion of Mr. Humphrey the resignation was accepted.

Mr. Humphrey reported conference with the Chief Counsel in regard to filling the vacancy and the Chief Counsel's statement that the position should be filled promptly in order not to delay the work in the Chief Counsel's office where Mr. Walton is employed as managing clerk at a salary of \$2800. and allocated to Professional Grade II under the Classification Act of 1923.

After discussion, Mr. Humphrey offered the following motion which was seconded by Mr. Hunt:

Moved, that Mr. Len A. Schimpf be appointed to fill the vacancy caused by the resignation of Mr. Walton and allocated to Professional Grade II under the Classification Act at the initial salary of that grade, to-wit: \$2400. per annum.

The motion was adopted and it was so ordered, the same to be effective upon taking the oath of office and entering on duty.

The following matters of general business forwarded to the Commission by the heads of the several divisions were presented by the Secretary and action as indicated was taken by the Commission:

(1) Letter of March 29th from Mrs. E. Estelle Farnell, clerk in the Administrative Division, requesting leave without pay for one month from May 1, 1925, because of illness.

The Commission granted Mrs. Farnell leave without pay for a period not to exceed sixty days beginning May 1, 1925.

(2) Letter of April 30th from Miss Louise A. Webster, clerk in the Economic Division, requesting that the leave without pay granted by the Commission at her request on April 29th, be cancelled due to change in her plans.

The request was granted by the Commission and the leave cancelled.

(3) Docket #35 - Famous Players-Lasky Corporation, et al.

Following petition, dated April 27, 1925, was received from Joseph C. Dunn, witness herein, requesting the return of certain original exhibits offered in evidence and the substitution of photostat copies thereof:

May 1, 1925.

"PETITION OF JOSEPH C. ROSS

"Come now Joseph C. Ross and respectfully represents to this Honorable Commission:

"(1) That he is the same Joseph C. Ross who appeared before this Commission's Examiner, E. C. Alverd, in New York City as a witness for the Commission in this proceeding and gave his testimony herein during the month of May 1923; that his testimony appears on pages 1584 to 1666 inclusive of the transcript of hearings herein; that during his examination certain original documents and letters belonging to him evidencing transactions between him and Famous Players Lasky Corporation and its agents and subsidiaries, were produced by him and offered in evidence by the Commission's attorneys and marked Commission's Exhibit No. 83 to No. 159, both inclusive, and Respondent's Exhibits 4 to 76, both inclusive.

"(2) Your petitioner further represents that in August 1923, through counsel he instituted in the U. S. District Court, S. D., N. Y., a suit against said Famous Players Lasky Corporation, et al., for treble damages under the Sherman Act; that said suit is about to be called for trial and your petitioner needs the originals of all of his said documents and letters as offered in evidence as hereinabove stated.

"(3) Your petitioner, therefore, requests that this Honorable Commission cause the originals of said exhibits which are now on file with this Commission, to be photostated and that said photostated copies be accepted by this Commission in lieu of said originals, and that the Commission duly order the return of said originals to your petitioner or his attorney, Marvin Farrington.

"Washington, D. C., April 27, 1925.

(signed) Joe. C. Ross.

(signed) Marvin Farrington,
Petitioner's Attorney."

The request here the approval of the Chief Counsel of the Commission, W. H. Fuller, as follows:

May 1, 1925.

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"The statements above are correct. The respondents' Exhibits 4 to 76 above referred to are letters and contracts obtained from Mr. Boss' file and introduced by the respondents and are the property of Mr. Boss the same as Exhibits 63 to 189 of the Commission's.

"There can be no objections by the respondents as it is equally interested in these originals being available in the civil case.

"I recommend this request be granted.

(signed) W. W. Fuller."

The petition was granted with instructions to the Secretary to return the originals and substitute certified photostat copies of the exhibits in the records of the Commission with the direction that the petition for the return of the original exhibits be made a part of the Commission's case and noted on these minutes and that the expense of photostating be borne by the Commission.

(4) File 1-3461 - Associated Advertising Clubs of the World vs. Nightingale Brewery Mills, Inc.

The case was submitted to the Commission with memorandum of April 25th from the Chief Examiner reporting that the case had been handled by stipulation under the rule of March 11, 1925, stating the facts in the case and submitting stipulation with the recommendation that the stipulation be accepted and the application dismissed.

The memorandum was read and thereafter, the following motion was offered by Mr. Van Fleet, and seconded by Mr. Hunt:

Moved, that the stipulation be accepted and the application dismissed.

The motion was adopted by the Commission and it was so ordered.

As to the foregoing action of the Commission, Mr. Nugent voted in the negative and asked that his dissent be noted.

(5) File 1-3397 - F. T. C. vs. The Great Texas Oil & Refining Company, Inc.

Memorandum of April 25th was received from the Chief Examiner reporting that this blue-sky case was placed on the Suspense Calendar July 18, 1923, that the concern is out of existence and the interested parties not selling stock and recommending that the application be removed from Suspense and dismissed.

After consideration, on motion of Mr. Thompson, the recommendation of the Chief Examiner was approved and the application removed from Suspense and dismissed.

May 1, 1925.

- (6) File 1-2447 - National Confectioners' Association of the U. S. vs. Chicoro Candy Makers.

Final report of Investigating Attorney Junga dated April 16, 1925 was received recommending complaint unless the case is disposed of by stipulation under the rule of March 11, 1925. This recommendation was concurred in by the Chief Examiner.

It was directed that the file be circulated.

- (7) File 1-3838 - Mahogany Association, Inc. vs. Indiana Quartered Oak Company.

Memorandum of April 19th was received from the Chief Examiner stating that this is one of the so-called Mahogany cases and pursuant to the Commission's direction is reported direct to the Commission. The Chief Examiner stated that there is every reason to believe that respondent will refuse to enter into a stipulation and recommended that complaint issue.

The memorandum was read and after consideration, on motion of Mr. Thompson, seconded by Mr. Nugent, the recommendation of the Chief Examiner was approved and it was ordered by the Commission that complaint issue charging Indiana Quartered Oak Company with violation of the Federal Trade Commission Act.

The file was referred to the Chief Counsel, via Docket Section for preparation of complaint pursuant to the rule, the same thereafter to be served by the Secretary without further action by the Commission.

From the Circulating Calendar the Commission considered the following matter and action as indicated was taken:

- (1) File 1-3663 - Tampa Cigar Manufacturers' Association vs. Kanuga Cigar Company. (Willis J. Davis & C. D. Swindt).

This case was first presented by Mr. Nugent on March 30th with the recommendation that complaint issue and was circulated among the Commissioners for consideration in connection with a report by Attorney Stephen C. Van Fleet covering interviews with Cigar Manufacturers at Tampa, Florida, in connection with file 1-3477 - American Fair Trade League vs. San Martin & Leon Company.

The file was circulated on March 30th. Notations by the several Commissioners were read and thereafter, the following motion was offered by Mr. Nugent, seconded by Mr. Van Fleet:

Moved, that complaint issue charging the respondents, Willis J. Davis and C. D. Swindt, trading under the name and style of Kanuga Cigar Company with unfair methods of competition in violation of the Federal Trade Commission

May 1, 1923.
May 4, 1923.

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Act in the use of the word "Tampa" as a trade name or brand upon cigars made by respondents, when the cigars are not in fact made in Tampa, Florida.

The motion was adopted by the Commission and the file was referred to the Chief Counsel, via Deskset Section, for preparation of complaint under the rule, the same thereafter to be served by the Secretary without reference to the Commission.

Thereupon, at the hour of 12:15 p.m., the Commission adjourned to meet Monday, May 4, 1923, at 10 a.m.

Vernon W. Van Fleet,
Chairman.

Attest:


Otis E. Johnson,
Secretary.

Saturday - May 2, 1923 - No meeting held.

Sunday - May 3, 1923 - No meeting held.

MEETING OF THE FEDERAL TRADE COMMISSION

Monday - May 4, 1923 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Nugent,
Charles W. Hunt,
Hester Thompson,
William S. Humphrey.

The minutes of the meeting of May 1, 1923 were read and approved.

May 4, 1925.

Chairman Van Fleet presented the following list of applications for complaints and action thereon was taken by the Commission as indicated:

- (1) File 1-3534 - Cigar Manufacturers' Association of Tampa, Florida against Tampa Cigar Company, et al.

Mr. Van Fleet recited the facts and stated that he concurred in the recommendation by the Board of Review for complaint and thereafter, offered the following motion:

Moved, that complaint issue, charging D. A. Horn and J. M. Hyson, trading under the name and style of Tampa Cigar Company, with violation of the Federal Trade Commission Act and charging the respondents with using the word "Tampa" on their cigars when such cigars are not made in Tampa, Florida and also charging the use of the word "Havana" on cigars not made of Cuban tobacco.

The motion was seconded by Mr. Thompson and adopted by the Commission and it was so ordered.

The file was referred to the Chief Counsel with instructions to prepare complaint, pursuant to the Commission's action, such complaint to be served by the Secretary without further action by the Commission.

- (2) File 1-3496 - Synthetic Products Company vs. Great Lakes Rubber Products Company.

Mr. Van Fleet recited the facts and the recommendation of the Board of Review that complaint issue against both the applicant and the respondent, charging false and misleading advertising, misrepresentation and misbranding.

After discussion, Mr. Van Fleet, offered the following motion, which was seconded by Mr. Hunt:

Moved, that this case be referred to the Chief Examiner with instructions to endeavor to obtain a stipulation under the rule, from both the applicant and the respondent to either eliminate the word "rubber" or plainly state that the product does not contain rubber.

In substitution for the foregoing motion, Mr. Nugent offered the following motion, which was seconded by Mr. Thompson:

I moved as a substitute, that complaint issue against both the applicant and the respondent in accordance with the recommendation of the Board of Review.

Vote was taken upon the substitute motion, as to this motion Messrs. Nugent and Thompson voted in the affirmative and

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Messrs. Van Fleet, Hunt and Humphrey voted in the negative. The substitute motion was lost.

Vote was taken upon the original motion to handle the case by stipulation. As to this motion Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The motion carried and it was so ordered.

(3) File 1-3565 - Saterbrook Steel Fan Manufacturing Company
vs. Biddle Purchasing Company.

Mr. Van Fleet recited the facts and the recommendation of the Chief Examiner that the application be dismissed. The file came direct from the Chief Examiner without reference to the Board of Review pursuant to the rule of December 4, 1924.

After consideration, it was ordered by the Commission, upon motion of Mr. Van Fleet, seconded by Mr. Nugent, that the application for complaint be dismissed.

Mr. Hunt presented File 1-3604 - War Department, et al vs. Heazle Shoe Company, with memorandum of May 2, 1925, setting forth the facts and the recommendation of the Examining Attorney for complaint and also the recommendation of the Board of Review that this case be suspended pending investigation to determine whether other firms in the industry are engaging in like practices and that after such investigation the Board of Review summons all parties for an informal hearing and endeavor to secure from all the abandonment of the practices charged.

Mr. Hunt stated that he concurred in the recommendation of the Board of Review and moved its adoption.

After consideration, on motion of Mr. Hunt, the recommendation of the Board of Review was adopted by the Commission and it was so ordered:

1. That this application for complaint be suspended for the time being; and
2. That an application for complaint be docketed against the following listed concerns, upon the charge of misbranding and misrepresentation similar to the charge in file 1-3604 against the Heazle Shoe Company:

Brown & Company, St. Louis, Missouri.
Harsh-Chaplin, Milwaukee, Wisconsin.
Edicott-Johnson Shoe Company, Edicott, New York.
Huntington Shoe Company, Indianapolis, Indiana.
Rena-Allen Shoe Company, Buford, Georgia.

3. That when the investigations in these new cases have been completed, that the Board of Review summons, for an informal hearing before it, the respondent

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in this case, file 1-3574 and each of the other respondents as have been found carrying on the method of marking shoes sold to Army Goods stores as developed in the original file and endeavor to secure from all parties the abandonment of the practice.

Mr. Humphrey submitted file 1-3731 - Red Mill Hosiery Company, Inc. vs. Frenchweave Hosiery Mills, et al and a memorandum dated May 4, 1923 reciting the facts and concurring in the recommendation of the Chief Examiner for dismissal.

After consideration, on motion of Mr. Humphrey the application for complaint was dismissed by the Commission.

Chairman Van Fleet presented draft of a letter to the President of the United States, accompanied by a memorandum from the Chief Counsel and a memorandum from the Chief Economist, which letter requested the President to ask, on behalf of the Federal Trade Commission, for an opinion from the Attorney General of the United States in regard to the powers and duties of the Commission under Section 6 of the Federal Trade Commission Act. Mr. Van Fleet stated that this letter was prepared and submitted pursuant to the Commission's action of April 24, 1923 and that copies of the letter and the accompanying memoranda had been delivered on May 1, 1923 to each Commissioner for consideration.

Mr. Van Fleet called attention to a grammatical error in the first page of the letter and suggested that it be corrected as shown on marked copy. The letter was corrected accordingly. Mr. Van Fleet stated that he had read the letter and the accompanying memoranda and was in favor of forwarding the letter and the memoranda.

Mr. Thompson called attention to the following paragraph, appearing on page fourteen of the Chief Economist's memorandum of April 23rd:

"That the allegations or violations of the Anti-Trust Laws are not made in bad faith, and merely to give an appearance of validity to the resolution, is evident from the particular branches of business cited as illustrations in the preamble, instances which are apparently well supported by facts, some of which have been observed in other inquiries of this Commission."

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Mr. Thompson suggested that the language

"and merely to give an appearance of validity to the resolution."

be eliminated in order to more clearly express the idea of the Chief Economist. Dr. Walker, the Chief Economist, was called in and heard with respect to this matter and offered no objection to the elimination of the language suggested by Mr. Thompson. Accordingly, the foregoing language which Mr. Thompson suggested be eliminated, was eliminated by Dr. Walker.

After further discussion, the following motion was offered by Mr. Van Fleet, seconded by Mr. Humphrey:

I Move that this letter, as now corrected, be approved by the Commission and sent to the President.

As to the foregoing motion, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The motion carried and it was so ordered. Mr. Thompson made the following statement for the record:

"I wish the record to show that I voted 'no' not that I desire to show disrespect to the President, or a lack of spirit of comity with the Attorney General, but that the Federal Trade Commission is an independent body as declared repeatedly by Congress in its Appropriation Acts and that any interpretation of the jurisdiction of the Commission can only be determined by judicial decision, that therefore, the submission of this request to the Attorney General would not determine our jurisdiction and hence is a futile act."

Mr. Nugent stated for the record, as follows:

"I think that statement by Mr. Thompson expresses my views".

Mr. Thompson stated that he would address a short note to the President expressing his views as above set out.

The letter to the President, which was approved by the Commission and ordered forwarded, reads as follows:

"May 4, 1925.

"Sir:

On behalf of the Federal Trade Commission I respectfully request that you request the opinion of the Attorney General of the United States upon the questions of law

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hereinbelow set out, which have arisen in connection with the administration and execution of its official duties by said Commission.

The Senate of the United States by four several resolutions has directed the Federal Trade Commission to make certain investigations, which, if in whole or in part legally within the powers and duties of said Commission require that body presently to undertake and make such investigations in whole or in part as the case may be. The Commission, has, indeed, done some investigational work under two of said resolutions as hereinafter appears.

The Chief Law Officer of the Federal Trade Commission has submitted to that body his written opinion upon the questions of law involved, and a copy of that opinion is hereto attached. There is also attached a memorandum by the Chief Economist of the Commission. In his said opinion, the Chief Law Officer of the Commission takes the position that the powers and duties of the Commission to proceed with the investigations in question are governed entirely by subsection (d) of Section 6 of the Federal Trade Commission Act, 38 Stat. 717; Comp. Stat. (1916) Sec. 8836, (a) to (k) inclusive. Said subsection reads as follows:

"The Commission shall also have power x x x 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."

The above mentioned resolutions of the Senate are as follows:

"69th Congress, 1st Session, Senate Resolution 102,
February 16, 1924.

RESOLUTION

"RESOLVED, That the Federal Trade Commission be, and it is hereby, directed to investigate the production, distribution, transportation, and sale of flour and bread, including by-products, and report its findings in full to the Senate, showing the costs, prices, and profits at each stage of the process of production and distribution, from the time the wheat leaves the farm until the bread is delivered to the consumer; the extent and methods of price fixing, price maintenance, and price discrimination; the

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developments in the direction of monopoly and concentration of control in the milling and baling industries, and all evidence indicating the existence of agreements, conspiracies, or combinations in restraint of trade."

A small amount of investigational work has been done under this resolution.

"58th Congress, 2nd Session, Senate Resolution 329,
February 2 (Calendar Day, February 5), 1925

RESOLUTION

"WHEREAS it has been stated openly that an agreement exists between the American Tobacco Company and the Imperial Tobacco Company of Great Britain whereby the American Tobacco Company will sell no tobacco in Great Britain and the Imperial Tobacco Company will sell no tobacco in the United States; and

"WHEREAS such an agreement gives the Imperial Tobacco Company a practical monopoly on certain types of tobacco grown in Virginia, North Carolina, and South Carolina and a special interest in certain types of tobacco grown in Kentucky and purchased in the United States by the local resident agents of the Imperial Tobacco Company and processed in the United States in its plants, and the same agreement gives the American Tobacco Company a special interest in other types grown in those States; and

"WHEREAS the growers of leaf tobacco have formed great cooperative organizations, known as the Tobacco Growers' Cooperative Association, The Dark Tobacco Growers' Cooperative Association, The Burley Tobacco Growers' Cooperative Association, comprising an aggregate of more than two hundred and seventy thousand grower members for the cooperative marketing of the tobacco of their members; and

"WHEREAS such cooperative associations have been organized along lines encouraged by this Government and have been financed in part by the War Finance Corporation and the intermediate credit banks; and

"WHEREAS the American Tobacco Company and the Imperial Tobacco Company are opposed to the formation of cooperative marketing associations among tobacco growers and desire to destroy them, and have attempted to discourage members by purchasing leaf tobacco from non-member growers at higher prices than tenders theretofore made by such cooperative associations,

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and have induced and encouraged breaches of contracts between members and the cooperative associations contrary to the terms of the members' agreements with the associations; and

"WHEREAS the said companies have practically boycotted the said cooperative associations and, by reason of their special interests in certain types, have caused great damage and harm to the cooperative associations; and

"WHEREAS the aforesaid agreement stops competition between the said companies in the purchase from the growers of the types of tobacco used by the American Tobacco Company and the Imperial Tobacco Company and enables one company or the other to control the purchase and marketing of these types; and

"WHEREAS acts on the part of these two companies cause leaf tobacco to be diverted from the cooperative associations to these companies, directly or indirectly in spite of the contracts between the growers and the cooperative associations; and

"WHEREAS such conduct on the part of such companies appears to be unfair practice in pursuance of an illegal agreement to restrict and restrain competition and trade in leaf tobacco in interstate commerce;

NOW, therefore, be it

"RESOLVED, That the Federal Trade Commission be, and it is hereby, directed to investigate and report to the President of the United States on or before July 1, 1925, the present degree of concentration and interrelation in the ownership, control, direction, financing and management through legal or equitable ownership of stocks, bonds, or other securities or instrumentalities, or through interlocking directorates or holding companies, or through agreements, or through any other device or means whatsoever by the American Tobacco Company and the Imperial Tobacco Company; and also particularly to investigate the methods employed by these companies in their fight against cooperative marketing associations and any boycott thereof; and also particularly to investigate any agreements or arrangements made by said companies to embarrass or injure any such cooperative associations or to cause discouragement or breaches of contracts between growers, members and the said cooperative associations; and

"RESOLVED FURTHER, that the President of the United States be, and he is hereby, requested to direct the Secretary of the Treasury to permit the said Federal Trade Commission in making such investigation to have access to all official reports and records in any of

all of the bureaus of said Treasury Department; and whereas it has been alleged on the floor of the Senate during the course of a debate upon a bill relating to the disposition, operation, management, and control of the water-power and steam-power plant with their incidental lands, equipment, fixtures, and properties, that a corporation known as the General Electric Company has acquired a monopoly or exercises a control in restraint of trade in commerce in violation of law of or over the production and distribution of electric energy and the manufacture, sale, and distribution of electrical equipment and apparatus; Therefore be it

"RESOLVED FURTHER, That the Federal Trade Commission be, and it is hereby, directed to investigate and report to the Senate to what extent the said General Electric Company, or the stockholders or other security holders thereof, either directly or through subsidiary companies, stock ownership, or through other means or instrumentalities, monopolize or control the production, generation, or transmission of electric energy or power, whether produced by steam, gas, or water power; and to report to the Senate the manner in which the said General Electric Company has acquired and maintained such monopoly or exercises such control in restraint of trade or commerce and in violation of law.

"THE Commission shall also ascertain and report what effort, if any, has been made by the said General Electric Company or other corporations, companies, organizations, or associations, or anyone in its behalf, or in behalf of any trade organization of which it is a member, through the expenditure of money or through the control of the avenues of publicity, to influence or control public opinion on the question of municipal or public ownership of the means by which power is developed and electric energy is generated and distributed.

"RESOLVED FURTHER, That the President of the United States be, and he is hereby, requested to direct the Secretary of the Treasury, under such rules and regulations as the Secretary of the Treasury may prescribe, to permit the said Federal Trade Commission to have access to official reports and records pertinent thereto in making such investigation."

About one-half of the necessary investigational work has been done under this resolution.

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68th Congress, Special Session of the Senate,
Senate Resolution 22, March 17, 1923.

RESOLUTION

"WHEREAS the Federal Trade Commission in its annual report for 1922 states that at the request of the Joint Commission of Agricultural Inquiry the commission undertook a special investigation concerning the activities of trade associations and found by response to its questionnaires that there were one hundred and fifty open-price associations, or those distributing or exchanging price information; and

"WHEREAS the Commission reported 'Most of the open-price associations also distributed or exchanged information or other features of business, such as orders received, purchases, production, stocks, cost of production and merchandising, and matters of general interest to members'; and

"WHEREAS such associations may exert a large influence in maintaining prices at an exorbitant level, particularly in the case of manufacturing concerns the products of which are protected by a high tariff duty; Therefore be it

"RESOLVED, That the Federal Trade Commission is hereby directed to investigate and to report to the Senate at the next session of Congress:

First: The present number and nature of the open-price associations, the names of such associations, the number of their members thereof, and the importance of such associations in the industry.

Second: To what extent, if any, the effect of such open-price associations has been to maintain among members thereof uniform prices to wholesalers or retailers, or to secure uniform or approximately uniform increases in such prices.

Third: Whether such open-price associations engage in other activities, and if so, the nature and effects thereof, with respect to alleged violations of the anti-trust laws."

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64th Congress, Special Session of the Senate.
Senate Resolution 24, May 17, 1925.

RESOLUTION

"WHEREAS the successful development of cooperative organizations in production, distribution, and consumption affords needed opportunities for increasing the income of the producer, especially the farmer, and for diminishing the cost of living of the consumer, and appears to be of great public benefit, as shown by the experience of numerous foreign countries; and

"WHEREAS the President's Agricultural Conference recommends constructive Federal assistance in the development of producers' marketing organizations; and

"WHEREAS complete and conclusive information with respect to the economic advantages or disadvantages of the cooperative movement in this country as compared with other types of marketing farm products, has not been made available in comprehensive form; and

"WHEREAS it is frequently charged that various cooperative organizations of farmers engaged in marketing grain, tobacco, cotton, livestock and other products, as well as consumers' cooperative purchasing organizations are being discriminated against and injured by various corporations and trade associations, in alleged violation of the anti-trust laws: Now, therefore, be it

"RESOLVED, That the Federal Trade Commission is hereby directed to make an inquiry (1) into the growth and importance of cooperative associations, including particularly the costs of marketing and distribution of such cooperatives as compared with the corresponding costs of other types of distributors, and (2) into the extent and importance of the interferences with and obstructions to the formation and operation of cooperative organizations of producers, distributors, and consumers by any corporation or trade association in alleged violation of the anti-trust laws, and to report thereon with recommendations for legislation, or other remedial action, if the same appears necessary."

The questions of law upon which the opinion of the Attorney General is desired are with respect to each of the foregoing resolutions, severally considered, as follows:

(1) Is the Commission empowered by sub-section (d) of Section 6 of the Federal Trade Commission Act to make the entire investigation called for by the resolution?

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(2) Is the Commission empowered by said sub-section to make any part of the investigation directed by the resolution, and if so, what part or parts thereof is the Commission empowered to investigate ?

(3) If the inquiry directed by the resolution is partly within and partly without the power of the Commission to investigate under the provisions of said sub-section, may the Commission legally proceed with that part of the investigation which is legally within such power regardless of the fact that part of the investigation directed is legally without such power ?

(4) If the Attorney General is of the opinion that said resolutions, or certain parts thereof, confer no power upon the Commission to proceed with such investigations or parts thereof, do sub-sections (a) and (b) of Section 6 of said Act confer power upon the Commission, proceeding as upon its own motion, to make such investigations or such part thereof ?

Said sub-sections (a) and (b) read as follows, to-wit:

"That the Commission shall so 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 subject to the Act to regulate commerce and its relation to other corporations and to individuals, associations and 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."

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The above mentioned Chief Law Officer of the Federal Trade Commission has rendered his opinion specifically with regard to each of the resolutions under consideration, and his position will be found set out in detail in the copy of his opinion hereto attached and to which reference has heretofore been made. Briefly stated, his opinion is:

(1) That Senate Resolution 163, 66th Congress, 1st Session, confers no authority upon the Federal Trade Commission to make, either in whole or in part, the investigation directed by the resolution.

(2) That Senate Resolution 329, 66th Congress, 2nd Session, legally empowers the Commission to make the investigation directed by the resolution, except the inquiry directed by the following paragraph of said resolution:

"The Commission shall also ascertain and report what effort, if any, has been made by the said General Electric Company or other corporations, companies, organizations, or associations, or anyone in its behalf, or in behalf of any trade organization of which it is a member, through the expenditure of money or or through the control of the avenues of publicity, to influence or control public opinion on the question of municipal or public ownership of the means by which power is developed and electric energy is generated and distributed."

and that the Federal Trade Commission is not empowered by aforesaid sub-section to make the investigation directed by this paragraph.

(3) That Senate Resolution 33, 66th Congress, Special Session of the Senate, does not empower the Commission to make, either in whole or in part, the investigation directed by the resolution.

(4) That Senate Resolution 34, 66th Congress, Special Session of the Senate, does not empower the Federal Trade Commission to make, either in whole or in part, the investigation directed by the resolution.

(5) That sub-sections (a) and (b) of Section 8 of the Federal Trade Commission Act do not empower the Commission, acting on its own motion, to make the investigations directed by above mentioned Senate Resolutions 163, 28 and 34, nor the investigations directed by that paragraph of said Senate Resolution 329, above referred to and set out.

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The questions of law upon which each of the foregoing statements of opinion were rendered by the said Chief Law Officer are, specifically, the questions of law upon which the opinion of the Attorney General is desired.

The foregoing is transmitted by direction of the Commission.

I save the honor to you,

Respectfully yours,

VERNON W. VAN FLEET,
Chairman,
Federal Trade Commission.

The President,
The White House,
Washington, D. C."

The letter which Messrs. Hugent and Thompson addressed to the President reads as follows:

"May 4, 1935.

Dear Mr. President:

We very respectfully advise you that we do not join with the majority of the Federal Trade Commission in asking you to request the Attorney General of the United States for an opinion in respect of the authority of the Commission relative to the matters detailed in the letter of even date addressed to you and signed by Hon. Vernon W. Van Fleet, Chairman. We trust that you will understand that our action in this matter is not due to any lack of respect either for you or the Attorney General, but solely to the fact that, in our judgment, the Federal Trade Commission is an independent body and that the extent of its jurisdiction should be determined only by the courts in particular cases in the future as in the past.

Respectfully,

(signed) Huston Thompson,
(signed) John F. Hugent,
Commissioners.

The President,
Executive Mansion."

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Copies of the memorandum from the Chief Counsel and the memorandum from the Chief Counselor, which accompany the letter, are filed with carbon copies of the letter to the President.

The following matters of general business forwarded to the Commission by the heads of the several divisions were presented by the Secretary and action as indicated was taken by the Commission:

(1) Docket 894 - Minneapolis Chamber of Commerce, et al.
Memorandum of May 4, 1925 was received from Attorney Adrian F. Busick in charge of Appellate work, requesting permission to file a brief of 180 pages in this proceeding in the United States Circuit Court of Appeals for the eighth circuit.

The memorandum was read and the request to file the brief of this length was granted.

(2) File 1-3268 - United Woollen Mills Company, Inc. vs. Scotland Woollen Mills Company.

Memorandum of April 28th was received from the Chief Examiner reporting the facts and requesting authority to obtain a stipulation from the proposed respondent in the regular form and make further report to the Commission.

On motion of Mr. Hunt, the authority requested by the Chief Examiner was granted and the case returned to the Chief Examiner to be handled by stipulation under the rule of March 11, 1925 and report to the Commission.

(3) Docket 1253 - Owens Manufacturing Company, et al.

Memorandum of May 2nd was received from the Chief Counsel reporting that pursuant to the Commission's action of April 20, 1925, this case was before the Board of Review to grant a hearing to the respondents and recommending, in view of this fact, that the respondent be granted an extension of thirty days, or to and including June 1, 1925, within which time to file answer to the complaint herein.

The recommendation of the Chief Counsel was approved by the Commission and extension to file answer granted and order to this effect approved and entered.

(4) Report was received from the Chief Examiner of formal cases in the hands of the Trial Examiners as of May 1, 1925.
The report was received and placed in the Calendar.

(5) File 1-3035 - Investors' Protective Service, Inc. vs.

Central Copper Company of Arizona, Inc.

Memorandum of April 25th was received from the Chief Examiner reporting the facts and stating that it appears from the reports by the Postoffice Department and an investigation made by the

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Commission's San Francisco Office, that the respondent is conducting its stock selling operations along legitimate

lines and has properties possessing more or less value, which it is developing as rapidly as conditions permit. The Chief Examiner stated that the allegations are not sustained by the evidence and recommended that the application be removed from suspension and dismissed.

On motion of Mr. Van Fleet, the recommendations of the Chief Examiner were adopted and the application for complaint was dismissed.

From the Circulating Calendar the Commission considered the following matters which had been circulated among the Commissioners and action with respect thereto was taken by the Commission as indicated:

(1) Memorandum of April 10, 1925 from the Chief Economist transmitting letter dated April 4, 1925, addressed to the Personnel Classification Board by Dr. George F. Watkins of the Economic Staff of the Commission, requesting change in allocation under the Classification Act, from Professional Grade IV to Professional Grade V.

The papers were circulated April 15th. Notations in the file by the several Commissioners were read and thereafter, it was ordered, on motion of Mr. Nugent, that Dr. Watkins' appeal for higher grade be approved by the Commission and forwarded to the Personnel Classification Board with the Commission's approval on July 1, 1925.

(2) Memorandum of April 11, 1925 from the Chief Economist transmitting: (1) draft of reply to letter of April 3rd from Mr. Sydney Anderson, President of the Millers' National Federation in regard to the collection and dissemination of statistics by the Association; (2) copies of letters of February 10th and February 24th from Mr. Sydney Anderson, declining to permit access to the Federation's files.

The file was circulated April 15th. Notations by the several Commissioners were read and thereafter, the Commission authorized the forwarding of the suggested letter to Mr. Anderson and directed that the papers be thereafter filed.

(3) Memorandum of April 20, 1925 from the Chief Counsel reporting, in response to the Commission's direction of April 8th, his examination of a memorandum of March 3rd from the Chief Examiner and the accompanying file in the matter of alleged monopolization of the fresh milk business in Greater New York and vicinity by the Borden Condensed Milk Company. The Chief Counsel expressed the opinion that the Commission had no jurisdiction in the matter.

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Papers were circulated April 22nd. Notations by the several Commissioners in the file were read and after discussion, the following motion was offered by Mr. Van Fleet and seconded by Mr. Hunt:

Moved, that this matter be referred to the New York Office with instructions to confer with the New York State authorities as to whether there is any violation of the laws of the State of New York and to give the New York authorities such information as is in the possession of the Commission in this matter and report further to the Commission.

The motion was adopted and it was so ordered.

(4) File 1-3286 - Associated Advertising Clubs of the World
vs. Dym Mosiary Company.

Memorandum of April 15th was received from the Chief Counsel recommending that the complaint as ordered to issue by the Commission under date of February 18, 1925, be not issued in view of the facts as reported in the Chief Counsel's memorandum.

The papers were circulated April 22nd. Notations by the several Commissioners in the file were read and thereafter, Mr. Nugent offered the following motion, which was seconded by Mr. Thompson:

Moved, that the Chief Counsel be directed to prepare a complaint in accordance with the Commission's previous action and that the Secretary serve the same upon the respondents.

In substitution for the foregoing motion, Mr. Van Fleet offered the following motion, which was seconded by Mr. Hunt:

Moved, that this application for the issuance of a complaint be dismissed, in accordance with the recommendation of the Chief Counsel.

Vote was taken upon the substitute motion, as to this motion Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Nugent and Thompson voted in the negative and asked that their dissent be noted. The substitute motion was carried and the application for complaint was dismissed.

(5) Trade Practice Submittal held by manufacturers of Anti-Hog Cholera Serum & Virus, before Commissioner Charles W. Hunt at Omaha, Nebraska, on March 18, 1925. This submittal was held pursuant to the Commission's authority of February 18, 1925.

The file included a memorandum of March 21st from Mr. Hunt reporting to the Commission the results of this submittal and submitting stenographic transcript of the submittal and resolutions

May 4, 1925.

adopted by the industry. These papers were circulated on April 1, 1925.

The file also contained a memorandum of April 22nd from Mr. Hunt submitting additional data, including a letter of April 2nd from the Illinois Agricultural Association, Chicago, Illinois. This memorandum of April 22nd from Mr. Hunt and the entire file, was circulated April 22nd. The memorandum reads as follows:

"MEMORANDUM FOR THE COMMISSION

Re: Anti-Hog Cholera Serum & Virus.

Since the Commission has decided that the matter relating to the anti-hog cholera serum and virus trade practice submitted be circulated in order that the members of the Commission may familiarize themselves with the additional data from the Illinois Agricultural Association, et al., I desire to submit a motion that the recommendation made in my memorandum of March 31st be adopted as amended (viz: the amendment including sub-division L of Section IV), and that the resolutions be referred to the Chief Examiner with instructions that he

- (1) Set out the resolutions as adopted by the members of the industry, and
- (2) That he edit the resolutions approved by the Commission under one head, followed by a record of the resolutions not approved by the Commission but allowed to go in as 'an opinion of the trade.'

Respectfully submitted,

(signed) C. W. Hunt,
Commissioner."

April 22, 1925.

After consideration, the following action was taken with respect to this submittal:

(1) On motion of Mr. Hunt, seconded by Mr. Nugent, Articles I, II and III, setting forth the resolutions adopted by the industry with respect to

- (a) Inducing breach of contract, etc.
- (b) False and misleading advertising, and
- (c) Disparagement, etc.

were approved by the Commission.

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(2) Article IV of the resolutions adopted by the industry, relating generally to the giving of gratuities, except items (c), (d), (h) and (i) thereof was approved by the Commission; and items (a), (e), (h) and (i) were not approved but were received by the Commission only as the opinion of the industry.

(3) Article V of resolutions adopted by the industry was next considered.

After consideration of Article V, Mr. Nugent offered the following motion, seconded by Mr. Thompson:

Moved, that Paragraph (a) of Article V of the resolutions adopted by the industry, and readings as follows:

"(a) Guaranteeing against advance and protection against declines in price of serum and virus"

shall be included in that portion of the resolutions of the trade approved by the Commission as constituting unfair practices.

As to the foregoing motion, Messrs. Nugent and Thompson voted in the affirmative and Messrs. Van Fleet, Hunt and Humphrey voted in the negative. The motion was lost.

Mr. Nugent offered the following motion, seconded by Mr. Humphrey:

Moved, that Paragraph (f) of Article V, reading as follows:

"(f) Price discrimination is an unfair method of competition"

be approved by the Commission with an accompanying statement that the Commission understands that the price discrimination referred to is such discrimination as is prohibited by Section 2 of the Clayton Act.

The motion was adopted by the Commission and it was so ordered.

The Commission thereupon directed that Article V of the resolutions adopted by the industry be not approved except in so far as Paragraph (f) is approved as shown above, but that Article V be received by the Commission as the opinion of the industry.

May 4, 1925.

May 6, 1925.

Upon motion of Mr. Hunt, the entire file respecting the trade practice submitted was referred to the Chief Examiner with instructions to confer with Mr. Hunt and to thereafter prepare and submit to Mr. Hunt a final report covering this trade practice submitted in the usual form of such reports, with the further request that Mr. Hunt submit such final report to the Commission for approval as to form and release to the industry and the public.

Thereupon, at the hour of 12:15 p.m., the Commission adjourned to meet at 10 o'clock on Wednesday, May 6, 1925.

Vernon W. Van Fleet,
Chairman.

Attest:

W. B. Johnson
W. B. Johnson,
Secretary.

Tuesday - May 5, 1925 - No meeting held.

MEETING OF THE FEDERAL TRADE COMMISSION

Wednesday - May 6, 1925 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Nugent,
Charles W. Hunt,
Huston Thompson,
William E. Humphrey.

The minutes of the meeting of May 4, 1925 were read and after correction were approved.

May 6, 1925.

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The Chairman presented the following matters and action as indicated was taken by the Commission:

(1) Letter of March 20, 1925, from the Flour Trade Association of St. Louis, St. Louis, Missouri, addressed to the President and referred by the President's secretary to the Commission for consideration. The letter called attention to recent consolidations in the Baking Industry and transmitted copy of a resolution adopted by the Association protesting mergers and consolidations in the Baking Industry as they may tend to stifle competition, etc.

The letter was ordered acknowledged and referred to the Board of Review for consideration in connection with Docket 1304 - The Continental Baking Corporation, with further instructions that a copy of the correspondence be transmitted to the Chief Economist for his information.

(2) Letter of May 1, 1925, from the Treasury Department (L. C. Andrews, Assistant Secretary) acknowledging the Commission's letter of April 27th and advising that the Collector of Customs of New York City had been requested to furnish information as requested by the Commission relating to a shipment of soldering wire from Nupperts Metallwerke, Bonn, Germany to S. F. Lang & Company, New York City.

The letter was read and referred to the Export Trade Division for attention.

(3) Letter of May 1st from Clarence J. Owens, Director General, of the World Forum of Freedom, Yorktown, Virginia, inviting the Commission to hold one of its sessions under the auspices of the Forum at Yorktown.

The letter was read and referred to the Secretary to prepare reply advising of the Commission's inability to accept the invitation.

(4) Docket 1293 - Progress Paint Manufacturing Company and Regulation Paint Company.

Letter of May 4th was received from W. G. MacDonald of the Unfair Competition Bureau of the Paint & Varnish Industries, Washington, D. C., suggesting that the complaint be amended to include an allegation of selling by short measure.

The letter was read and referred to the Chief Counsel with instructions to submit a memorandum explaining the matter.

(5) Letter of May 2nd from the Bronx Retail Furniture Dealers' Association, New York City, setting forth a resolution adopted by the Association expressing appreciation of the work being done by

May 5, 1925.

Attorney Margan J. Doyle, representing the Commission in a number of formal cases charging misrepresentation in the Furniture Industry, i.e., Docket 1143 - F. & G. Furniture Company; Docket 1151 - Great Eastern Wholesale Furniture Company; Docket 1192 - Abraham Kritzner, et al; Docket 1193 - Grand Rapids Sales Company; Docket 1242 - Jacques M. Greenberger and Carrie Greenberger, co-partners, trading as Big G. Furniture Works and Big G. Furniture Works, a corporation; and Docket 1258 - Grand Rapids Furniture Company.

The letter was read and ordered acknowledged and filed.

(4) Letter of May 2nd from the Johnson Creamery Company, Stewardson, Illinois, complaining of practices of the Sugar Creek Creamery Company, Danville, Illinois, in paying prices for cream above the local market.

The letter was referred to the Chief Examiner for reply along the line of replies to previous letters on the same subject.

(7) Letter of May 1st from Guss H. Rudolph, Chairman of the Board of Commissioners of the District of Columbia, reporting that the use of the word "governmental" in the corporate name of the Governmental Employment Bureau, Washington, D. C., a private concern, has caused the public to confuse this Bureau with the United States Employment Service operated by the Federal and District Government and requesting the Commission to take steps to require the Bureau to discontinue the use of the word "Governmental" in its name.

The letter was referred to the Chief Examiner for an informal inquiry and report to the Commission, with instructions that Mr. Rudolph be advised of this action.

(8) A list of certain formal cases disposed of by the Commission as to which announcement of the Commission's action was being withheld pending the preparation of dissenting memoranda by either Commissioner Nugent or Commissioner Thompson, or both. The list of cases follows:

Docket 549 - Cement Securities Company - dismissal
ordered January 23, 1925.

Docket 927 - Corn Products Refining Company - dismissal
ordered March 12, 1925.

Docket 912 - American Tobacco Company }

Docket 917 - " " " }

Docket 963 - " " " }

Docket 984 - " " " }

Docket 987 - " " " }

Docket 1013 - " " " }

Docket 1032 - " " " }

Docket 1036 - " " " }

Docket 1070 - " " " }

Docket 1214 - " " " }

dismissals
ordered April 3, 1925.

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Docket 923 - Michigan Wholesale Grocers' Association, et al -
dismissal ordered April 3, 1925.

After discussion, it was agreed that, except as to the tobacco cases, action of the Commission be announced and parties served with Order in the usual manner, with the statement that the memoranda of dissent of the dissenting Commissioner or Commissioners would be given out later.

Mr. Thompson reported that Earl Davis of Detroit, William Jayner of Raleigh, North Carolina, Aaron Sapiro, Chicago, Illinois and Walton Petzet, Secretary, National Council Cooperative Marketing Association, had called at his office yesterday and complained of the manner in which the Commission was conducting its investigation of the tobacco industry under Senate Resolution 329, adopted February 3, 1925, relating to the American Tobacco Company and the Imperial Tobacco Company. Mr. Thompson recited the nature of the complaints made and stated that he simply desired to bring the matter to the attention of the Commission and that he had referred his visitors to Mr. Hunt, the Commissioner-in-charge of the Chief Examiner's Office where the work was being done.

Mr. Hunt informed the Commission of a visit to his office of Mr. Davis and Mr. Jayner and also informed the Commission respecting a report from the Assistant Chief Examiner, Mr. Anderson, of the condition of the work under this resolution.

The following matters of general business forwarded to the Commission by the heads of the several divisions were presented by the Secretary and action as indicated was taken by the Commission:

(1) Docket #20 - Brand & Oppenheimer.

Letter of April 21st from William J. Hughes, Jr., attorney representing the respondent, requesting a hearing before the Board of Review, with a view to showing that the interest of the public is not substantially involved.

The Secretary reported that this case was one of a number reported upon by the Chief Counsel in his memorandum of April 10, 1925 and considered by the Commission on April 22, 1925, at which time the Commission had approved the recommendation of the Chief Counsel and directed, in view of the public interest involved, that the case proceed and await further investigation being conducted by the Chief Examiner and that the matter be considered in the light of the facts developed by this investigation.

In view of the foregoing the Commission directed the Secretary to advise Attorney Hughes that the request for hearing before the Board of Review was denied.

May 6, 1925.

(2) Subpoena Duces Tecum addressed to the "Secretary of the Federal Trade Commission" directing the appearance before the Grand Jury of the District Court of the United States for the Northern District of Illinois, in the Federal Building, Chicago, Illinois, at 10 o'clock, a.m., on May 6, 1925, and to produce at that time and place, "original, typewritten copy or photostatic copy of letters dated November 20, 1920; December 7, 1924 and December 13, 1924, referred to and quoted in full or in part on page 390 of the report of the Federal Trade Commission, on Kitchen Furnishings & Domestic Appliances."

The Secretary presented photostatic copies of the letters referred to in the subpoena and asked instructions. The Commission directed that the photostatic copies of the letters called for by the subpoena be produced in response to the subpoena and directed the Secretary to arrange, if possible, with the Department of Justice, to have the photostatic copies presented by the attorney-in-charge of the Commission's branch office in Chicago, in order to save the time and expense of a trip to Chicago and return, but that if this cannot be arranged, the Secretary arrange to send the papers by a deputy to be selected by him.

On motion of Mr. Humphrey, the Chief Counsel was directed to report to the Commission upon the question as to whether or not the subpoena duces tecum directing the Secretary to appear and produce papers from the Commission's file can be satisfactorily answered by furnishing certified copies of such records by registered mail.

(3) Memorandum of May 4th from the Chairman of the Board of Review reporting the work of the Board during the month of April 1925.

The report was received and placed in the Calendar.

(4) Report from the Secretary of applications for complaints upon the Suspense Calendar as of May 1, 1925.

The report was received and referred to the Chief Examiner for attention.

(5) File 1-3446 - J. Eusey Company vs. Pontiac Knitting Mills.

Memorandum of March 18, 1925 was received from the Chief Examiner reporting the facts, the respondent's willingness to voluntarily discontinue the practices involved and recommending that authority be given the Chief Examiner to negotiate for a stipulation under the rule of March 11, 1925.

On motion of Mr. Van Fleet, the recommendation of the Chief Examiner was approved by the Commission and it was so ordered, the file being returned to the Chief Examiner for that purpose.

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As to the foregoing action, Messrs. Nugent and Thompson dissented and asked that their dissent be noted and expressed the belief that the Commission should proceed in regular course in this case.

(6) File 1-3803 - Termatex Company, Inc. vs. Baum's Castorine Company.

The Chief Examiner submitted with his approval the final report of the Investigating Attorney reciting the facts and recommending that the respondent be permitted to stipulate the facts and in the event of its failure to avail itself of this privilege that formal complaint issue against it.

On motion of Mr. Van Fleet, the recommendation of the Chief Examiner was approved by the Commission and it was so ordered, the file being returned to the Chief Examiner for that purpose.

As to the foregoing action Messrs. Nugent and Thompson dissented and asked that their dissent be noted and expressed the belief that the Commission should proceed in regular course in this case.

(7) File 1-3837 - Hoeseler & Hasselbacher Chemical Company vs. Miner-Riger Company.

Memorandum of April 28th from the Chief Examiner was received reporting the facts and recommending that the Commission authorize the Chief Examiner to handle the case by stipulation in accordance with the rule of March 11, 1925.

The Commission approved the recommendation of the Chief Examiner and it was so ordered, the case being returned to the Chief Examiner to negotiate a stipulation and report to the Commission.

(8) Memorandum of May 1, 1925 from the Chief Examiner reporting preliminary investigation in reference to Consolidation of several fruit companies through exchange of capital stock issues under the name of DiGiorgio Fruit Corporation, etc. The Chief Examiner concurred in the recommendation of the Investigating Attorney that no action be taken against the DiGiorgio Fruit Corporation on account of its acquisition of the various concerns mentioned in the report, with the exception of the Lucerne Park Fruit Association and that as to this Association an application for complaint be docketed under Section 7 of the Clayton Act.

It was directed that the matter be circulated.

(9) File 1-3865 - Inter-Collegiate Press vs. Crescent Calendar Company.

Memorandum of April 30, 1925 was received from the Chief Examiner reporting the facts and recommending that the Chief Examiner be authorized to handle the case by stipulation under the rule of March 11, 1925 and report to the Commission.

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The memorandum was read and after discussion, Mr. Nugent suggested that the case be referred to him for further examination in view of the action by the Commission upon trade practice submittal held by the printing industry and in view of outstanding complaints and orders. It was so ordered by the Commission and the case referred to Mr. Nugent.

(10) File 1-3768 - Standard Education Society vs. Mutual Publishing Company, Inc.

Memorandum of April 27th was received from the Chief Examiner reporting that the proposed respondent is engaged in selling a subscription work known as "Hutton's Universal Encyclopedia" and is charged with using certain sales methods and practices which are alleged to be deceptive and misleading to the public, to which its product is sold direct.

The Chief Examiner reported results of preliminary investigation and referred to the following related cases: Doctet 394 - Standard Education Society; and file 1-3332 - P. T. C. vs. North American Publishing Company, et al., and recommended that this application be placed on the Suspense Calendar to await the action of the Commission and the Courts in these other cases.

The recommendation was approved and it was so ordered.

(11) File 1-3092 - Safe-Guard Check Writer Company, Inc. vs. Hedman Manufacturing Company.

Memorandum of February 13, 1925 was received from the Chief Examiner reporting the facts gathered by the supplemental investigation, pursuant to the Commission's direction of February 27, 1924 and in accordance with a memorandum of February 23, 1924 presented to the Commission by Mr. Gaskill.

The Chief Examiner set forth the results of the supplemental inquiry and concluded with the statement that complaint should issue by the Commission. The Chief Examiner referred to the recommendation of the Investigating Attorney and the Board of Review that complaint should issue, and also to the previous recommendation of the Chief Examiner for complaint.

After consideration, the following motion was offered by Mr. Humphrey, seconded by Mr. Hunt:

Moved, that complaint issue against the Hedman Manufacturing Company charging violation of the Federal Trade Commission Act as recommended by the Chief Examiner.

The motion was adopted and it was so ordered that complaint issue.

The files were referred to the Chief Counsel for the preparation of complaint as ordered by the Commission under the Rule, the same thereafter to be served by the Secretary without further action by the Commission.

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From the Circulating Calendar the Commission considered the following matter and action as indicated was taken:

(1) File 1-2432 - F. F. C. vs. American Optical Company.
The above file was circulated January 12, 1925, together with memorandum of January 2, 1925 by Chairman Van Fleet.

On motion of Mr. Thompson, it was directed that the case be made a Special Order of business on Friday, May 15, 1925 and that in the meantime, the record be referred to Messrs. Hunt and Humphrey for consideration and that the memoranda in the file by Messrs. Van Fleet, Nugent and Thompson be referred to these Commissioners for reading.

Thereupon, at the hour of 11:45 a.m., the Commission adjourned to meet Friday, May 8, 1925 at 10 a.m.

Vernon W. Van Fleet,
Chairman.

Attest:

G. E. Johnson
G. E. Johnson,
Secretary.

Thursday - May 7, 1925 - No meeting held.

MEETING OF THE FEDERAL TRADE COMMISSION

Friday - May 8, 1925 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Nugent,
Charles W. Hunt,
Ruston Thompson,
William S. Humphrey.

The minutes of the meeting of May 6, 1925 were read and approved.

May 8, 1925.

Formal docket cases appearing on the weekly Conference Calendar for final determination were considered by the Commission and action as indicated was taken:

(1) Docket 373 - Owens Bottle Company.

On December 24, 1924, the Commission directed that this case be held pending decision in Docket 728 - Thatcher Manufacturing Company in the United States Circuit Court of Appeals for the Third Circuit. This decision was handed down on April 16, 1925.

The case is now before the Commission for final determination upon the following record: amended complaint; answer; testimony; report upon the facts by Trial Examiner Bennett; exceptions thereto by counsel for the respondent; counsel for the Commission did not file exceptions; brief by counsel for the respondent; counsel for the Commission did not file brief; decision by the Circuit Court of Appeals for the Third Circuit in the Thatcher case; supplemental memorandum brief by counsel for the respondent. Final argument was heard December 10, 1924. Attorney Brindley represents the Commission. Attorneys Brown, Geddes, Schmetzke & Williams represent the respondent.

After consideration, Mr. Nugent offered the following motion:

Moved, that the case be set down for re-argument and that the attorney for the Commission be directed to prepare reply brief.

The foregoing motion failed for want of a second.

After further consideration, the following motion was offered by Mr. Van Fleet, seconded by Mr. Hunt:

Moved, that the complaint be dismissed.

In substitution for the foregoing motion, the following motion was offered by Mr. Nugent, seconded by Mr. Thompson:

Moved, as a substitute that the Chief Counsel be directed to prepare findings as to the facts and order to cease and desist and submit the same to the Commission for approval.

As to the foregoing substitute motion, Messrs. Nugent and Thompson voted in the affirmative and Messrs. Van Fleet, Hunt and Humphrey voted in the negative. The substitute motion was lost.

Vote was then taken upon the original motion to dismiss as offered by Mr. Van Fleet. As to this motion, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The motion carried and the complaint was dismissed.

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Messrs. Nugent and Thompson asked and it was ordered that their dissent be noted and stated that they would file a memorandum of dissent.

(2) Docket 743 - Austin, Nichols & Company, Inc.

On February 20, 1925 the Commission directed that an order to cease and desist issue and adopted the findings submitted by Attorney Jackson, after amendment, and the order to cease and desist was adopted without change.

On March 30, 1925 the findings and order were referred back to the Chief Counsel "to function and draft findings of facts to be submitted to the Commission in accordance with what he deems the evidence to be in the case and that this be done in accordance with the rule heretofore adopted by the Commission, that is to say, that the findings of fact shall conform to the rules adopted; and that the previous order of the Commission be modified to this extent."

Pursuant to the foregoing action, the case is now before the Commission for consideration of the findings submitted by the Chief Counsel. The following papers were placed in the hands of each Commissioner: memorandum of April 14, 1925, from the Chief Counsel; findings as to the facts submitted by the Chief Counsel; amended complaint.

After consideration, Mr. Van Fleet offered the following motion, which was seconded by Mr. Hunt:

Moved, that the findings as to the facts as submitted by the Chief Counsel with memorandum of April 14, 1925, be adopted by the Commission.

In substitution for the foregoing motion, Mr. Nugent offered the following motion, which was seconded by Mr. Thompson:

Moved, as a substitute that the findings as to the facts and the order to cease and desist regularly adopted on February 20, 1925 by a duly constituted majority of the Commission be issued in accordance with the action of the majority.

Mr. Thompson suggested certain amendments to Paragraph Three of the findings, which amendments were shown on marked copy, and after consideration, on motion of Mr. Van Fleet, seconded by Mr. Thompson were approved by the Commission.

Vote was taken upon the substitute motion. As to this motion, Messrs. Nugent and Thompson voted in the affirmative and Messrs. Van Fleet, Hunt and Humphrey voted in the negative. The substitute motion was lost.

Vote was thereupon taken upon the original motion to adopt the findings as amended. As to this motion Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The motion carried and the findings of fact as amended were adopted by the Commission.

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Mr. Van Fleet thereupon offered the following motion, which was seconded by Mr. Hunt:

Moved, that an order be entered dismissing the case upon the findings as to the facts as adopted by the Commission.

As to this motion, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The motion carried and it was so ordered.

Messrs. Nugent and Thompson asked that their dissent be noted and stated that they would file a memorandum of dissent. It was so ordered.

The Chief Counsel was directed to prepare order of dismissal, the same to be served by the Secretary.

(3) Docket 898 - Joyce-Fruit Company.

This case comes before the Commission for final determination upon the following record: memorandum of April 9, 1935 from the Chief Counsel transmitting the case and recommending that the case be dismissed without prejudice; memorandum of April 3rd from Attorney Neff; complaint; answer; stipulation as to the facts. No testimony was taken nor briefs filed. Attorney Neff represents the Commission. Attorney S. D. Stennis, Jr. represents the respondent.

After consideration, Mr. Nugent offered the following motion which was seconded by Mr. Thompson:

Moved, that an order to cease and desist issue in this case and that the Chief Counsel be directed to prepare findings as to the facts and order to cease and desist based upon the stipulation in the case and submit the same to the Commission for approval as to form.

The motion was adopted by the Commission and it was so ordered.

(4) Docket 1023 - International Shoe Company.

This case comes before the Commission for final determination upon the following record: complaint; answer; testimony; report upon the facts by Trial Examiner Bennett; exceptions thereto by counsel for the respondent; counsel for the Commission did not file exceptions; brief by counsel for respondent; index digest of the testimony by counsel for the Commission and counsel for the respondent. Final argument was heard April 1, 1935. Attorney Brindley represents the Commission. Attorneys Frank Y. Gladney and R. E. Blake represent the respondent.

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After consideration, Mr. Nugent offered the following motion, which was seconded by Mr. Thompson:

Moved, that an order to cease and desist issue in this case and that the Chief Counsel be directed to prepare findings as to the facts and order to cease and desist and submit the same to the Commission for approval as to form.

As to the foregoing motion, Messrs. Van Fleet, Nugent and Thompson voted in the affirmative and Messrs. Hunt and Humphrey voted in the negative. The motion carried and it was so ordered.

Mr. Humphrey asked that his dissent be noted and stated that he would file a memorandum of dissent. It was so ordered.

(5) Docket 1097 - H. G. Rogers Silver Company.

This case comes before the Commission for final determination upon the following record: memorandum of April 16th from the Chief Counsel transmitting the case; amended complaint; answer; stipulation as to the facts; findings as to the facts and order to cease and desist submitted by the Chief Counsel with memorandum of April 15, 1925. No testimony was taken nor briefs filed. Attorney Dowler represents the Commission. Respondent has no attorney of record.

Mr. Van Fleet called attention to Paragraphs Four and Seven of the findings as to the facts submitted by the Chief Counsel and expressed the view that the findings should be changed so as to set out the Commission's view that the thing to be condemned is the misrepresentation of the quality of the commodity and not the place of manufacture, in other words, to put a stop to the selling of plated ware as Sheffield. This was agreed to by the Commission and on motion of Mr. Nugent, the case was referred to the Chairman with the request to take up the matter with the Chief Counsel's office and report the case to the Commission. Mr. Van Fleet was also requested to make inquiry whether or not other outstanding orders in similar cases are defective in like manner as the one under consideration.

The file was accordingly referred to Mr. Van Fleet.

(6) Docket 1136 - Patent Cereals Company.

On April 3, 1925, the Commission accepted the proposal of counsel for the respondent to enter into a stipulation with respondent, that respondent has engaged in the practices charged in the complaint, that such practices have been discontinued and will not be resumed; and that when the stipulation is entered into the case be sent to the Commission for dismissal.

Pursuant to the above action, the case is before the Commission for consideration of stipulation submitted by the Chief Counsel. The following papers were placed in the hands of each Commissioner: undated memorandum from the Chief Counsel; stipulation as to the facts; complaint.

May 8, 1925.

In his memorandum the Chief Counsel recommended as follows:

"It is respectfully recommended that the Commission accept this stipulation as drawn and forthwith dismiss the proceedings on the stated grounds that the practices charged have been abandoned."

After consideration, Mr. Van Fleet offered the following motion which was seconded by Mr. Hunt:

Moved, that the stipulation be accepted and the complaint dismissed with the statement that the complaint is dismissed on the ground that the practices charged have been abandoned.

In substitution for the foregoing motion, Mr. Nugent offered the following motion, seconded by Mr. Thompson:

Moved, as a substitute that as this case has been tried and comes forward for final determination upon the record, that the Chief Counsel be directed to prepare findings as to the facts and order to cease and desist and that the order when prepared issue."

Vote was taken upon the substitute motion. As to this motion Messrs. Nugent and Thompson voted in the affirmative and Messrs. Van Fleet, Hunt and Humphrey voted in the negative. The substitute motion was lost.

Vote was then taken upon the original motion. As to this motion, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The motion carried and it was so ordered.

Messrs. Nugent and Thompson asked that their dissent be noted. It was so ordered.

The Chief Counsel was directed to prepare and the Secretary to serve order of dismissal.

(7) Docket 1156 - Louis Leavitt.

On April 17, 1925, the Commission directed that an order to cease and desist issue and that the Chief Counsel prepare and submit to the Commission for approval as to form, draft of findings as to the facts and order to cease and desist.

The following papers were placed in the hands of each Commissioner: memorandum of April 23rd from the Chief Counsel; findings as to the facts and order to cease and desist submitted by the Chief Counsel; complaint.

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The findings as to the facts submitted by the Chief Counsel with memorandum of April 23, 1925 were amended in Paragraph Two, on motion of Mr. Van Fleet, as shown on marked copy, to show that sulphate of lead is not the principal and predominant element of respondent's product.

Mr. Nugent suggested that Paragraph Three of the findings submitted by the Chief Counsel be amended to state that the term "Combination White Lead" means White lead with other ingredients in which the White lead is not less than fifty percent, by weight; and that the statement that White lead is the "principal and predominant ingredient" be stricken.

In accordance with the foregoing suggestion, Paragraph Three would read as follows:

"PARAGRAPH THREE: The term 'white lead' is commonly understood and used by both the trade and the purchasing public to designate either sulphate of lead or carbonate of lead. The term 'Combination White Lead' is commonly understood and used by both the trade and the purchasing public to designate a mixture of genuine white lead with other ingredients in which mixture the white lead is not less than fifty percent, by weight of product. White lead has been used for many years both alone and as the principal ingredient of high grade paints and this fact is generally known to the purchasing public."

After discussion, Mr. Van Fleet offered the following motion, which was seconded by Mr. Nugent:

Moved, that the case be referred back to the Chief Counsel to report whether or not the evidence in this particular case shows that fifty percent by weight of White Lead is required to make White Lead the principal and predominant element in paint; and also whether or not the evidence in this particular case shows that it is the general understanding not only by the trade but also by the public.

The motion was adopted and it was so ordered.

(B) Docket 1227 - Harry Blum.

This case comes before the Commission for final determination upon the following record: memorandum of April 20th from the Chief Counsel transmitting the case and recommending dismissal without prejudice; complaint; answer; stipulation as to the facts. No testimony was taken nor briefs filed. Attorney Craven represents the Commission. Attorney Walter M. Chandler represents the respondent.

May 2, 1925.

The Chief Counsel in memorandum of April 20, 1925, recommended as follows:

"It is recommended that the stipulation as to the facts be accepted by the Commission and the complaint dismissed without prejudice."

After consideration, Mr. Van Fleet offered the following motion, which was seconded by Mr. Hunt:

Moved, that the stipulation be accepted and the complaint dismissed with the statement that the complaint is dismissed because the respondent has discontinued the practices charged in the complaint.

In substitution for the foregoing motion, Mr. Nugent offered the following motion, which was seconded by Mr. Thompson:

Moved, in substitution, that the case proceed in the regular course.

Vote was taken upon the substitute motion. As to this motion Messrs. Nugent and Thompson voted in the affirmative and Messrs. Van Fleet, Hunt and Humphrey voted in the negative. The substitute motion was lost.

Vote was then taken upon the original motion. As to this motion, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The motion carried and it was so ordered.

Messrs. Nugent and Thompson asked that their dissent be noted. It was so ordered by the Commission.

The Chief Counsel was directed to prepare and the Secretary to serve order of dismissal.

Pursuant to the direction of the Commission under date of April 24, 1925, the Secretary presented Docket 1116 - Eastern Federation Farm Machinery Dealers, et al, and reported that upon inquiry at the Department of Justice to-day, it was found that Assistant Attorney General Meyers representing the Department of Justice in the case of U. S. vs. International Harvester Company in the District Court of Minnesota was out of town at the present time and that the foregoing case in the Court had not yet been decided.

The Commission directed that the case be called up by the Secretary on May 29th with report as to the status of the Court case.

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Thereupon, at the hour of 12 m., the Commission adjourned to meet Monday, May 11, 1925 at 10 a.m.

Vernon W. Van Fleet,
Chairman.

Attest:


Otis A. Johnson,
Secretary.

Saturday - May 9, 1925 - No meeting held.

Sunday - May 10, 1925 - No meeting held.

MEETING OF THE FEDERAL TRADE COMMISSION

Monday - May 11, 1925 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Nugent,
Charles W. Hunt,
Houston Thompson,
William E. Murphy.

The minutes of the meeting of May 8, 1925 were read and approved.

Mr. Hunt presented file 1-3624 - Better Business Commission of Boston, Massachusetts vs. Arrow Fur Dyeing Company, Inc., and stated that the application came direct to the Commission from the Chief Examiner, without reference to the Board of Review pursuant to the rule of December 4, 1924.

Mr. Hunt submitted memorandum of May 7th reviewing the facts, concurring in the recommendation of the Chief Examiner for dismissal and recommending that the application be dismissed.

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The memorandum was read and after consideration, on motion of Mr. Hunt, seconded by Mr. Thompson, the application for complaint was dismissed by the Commission.

Mr. Humphrey submitted the following listed applications for complaint and Foreign Trade complaints and action as indicated was taken by the Commission:

- (1) File 1-3623 - Better Business Commission of Boston, Massachusetts vs. Hudson Fur Dyeing, Inc.

Mr. Humphrey stated that this application came direct to the Commission from the Chief Examiner, without reference to the Board of Review pursuant to the rule of December 4, 1924.

Mr. Humphrey recited the facts in the case and stated that he concurred in the recommendation of the Chief Examiner for dismissal and moved that the application be dismissed.

The motion was adopted by the Commission and the application dismissed.

Mr. Nugent made the following statement for the record:

"I vote for dismissal for the sole reason that it appears the proposed respondent in this case was not engaged in interstate commerce."

- (2) File 1-3570 - J. A. Finn & Company vs. Bob and Eakind, et al

Mr. Humphrey recited the facts in the case, concurred in the recommendation of the Board of Review that the matter be referred to the Chief Examiner for the purpose of securing a stipulation and thereafter offered the following motion:

Moved, that in accordance with the recommendation of the Board of Review the case be referred to the Chief Examiner to be handled by stipulation under the rule.

The motion was seconded by Mr. Van Fleet.

As to the foregoing motion, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The motion carried and it was so ordered.

Messrs. Nugent and Thompson asked and it was ordered that their dissent be noted.

- (3) File 30-98 - Foreign Trade complaint of N. Hurwitz of Lima, Peru against Conneaut Shovel Company of Conneaut, Ohio.

Memorandum of April 25th was received from the Export Trade Division reporting the facts in the case and recommending that the facts be reported to the Department of Commerce, the papers

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received from that office returned, and the case in this office closed. The Commission also received draft of a letter to the Secretary of Commerce prepared by the Export Trade Division.

The recommendation of the Export Trade Division was approved and the letter was approved as submitted and ordered forwarded after signature by the Chairman.

- (4) File 50-93 - Foreign Trade complaint of Empresa de Teatros y Cinesmas of Lima, Peru against S. F. Woodie Moore and the American Trading Association of New York City.

Memorandum of April 7th was received from the Export Trade Division reporting the result of preliminary investigation and recommending that final report of the facts be made to the Department of Commerce, the files received from that office returned and the case in this office closed. The Commission also received draft of a letter to the Secretary of Commerce prepared by the Export Trade Division.

The recommendation of the Export Trade Division was approved and the letter was approved as submitted and ordered forwarded after signature by the Chairman.

Mr. Humphrey submitted the following memorandum of May 7, 1925 from the Chief Counsel:

MEMORANDUM FOR THE COMMISSION:

On April 28, 1925, the Personnel Classification Board approved a standard classification sheet for the position of "Associate Attorney" and allocated such positions to Professional Grade 3 under the Classification Act. Approved Professional Grade 3 description of work sheet is attached hereto.

Attorneys Stites and Dowlan are the only attorneys on the Chief Counsel's staff available for this character of work. There is need for two or more attorneys to do this character of work, and it is recommended that Attorneys Miles J. Furnas and Stephen C. Van Fleet of the Chief Examiner's force be transferred to this division. Messrs. Furnas and Van Fleet are recommended because they have shown adaptability to aid and assist our trial attorneys in connection with the trial of important cases. Their transfer to a large extent will eliminate assignments of attorneys from the Chief Examiner's division which has resulted in curtailing the Chief Examiner's work.

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It is recommended also that Attorney Stites' Grade 3 class description sheet be changed to meet the new approved work sheet for that grade and that Attorney Dowlan be promoted from Professional Grade 2 to Professional Grade 3. The transfer of Messrs. Furnas and Van Fleet has the approval of the Chief Examiner.

(signed) W. H. Fuller,
Chief Counsel."

May 7, 1925.
WTK

The memorandum was read and after discussion, Mr. Humphrey offered the following motion, which was seconded by Mr. Hunt:

Moved, that the recommendations of the Chief Counsel be approved by the Commission, effective June 1, 1925.

The motion was adopted and it was ordered that Messrs. Furnas, Van Fleet, Dowlan and Stites be designated Associate Attorney, Professional Grade III, salary \$3000. per annum under the Classification Act of 1923.

The Chairman presented letter of May 6th from Congressman C. B. Hudspeth of Texas, requesting on behalf of the Harman-Phillips Manufacturing Company, El Paso, Texas, constituent of the Congressman, information in regard to the activities of the Federal Trade Commission in protecting the small manufacturer from unfair practices of his larger competitors.

The letter was read and referred to the Secretary with instructions to forward a copy of the Annual Report.

In response to the Commission's action of May 4, 1925, Mr. Hunt presented a statement in final form as prepared by the Chief Examiner covering trade practice submitted with the manufacturers of Anti-Beg Cholera Serum & Virus, held before Mr. Hunt at Omaha, Nebraska on March 19, 1925.

The statement was considered and referred back to Mr. Hunt for revision and presentation to the Commission.

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The following matters of general business forwarded to the Commission by the heads of the several divisions were presented by the Secretary and action as indicated was taken by the Commission:

(1) Statement of allotments, expenditures and liabilities to the end of April for the year 1925 was received and placed in the Calendar.

(2) Letter of May 7th from the Treasury Department (McKenzie Mess, Assistant Secretary) inviting attention to the fact that certain quarters in the Sub-Treasury Building, New York City, are vacant and making inquiry whether the Commission desires such quarters.

The Commission also received a memorandum of May 6th from the Chief Examiner recommending that the quarters in the Sub-Treasury Building be not accepted for reasons stated in the memorandum; transmitting file of correspondence with Attorney Clark in charge of the New York Office and recommending that the Commission either summon Attorney Clark to Washington to make a statement of reasons why the Commission should not accept the quarters or that one of the Commissioners go to New York and inspect the quarters.

Messrs. Thompson and Humphrey stated that they intend to visit New York during the week of May 18th and that they would personally inspect the quarters in the Sub-Treasury Building and report to the Commission.

This was agreed to and the file of correspondence was referred to these Commissioners with instructions to the Secretary to acknowledge the letter from the Treasury Department.

(3) Docket 911 - P. Lorillard Company, et al.

Memorandum of April 24th was received from Trial Attorney Smith recommending dismissal of the case. The memorandum bore the endorsement of the Chief Counsel concurring in the recommendation of Attorney Smith. The memorandum reads as follows:

MEMORANDUM FOR THE COMMISSION:

I am forwarding herewith memorandum by Trial Attorney T. L. Smith, in the matter of Docket 911 - P. Lorillard Company. I concur in the recommendations of Mr. Smith in this case.

(signed) W. H. Fuller,
Chief Counsel.

May 11, 1935.

"April 24, 1935.

"MEMORANDUM FOR THE CHIEF COUNSEL:

In re: Docket 911 -
F. Lorillard Company
and

MILWAUKEE TOBACCO JOBBERS' ASSOCIATION

This case involves a price-fixing conspiracy among Milwaukee tobacco jobbers and F. Lorillard Company. The case is ready for final argument.

I understand that the Commission has ordered the dismissal of Docket 912 which involves a similar price-fixing conspiracy among the same jobbers and the American Tobacco Company.

If Docket 912 be dismissed there appears to be no good reason why an order should issue against the jobbers respondent in this case.

It is my judgment that the record in this case, Docket 911 will not support a finding and order against F. Lorillard Company.

For these reasons, I recommend that this case be dismissed without reservation as to F. Lorillard Company and that it be dismissed as to the jobbers with such reservations or conditions as shall make the order of dismissal not inconsistent with the order of dismissal as to the jobbers in Docket 912.

Respectfully submitted,

(signed) Edward L. Smith,
Attorney."

ESG/AMH
4-25-35.

The memorandum was read and after discussion, Mr. Van Fleet offered the following motion, which was seconded by Mr. Hunt:

Moved, that the recommendation of the Chief Counsel and Attorney Smith be approved by the Commission and that the case be dismissed accordingly.

As to the foregoing motion, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The motion carried and it was so ordered.

Messrs. Nugent and Thompson asked that their dissent be noted.

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The Chief Counsel was directed to prepare and the Secretary to serve order of dismissal in accordance with the Commission's action.

(4) Memorandum of May 3, 1925 was received from the Chief Counsel and memorandum of April 17th from the Chief Economist reporting in response to the Commission's direction of February 18, 1925, which directed the Chief Economist to report whether it is desirable that the cement price making system be made a subject matter for investigation, and why; and as to what might be expected to result from such an investigation; and further that the Chief Counsel report upon the legal phases of the Chief Economist's report.

It was directed that the several memoranda be circulated.

Mr. Humphrey reported conversation with Attorney Edward L. Beardon of the Commission's staff with respect to the decision of the United States Circuit Court of Appeals for the Third Circuit, dated February 27, 1925, in setting aside the Commission's order to cease and desist in the matter of Bucket 1050 - John C. Winston Company and informed the Commission with respect to Mr. Beardon's view that application for writ of certiorari should be filed in the Supreme Court. Mr. Humphrey stated that upon the facts as reported by Mr. Beardon he was of opinion that application for the writ should be made and offered the following motion:

Moved, that the Commission apply to the Supreme Court for writ of certiorari in this case.

The motion was seconded by Mr. Thompson and adopted by the Commission and it was so ordered.

Thereupon, at the hour of 12:15 p.m., the Commission adjourned to meet Wednesday, May 13, 1925 at 10 a.m.

Vernon W. Van Fleet,
Chairman.

Attest:

Chris B. Johnson,
Secretary.

May 13, 1925.

Tuesday - May 12, 1925 - no meeting held.

MEETING OF THE FEDERAL TRADE COMMISSION

Wednesday - May 13, 1925 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Nugent,
Charles W. Hunt.

Mr. Thompson absent.

Mr. Humphrey absent.

The minutes of the meeting of May 11, 1925 were read and approved.

The Chairman submitted the following matters and action as indicated was taken by the Commission:

(1) Letter of April 23, 1925 from the Italian Embassy making inquiry as to the status of the complaint of the Italian Government against certain American firms for bad shipment of wheat. The Chairman also presented draft of a letter to the Secretary of State requesting that the Embassy be advised that its letter appears to be based on a misconception of a proceeding by the Commission against the Barnes-Ames Company - Docket 1202, wherein, the Commission charges unfair competition in foreign commerce; but which proceeding has no reference whatever, to the settlement of any claims of the Italian Government.

The letter to the Secretary of State was approved and ordered forwarded.

(2) Letter of May 11th from Cune H. Rudolph, President of the Board of Commissioners of the District of Columbia, referring to his letter of May 1st relative to the "Governmental Employment Bureau" of Washington, D. C., and reporting that this firm has since changed its name so as to discontinue the use of the word "Governmental" and has adopted the name "Commercial Employment Bureau", which name is satisfactory to the District Commissioners. The letter requested that the Federal Trade Commission take no action upon the letter of May 1st from the District of Columbia Commissioners.

May 13, 1925.

The letter was read and on motion of Mr. Van Fleet was referred to the Chief Examiner with instructions to take no further steps in the matter. The Secretary was directed to acknowledge the letter.

(3) Letter of May 8, 1925 from the Attorney General of the United States as follows:

"The Department has been conducting an investigation of the Naval Stores industry for the purpose of ascertaining whether or not its members, or any of them, are involved in a combination in restraint of interstate commerce in violation of the Sherman Act. During this inquiry it has developed that the Naval Stores Export Corporation, and perhaps other export concerns, may be using the privileges and advantages accruing to it under the Webb Export Trade Act to influence and control the domestic market.

"Under Section 5 of the Webb Act these Export Companies may have furnished to your Commission evidence tending to show the above condition and possibly they have been the subjects of investigation by your Commission. I will be very glad if you will authorize the representatives of this Department in charge of the investigation to examine the reports and data submitted by the Naval Stores Export Corporation and others engaged in both the export and domestic Naval Stores trade and any other statistics or information pertaining to this inquiry and to make copies thereof, if necessary.

(signed) John G. Sargent,
Attorney General."

The letter was read and after discussion, was referred to the Chief of the Export Trade Division to make report to the Commission as to what the files of the Commission contain, insofar as they relate to the inquiry of the Attorney General.

The following matters of general business forwarded to the Commission by the heads of the several divisions were presented by the Secretary and action as indicated was taken by the Commission

(1) Docket 1010 - Pittsburgh Coal Company of Wisconsin, et al Telegram of May 12, 1925 was received from counsel for the respondents, as follows:

May 13, 1925.

"Will be Washington Friday and would like see Chairman Van Fleet and other members informally to discuss order and compliance docket ten ten. Will you kindly arrange appointment their convenience that day and wire our expense; also show this telegram Chief Counsel -- Mr. Hayercraft.

George W. Morgan."

The telegram was read and after discussion, it was directed that the matter of compliance with the order be handled in the first instance by the Chief Counsel, and that the Secretary arrange a hearing between counsel for the respondent, the Chief Counsel and Attorney Hayercraft on Friday, May 15, 1925, in the forenoon, with the further direction that if at this conference an agreement as to the method of compliance is not reached, that the matter be immediately reported to the Commission in session for its consideration.

(2) File 1-3542 - F. T. C. vs. American Company for International Commerce.

Memorandum without date (received by the Secretary May 12, 1925) was received from the Chief of the Export Trade Division recommending in view of the dismissal of the case, that the original papers which were received from the Department of Commerce be returned to that Department in accordance with the usual practice in Export Trade complaints.

The recommendation of the Export Trade Division was approved and it was ordered that the papers received from the Department of Commerce in this case, be returned and copies retained for the Commission's files and further that the Secretary be instructed to follow this procedure in all like cases.

(3) Report of the Chief Economist of the work of the Economic Division during April 1925.

The report was received and placed in the Calendar.

(4) Pocket 1101 - Oneida Community, Ltd.

Memorandum of May 12th was received from the Chief Counsel transmitting request of counsel for the respondent for an extension of time to and including June 10, 1925 in which to file brief and recommending pursuant to the Commission's direction of May 1st that the extension be granted.

The extension was granted by the Commission and order to this effect approved and entered.

May 12, 1925.

"Will be Washington Friday and would like see Chairman Van Fleet and other members informally to discuss order and compliance docket ten ten. Will you kindly arrange appointment their convenience that day and wire our expense; also show this telegram Chief Counsel and Mr. Hayscraft.

George W. Morgan."

The telegram was read and after discussion, it was directed that the matter of compliance with the order be handled in the first instance by the Chief Counsel, and that the Secretary arrange a hearing between counsel for the respondent, the Chief Counsel and Attorney Hayscraft on Friday, May 15, 1925, in the forenoon, with the further direction that if at this conference an agreement as to the method of compliance is not reached, that the matter be immediately reported to the Commission in session for its consideration.

(2) File 1-3542 - F. T. C. vs. American Company for International Commerce.

Memorandum without date (received by the Secretary May 12, 1925) was received from the Chief of the Export Trade Division recommending in view of the dismissal of the case, that the original papers which were received from the Department of Commerce be returned to that Department in accordance with the usual practice in Export Trade complaints.

The recommendation of the Export Trade Division was approved and it was ordered that the papers received from the Department of Commerce in this case, be returned and copies retained for the Commission's files and further that the Secretary be instructed to follow this procedure in all like cases.

(3) Report of the Chief Economist of the work of the Economic Division during April 1925.

The report was received and placed in the Calendar.

(4) Docket 1101 - Onida Community, Ltd.

Memorandum of May 12th was received from the Chief Counsel transmitting request of counsel for the respondent for an extension of time to and including June 10, 1925 in which to file brief and recommending pursuant to the Commission's direction of May 1st that the extension be granted.

The extension was granted by the Commission and order to this effect approved and entered.

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(5) Pocket 1134 - P. H. Hayes Knitting Company.

Memorandum of May 12th was received from the Chief Counsel recommending (1) that counsel for the Commission be granted an extension to and including June 11, 1925 in which to file brief; and (2) that counsel for the respondent be granted to and including July 1, 1925 in which to file brief.

The recommendation of the Chief Counsel was approved and order to this effect approved and entered.

(6) Pocket 1135 - Calumet Baking Powder Company.

Memorandum of May 11th was received from the Chief Counsel transmitting request of counsel for the respondent for an extension of thirty days from May 15, 1925 in which to file brief and recommending that counsel for the respondent be granted an extension to and including May 29, 1925 in which to file brief. The Chief Counsel also recommended that the final argument of the case be postponed from May 25, 1925, as now set, to Wednesday, June 3, 1925.

The recommendations of the Chief Counsel were approved and the Commission approved and entered an order granting counsel for the respondent an extension to and including May 29, 1925, in which to file brief and directed that the final argument of the case before the Commission be postponed from May 25, 1925 to Wednesday, June 3, 1925, at 2 p.m., the Secretary to notify interested parties thereof by registered mail.

(7) Letter of May 12th from Frank B. Weathersbee, temporary telephone operator at a salary of \$1320. per annum, resigning his position effective at the close of business May 13, 1925.

The resignation was accepted by the Commission.

(8) Letter of May 12th from Mrs. Edith M. Sooner Kay, (nee Edith M. Sooner) stenographer at \$1680. per annum, resigning her position effective at the close of business May 13, 1925.

The resignation was accepted by the Commission.

(9) Letter to the Personnel Classification Board transmitting in accordance with the Board's Circular of instructions No. 16, dated November 23, 1924, a new job description sheet for Miss Marion M. Dorsey, whereby Miss Dorsey's duties were changed from those of assistant clerk-stenographer, C. A. F. Grade 3, salary \$1660. to clerk-typist C. A. F. Grade 3, salary \$1680.

The change in designation without change in grade or salary was approved by the Commission and it was directed that the letter and the new job description sheet be forwarded to the Personnel Classification Board.

(10) Memorandum of May 7th was received from Hugh E. White, of the Chief Counsel's Staff, submitting in response to the Commission's direction of April 24, 1925, information with respect

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to the practices of steel concerns, other than the United States Steel Corporation, in regard to the basing point practice condemned in the Pittsburgh Plus case - Docket 740.

The memorandum from Mr. White was circulated.

(11) Letter of May 8, 1935, from the United States Civil Service Commission referring to the order to cease and desist issued by the Commission in the matter of Docket 1253 - Civil Service School, Inc., Washington, D. C., and presenting complaint against the Central Civil Service Institute, St. Louis, Missouri.

The letter was referred to the Chief Examiner for attention after acknowledgment by the Secretary.

(12) Report of the Chief Examiner of the work of the Legal Investigating Division for the month of April 1935.

The report was received and placed in the Calendar.

(13) Memorandum of April 30th was received from the Chief Examiner and memorandum of April 31st from the Chief Counsel reporting in response to the Commission's direction of April 17, 1935, with respect to the use of the term "Rayon" as adopted by the trade to designate the product heretofore known as "Artificial Silk". The Chief Examiner and the Chief Counsel reported that the Commission has not made any expressions in the past with respect to the term "Rayon".

The Chief Counsel also reported as follows:

"Any effort on the part of the trade to select a name for a product that will not be deceptive or misleading is to be commended, but this office does not consider that the Commission could properly designate this term as the correct description of fibre or artificial silk. The President of the Craftex Mills states that many important trade associations have officially adopted this name as a generic term. Its use in this way may lead to its acceptance by the trade and the public generally. Should the Commission, however, now give official sanction to the use of this term as the generic name for fibre or artificial silk, it might raise the presumption that the use of other terms as descriptive of said product is deceptive or misleading. So long as the name or term used by the trade, or any part of it, to designate artificial silk is not deceptive or misleading, it would seem that the Commission is not warranted in interfering."

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The expressions from the Chief Counsel and the Chief Examiner were requested by the Commission in connection with letters of April 17, 1925 from The Viscose Company, New York City, and letter of April 16, 1925 from The Craftex Mills, Inc., Philadelphia, Pa., advising the Commission of the adoption of the word "Rayon" by the industry as a generic name to designate fibre, heretofore known as artificial silk and making inquiry whether the Commission would officially recognize this term.

The Commission considered the previous request made upon it by the trade to officially recognize the word "Gloss" to designate artificial silk and in this connection, the Secretary read a letter of March 27, 1924 addressed by the Commission to Cheney Brothers, South Manchester, Connecticut, setting forth the Commission's position in the matter.

After discussion, it was ordered, upon motion of Mr. Van Fleet, seconded by Mr. Nugent, that a letter be sent to the parties making inquiry in this matter, substantially in accordance with the memorandum from the Chief Counsel as set forth above, and setting forth also that the Commission previously had an inquiry from the users of the word "Gloss" to which the Commission made reply as set out in its letter to Cheney Brothers, a copy of which is to be enclosed.

(14) Docket 2 - A. Theo Abbott & Company.

Report of March 13, 1925 was received from the Board of Review, with respect to the application of Cheney Brothers charging violation of the Commission's Order to cease and desist and also wrongful use of the word "Kapeck" on cloth containing no kapeck yarn.

The Board of Review recommended that the charge of violation of the order be dismissed and that further investigation be made with respect to the charge of wrongful use of the word "Kapeck".

It was directed that the papers be circulated.

(15) File 1-3402 - Bayer Company, Inc. vs. Banded Cross Company.

Memorandum of May 6th was received from the Chief Examiner reporting the facts in the case and that no evidence of confusion was submitted by the applicant arising between the product of the applicant and the product of the proposed respondent, and expressing the opinion that it is doubtful whether any such evidence exists. The Chief Examiner also reported that the case falls within the rule of March 11, 1925, in that if the applicant has, as is claimed, an exclusive right to the use of the word "Genuine", a remedy is afforded by the Courts. The Chief Examiner recommended that the application be dismissed.

The recommendation was approved and the application was dismissed by the Commission.

(16) File 1-3825 - Hustile Hosiery Mills vs. Munch Guaranteed Hosiery Company.

Memorandum of May 4th was received from the Chief Examiner reporting the facts and requesting authority to negotiate with the

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respondent for a stipulation under the rule of March 11, 1925.

The memorandum was read and thereafter, Mr. Van Fleet offered the following motion, which was seconded by Mr. Hunt:

Moved, that the recommendation of the Chief Examiner be approved and the case be returned to the Chief Examiner to be handled under the rule by stipulation and report to the Commission.

The motion was adopted with Messrs. Van Fleet and Hunt voting in the affirmative and Mr. Nugent voting in the negative. Mr. Nugent asked and it was ordered, that his dissent be noted.

(17) File 1-3834 - Pure Silk Hosiery Mills, Inc. vs.
Helix Hosiery Mills.

Memorandum of May 4th was received from the Chief Examiner reporting the facts and recommending that the case be handled by stipulation under the rule.

The memorandum was read and after discussion, Mr. Nugent offered the following motion, which was seconded by Mr. Van Fleet:

Moved, that the recommendation of the Chief Examiner be not approved and that complaint issue without reference of the case to the Board of Review, charging the respondent, Helix Hosiery Mills with violation of the Federal Trade Commission Act.

The file was referred to the Chief Counsel via Docket Section, for the preparation of complaint, pursuant to the rule, the same to be served by the Secretary without further action by the Commission.

(18) File 1-3839 - Pure Silk Hosiery Mills, Inc. vs.
Premier Hosiery Mills, Inc.

Memorandum of May 4th was received from the Chief Examiner reporting the facts and requesting authority to handle the case by stipulation under the rule of March 11, 1925.

The memorandum was read and thereafter, Mr. Van Fleet offered the following motion, which was seconded by Mr. Hunt:

Moved, that the recommendation of the Chief Examiner be approved and the case returned to the Chief Examiner to be handled by stipulation under the rule and report to the Commission.

In substitution for the foregoing motion, Mr. Nugent offered the following motion:

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Moved, as a substitute that the recommendation of the Chief Examiner be not approved and that the case proceed in regular course.

The substitute motion was lost for want of a second. Vote was then taken upon the original motion. As to this motion, Messrs. Van Fleet and Hunt voted in the affirmative and Mr. Nugent voted in the negative. The motion was adopted and it was so ordered.

Mr. Nugent asked and it was ordered that his dissent be noted.

(19) File 1-3449 - J. Seeey Company vs. Superior Knitting Mills Company.

Memorandum of May 7th was received from the Chief Examiner setting forth the facts, transmitting stipulation signed by the respondent and calling attention to the respondent's request that it be given six months time in which to use its corporate name after the acceptance of the stipulation. The Chief Examiner submitted the matter for whatever action the Commission may deem proper.

After consideration, Mr. Van Fleet offered the following motion, which was seconded by Mr. Hunt:

Moved, that the stipulation be accepted and the application dismissed, with the proviso that the change, in compliance with the stipulation be made within three months from date.

The motion was adopted by the Commission and it was so ordered with Messrs. Van Fleet and Hunt voting in the affirmative and Mr. Nugent voting in the negative.

Mr. Nugent made the following statement for the record:

"I vote 'no' for the reason that I think the stipulation should be rejected and the case proceeded with in regular order."

Mr. Nugent asked and it was ordered that his dissent be noted.

(20) File 1-3838 - Gleiger Brothers vs. O. Waire, Inc.

Memorandum of May 1st was received from the Chief Examiner reporting the facts and recommending that the case be handled by stipulation under the rule of March 11, 1923, and that the Chief Examiner be given instructions as to whether the stipulation should cover the use of both phrases in question, to-wit: "White Platinum Finish" and "Warranted 15 Years".

The memorandum was read and thereafter, Mr. Van Fleet offered the following motion, which was seconded by Mr. Hunt:

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Moved, that the Chief Examiner be authorized to negotiate for a stipulation under the rule for the elimination of both phases referred to and report to the Commission.

In substitution for the foregoing motion, Mr. Nugent offered the following motion:

Moved, as a substitute that the case proceed in regular course.

The substitute motion was lost for want of a second. Vote was taken upon the original motion. As to this motion, Messrs. Van Fleet and Hunt voted in the affirmative and Mr. Nugent voted in the negative. The motion carried and it was so ordered.

Mr. Nugent asked and it was ordered, that his dissent be noted.

(21) File 1-3743 - Pallasch, Weeks Company, Inc. vs.
Easton & Linne Baking Company.

Memorandum of May 1st was received from the Chief Examiner reporting that the case had been handled by stipulation under the rule of March 11, 1923 transmitting stipulation signed by the respondent with the recommendation that the stipulation be accepted and the application dismissed. The memorandum was read and thereafter, Mr. Van Fleet offered the following motion, which was seconded by Mr. Hunt:

Moved, that the stipulation be accepted and the application dismissed.

The motion was adopted by the Commission and it was so ordered with Messrs. Van Fleet and Hunt voting in the affirmative and Mr. Nugent voting in the negative.

Mr. Nugent asked and it was ordered that his dissent be noted.

Upon request for instructions, the Secretary was authorized and directed when notifying respondents in applications for complaint handled by stipulation under the rule of March 11, 1923 of the acceptance of the stipulation by the Commission and the dismissal of the application for complaint, to transmit to such respondent a copy of the stipulation accepted by the Commission.

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Upon recommendation of the Secretary, the Commission waived its regulations requiring the submission of a daily time card by Messrs. Adrian F. Susick and W. T. Kelley of the Chief Counsel's Office and authorized these employees to report semi-monthly.

Thereupon, at the hour of 11:45 a.m., the Commission adjourned to meet Friday, May 15, 1925, at 10 a.m.

Vernon W. Van Fleet,
Chairman.

Attest:

Otis H. Johnson,
Secretary.

Thursday - May 14, 1925 - No meeting held.

MEETING OF THE FEDERAL TRADE COMMISSION

Friday - May 15, 1925 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Nugent,
Charles W. Hunt,
Huston Thompson,
Willies L. Humphrey.

The minutes of the meeting of May 13, 1925 were read and after correction were approved.

Formal docket cases appearing on the weekly Conference Calendar for final determination were considered by the Commission and action as indicated was taken by the Commission.

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(1) Docket 942 - Ohio Wholesale Grocers' Association, et al.
Consideration of this case laid over until next
Conference Day.

(2) Docket 1073 - C. T. Swett Company.
Consideration of this case laid over until next
Conference Day.

(3) Docket 1167 - Robert F. MacKernie Company.
This case comes before the Commission for final determination upon the following record: memorandum of April 23rd from the Chief Counsel transmitting the case and recommending dismissal; complaint; answer; testimony; stipulation as to the facts; supplemental stipulation. No report upon the facts was filed by the Trial Examiner. No briefs were filed. Attorney Flannery represents the Commission. Attorney George H. Schelberger represents the respondent.

In memorandum of April 23, 1923, the Chief Counsel recommended as follows:

"It is recommended on the stipulation as to the facts and the supplemental stipulation forwarded herewith that the complaint be dismissed."

After consideration, Mr. Van Fleet offered the following motion, which was seconded by Mr. Hunt:

Moved, that the stipulation and the supplemental stipulation be accepted and the complaint dismissed, on the recommendation of the Chief Counsel.

In substitution for the foregoing motion, Mr. Nugent offered the following motion, which was seconded by Mr. Thompson:

Moved, that the stipulation be not approved and that the case proceed in regular course.

As to the substitute motion, Messrs. Nugent and Thompson voted in the affirmative and Messrs. Van Fleet, Hunt and Humphrey voted in the negative. The substitute motion was lost.

Vote was taken upon the original motion. As to this motion Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The motion carried and it was so ordered.

Messrs. Nugent and Thompson asked and it was ordered that their dissent be noted.

The Chief Counsel was directed to prepare and the Secretary to serve order of dismissal.

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- (4) Docket 1203 - Barnes-Jones Company and
Barnes-Irwin Company.

Consideration of this case was laid over until next
Conference Day.

The Chairman presented the following matters and action as
indicated was taken by the Commission:

- (1) Letter of May 13th from R. E. Mitchell, Secretary,
Granite Manufacturers' Association, Inc., Barre, Vermont, complaining
of the use of certain names to designate stone quarried at several
points surrounding Barre, Vermont, alleged to be misleading as to
the quality of stone being sold under those names and a reflection
on the genuine "Barre Granite".

The letter was read and referred to the Chief Examiner for
attention.

- (2) Letter of May 11th from F. G. Swoboda, General Manager,
Wisconsin Cheese Producers' Federation, Plymouth, Wisconsin,
complaining of certain practices in the cheese business.

The letter was read and referred to the Chief Examiner for
attention. It was also suggested that the Chief Examiner call the
writer's attention to the fact that the State of Wisconsin maintains
a department of unfair competition.

- (3) File 1-2372 - United Woollen Mills Company, Inc. vs.
United Woollen Mills Company, Inc.

Letter of May 13th was received from Webb L. Vorys (Vorys, Sater,
Seymour & Fessenden, Columbus, Ohio), counsel for the proposed respondent,
referring to negotiations under way to handle the case by stipulation
and to the Chairman's letter of April 23, 1925 on the subject.
Attorney Vorys referred to Paragraph One of the stipulation and
suggested that this Paragraph seems to be based upon an erroneous
state of facts. The Paragraph reads as follows:

"The United Woollen Mills Company was, at all times
hereinafter mentioned, and still is, in competition with
other individuals, firms, partnerships and corporations
also engaged in the sale and distribution of men's
clothing, and particularly with manufacturers fabricating
the cloth from which said clothing is manufactured and
selling the clothing made from said cloth as manufactured
in interstate commerce in, between and among the various
states of the United States."

The letter was read and after discussion was referred to
Mr. Nugent with request to take up with the Commission's attorney
(Attorney Saggerty) who drafted the stipulation, the questions
respecting Paragraph One raised in the letter and report to the
Commission.

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Mr. Nugent presented letter of May 1st from the Pacific Flour Export Company, Portland, Oregon, requesting information from the Commission under the Export Trade Act, concerning the resale in the domestic market of flour sold for exporting purposes. The Commission also received draft of a reply prepared by the Export Trade Division calling attention to provisions of the Export Trade Act.

The reply was read and ordered forwarded. See file

Mr. Thompson informed the Commission respecting a visit to his office on the previous day by Senator Claude A. Swanson of Virginia in connection with the investigation of the tobacco industry being conducted by the Chief Examiner's office in response to Senate Resolution 389, adopted February 3, 1925, (Senator Grant). Mr. Thompson stated that Senator Swanson raised certain questions as to the methods employed and stated in substance that the Commission was making an investigation of the cooperatives rather than of the Imperial Tobacco Company and the American Tobacco Company. Mr. Thompson stated that he invited Mr. Hunt and members of the Chief Examiner's Staff into the conference with Senator Swanson and at the conclusion suggested to Senator Swanson that any complaint of the methods employed in the inquiry be addressed to the Commission in writing.

Mr. Humphrey presented a letter of May 8th from Trial Attorney Wooden in the matter of Docket 1223 - Chicago Retail Lumber Dealers' Association, et al, with which letter Mr. Wooden transmitted a memorandum in regard to the suggestion of W. S. Bennett, Vice-President and counsel for the Edward Hines Lumber Company, a member of the respondent Association, that the complaint be dismissed on the basis of a recent decision of the Supreme Court in the case of Industrial Association of San Francisco, et al vs. United States.

On motion of Mr. Humphrey it was directed that copies of Mr. Wooden's memorandum be delivered to each Commissioner and the matter called up as a Special Order of business after the regular order at the meeting on May 18, 1925.

The following matters of general business forwarded to the Commission by the heads of the several Divisions were presented by the Secretary and action as indicated was taken:

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(1) Docket 1231 - American Association of Advertising Agencies, et al.

Memorandum of May 14th was received from the Chief Counsel transmitting letter of May 8, 1925 from Messrs. Finlay & Campbell, Chattanooga, Tennessee, counsel for the Southern Newspaper Publishers' Association, one of the respondents, requesting the Commission to afford the Association an opportunity to be heard upon the issues of the case. The Chief Counsel stated that in his judgment no good purpose would be served by the preliminary hearing sought and recommended that the request of the Southern Newspaper Publishers' Association be denied.

The memorandum was read and on motion of Mr. Nugent, seconded by Mr. Thompson, the recommendation of the Chief Counsel was approved and the request of the Southern Newspaper Publishers' Association for a hearing was denied.

(2) Letter of May 14th from the Personnel Classification Board advising that the Board has denied the appeal of Mr. Francis Walker for a change in classification under the Classification Act from Professional and Scientific Grade VI to Professional and Scientific Grade VII.

The letter was received and filed.

(3) In response to the Commission's action of April 15th, the Secretary submitted written statements from Miss Evelyn E. Sby, Mrs. Caroline V. Hyde, Nicholas Miles, Jr. and Worth F. Starnes, employees of the Commission with respect to the reasons why it was necessary for such employees to take substantially a total of thirty days sick leave for each of the past three years. The Secretary reported that the other employee in this class, Miss Eloise M. Butler, was in the hospital and for that reason no statement had been secured from her.

The statements were received and referred to Mr. Thompson for attention.

Pursuant to the Commission's action of May 8, 1925, file 1-2432 - F. T. C. vs. American Optical Company was considered as a Special Order of business.

After discussion, the following action was offered by Mr. Thompson, seconded by Mr. Van Fleet:

Moved, that the Chief Examiner make an investigation to see whether or not the practices charged in the complaint, which has been prepared and is in the file are still being continued and report to the Commission not later than September 1, 1925.

May 13, 1935.

As to the foregoing motion, Messrs. Van Fleet, Hunt, Thompson and Humphrey voted in the affirmative and Mr. Nugent voted in the negative.

Mr. Nugent made the following statement for the record:

"I vote 'no' for the reason that I believe that complaint should issue on the present record and in accordance with my memorandum in the file."

In the matter of Docket 1010 - Pittsburgh Coal Company of Wisconsin, et al, Attorney Kelley of the Chief Counsel's Office appeared and reported with respect to conference held in the Chief Counsel's Office this morning between Messrs. Haycraft and Kelley of the Commission's Staff and Attorney George W. Morgan representing the respondents, at the request of Attorney Morgan with reference to compliance with the Order.

Mr. Kelley stated that the only point of disagreement was with respect to Item 4 of Paragraph (b) of the order reading as follows:

"IT IS FURTHER ORDERED, that the respondent association, its Officers, agents and employees do Cease and Desist from cooperating with the respondent companies in the enforcement of any agreement, combination or conspiracy to restrict, restrain or suppress competition in the sale of bituminous and anthracite coal at wholesale or retail and particularly from doing the following acts -

"(a)

"(b) through its secretary consolidating and then disseminating to members of respondent association, the information heretofore furnished said secretary by respondent companies relating to
(4) accounts past due"

As to this item Attorney Morgan expressed the view that the respondent should be permitted to continue to circularize members of the Association but that Attorney Haycraft felt it would be in violation of this portion of the Order.

The Commission suggested that the matter be presented in writing by both sides.

Subsequently Messrs. Kelley, Haycraft and Morgan appeared before the Commission and Messrs. Morgan and Haycraft were heard in regard to the matter informally. At the conclusion of the hearing the Commission suggested to Attorney Morgan that he submit a motion to modify Item (4) of Paragraph (b) of the order in accordance with his views and that Attorney Haycraft file a memorandum on the motion and that the matter be brought to the Commission by the Secretary for determination.

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Thereupon, at the hour of 12:30 p.m., the Commission adjourned to meet Monday, May 18, 1923, at 10 a.m.

Vernon W. Van Fleet,
Chairman.

Attest:

Obie S. Kornbluh
Obie S. Kornbluh,
Secretary.

Saturday - May 16, 1923 - No meeting held.

Sunday - May 17, 1923 - No meeting held.

REPORT OF THE FEDERAL TRADE COMMISSION

Monday - May 18, 1923 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Nugent,
Charles W. Hunt,
Houston Thompson,
William G. Humphrey.

The minutes of the meeting of May 13, 1923 were read and approved.

Mr. Nugent submitted the following listed applications for complaint and action as indicated was taken by the Commission:

- (1) File 1-3767 - Indiana Brass Company vs. Northern Indiana Brass Company.

Mr. Nugent stated that this application came direct to the Commission from the Chief Examiner without reference to the Board of Review, pursuant to the rule of December 4, 1924.

May 18, 1925.

Mr. Nugent presented memorandum of May 18th reviewing the facts, concurring in the recommendation of the Chief Examiner and recommending that the application be dismissed.

After consideration, on motion of Mr. Nugent, the application for complaint was dismissed by the Commission.

(2) File 1-3597 - W. R. Case & Sons Cutlery Company vs. Valley Forge Cutlery Company, et al.

Mr. Nugent stated that this application came direct to the Commission from the Chief Examiner without reference to the Board of Review, pursuant to the rule of December 4, 1924.

Mr. Nugent presented memorandum of May 18th reviewing the facts, concurring in the recommendation of the Chief Examiner and recommending that the application be dismissed.

The memorandum was read and after discussion, on motion of Mr. Nugent, the application for complaint was dismissed by the Commission.

(3) File 1-3756 - American Thermos-Ware Company, Inc. vs. American Thermometer Company.

Mr. Nugent stated that this application came direct to the Commission from the Chief Examiner without reference to the Board of Review, pursuant to the rule of December 4, 1924.

Mr. Nugent presented memorandum of May 18th reviewing the facts, concurring in the recommendation of the Chief Examiner and recommending that the application be dismissed.

The memorandum was read and after discussion, on motion of Mr. Nugent, the application for complaint was dismissed by the Commission.

Mr. Hunt submitted file 1-3246 - Seidenbach's vs. Associated Press Industries of America and stated that this application came direct to the Commission from the Chief Examiner without reference to the Board of Review pursuant to the rule of December 4, 1924.

Mr. Hunt submitted memorandum of May 18th reviewing the facts, concurring in the recommendation of the Chief Examiner and recommending that the application be dismissed.

The memorandum was read and after discussion, on motion of Mr. Hunt, the application for complaint was dismissed by the Commission.

Mr. Thompson submitted the following application for complaint and foreign trade complaint and action as indicated was taken by the Commission:

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- (1) File 1-2856 - F. T. C. vs. Procter & Gamble Distributing Company, et al.

Mr. Thompson reported the facts and stated that this case resulted from the re-investigation of the respondent's resale price maintenance policy following the decision of the Supreme Court in the Beechnut Case; that a formal complaint by the Commission, Docket #18 had been dismissed subsequent to the Beechnut decision and without prejudice to the institution of a new case. Mr. Thompson stated that the Board of Review and the Investigating Attorney recommended dismissal.

After discussion, Mr. Thompson offered the following motion:

Moved, that the present case be removed from the Suspense Calendar and dismissed on the ground that the proposed respondents have not carried on the practices condemned in the Beechnut case subsequent to the decision of the Supreme Court in that case.

The motion was adopted and it was so ordered.

- (2) File 30-84 - Foreign Trade complaint of Danish Exporters against Lustrade Brothers, Inc. of New York City.

Memorandum of February 27th was received from the Export Trade Division reporting the result of preliminary inquiry and recommending that the facts obtained by this inquiry be reported to the State Department, the papers received from that office returned and the case closed. The Commission also received draft of letter to the Secretary of State prepared by the Export Trade Division.

The recommendation of the Chief of the Export Trade Division was approved and the letter was approved and ordered forwarded after signature by the Chairman. See file.

Mr. Humphrey submitted file 1-3501 - Harris-Hahn Company vs. Klauter Brothers & Company, reported the facts and informed the Commission respecting the recommendation of the Board of Review that the case be referred to the Chief Examiner for stipulation.

After discussion, Mr. Humphrey offered the following motion which was seconded by Mr. Hunt:

Moved, that the recommendation of the Board of Review be approved and that the case be referred to the Chief Examiner to be handled by stipulation under the rule and report to the Commission.

In substitution for the foregoing motion, the following motion was offered by Mr. Nugent, seconded by Mr. Thompson:

May 18, 1925.

Moved, as a substitute motion that the recommendation of the Board of Review be disapproved and that the case proceed in regular order.

As to the substitute motion, Messrs. Nugent and Thompson voted in the affirmative and Messrs. Van Fleet, Hunt and Humphrey voted in the negative. The substitute motion was lost.

Vote was then taken upon the original motion by Mr. Humphrey. As to this motion, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The motion carried and it was so ordered.

Messrs. Nugent and Thompson asked that their dissent be noted.

The Chairman presented letter of April 25th, 1925, from the Attorney General of the United States (John G. Sargent) setting forth the results of investigation by the Department of Justice of the activities of the California Redwood Association concerning which a report was submitted to the Department of Justice by the Federal Trade Commission on July 26, 1923.

The letter stated that "the Department does not intend to take any further action with reference to the activities carried on directly by or through the California Redwood Association, the Redwood Shingle Association or the Redwood Sales Agency, but if the Federal Trade Commission desires to proceed further or to obtain further information as to the present activities of these associations, I will be very glad to allow any representative of the Commission access to the reports and exhibits covering the recent investigation made by the special agent of the Bureau of Investigation."

The letter was read and upon motion of Mr. Thompson was referred to Attorney Wenden, the attorney who conducted the Commission's investigation of Lumber Trade Associations, for examination and report back to the Commission.

Mr. Nugent presented file 1-2855 - Inter-Collegiate Press vs. Crescent Calendar Company and in response to the Commission's action of May 6, 1925, reported his examination of this case in connection with the statement released to the press by the Commission on January 18, 1923, setting out the Commission's position following the Trade Practice Submittal with the Raised Printing Industry and containing the following statement:

May 18, 1925.

"The Commission, as a result of this submittal, desires to announce to the trade and the public that it disapproves the use of the terms "Engraved Effects" or "Embossed Effects" as applied to the type of work discussed and that it cannot approve the use of the words "Engraved" or "Embossed" in any form as applied to a product not made from copper plates or steel dies."

Mr. Nugent expressed the view that if the Commission, in its consideration of the instant file before it - file 1-3833 - confirmed its view as expressed in the trade practice submittal statement, a complaint in the present case should issue.

The Commission discussed the meaning of the words "Engraved" and "Embossed" and the question as to whether or not the disapproval of the use of the term "Embossed" in the trade practice submittal statement should be reaffirmed or reconsidered.

After consideration, an motion of Mr. Van Fleet, seconded by Mr. Thompson, the Commission requested Mr. Hunt, the Commissioner who conducted the trade practice submittal with the raised printing industry, to invite a spokesman to be selected by the raised printing industry and a spokesman to be selected by the copper plate and steel die industry and a representative from the Bureau of Printing & Engraving to an informal hearing before the Commission to be arranged by Mr. Hunt for the purpose of informing the Commission with respect to the meaning in the trade of the terms "Engraving" and "Embossing"; and that pending this hearing that file 1-3833 - Inter-Collegiate Press vs. Crescent Calendar Company be placed on the Unfinished Business Calendar to be called up by the Secretary after the hearing.

At the suggestion of Mr. Humphrey, the Commission considered as a Special Order of business, the request as made to Mr. Humphrey by W. S. Bennett, Vice-President and counsel for the Edward Hines Lumber Company, respondent, that the complaint in Docket 1223 - Chicago Retail Lumber Dealers' Association, et al, be dismissed on the basis of the recent decision in the Supreme Court in the case of Industrial Association of San Francisco, et al vs. U. S. In this connection, the Commission had before it a letter of May 8th accompanied by memorandum from Trial Attorney Wooden reporting that the Supreme Court case is not controlling and recommending that the Commission's case be allowed to proceed to the taking of testimony in the regular course.

Mr. Humphrey informed the Commission that Mr. Bennett had called upon him and discussed the matter and that he had referred Mr. Bennett to Mr. Wooden and the Chief Counsel. Mr. Humphrey suggested that the case be referred to the Board of Review for hearing.

After discussion, the Secretary was directed to write Mr. Bennett that his verbal request for the dismissal of the

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Commission's complaint on the basis of the Supreme Court decision in the case of Industrial Association of San Francisco, et al, vs. U. S., as made to Mr. Humphrey, had been reported to the Commission by Mr. Humphrey and the Commission thinks that Mr. Bennett should present in writing whatever motion he desires to bring to the attention of the Commission, accompanied by a memorandum of reasons in support of such motion, and that such motion and memorandum be submitted within ten days from the receipt of the Secretary's letter.

Upon motion of Mr. Van Fleet, it was further ordered that the beginning of the taking of testimony on behalf of the Commission in this case be postponed pending determination by the Commission of any motion which Mr. Bennett may present and that Attorney Weeden be notified to this effect.

Mr. Humphrey presented the following letters and action as indicated was taken by the Commission:

(1) Letter of May 12th from A. E. Barry of The Otto Company, Seattle, Washington, requesting information respecting the paper industry.

The letter was read and referred to the Secretary to prepare reply furnishing any ^{public} information on the subject in the possession of the Commission.

(2) Letter of May 15th from the Silk Association of America, New York City, referring to the practice in the textile trade involving the misuse of the word "silk" and suggesting that the Commission follow up its previous action in this field and ascertain whether or not companies continue the use of certain terms such as "Sanskil" and "Silkateen" as condemned by the Commission or whether the rulings of the Commission are being carried out by simply adding such words as "all cotton" or similar terms.

The letter also referred to the present case before the Commission involving the name "Silkette" as applied to a cotton fabric.

The letter was read and referred to the Secretary for acknowledgment and to forward orders issued by the Commission on the subject of the misuse of the term "silk" and to suggest that the Commission will give consideration to any specific complaint the Association may desire to submit.

Mr. Thompson offered the following motion:

Moved, that Attorney Kelley be asked to make a written report to the Commission covering his trip

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to the Department of Justice as ordered by the Commission under date of April 29, 1925, in regard to file 1-3866 - Charles B. Seim vs. Aluminum Company of America.

The motion was adopted by the Commission and it was so ordered.

The following matters of general business forwarded to the Commission by the Heads of the several divisions were presented by the Secretary and action as indicated was taken by the Commission:

- (1) File 1-3862 - F. T. C. vs. Wallpaper Manufacturers' Association of the United States.

Memorandum of May 14th was received from the Chief Examiner reporting the request of agents of the Department of Justice to examine the Commission's file pursuant to the Commission's letter of November 13, 1924, and asking instructions in view of the Commission's rule of January 16, 1925, to the effect that information from the files of any party under inquiry by the Commission which was furnished voluntarily would not be made available to the Department of Justice without written consent of the party from whose files the information was obtained.

The Chief Examiner submitted file of correspondence, etc., in the matter, reporting the facts and recommending in view of all the circumstances and especially in view of the Commission's letter of November 13, 1924, that access be granted the Department of Justice agents to the Commission's files.

The memorandum was read and after discussion, the following motion was offered by Mr. Nugent, seconded by Mr. Thompson:

Moved, that the recommendation of the Chief Examiner be approved and that agents of the Department of Justice be given access to all files in the possession of the Commission in the matter referred to.

In substitution for the foregoing motion, the following motion was offered by Mr. Humphrey, seconded by Mr. Hunt:

Moved, as a substitute that only such portion of the files as were voluntarily submitted to the Commission before the Commission made an examination of the Association's files, be made available to the Department of Justice agents.

Vote was taken as to the substitute motion. As to this motion Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The substitute motion carried and it was so ordered.

May 18, 1925.

Messrs. Bugent and Thompson asked that their dissent be noted.
At this time Chairman Van Fleet was excused from the meeting.

Vernon E. Van Fleet,
Chairman.

Attest:

Otis B. Johnson,
Secretary.

PRESENT:

John W. Bugent, Acting Chairman,
Charles W. Hunt,
Euston Thompson,
William E. Humphrey.
Mr. Van Fleet absent.

(2) Docket 1252 - The Long-Koch Company.

Memorandum of May 15th was received from the Chief Counsel transmitting request of Messrs. Graustein, Wolff & Grant, New York City, representing the National Jewelers' Board of Trade, for permission to file brief as *amicus curiae* in the above case and recommending that the request be granted.

The memorandum was read and after consideration, the recommendation of the Chief Counsel was approved and the request granted.

(3) Docket 1116 - Eastern Federation Farm Machinery Dealers.

Letter of May 16th from Grant Wright, General Secretary of the Eastern Federation Implement Dealers' Association, respondent in the matter of Docket 1116 - referring to the fact that the case has not been set down for hearing, that the writer would be in Washington on May 26th on other business and would appreciate an appointment to talk over the matter of the hearing date.

The letter was referred to the Secretary to reply that the matter will be determined by the Commission on May 29th in accordance with plans previously made by the Commission and that in view of this fact, it is not believed that the proposed hearing suggested by Mr. Wright will be necessary.

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(4) Docket 1292 - Calumet Faking Powder Company.

Memorandum of May 8th was received from the Chief Counsel transmitting motion filed by counsel for the respondent on April 20, 1925 to "make more definite and certain the allegations of the complaint."

The Chief Counsel expressed the opinion that the motion be sustained and stated his reasons therefor. The Chief Counsel transmitted an order sustaining the motion and also a Bill of Particulars, describing the particular letters, pamphlets, books and other documents considered by the Commission in making the charges contained in Paragraphs Three and Four of the complaint.

After consideration, on motion of Mr. Humphrey, the Commission approved the recommendations of the Chief Counsel, granted the respondent's motion and entered its order sustaining the motion and directed the Secretary to furnish the respondent with the Bill of Particulars submitted to the Commission by the Chief Counsel.

Whereupon, at the hour of 12 m., the Commission adjourned to meet Wednesday, May 20, 1925, at 10 a.m.

John F. Sugert
John F. Sugert,
Acting Chairman

Attent:

Cliff F. Johnson
Cliff F. Johnson,
Secretary.

Thursday - May 19, 1925 - No meeting held.

NOTICE OF THE FEDERAL TRADE COMMISSION

Wednesday - May 20, 1925 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Sugert,
Charles W. Hunt,
Huston Thompson.

Mr. Humphrey absent.

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The minutes of the meeting of May 18, 1925, were read and approved.

The Chairman submitted the following matters and action as indicated was taken by the Commission:

(1) Letter of May 18th from Congressman George H. Fitzhugh of Massachusetts, recommending the appointment of Thomas J. Murphy of Boston, to the Legal Staff of the Commission.

The letter was read and referred to the Secretary to prepare reply for the Chairman's signature advising that because of lack of funds the Commission is not making additions to its Staff nor filling vacancies in the Staff.

(2) Letter of May 18th from F. H. Allen, Chairman, Executive Committee, Mahogany Association, Inc., New York City, listing twenty firms against whom the Mahogany Association or the National Vigilance Committee has filed applications for complaint with the Commission charging misrepresentation or misleading description in respect to wood content of furniture and also referring to the Commission's new rule providing for hearings before the Board of Review and requesting that the Association be given the right to intervene as amicus curiae in informal hearings on these applications for complaint and accorded the right to present its views to the Commission as to the terms of any stipulation entered into between the Commission and the respondents named in the letter.

After consideration, on motion of Mr. Van Fleet, the letter was referred to the Secretary to advise the Association that in event an informal hearing under the rule is granted before the Board of Review to any of the proposed respondents mentioned in the letter that the Commission will be pleased to have a representative from the Association participate. The request regarding the terms of any stipulation entered into was not granted.

The parties complained against by the Mahogany Association or the National Vigilance Committee as set out in the letter are:

Keystone Furniture Company,
United Furniture Manufacturers,
Shoppard Snapp Company,
Buckley-Kawhall Company,
Spear & Company,
Ludwig Baumann Company,
John Sankusker,
Timbel Brothers,
R. H. Macy & Company,
Stern Brothers,
Udall Furniture Company,

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Klingman's,
John Warranster,
Thomas C. Fowle Lumber Company,
Black & Yates, Inc.,
Pacific Southwest Import Company,
Hammond Lumber Company,
Frank Paxton Lumber Company,
Sirschmann Hardwood Company,
Indiana Quartered Oak Company.

(3) Letter of May 18th from Senator Jesse H. Metcalf of Rhode Island, transmitting sample of advertising literature sent out by the Narragansett Pier Line Company as received by the Senator from the Narragansett Braided Line Company, Inc.

The correspondence was referred to the Chief Examiner for attention in connection with previous correspondence on the subject. The Secretary was directed to acknowledge the Senator's letter and advise him of the reference of the matter to the Chief Examiner.

(4) Letter of May 18th from "The Iron Age" referring to the Commission's report on "War-Time Costs & Profits in the Steel Industry", dated February 16, 1923, stating that the Commission's figures under the cost of raw materials do not check with the Iron Age quotations over the same period and requesting assistance in finding the relation between the Iron Age figures and the Commission's figures.

The letter was referred to the Chief Economist for preparation of reply.

(5) Letter from the Chief Coordinator with respect to the assignment of the Commission's New York Office to quarters in the Sub-Treasury Building. The Chairman also reported telephone conversation with a representative of the Chief Coordinator to the effect that the Chief Coordinator is having a meeting on the subject, Friday afternoon, May 22nd, and requested information from the Commission before that time if possible, as to whether or not the quarters offered by the Treasury Department were acceptable to the Commission. The Chairman stated that he had replied that Commissioners Thompson and Humphrey would inspect the quarters Friday morning and that the Commission would report as soon as possible.

At the suggestion of Mr. Van Fleet, it was agreed that Messrs. Thompson and Humphrey would wire their views after inspection of the quarters on Friday morning to the Secretary of the Commission, who was instructed to convey the information to the Chief Coordinator immediately.

May 20, 1925.

In the matter of file 1-2372 - United Woollen Mills Company, Inc. vs. United Woollen Mills Company, Inc., Mr. Nugent reported in response to the Commission's request of May 15th that the letter of May 13th from Webb I. Vorys, counsel for the proposed respondent, questioning the statement of facts in the proposed stipulation for the settlement of the case, had been taken up with the Commission's attorney, Mr. Haggerty, with the result that it appears that the position of the respondent's attorney was well taken and that the draft of stipulation had been changed to meet the objections raised by counsel for the respondent.

The report of Mr. Nugent was accepted and it was ordered by the Commission, that the stipulation be returned to the respondent with the statement that it had been changed so as to meet the objection raised by counsel for the respondent in his letter of May 13, 1925.

Mr. Hunt referred to the action of May 15th in authorizing an informal conference with the trade with respect to the meaning in the trade of the words "ingraved" and "intended" and informed the Commission that he had arranged such conference for Friday, June 5, 1925, at 2 p.m., and had addressed letters to his various parties interested to confer with the Commission on that date.

The date was confirmed by the Commission.

The following matters of general business forwarded to the Commission by the heads of the several divisions were presented by the Secretary and action as indicated was taken by the Commission:

(1) Three separate letters were received from the United States Civil Service Commission, dated May 16, 1925, referring to the cease and desist order issued by the Commission in Docket 1255 - Civil Service School, Inc., and making complaint against the Commonwealth National Preparatory Institute, Philadelphia, Pennsylvania; Civil Service Correspondence School, Philadelphia, Pennsylvania; and The Interstate Civil Service School, Los Angeles, California.

It was directed that the letters be referred to the Chief Examiner for attention after acknowledgment by the Secretary.

(2) Docket 1181 - Holly Sugar Corporation.

Memorandum of May 20th was received from the Chief Counsel transmitting motion filed by Messrs. Hedges, Wilson & Rogers, counsel for the respondent, to dismiss the complaint and requesting a hearing on the motion during the week of May 23th.

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The Chief Counsel recommended that the request for a hearing be granted.

It was directed that the matter be circulated.

(3) Docket 954 - Standard Oil Company of New Jersey.

Memorandum of May 19th was received from the Chief Counsel transmitting request of counsel for the respondent for an extension of time to July 1, 1925, in which to file exceptions to the report of the Trial Examiner. The Chief Counsel recommended that the request be granted.

The request was granted by the Commission and order to this effect approved and entered.

(4) Docket 1253 - Progress Paint Manufacturing Company, et al.

Pursuant to the Commission's action of May 6th, a memorandum of May 19th was received from the Chief Counsel transmitting draft of an amended complaint including a charge of selling by short measure, with the recommendation that the amended complaint be issued.

After consideration, it was ordered by the Commission, that the recommendation of the Chief Counsel be approved and the amended complaint as submitted be issued and served by the Secretary without further action.

(5) Letter to the Secretary of the Treasury in reply to a letter of May 12th making inquiry of the amount of appropriation to be transferred to the Retirement Fund. The Commission's reply advised that in addition to the \$7500, set aside in response to the letter of June 2, 1924, from the Treasury Department, that an amount of \$3150, will be due the Retirement Fund by the end of the current fiscal year and that this amount will be transferred after the expiration thereof.

The reply was forwarded. See file

(6) Memorandum of May 1st was received from the Chief Economist reporting in compliance with the Commission's order of March 17th with reference to an inquiry by the Bureau of Standards "as to whether or not a fifty per cent portion of copper in brass and bronze is sufficient to make a genuine article and also as to the proportions of materials included in genuine brass and bronze." The Chief Economist expressed the opinion that any expression of opinion on the part of the Commission as to what kind of brass or bronze is genuine would be inadvisable.

It was directed that the memorandum be circulated.

(7) Docket 1307 - Ohio Shellac Company.

Memorandum of May 14th was received from the Chief Counsel calling attention to the direction of the Commission on April 20, 1925, that this case be set down for trial before the Commission.

May 20, 1925.

The Chief Counsel recommended that before this matter is set down for trial, the facts as to whether the labels have been changed be ascertained.

The recommendation of the Chief Counsel was approved and it was directed that prior to the setting of the case for trial before the Commission, that the facts with respect to the reported change in labels be ascertained.

(8) File 1-3676 - J. L. Goldberg vs. L. Shapiro & Sons.

Memorandum of May 11th was received from the Chief Examiner reporting the result of preliminary investigation of the Prudential Worsted Mills directed by the Commission under date of April 27th, relative to its sale of cloth to L. Shapiro & Sons. The Chief Examiner stated that it appears that the cloth in question is not sold to Shapiro as all wool.

It was directed that the matter be referred to Mr. Nugent with request for examination and report.

(9) File 1-3198 - Red River Woollen Mills Company vs.

Minneapolis Woollen Mills Company, Inc.

Memorandum of May 7th was received from the Chief Examiner, reporting pursuant to the Commission's direction of January 3th, that it is apparent that the use of the word "Mills" by the respondent in its corporate name does deceive and mislead the purchasing public and recommending that complaint issue.

It was directed that the file be circulated.

(10) File 1-3773 - Gibb Welding Machines Company vs.

Electric Arc Cutting & Welding Company.

Memorandum of May 12th was received from the Chief Examiner reporting in response to the Commission's direction of April 6th that the respondent has pending suits for infringement against a user of the alleged infringing machines, and that the suit was brought against the user rather than the manufacturing company because the manufacturing company is irresponsible. In this connection, the Commission considered the Chief Examiner's memorandum of March 30th recommending that the application for complaint be dismissed on the ground that the practice if proven can be remedied by a proceeding in the Courts and there is not sufficient public interest to warrant a proceeding by the Commission.

After discussion, it was ordered by the Commission, on motion of Mr. Nugent, that the case be dismissed for the reason that the matters involved are in litigation between the parties in the Courts.

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(11) File 1-3332 - F. P. C. vs. North American Publishing Company, et al.

" 1-3664 - Subscription Book Publishers' Association vs. International Publishing Company.

Memoranda of February 10th was received from the Chief Examiner covering these two cases reporting that following a trade practice submittal with the Subscription Book Publishers as covered by the Commission's statement of July 31, 1924, upon receipt of complaints of violation of the terms of the submittal that a supplemental investigation had been made with respect to these two respondents and that it is believed that there is sufficient evidence in both cases to warrant the issuance of complaints. The Chief Examiner recommended that file 1-3332 be removed from the Suspense Calendar and that the two files - file 1-3332 and file 1-3664 - be referred to the Board of Review with an order to expedite consideration and preparation of complaints.

The memorandum was read and after consideration, it was ordered on motion of Mr. Nugent, that the Chief Examiner's recommendation that file 1-3332 be removed from Suspense be approved and that the files in the two cases be sent to the Board of Review with instructions to expedite the consideration of the cases and report to the Commission.

(12) Docket 1263 - Baltimore Paint & Color Works, Inc.

The following orders submitted by the Chief Counsel were approved and entered: (1) that John W. Bennett, an Examiner of the Commission be designated to receive testimony, etc., and (2) that the hearing of the complaint begin at the City of Washington, D. C., on June 1, 1925, at 10 a.m.

(13) Docket 1188 - Good Grape Company.

The following orders submitted by the Chief Counsel were approved and entered: (1) That William F. Dinnen, an Examiner of the Commission be designated to receive testimony, etc., and (2) that the hearing of the complaint begin at Washington, D. C., on June 3, 1925, at 10 a.m.

(14) File 1-3573 - Greasey Corporation, Inc. vs. Rumford Company.

Memorandum of February 18th was received from the Chairman of the Board of Review transmitting a memorandum from Attorney DeBrouler and requesting instructions as to the theory of the complaint and the parties against whom complaint is to issue as ordered by the Commission on January 14, 1925.

The memorandum was read and on motion of Mr. Van Fleet, the case was referred to Mr. Thompson, the Commissioner-in-charge, with request for examination and report back to the Commission.

May 20, 1925.

At the suggestion of Mr. Thompson, the Commission considered memorandum of May 11th from the Chief Counsel reporting pursuant to the Commission's direction of April 29, 1925, a conference with officials of the Department of Justice with respect to the question of whether or not the situation respecting sand castings and scrap material as set forth in file 1-38800 - Charles B. Bohn vs. Aluminum Company of America and now before the Commission, is covered by the decree in the case of the United States vs. Aluminum Company of America, decided in the United States District Court for the Western District of Pennsylvania, June 7, 1912.

The Chief Counsel's memorandum which is found in the files was considered by the Commission and portions of the decree were read by Chairman Van Fleet and after discussion, the following motion was offered by Mr. Nugent, seconded by Mr. Thompson:

Moved, that complaint issue in this case against the Aluminum Company of America.

Without vote upon the motion, it was ordered that the matter be made a Special Order of business after the regular order on Monday, May 25, 1925.

Thereupon, at the hour of 12 m., the Commission adjourned to meet Friday, May 22, 1925, at 10 a.m.

Vernon W. Van Fleet,
Chairman.

Attest:

Wm. J. McDonough
Wm. J. McDonough,
Secretary.

Thursday - May 21, 1925 - No meeting held.

May 22, 1925.

Mr. Nugent asked and it was ordered that his dissent be noted.

Mr. Nugent made the following statement for the record:

"I vote 'no' and dissent for the reason that the stipulation admits that the unfair act complained of was committed. Section 5 of the Federal Trade Commission Act provides that the Commission has jurisdiction to issue an order to cease and desist where the unfair act complained of has been or is being followed and that the Court held in the Fox Film Company case that one unfair act was all that was necessary to bring the respondent within the provisions of the statute. I think that the findings of fact in the case should be redrafted and an order to cease and desist issued."

The Chief Counsel was directed to prepare and the Secretary to serve Order of Dismissal.

(2) Docket 992 - Ohio Wholesale Grocers' Association, et al.
Consideration of the case laid over until next Conference Day.

(3) Docket 1073 - J. T. Sweet Company.
Consideration of the case laid over until next Conference Day.

(4) Docket 1203 - Barnes-Alex Company and Barnes-Irwin Company.

On April 15, 1925, the Commission granted the respondent a hearing upon its motion to dismiss the complaint on jurisdictional grounds.

The following papers were placed in the hands of each Commissioner: memorandum of May 13, 1925, from the Chief Counsel; complaint; motion and answers of the respondents; brief by counsel for the Commission and counsel for the respondents. Attorney Brinson represents the Commission. Attorneys Shattuck, Savage & Winant represent the respondents.

Mr. Van Fleet suggested that the complaint be amended by striking the words "willfully or through negligence" from the third line of Paragraph Three of the present complaint.

Mr. Nugent suggested that the complaint be amended to furnish information with respect to the time of the transaction alleged with sufficient certainty to identify the transaction.

After further discussion, and without Commission action on the suggested amendments or otherwise, the case was laid over until next Conference Day in view of the absence of Messrs. Thompson and Humphrey.

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(5) Docket 1287 - California Grape Growers' Exchange.

This case comes before the Commission for final determination upon the following records: memorandum of May 16th from the Chief Counsel transmitting the case and recommending that an order to cease and desist issue; complaint; answer; testimony; report upon the facts by Trial Examiner Woodfill; brief by counsel for the Commission; findings as to the facts and order to cease and desist submitted by the Chief Counsel and certified to in memorandum of May 16, 1925. No exceptions were filed to the report of the Trial Examiner. Attorney Butler represents the Commission. Respondent has no attorney of record.

At the suggestion of Messrs. Van Fleet and Nugent, the findings as to the facts submitted by the Chief Counsel with memorandum of May 16, 1925, were amended as shown on marked copy and were further ordered amended to eliminate reference to cut prices and with instructions to base the case on the theory of simulation of name.

It was thereafter ordered by the Commission, upon motion of Mr. Van Fleet, seconded by Mr. Nugent, that an order to cease and desist issue and that the findings as to the facts as amended and the order be approved and the findings and order be served without further action by the Commission.

The record was returned to the Chief Counsel for the amendment of the findings and thereafter to the Secretary for service of the findings and order.

The Chairman presented letter of May 19th from Miss Julia A. Robinson, Executive Secretary, Library Commission, State of Iowa, Des Moines, Iowa, relative to certain practices of the Perpetual Encyclopedia Corporation.

The letter was read and on motion of Mr. Van Fleet, seconded by Mr. Nugent, was referred to the Chief Examiner with instructions to conduct an informal investigation particularly with reference to whether the Corporation complained against is acting contrary to the provisions of the trade practice submittal held by the Subscription Book Publishers and report to the Commission; and also to advise the writer that the subject matter of her letter is being investigated by the Commission and if in the opinion of the Chief Examiner the practices are not in accordance with the trade practice submittal to send Miss Robinson a copy of the statement issued by the Commission covering the submittal.

The Chairman also presented wire of this date from Commissioners Thompson and Humphrey reporting their inspection of the quarters offered the Commission by the Treasury Department for housing the

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branch office at New York City in the Sub-Treasury Building in New York City. The wire reads as follows:

"23W MV 35 Collect Govt 2 Extra
Co. New York, N.Y.. 954A May 22, 1925.
Hon. V. T. Van Fleet,
Federal Trade Commission,
Washington, D. C.

We are emphatically against Sub-Treasury Bldg Stop
Badly lighted with no possible facilities for hearing
Room and other purposes of Commission Stop Would be
injurious to employees health and Commission efficiency.

(signed) W. A. Humphrey,
Huston Thompson."

After discussion, on motion of Mr. Nugent, seconded by Mr. Van Fleet, the Commission accepted the report of Messrs. Thompson and Humphrey and instructed the Secretary to notify the Chief Coordinator that based upon the information contained in the telegram, the Commission is opposed to the acceptance of the quarters offered.

Mr. Hunt presented letter of May 21st from The Van-Plate Engraving Company, Inc., stating that R. G. H. Hill, Chairman of the Engraved Effect Group of the New York Employing Printers' Association, is ill and requesting for that reason that the informal conference arranged by Mr. Hunt for June 5th between the Commission and the trade with respect to the meaning of the words "Engraved" and "Embossed" be postponed.

The letter was read and referred to Mr. Hunt with request to handle the matter for the Commission and to decide on another date for the conference.

The following matters of general business forwarded to the Commission by the heads of the several divisions were presented by the Secretary and action as indicated was taken by the Commission:

(1) Bucket 1220 - New England Manufacturing Company.

Memorandum of April 24th was received from the Chief Counsel reporting that the Chief Counsel inadvertently included this case in his list of cases in memorandum of April 10, 1925, to the Commission wherein report was made concerning cases to be disposed of for want of public interest; that on February 27, 1925, the

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Commission issued an order to cease and desist in this case (order dated March 5, 1925) and that the case therefore did not need further consideration.

The memorandum was read and upon action of Mr. Van Fleet, seconded by Mr. Nugent, the action on this case by the Commission under date of April 22, 1925, was reconsidered and rescinded.

(2) Docket 1298 - Wickwire-Spencer Steel Corporation.
Memorandum of May 22nd was received from Counsel for the respondent requesting a further extension of time from May 27th until September 15, 1925, within which to file its answer.

The request was granted and the time was extended as requested upon recommendation of the Chief Counsel.

The Chief Counsel was directed to prepare and the Secretary to serve appropriate order.

(3) File 1-3538 - Berk Brothers vs. Marie Antoinette Pearl Company. (Nat L. Blanton).

Memorandum of May 14th was received from the Chief Examiner reporting in response to the Commission's direction of April 27th and recommending that negotiations for a stipulation for complete discontinuance of marking artificial pearls with fictitious prices be authorized and that thereafter the application be dismissed.

The memorandum was read and after consideration, on motion of Mr. Van Fleet, seconded by Mr. Hunt, the case was returned to the Chief Examiner to be handled by stipulation under the rule and report to the Commission.

As to the foregoing action, Messrs. Van Fleet and Hunt voted in the affirmative and Mr. Nugent voted in the negative and asked that his dissent be noted.

(4) File 1-3585 - Berk Brothers vs. La Perfection Pearl Company. (Louis S. Josephson).

Memorandum of May 14th was received from the Chief Examiner reporting in response to the Commission's action of April 27th that the method of doing business complained of has been done away with but recommending in order to make the matter more certain, that the respondent be required to sign a stipulation in the regular form and that thereafter the application be dismissed.

The memorandum was read and after consideration, on motion of Mr. Van Fleet, seconded by Mr. Hunt, the case was returned to the Chief Examiner to be handled by stipulation under the rule and report to the Commission.

As to the foregoing action, Messrs. Van Fleet and Hunt voted in the affirmative and Mr. Nugent voted in the negative and asked that his dissent be noted.

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false and misleading advertising and misrepresentation in the sale of lumber in violation of Section 3 of the Federal Trade Commission Act.

Pursuant to the Commission's action of March 11th, this case was submitted direct to the Commission by the Chief Examiner without reference to the Board of Review.

After consideration, the following action was offered by Mr. Van Fleet, seconded by Mr. Hunt:

Moved, that the recommendation of Attorney Weikert as concurred in by the Chief Examiner be approved and that complaint issue charging the Pacific Southwest Import Company with violation of the Federal Trade Commission Act.

The motion was adopted and it was so ordered, the file being referred to the Chief Counsel for preparation of complaint, the same to be served by the Secretary without further action by the Commission.

(9) File 1-3831 - Mahogany Association, Inc. vs. Kirschmann Hardwood Company, Inc.

By endorsement dated May 18th, the Chief Examiner transmitted the final report of Investigating Attorney Badler and concurred in the Attorney's recommendation that a formal complaint issue against the respondent, Kirschmann Hardwood Company, Inc., charging false and misleading advertising and misrepresentation in the sale of lumber in violation of Section 3 of the Federal Trade Commission Act.

Pursuant to the Commission's action of March 11th, this case was submitted direct to the Commission by the Chief Examiner without reference to the Board of Review.

After consideration, the following action was offered by Mr. Van Fleet, seconded by Mr. Hunt:

Moved, that the recommendation of Attorney Badler, as concurred in by the Chief Examiner, be approved and that complaint issue charging the Kirschmann Hardwood Company, Inc., with violation of the Federal Trade Commission Act.

The motion was adopted and it was so ordered, the file being referred to the Chief Counsel for preparation of complaint, the same to be served by the Secretary without further action by the Commission.

(10) File 1-3832 - Mahogany Association, Inc. vs. Hammond Lumber Company.

By endorsement dated May 19th, the Chief Examiner transmitted the final report of Investigating Attorney Weikert and concurred in

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the Attorney's recommendation that a formal complaint issue against the respondent, Hammond Lumber Company, charging false and misleading advertising and misrepresentation in the sale of lumber in violation of Section 5 of the Federal Trade Commission Act.

Pursuant to the Commission's action of March 11th, this case was submitted direct to the Commission by the Chief Examiner without reference to the Board of Review.

After consideration, the following action was offered by C. Van Fleet, seconded by Mr. Hurt:

Moved, that the recommendation of Attorney Weikert as concurred in by the Chief Examiner, be approved and that complaint issue charging the Hammond Lumber Company with violation of the Federal Trade Commission Act.

The motion was adopted and it was so ordered, the file being referred to the Chief Counsel for preparation of complaint the same to be served by the Secretary without further action by the Commission.

Thereupon, at the hour of 11:45 a.m., the Commission adjourned to meet Monday, May 23, 1925, at 10 a.m.

Vernon W. Van Fleet,
Chairman.

Attest:

Miss Johnson
Secretary.

Saturday - May 22, 1925 - No meeting held.

Sunday - May 23, 1925 - No meeting held.

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MEETING OF THE FEDERAL TRADE COMMISSION

Monday - May 25, 1925 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Nugent,
Charles W. Hunt,
Hust C. Thompson,
William G. Humphrey.

The minutes of the meeting of May 23, 1925, were read and approved.

Mr. Van Fleet submitted the following listed applications for complaint and action as indicated was taken by the Commission:

- (1) File 1-3560 - C. J. Cady & Company vs. B. F. Perkins & Sons, Inc.

Mr. Van Fleet submitted memorandum of May 4th reviewing the record and stated that he concurred in the recommendation of the Chief Examiner and moved that the case be referred back to the Chief Examiner to take up with the respondent, the question of the discontinuance by the respondent of its advertisements that the Lullin machine has been adopted as the Government standard and report to the Commission.

The motion was seconded by Mr. Thompson and adopted by the Commission and it was so ordered.

- (2) File 1-3626 - Better Business Commission of Boston, Massachusetts vs. Ideal-Belgian Fur Dressing Company.

Mr. Van Fleet stated that this application came to the Commission direct from the Chief Examiner without reference to the Board of Review pursuant to the rule of December 4, 1924.

Mr. Van Fleet submitted a memorandum of May 15th reviewing the record and stated that he concurred in the recommendation of the Chief Examiner and offered the following motion:

Moved, that the application for complaint be dismissed.

The motion was seconded by Mr. Hunt and adopted by the Commission. It was so ordered.

May 26, 1925.

- (2) File 1-3636 - Pennix Oil Products Company vs.
Interstate Manufacturing Company.

Mr. Van Fleet stated that this case came direct to the Commission from the Chief Examiner without reference to the Board of Review pursuant to the rule of December 4, 1924.

Mr. Van Fleet submitted a memorandum of May 13th reviewing the record and stated that he concurred in the recommendation of the Chief Examiner that the application be dismissed and thereafter offered the following motion:

Moved, that the application for complaint be dismissed.

The motion was seconded by Mr. Humphrey and adopted by the Commission. It was so ordered.

Mr. Nugent stated for the record as follows:

"I vote 'aye' for the reason that it is quite apparent from this record that the unfair practice was in intrastate commerce only and therefore not within the jurisdiction of the Federal Trade Commission."

After further consideration of the case, the following motion was offered by Mr. Van Fleet, seconded by Mr. Nugent and adopted:

Moved, that the Chief Examiner be instructed to make an informal investigation in regard to the Canfield Oil Company and report whether or not it is selling oil as Pennsylvania Oil, which is a matter of fact is not Pennsylvania Oil in interstate commerce and marking their containers 100% Pennsylvania Oil, when it is not the fact.

Mr. Nugent submitted the following listed applications for complaint and action as indicated was taken by the Commission:

- (1) File 1-3339 - F. T. C. vs. Michigan Association of Creamery Owners and Manufacturers.

Mr. Nugent stated that this application came direct to the Commission from the Chief Examiner without reference to the Board of Review pursuant to the rule of December 4, 1924.

Mr. Nugent submitted memorandum of May 25th reviewing the record and stating that he concurred in the recommendation of the Chief Examiner for dismissal.

After consideration, on motion of Mr. Nugent, the application for complaint was dismissed by the Commission.

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(2) File 1-2610 - Garland Company vs. Durbin Products Company.

Mr. Nugent submitted memorandum of May 25th reviewing the record concurring with the Board of R view that the application be dismissed insofar as it charges passing off and similarity of name of products, but disagreeing with the Board in its view that the record does not sustain the allegation of misrepresentation.

The memorandum was read and on motion of Mr. Nugent the Board of Review was heard.

After hearing the Board of Review and after consideration of the case, the following motion was offered by Mr. Van Fleet:

Moved, that further investigation be made to determine what the facts are as to the way in which the point in question is made; whether or not it is made in accordance with respondent's formula as claimed and also any other relevant facts.

Mr. Nugent then offered the following motion, which was seconded by Mr. Thompson:

Moved, that the application for complaint herein insofar as it relates to passing off and similarity in name of product be dismissed.

The foregoing motion was adopted by the Commission and it was so ordered.

Mr. Nugent then offered the following motion, which was seconded by Mr. Thompson:

"I move in substitution for the motion by Mr. Van Fleet, that complaint issue charging the respondent herein with misrepresentation of its business by representing that it is a manufacturer when as a matter of fact respondent is not a manufacturer.

As to the foregoing motion, Messrs. Nugent and Thompson voted in the affirmative and Messrs. Van Fleet, Hunt and Humphrey voted in the negative. The substitute motion was lost.

Mr. Humphrey thereupon offered the following motion which was seconded by Mr. Van Fleet:

Moved that this case be dismissed.

As to the foregoing motion, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The motion carried and the application was dismissed.

Mr. Nugent asked and it was ordered that his dissent be noted.

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Mr. Humphrey submitted file 1-2951 - Grosell Publishing Company vs. George Fournival, et al, recited the facts and stated that he concurred in the recommendation of the Board of Review that the application be dismissed.

After consideration, on motion of Mr. Humphrey, the application for complaint was dismissed by the Commission.

The Chairman submitted the following matters and action as indicated was taken by the Commission:

(1) Letter of May 23rd from the Bureau of the Budget (H. M. Lord, Director) requesting the Commission to furnish the Bureau of the Budget on or before June 10, 1925, a concise statement of the activities of the Commission during the current fiscal year which have resulted in economies in the expenditure of funds, more efficient business methods, or the curtailment or postponement of projects wherever practicable, giving a brief description or explanation showing how such economies and improvements were accomplished.

The letter was referred to the Secretary for preparation of reply for the Chairman's signature.

(2) Letter of May 23rd from Messrs. Clennen, Cary, Walker & Murray, attorneys, Chicago, Illinois, reporting that their clients, the Kewanee Boiler Company, Kewanee, Illinois, desire to file a complaint against certain corporations who are also manufacturers of boilers, alleging unfair trade methods, i.e.,

Grosnell Company, Dayton, Ohio.
Titusville Iron Works, Titusville, Pennsylvania.
Oil City Boiler Works, Oil City, Pennsylvania.
Ames Iron Works, Coney, New York.

The letter was read and on motion of Mr. Thompson, seconded by Mr. Van Fleet, it was directed that the letter be docketed as an application for complaint.

Mr. Hunt presented draft of final report covering the trade practice submittal held before Mr. Hunt at Omaha, Nebraska, on March 18, 1925, by manufacturers of Anti-Hog Cholera Serum and Virus.

At Mr. Nugent's request the entire file was referred to him for examination and report back on Wednesday, May 27, 1925, with the understanding that the report will be considered at that time as a special order of business after the regular order.

May 25, 1925.

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The following matters of general business forwarded to the Commission by the heads of the several divisions were presented by the Secretary and action as indicated was taken by the Commission:

(1) Docket 1253 - Quoness Manufacturing Company.

Memorandum of May 22nd was received from the Chief Counsel transmitting request of counsel for the respondent for an extension to and until July 1, 1925, in which to file answer, and recommending that the request be granted in view of the fact that this case is before the Board of Review.

The request was granted by the Commission and the Chief Counsel was directed to prepare and the Secretary to serve appropriate order.

(2) Docket 1127 - Calumet Baking Powder Company.

Memorandum of May 22nd was received from the Chief Counsel transmitting statement by Attorney Richard C. Daniels of the firm of Forbes & Daniels, requesting an extension of time in which to file brief from May 29th to June 15, 1925, in the above case on account of the illness of Attorney Forbes, counsel for the respondent. The Chief Counsel recommended that the extension requested be granted and that the final argument of the case now set for June 3, 1925, be postponed until after the summer recess.

The Commission granted the request of counsel for the respondent and extended the time for filing brief by counsel for the respondent to and until June 15, 1925 and the date of June 3, 1925 as now fixed for final argument was accordingly cancelled.

The Chief Counsel was directed to prepare and the Secretary to serve appropriate order.

(3) Docket 1181 - Holly Sugar Corporation.

The Secretary presented a wire of May 22nd from counsel for the respondent requesting to be advised of the Commission's decision upon the respondent's request for a hearing upon the motion to dismiss the complaint as presented to the Commission on May 20, 1925 and circulated.

After consideration, Mr. Humphrey offered the following motion:

Moved, that a hearing be granted and the parties be heard on Thursday, May 26, 1925 at 10 a.m.

The motion was adopted and it was so ordered.

Mr. Thompson stated for the record, that he was willing to hear the respondent's attorney on the question of jurisdiction and on that question alone; but that he would not hear respondent's attorney on any other question until the evidence in the case was before the Commission.

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At the suggestion of Mr. Thompson, the Commission then considered as a Special Order of Business, file 1-2300 - Charles B. Sohn vs. Aluminum Company of America and the motion offered by Mr. Nugent, seconded by Mr. Thompson on May 20, 1935, as shown by the record of that day, that complaint issue against the Aluminum Company of America.

Chairman Van Fleet reviewed the record in the case as Commissioner-in-charge and the status of the Department of Justice case and stated that he favored complaint against the Aluminum Company of America for their contracts in regard to scrap aluminum.

After discussion, the following motion was offered by Mr. Thompson, seconded by Mr. Nugent:

Moved, that complaint issue charging Aluminum Company of America with unfair methods of competition under the Federal Trade Commission Act and also charging violation of the Clayton Act, and that this complaint be drafted by the Chief Counsel and submitted to the Commission for approval as to its form.

The motion was adopted by the Commission and it was so ordered, the file being referred to the Chief Counsel to prepare a complaint.

Thereupon, at the hour of 12:15 p.m., the Commission adjourned to meet Wednesday, May 27, 1935, at 10 a.m.

Vernon W. Van Fleet,
Chairman.

Attest:

Charles B. Sohn
Charles B. Sohn,
Secretary.

Thursday - May 26, 1935 - No meeting held.

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MEETING OF THE FEDERAL TRADE COMMISSION

Wednesday - May 27, 1925 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Nugent,
Charles W. Hunt,
Hester Thompson,
William C. Humphrey.

The minutes of the meeting of May 25, 1925, were read and approved.

Mr. Thompson referred to the investigation being made by the Chief Examiner's Office of the Imperial Tobacco Company and the American Tobacco Company in response to Senate Resolution 129, adopted February 3, 1925 (Senator Ernet) and informed the Commission of a visit to his office yesterday, by Mr. John Martin of Carterville, Virginia and T. C. Chambers of Blacksburg, Virginia, who had called upon him after visiting Mr. Humphrey. Mr. Thompson stated that these gentlemen made complaint to the effect that the Commission was investigating the Cooperatives instead of the Tobacco companies; that the Commission's agents were not following up the leads and sources of information suggested by the Farmers and Cooperative groups, which would furnish information respecting the activities of the Tobacco companies; that the complaint of these gentlemen was substantially the same as made by other gentlemen representing the Cooperative group and the Farmers and as reported to the Commission by Mr. Thompson under dates of May 26th and May 15, 1925.

Mr. Thompson suggested that the Commission take some action calling upon the several persons who have made complaint of the manner in which the inquiry was being conducted, to furnish in writing any evidence possessed by them or any leads or sources of information which could be followed up, etc.

After discussion, on motion of Mr. Thompson, the Secretary was directed to prepare letters for the signature of the Chairman addressed to the following parties, referring to their conferences with the individual Commissioners (naming them) and reciting the substance of their conferences with the Commissioner and calling upon them to furnish the Commission information in writing and any evidence in their possession or sources of information which in their opinion should be investigated by the Commission under this Senate Resolution and also requesting that the Commission be furnished the names of any of its agents to whom these parties have heretofore

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furnished leads or suggested sources of information regarding the Tobacco companies; and also setting out in the letter the necessity for prompt action in view of the fact that the Commission under the terms of the Resolution must report to the President by June 30, 1925:

Senator Claude A. Swanson, Virginia.
John Martin, Cartersville, Virginia.
T. E. Chambers, Blackstone, Virginia.
Carl Davis, Suite 1203, First National Bank Bldg.,
Detroit, Michigan.
William Joyner, Assistant Counsel, Tobacco Growers'
Cooperative Association, Raleigh, N. C.
Aron Spiro,
Walton Patent.

It was also directed that similar letters be forwarded to other parties making like complaint, in addition to those listed above.

The Chairman presented letter of May 22nd from Senator William M. Butler, of Massachusetts, endorsing the application of Thomas J. Murphy, a constituent, for appointment on the Legal Staff of the Commission.

The letter was read and referred to the Secretary for preparation of reply for the Chairman's signature.

Mr. Nugent presented file 1-3359 - Berk Brothers vs. Leonard's Novelty Company, et al, and in response to the Commission's action of May 22nd, reported his examination of the file in connection with the Chief Examiner's memorandum of May 14, 1925, recommending that the case be handled by stipulation. Mr. Nugent stated in view of all facts and circumstances in the case, he concurred with the Chief Examiner's recommendation and moved that the recommendation of the Chief Examiner be approved and that the case be referred back to be handled by stipulation under the rule and report made to the Commission.

The motion was seconded by Mr. Hunt.

In substitution, it was moved by Mr. Thompson, that the case be dismissed.

The substitute motion was lost for want of a second.

Vote was taken upon the original motion, which was unanimously adopted and it was so ordered.

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Mr. Nugent presented file in the matter of trade practice submittal held before Mr. Hunt at Omaha, Nebraska, on March 18, 1925, by manufacturers of Anti-Hog Cholera Serum & Virus. Mr. Nugent reported his examination of the final report of the submittal as prepared by Mr. Hunt and the matter was considered by the Commission as a Special Order of business pursuant to the action of May 25, 1925.

Mr. Nugent stated that he concurred in the conclusions set out in Paragraph One of the report that certain acts and practices are unfair methods of competition; but that he was not in entire accord with the statement in Paragraph Two of the conclusions that the Commission receives the balance of such resolutions of the industry and takes note of the same as the opinion of the industry, but felt that certain of the practices in this group should be condemned by the Commission as unfair methods.

After discussion, Mr. Nugent offered the following motion seconded by Mr. Thompson:

Moved, that the report of the Commission in respect to this matter be amended so as to include among the practices declared by the Commission to be unfair, those resolutions adopted by the industry and numbered as One, Two, Five, Seven, Eight, Ten, Fourteen and Sixteen.

In substitution for the foregoing motion, the following motion was offered by Mr. Hunt, seconded by Mr. Van Fleet:

Moved, as a substitute, that the report as submitted be adopted by the Commission.

As to the foregoing substitute motion, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The substitute motion was adopted and it was so ordered.

Messrs. Nugent and Thompson dissented and asked that their dissent be noted and stated that they would file a written dissent to accompany the Commission's statement.

The report as presented by Mr. Hunt and adopted by the Commission reads as follows:

*ANTI-HOG CHOLERA SERUM & VIRUS

The Federal Trade Commission today (June 4, 1925) released the following statement respecting the results of a trade practice submittal in the above industry.

The meeting was conducted by Commissioner Hunt, at Omaha, Nebraska, on March 18, 1925. The trade was represented by at least 80 per cent of volume of the production of the industry, and was fairly representative. Following are the concerns

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present and those who represented them:

Corn Belt Serum Company,
By Robert Rives, President.

Gulfeil Serum Company,
J. H. Guilfoill, Owner.

United Serum Company,
George H. Rasch, President.

The Johnson Serum Company,
William J. Miller, President.

The Fosteria Serum Company,
E. D. Sheeran, Secretary & Treasurer.

The Simonsen Serum Farm,
Peter Simonsen, Owner.

The Royal Serum Company,
Clay E. Stephenson, President.

The Southwestern Serum Company,
J. M. Cory, President.

West Plains Serum Company,
George H. Rasch, Proxy.

Swine Feeders Pure Serum Company,
By F. W. Lightfoot, President.

Aurora Serum Company,
By L. B. Huff, President.

Fort Dodge Serum Company,
By D. T. Daughman, President.

Platte Valley Serum Company,
By L. B. Wolcott, President.

Asleton Serum Company,
By Charles P. Bessé, Sales Manager.

Blue Cross Serum Company,
By L. R. Turry, Owner.

Gregory Farm Laboratory,
By Dean Corea, Member of Firm.

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Superior Laboratories Corporation,
C. H. Goebel, President.

Lathrop Serum Company,
By M. F. Brown, Member of Firm.

Wax Valley Serum Company,
By T. H. Murphy, Owner.

Sihler Serum Company,
By C. J. Sihler, President.

Missouri Valley Serum Company,
By C. I. Blanchard, President.

Cedar Rapids Serum Company,
L. B. Graham, President.

Kansas Serum Company,
August Peak, Owner.

Fitman Lacro Company,
Edw. C. Cahill, Vice-President.

Corn States Serum Company,
By G. M. Williams, President.

Grain Belt Supply Company,
By R. M. Young, President.

Clebs Laboratories,
By John Kennedy, President.

Sioux Falls Serum Company,
By W. R. Laird.

The Purity Serum Company,
D. W. McAhern.

Liberty Laboratories,
By John H. Cosenhaver, President.

Sioux City Serum Company,
By W. F. Christ, Et.

Diamond Serum Company,
J. L. Robinson.

The Heyner Serum Company,
O. W. Heyner, President.

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Hamilton Chemical Company,
J. C. McDaniel, President,
C. C. Allin, Secretary-Treasurer.

Ancher Serum Company,
W. J. Kennedy, Vice-President and Sales Manager.

American Serum Company,
T. B. Huff.

The following firms were not present at the meeting but later indicated to the Commission by letter that they approved the action of the industry represented at the trade practice submittal.

Central Serum Company,
By F. M. Sullivan, General Manager.

Jensen-Salisbury Laboratories, Inc.,
G. G. Graham, Secretary-Treasurer.

Western Laboratories Serum Farm,
A. I. Sorenson, V.P.

The purpose of the meeting and the powers of the Commission having been duly explained, the representatives of the industry organized by selecting a chairman and a secretary. A full discussion of alleged unfair practices prevalent in the industry was then had and at the close the following preamble and resolutions were unanimously adopted:

Preamble.

"The following business practices of those engaged in the manufacturing and marketing of anti-hog cholera serum, and virus, hereinafter referred to as serum and virus; their agents, distributors or representatives are hereby declared unfair as placing undue, unnecessary, unproductive and unequally distributed burdens upon those engaged in the said industry, as tending to stifle and suppress competition, and create monopolies, and creating unnecessary, unproductive and unequally distributed costs on farmers engaged in hog raising and marketing, in the United States.

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"Inducing of employees of competitors to violate contracts or enticing away employees of competitors in such manner, or under such circumstances as to constitute a conversion, and an appropriation of the value created at the expense of the said competitor.

- 2 -

"False and misleading advertising in this industry, regarding the nature of sales outlet, and the making of untrue claims, intending to deceive purchaser or user, as to the quality of said articles, its source and method of preparation.

- 3 -

"Disparagement of officers, employees and products of competing concerns. Circulation of false rumors of financial standing of competitors.

- 4 -

"Granting of gratuities, directly or indirectly, to purchasers of serum and virus for the purpose of influencing the purchase of such commodities, which practices are generally characterized as forms of commercial bribery, more particularly as follows: -

- (a) Direct or indirect lavish, excessive or prearranged entertainment of purchasers of serum and virus.
- (b) Making of excessive personal gifts to purchasers of serum and virus, or to their families.
- (c) Giving virus without charge to purchasers, except for replacement of virus, shipped within ten days of its expiration date.
- (d) Giving of accessories, syringes or instruments, or repairing same without charge to purchasers of serum and virus.
- (e) Promising or allowing unearned discounts to certain purchasers of serum and virus, which are not allowed to the general trade.
- (f) Payment or rebating to certain purchasers of serum and virus interest on borrowed money, and not allowed to the general trade.
- (g) Payment of maintenance and refrigerator charges to and in behalf of certain retail purchasers, not allowed to the general trade.
- (h) Donating funds or providing banquets, or other entertainments for associations.

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- (i) Denoting veterinary service to veterinarians, except as is necessary in determining whether product sold has served its purpose in specific cases.
- (j) Payment of specific advertising expenses in behalf of certain purchasers and not offered to all purchasers, under like terms and conditions.
- (k) No veterinarian or other professional vaccinator, distributor, or otherwise, shall be paid or allowed directly or indirectly a rebate, salary, commission or refund for serum or virus used by him, which is not offered to the general trade.
- (l) Supplying serum or virus for re-vaccination, without charge is declared to be unfair, and an unfair method of competition.
- (m) Companies selling to both the laity and the veterinarians shall not rebate or pay a commission to the veterinarian for any serum sold to the farmer.
- (n) It shall be considered to be unfair to obtain business by threats or coercion.

- 4 -

"Engaging in practices unfair and injurious to the industry and to the public, which are: -

- (a) Guaranteeing against advance and protection against declines in price of serum and virus.
- (b) Giving, or offering to give premiums, instruments, biological and pharmaceutical supplies, or anything of substantial value, not otherwise specifically provided for, as an added inducement to effect sales of serum and virus.
- (c) Granting of rebates, refunds, credits, or allowing unearned discounts to purchasers of serum and virus to induce or retain patronage.
- (d) The making of contracts with purchasers of serum and virus which permit price reductions or rebates on the basis of the combining of separate orders.
- (e) Making of yearly contracts, or for other specified period, for sale of serum and virus at specified prices, for an unspecified amount or quantity of serum or virus, for delivery as ordered throughout the year, or specified period.
- (f) Price discrimination is an unfair method of competition.
- (g) The consignment of serum and virus to the veterinarians, county agents, or any person administering for others, or to consumers for subsequent sale.

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- (h) Making of contracts for the sale of serum and virus, which require delivery of a specified quantity in specified times, if demanded by purchaser, but which does not require such purchaser to accept such quantity within the same period.

After consideration of the entire record in this matter, the Commission has reached the following conclusions:

I. That the Commission has reason to believe from the facts submitted to it by the manufacturers of anti-hog cholera serum and virus (subject to further inquiry as provided in Section 5 of the Federal Trade Commission Act), that the following acts and practices are unfair methods of competition:

- (a) Inducing the violation of contracts of employment by employees of competitors, and/or enticing them away.
- (b) Advertising falsely and misleadingly as to the nature of sales outlet, and/or making untruthful claims respecting the quality, source and method of preparation of the commodities.
- (c) Disparaging the officers, employees, or products of competing concerns, and/or circulating false rumors respecting the financial standing of competitors.
- (d) Obtaining business by threats or coercion.
- (e) Discriminating in price, where the discrimination is such as is prohibited by Section 2 of the Clayton Act.

II. That the Commission receives the balance of such resolutions and takes note of the same as the opinion of the industry.

The resolutions so received are as follows:

- 1 - Direct or indirect lavish, excessive or prearranged entertainment of purchasers of serum and virus.
- 2 - Making of excessive personal gifts to purchasers of serum and virus, or to their families.
- 3 - Giving virus without charge to purchasers, except for replacement of virus, shipped within ten days of its expiration date.
- 4 - Giving of accessories, syringes or instruments, or repairing same without charge to purchasers of serum and virus.

- 5 - Promising or allowing unearned discounts to certain purchasers of serum and virus, which are not allowed to the general trade.
- 6 - Payment or rebating to certain purchasers of serum and virus interest on borrowed money, and not allowed to the general trade.
- 7 - Payment of maintenance and refrigerator charges to and in behalf of certain retail purchasers, not allowed to the general trade.
- 8 - Donating funds or providing banquets, or other entertainments for associations.
- 9 - Donating veterinary service to veterinarians, except as is necessary in determining whether product sold has served its purpose in specific cases.
- 10 - Payment of specific advertising expenses in behalf of certain purchasers, and not offered to all purchasers, under like terms and conditions.
- 11 - To veterinarian or other professional vaccinator, distributor, or otherwise, shall be paid or allowed directly or indirectly a rebate, salary, commission or refund for serum or virus used by him, which is not offered to the general trade.
- 12 - Supplying serum or virus for re-vaccination, without charge is declared to be unfair, and an unfair method of competition.
- 13 - Companies selling to both the laity and the veterinarians shall not rebate or pay a commission to the veterinarian for any serum sold to the farmer.
- 14 - Guaranteeing against advance and protection against declines in price of serum and virus.
- 15 - Giving, or offering to give premiums, instruments, biological and pharmaceutical supplies, or anything of substantial value, not otherwise specifically provided for, as an added inducement to effect sales of serum and virus.
- 16 - Granting of rebates, refunds, credits, or allowing unearned discounts to purchasers of serum and virus to induce or retain patronage.
- 17 - The making of contracts with purchasers of serum and virus which permit price reductions or rebates, on the basis of the combining of separate orders.
- 18 - Making of yearly contracts, or for other specified period, for sale of serum and virus at specified prices, for an unspecified amount or quantity of serum or virus, for delivery as ordered throughout the year, or specified period.
- 19 - The consignment of serum and virus to the veterinarians, county agents, or any person administering for others, or to consumers for subsequent sale.

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- 20 - Making of contracts for the sale of serum and virus, which require delivery of a specified quantity in specified times, if demanded by purchaser, but which does not require such purchaser to accept such quantity within the same period.

The Commission, upon the foregoing, makes the following general observations:

Fair competition does not mean lessened competition. Fair competition may consist in giving a better price or better terms or better service. A number of practices condemned by the trade consist only in one of these and can not be condemned by the Commission. On the contrary, an agreement not to compete in these particulars, is contrary to law.

By the Commission: Commissioner Nugent dissenting in part as per memorandum attached.

(signed) Otis D. Johnson,
Secretary."

**"COMMISSIONERS THOMPSON AND NUGENT CONCUR
IN PART AND DISSENT IN PART.**

We concur with Chairman Van Fleet, and Commissioners Hunt and Humphrey that the practices so declared by them constitute unfair methods of competition.

We dissent, however, from their refusal to declare unfair the following practices which were condemned by the resolutions adopted by the industry:

- 1 - Direct or indirect lavish, excessive or prearranged entertainment of purchasers of serum and virus.
- 2 - Making of excessive personal gifts to purchasers of serum and virus, or to their families.
- 3 - Promising or allowing unearned discounts to certain purchasers of serum and virus, which are not allowed to the general trade.
- 7 - Payment of maintenance and refrigerator charges to and in behalf of certain retail purchasers, not allowed to the general trade.
- 8 - Donating funds or providing banquets, or other entertainments for associations.
- 10 - Payment of specific advertising expenses in behalf of certain purchasers, and not offered to all purchasers, under like terms and conditions.

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- 14 - Guaranteeing against advance and protection against declines in price of serum and virus.
- 16 - Granting of rebates, refunds,, or allowing unearned discounts to purchasers of serum and virus to induce or retain patronage."

In our opinion, said practices, both singly and in the aggregate, are unfair as they will suppress competition in large measure by driving out of the business of manufacturing and selling such serum and virus the smaller concerns which are financially unable to meet the cost occasioned thereby, and enable the financially powerful among the manufacturers to dominate and exercise control over the industry and place at their mercy the ultimate consumers of said products.

In our judgment, the practices above set out are also unfair to the farmers of the country who raise here. We do not doubt that they are now required to pay a higher price for serum and virus than they would pay if said practices were discontinued as the manufacturers must pass on to the farmers the additional expense of conducting their business made necessary by said practices.

(signed) Huston Thompson,
(signed) J. F. Nugent,
Commissioners."

"ANTI-HOG CHOLERA SERUM AND VIRUS TRADE PRACTICE SUBMITTAL.

Statement by Commissioner Hunt, concurred in by Commissioners Van Fleet and Humphrey, with respect to the dissent of Commissioners Nugent and Thompson to the statement issued by the Commission on June 4, 1925, covering a trade practice submittal relative to Anti-Hog Cholera Serum and Virus.

In the matter of final finding in the anti-hog cholera serum and virus trade practice submittal, the minority Commissioners, Nugent and Thompson, dissent from the refusal of the majority to declare unfair the following practices which are condemned by the resolutions adopted by the industry -

- '1 - Direct or indirect lavish, excessive or prearranged entertainment of purchasers of serum and virus.

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- 2 - Making of excessive personal gifts to purchasers of serum and virus, or to their families.
- 5 - Promising or allowing unearned discounts to certain purchasers of serum and virus, which are not allowed to the general trade.
- 7 - Payment of maintenance and refrigerator charges to and in behalf of certain retail purchasers, not allowed to the general trade.
- 8 - Donating funds or providing banquets, or other entertainments for association.
- 10 - Payment of specific advertising expenses in behalf of certain purchasers, and not offered to all purchasers, under like terms and conditions.
- 14 - Guaranteeing against advance and protection against declines in price of serum and virus.
- 16 - Granting of rebates, refunds, ... or allowing unearned discounts to purchasers of serum and virus to induce or retain patronage.

In delivering the above resolutions unfair the minority would stifle competition in order that the smaller concerns may survive. They would destroy competition in the interest of the little manufacturer with the result that farmers who buy their serum direct, vaccinating their own hogs, and who buy through their farm organizations to admitted advantage under the present established custom. They say 'We do not doubt that they are now required to pay a higher price for serum and virus than they would pay if said practices were discontinued as the manufacturers must pass on to the farmers the additional expenses of conducting their business'. Experience has proven just the reverse. The expense is not passed on to the farmer under the former methods of purchase practiced in Iowa and Illinois and so far as I know in other hog producing states.

Of course, the serum manufacturers under the findings of the minority would get away from competition and thus raise the price of serum. The majority are willing and have in the report agreed to not eliminate unlawful competition and refused to lend aid to suppress legal methods which mean giving a better price, better terms, or better service.

The minority wishes the Commission to go on record as declaring unlawful practices which give better service, better terms or better prices. These things are the very essence of competition. For instance, they would condemn as unlawful the granting by one company, as in paragraph sixteen, better discounts than a competitor. So-called rebates, refunds or unearned discounts to purchasers simply mean giving a better price than a competitor. Whether it is called a rebate, refund or discount, it is all the same. It

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means that the seller gives the purchaser a better price. Instead of the granting of such discounts being unlawful as the minority contend, the fact is that an agreement by the trade not to give them amounts to an agreement as to price, which is in violation of the Sherman Law. It means that no farmer can get a better discount from one concern than from another and amounts to an unlawful suppression of competition by agreement.

The majority of the Commission cannot agree to sanction such a violation and is taking action on the trade practice submitted specifically warned the trade in the following language:

'Fair competition does not mean lessened competition. Fair competition may consist in giving a better price or better terms or better service. A number of practices condemned by the trade consist only in one of these and cannot be condemned by the Commission. On the contrary, an agreement not to compete in these particulars, is contrary to law.'

It is the belief of the majority that its duty is to uphold the law rather than to sanction violations of it.

The farmer is the ultimate consumer of anti-hog cholera serum. He has lightened the burden of serum costs by buying through his farm organization direct from the manufacturer, and the majority of the Commission is seeking to protect fair competition in the interest of these farmers.

Respectfully,

(signed) C. W. Hunt.

We Concur,

(signed) Vernon W. Van Fleet,

(signed) William E. Humphrey."

The Secretary was authorized and directed to forward copies of the foregoing report to interested parties and release the same to the public.

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Mr. Hunt informed the Commission that the date of June 13, 1935, at 2 p.m., had been fixed as the time for informal conference between the Commission and representatives of the raised printing industry, the copper plate and die industry and the Bureau of Engraving & Printing, with respect to the meaning in the trade of the words "engraved" and "embossed" and that this date was acceptable to the industry.

The date was confirmed by the Commission.

Mr. Humphrey submitted a letter of May 25th from Francis A. Adams, Textile Millor, New York Commercial, referring to the dismissal of the complaint in Docket 1177 - H. H. Hallinson & Company, Inc., upon stipulation that the firm was to discontinue the use of the phrase "Hallinson's Silk De Luxe" and calling attention to the continued use by the Hallinson Company of the sign, "Hallinson's Silk De Luxe Fairies".

On motion of Mr. Humphrey, the letter was referred to the Chief Examiner for investigation and report to the Commission, and the Secretary was instructed to acknowledge the letter and say that the matter would be looked into.

Mr. Humphrey presented file 1-3245 - Mrs. Everett E. Coffin vs. Deacon Knitting Mills and pursuant to the Commission's action of March 23, 1935, reported his examination of the record. Mr. Humphrey stated the facts and expressed the view that the application should be dismissed for lack of public interest in any proceeding by the Commission.

Upon request the Secretary read the record of the Commission's action on the case under date of March 23, 1935, substantially as follows:

"The application was presented to the Commission by Mr. Nugent with memorandum of May 16th reviewing the record, disapproving the recommendation of the Board of Review and recommending that complaint issue and that the Board be heard. The Board of Review was heard and thereafter Mr. Nugent moved for a complaint, the motion being seconded by Mr. Van Fleet. Prior to putting the motion to vote, the request was made by Mr. Humphrey that the case go over to permit an opportunity for further examination of the record, and the file was accordingly referred to Mr. Humphrey."

Mr. Nugent, after a brief recaps of the facts as set forth in his memorandum, offered the following motion which was seconded by Mr. Van Fleet:

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"I renew my previous motion for complaint, and move that complaint issue charging the respondent, the Pearson Knitting Mills with violation of the Federal Trade Commission Act."

In substitution for the foregoing motion, the following motion was offered by Mr. Humphrey, seconded by Mr. Hunt:

Moved, as a substitute that the case be dismissed.

Vote was taken upon the substitute motion. As to this motion Messrs. Hunt and Humphrey voted in the affirmative and Messrs. Van Fleet, Nugent and Thompson voted in the negative. The substitute motion was lost.

Vote was then taken upon the original motion. As to this motion, Messrs. Van Fleet, Nugent and Thompson voted in the affirmative and Messrs. Hunt and Humphrey voted in the negative. The motion carried and it was so ordered, the file being referred to the Chief Counsel to prepare complaint, the same to be served by the Secretary without further action by the Commission.

The following matters of general business forwarded to the Commission by the heads of the several Divisions were presented by the Secretary and action as indicated was taken by the Commission:

- (1) Apportionments of funds for the fiscal year ending June 30, 1926.

The Secretary recommended that both the General Fund and the Printing Fund be apportioned equally by quarters of the fiscal year, with a reserve of \$10,000. to be set up for the year in the General Fund and a reserve of \$1000. in the Printing Fund and that report be made to the Bureau of the Budget accordingly in response to the Bureau's request and upon the form (Bureau of the Budget Form #4) supplied for that purpose. The Secretary further recommended that the inter-office budget be made up in like manner and submitted to the Commission.

After discussion, the recommendations of the Secretary were approved and it was so ordered.

- (2) Letter of May 20, from the Bureau of Efficiency transmitting tentative draft of regulations dealing with the question of the selection of employees for promotion and dismissal from the Departmental service on account of reduction of force. The letter was accompanied by draft of regulations to be used by the Bureau of Efficiency upon the approval of the Personnel Classification Board governing the allowance of credits for "service"

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and "dependents" in the selection of employees for separation from the service on account of the reduction of force. The Secretary also presented memoranda from the Chief Counsel, Chief Economist, Chief Examiner, Chief of Export Trade Division and the Chairman of the Board of Review stating that there was no objection to the proposed regulations.

The matter was received without action by the Commission.

(3) Memorandum of May 21st from the Chief Economist transmitting with his approval, a letter of May 12, 1925, from Miss Emma Greer, clerk in the Economic Division, allocated to C. A. F. Grade II, addressed to the Personnel Classification Board and requesting allocation to C. A. F. Grade III.

The Commission suggested that the matter be again presented after July 1, 1925.

(4) Letter of May 22nd from George E. Hayes resigning his position as General Mechanic, C. G. VI, salary \$1500., effective at the close of business on May 27, 1925.

The resignation was accepted and authority granted the Secretary to fill the vacancy in accordance with Civil Service law.

(5) Docket 1367 - Ohio Shellac Company.

Memorandum of May 26th was received from the Chief Counsel transmitting request of counsel for the respondent for an extension of time to June 11, 1925, for filing answer and recommending that the request be granted.

The request was granted by the Commission and the Chief Counsel directed to prepare and the Secretary to serve appropriate order.

(6) Docket 1115 - General Electric Company, et al.

Upon receipt of memorandum of May 12th from the Chief Counsel, it was directed that commencing April 27th, Attorney-Examiner Haas, be relieved from duty on this case and resume his duties as a member of the Chief Examiner's Staff; and that commencing May 4, 1925, Attorney-Examiner Horton be relieved from duty on this case and resume his duties as a member of the Chief Examiner's Staff.

(7) Memorandum of May 25, 1925, from the Chief Counsel as follows, with respect to subpoena duces tecum:

"MEMORANDUM FOR THE COMMISSION:

On May 6, 1925, the Commission directed this office to report upon the question as to whether or not a subpoena duces tecum directing the Secretary of the Commission to appear and produce papers from the

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Commission's file can be satisfactorily answered by furnishing certified copies of such records by registered mail.

This question cannot be answered generally. In some cases, while the subpoena may call for the appearance of the Secretary, the papers specified are the intended requirements of the subpoena. In such cases, the transmission of the specified papers by registered mail would seem to meet the intended requirements of the subpoena. In other cases, the presence of the Secretary may be required with the papers specified, that is, because it may be necessary or advisable to question the Secretary regarding the papers in question. In such cases the subpoena necessarily cannot be satisfactorily answered except by the presence of the Secretary and the production by him of the papers called for.

It seems to me, therefore, that when a subpoena duces tecum is served upon the Secretary inquiry should be made as to whether or not the appearance of the Secretary with the papers is desired or whether the production of the papers (the appearance of the Secretary being waived) will suffice.

Respectfully,

(Signed) W. H. Folger,
Chief Counsel

Dated: May 23, 1925.
SLB/SL

The memorandum was received and filed.

(7) Bucket 934 - Standard Education Society.

Memorandum of May 22nd was received from the Chief Counsel in response to the Commission's direction of March 2, 1925, with respect to respondent's compliance with the Order of the Commission. The Chief Counsel reported that the file had all been reviewed with a view to ascertaining whether or not any additional evidence affecting the question of compliance with the Order had been received and stated that no additional evidence is at hand, except one letter from the physician of the National Cash Register Company, which is being investigated and recommended that the proceeding be deferred awaiting further evidence as to the respondent's activities in relation to the cease and desist order.

The recommendation of the Chief Counsel was approved and it was ordered that proceeding in this case be deferred awaiting further evidence as to the respondent's activities in relation to the cease and desist order issued by the Commission and dated November 15, 1923.

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(8) Docket 1131 - Great Eastern Wholesale Furniture Company.

Memorandum of May 25th was received from the Chief Counsel recommending that counsel for the Commission be granted an extension of ten days from May 24, 1935 in which to file brief.

The request was granted by the Commission and order to this effect approved and entered.

(9) Docket 1174 - Clayton F. Sundry Company.

Upon receipt of memorandum of May 25th from the Chief Counsel, the Commission set the case down for final argument before the Commission on Wednesday, September 2, 1935, at 2 p.m., with the direction that interested parties be notified by the Secretary by registered mail.

(10) Docket 594 - Butterick Publishing Company, et al.

Memorandum of May 26th was received from the Commission's attorney, Edward C. Beardon, approved by the Chief Counsel, recommending that the Chief Counsel be authorized to consent to the entry of an order by the United States Circuit Court of Appeals for the Second Circuit granting the request of counsel for the respondent for a sixty day extension of time from June 2, 1935, in which time the respondent is to eliminate the contracts enjoined by the Court's Order.

The recommendation of the Chief Counsel was approved by the Commission and the Chief Counsel was authorized to consent to the extension.

(11) Trade Practice Submittals.

The Secretary reported that four trade practice submittals were awaiting assignment to an individual Commissioner for supervision, to-wit: - three submittals heretofore assigned to Mr. Gaskell, i.e., (1) mending cotton; (2) soap; (3) watch cases - rolled gold plate and (4) furniture industry, heretofore assigned to Mr. Thompson.

In connection with the assignment of these submittals and after discussion of the withdrawal of Mr. Thompson from the furniture submittal following the action of the Commission, under date of April 6, 1935, in referring file 1-345 - Associated Advertising Clubs of the World vs. Keystone Furniture Company to the Chief Examiner to be handled by stipulation, under the rule, and on motion of Mr. Thompson, the Secretary was instructed to report to the Commission on Friday, May 24th, the status of the foregoing case.

(12) Docket 1140 - Cleveland Hotel Products Company.

Memorandum of May 13th was received from the Chief Counsel transmitting for consideration of the Commission, letter of May 6th from counsel for the respondent, Messrs. Treadway & Berlatt, Cleveland, Ohio. The Chief Counsel stated that the complaint alleged fraud

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price maintenance and was drawn in the usual form and that the answer admits the jurisdictional facts and denies all other material facts alleged, that there was available certain documents and testimony to show acts in substantiation of the charges of the complaint and that respondent had failed to take advantage of an opportunity to stipulate the case; and that "I am submitting this memorandum and this letter to the Commission, feeling that it may be the desire of the Commission to submit this matter to the Board of Review under the new ruling".

The memorandum was read and after discussion, on motion of Mr. Nugent, seconded by Mr. Van Fleet, the Chief Counsel was directed to set the case for trial and notify the parties that the trial will commence on a day certain at a designated time and place and to proceed with the case.

Thereupon, at the hour of 12:15 p.m., the Commission adjourned to meet Thursday, May 28, 1925, at 10 a.m.

Vernon W. Van Fleet,
Chairman.

Attest:

Charles F. Mont
Secretary.

MEETING OF THE FEDERAL TRADE COMMISSION

Thursday - May 28, 1925 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Nugent,
Charles F. Mont,
Hester Thompson,
William A. Humphrey.

Pursuant to arrangement the Commission met to hear argument upon the motion filed by counsel for the respondent

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to discuss the complaint in the matter of Berkey 1161 -
Holly Sugar Corporation.

Attorney William V. Hedges of the firm of Hedges,
Wilson & Rogers, was heard in support of the motion and
Attorney James T. Clark was heard in opposition to the
motion. The hearing continued until the hour of 11:15 a.m.,
was concluded and the matter taken under advisement.

Thereupon, at the hour of 11:15 a.m., the Commission
adjourned to meet Friday, May 29, 1935, at 10 a.m.

Vernon W. Van Fleet,
Chairman.

Witness:


William V. Hedges,
Secretary.

MEETING OF THE FEDERAL TRADE COMMISSION

Friday - May 29, 1935 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Boyd,
Charles W. Hart,
Rufus Thompson,
William G. Humphrey.

The minutes of the meetings of May 27 and May 28, 1935,
were read and approved.

May 23, 1925.

Formal docket cases appearing on the Weekly Conference Calendar for final determination were considered and action as indicated was taken by the Commission:

(1) Docket 992 - Ohio Wholesale Grocers' Association.

This case comes before the Commission for final determination upon the following record: memorandum of April 20th from the Chief Counsel transmitting the case pursuant to the Commission action of May 16, 1924, that special hearing be had before a Trial Examiner upon the question of jurisdiction of the Commission and report made to the Commission; complaint; answers; testimony; report upon the facts by Trial Examiner Reeves; exceptions thereto by counsel for the Commission and counsel for the respondents. Attorney Welden represents the Commission. Attorney Frank L. Raymond represents the respondents.

After consideration, Mr. Nugent offered the following motion, seconded by Mr. Thompson:

Moved, that the case proceed in regular course.

In substitution for the foregoing motion, the following motion was offered by Mr. Van Fleet, seconded by Mr. Hunt:

Moved, as a substitute that the case be dismissed for the reason that the Commission has no jurisdiction because there is no interstate commerce shown.

Vote was taken upon the substitute motion. As to this motion, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The substitute motion was adopted and it was so ordered.

Messrs. Nugent and Thompson asked that their dissent be noted.

The Chief Counsel was directed to prepare and the Secretary to serve order of dismissal.

(2) Docket 1073 - S. T. Scott Company.

On April 3, 1925, the Commission referred this case to Attorney Busick for opinion as to the question of interstate commerce in the case and for an expression as to the probability of sustaining an order to cease and desist in the Circuit Court.

Pursuant to this action, the case is before the Commission for consideration on the following record: memorandum of May 8th from Attorney Busick; complaint; answer; testimony; report upon the facts by Trial Examiner Bennett; brief by counsel for the Commission. No exceptions were filed to the Examiner's report. No brief was filed by counsel for the respondent. Final argument was heard on March 25, 1925. Attorney Wallers represents the Commission. Attorney William R. Ambrose represents the respondent.

May 29, 1925.

After consideration, the following motion was offered by Mr. Van Fleet, seconded by Mr. Hunt:

Moved, that the complaint in this case be dismissed for lack of jurisdiction as no interstate commerce is shown.

As to the foregoing motion, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Bugert and Thompson voted in the negative. The motion carried and it was so ordered. Messrs. Bugert and Thompson asked that their dissent be noted.

The Chief Counsel was directed to prepare and the Secretary to serve Order of dismissal.

(3) Packet 1186 - James Deffen's Sons.

On February 13, 1923, the Commission directed that an order to cease and desist issue and on March 13, 1923, after certain amendments the Commission approved the findings as to the facts submitted by the Chief Counsel with memorandum of February 27, 1923, and directed the Trial Attorney to examine the record and report whether or not the findings and order should be amended to conform to the decision of the Supreme Court in the Beschnau case with regard to the use of the employees of the respondents to secure information concerning price cutting activities of customers of the respondents; and also with respect to the use by respondent of a black-list of price cutters.

Pursuant to the above action, the case is before the Commission on the following record: memorandum of May 16th from the Chief Counsel; memorandum of May 16th from Attorney Craver; findings as to the facts and order to cease and desist submitted by the Chief Counsel with memorandum of May 16, 1923; complaint.

After consideration, on motion of Mr. Bugert, the findings as to the facts and order to cease and desist submitted by the Chief Counsel with memorandum of May 16th were approved and ordered served by the Secretary without further action by the Commission.

(4) Packet 1180 - U. S. Se Stery Apertivition Corporation.

In response to the Commission's action of April 11th, the Chief Counsel submitted a memorandum reporting as to whether or not the respondent is continuing the practices complained of. The following papers were placed in the name of each Commissioner: memoranda from the Chief Counsel; complaint; answer. No testimony was taken nor briefs filed. Attorney Whitely represents the Commission. Respondent has no attorney of record.

After consideration, Mr. Thompson offered the following motion, seconded by Mr. Van Fleet:

Moved, that the complaint be dismissed without prejudice.

May 29, 1925.

The motion was adopted by the Commission and it was so ordered.

The Chief Counsel was directed to prepare and the Secretary to serve order of dismissal.

(5) Docket 1203 - Barnes-Ames Company and Barnes-Irwin Company.

On April 15, 1925, the Commission directed that respondents be granted a hearing upon their motion to dismiss the complaint on jurisdictional grounds. The following papers were placed in the hands of each Commissioner: memorandum of March 13, 1925, from the Chief Counsel; complaint; motion and answers of the respondents; brief by counsel for the Commissioner and counsel for the respondent. Hearing on respondents' motion to dismiss was held April 22, 1925. Attorney Brinson represents the Commissioner. Attorney Shattuck, Bangs & Winant represent the respondents.

Messrs. Van Fleet and Nugent referred to the consideration of the case on Friday, May 22, 1925, during the absence of Messrs. Thompson and Humphrey and called attention to amendments to the complaint suggested by Messrs. Van Fleet and Nugent at that time.

After consideration, it was ordered by the Commission that the complaint herein be amended as suggested by Messrs. Van Fleet and Nugent and as shown by the record of May 20, 1925, to-wit: By striking from the third line of Paragraph Three of the present complaint, the words "wilfully or through negligence"; and to furnish information with respect to the time of the transaction alleged with sufficient certainty to identify the transaction; and that the Chief Counsel be directed to prepare draft of amended complaint pursuant to the above action and submit the same to the Commission for approval as to form.

(6) Docket 1181 - Holly Sugar Corporation.

On May 26, 1925, the Commission directed that respondents be granted a hearing upon their motion to dismiss the complaint. The following papers were placed in the hands of each Commissioner: memorandum of May 21st from the Chief Counsel; memorandum of May 19th from the Chief Counsel; complaint; motion of the respondents; stipulation as to the facts. Hearing on the motion to dismiss was held May 28, 1925. Attorney Clark represents the Commissioner. Attorney Hedges, Wilson & Rogers represent the respondent.

After consideration, Mr. Van Fleet offered the following motion, seconded by Mr. Hunt:

Moved, that the matters alleged in the respondent's motion to dismiss be referred back for hearing before a Trial Examiner and report to the Commission.

In substitution for the foregoing motion, Mr. Thompson offered the following motion, seconded by Mr. Nugent:

May 29, 1925.

Moved, as a substitute that the case proceed to the taking of testimony in the regular course under the complaint issued by the Commission and the answer filed by the respondent.

Vote was taken upon substitute motion. As to this motion, Messrs. Nugent and Thompson voted in the affirmative and Messrs. Van Fleet, Hunt and Humphrey voted in the negative. The substitute motion was lost.

Vote was then taken upon the original motion. As to this motion Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The motion was adopted and it was so ordered.

Mr. Humphrey presented a memorandum by W. E. Bennett, attorney for the Edward Hinds Lumber Company, one of the respondents in Docket 1323 - Chicago Retail Lumber Dealers' Association, et al, accompanied by a motion to dismiss the complaint by Messrs. Cowden, Pappanathan, Stern & Johnston, attorneys, representing all of the respondents. This memorandum and the motion were received May 28, 1925.

Mr. Humphrey informed the Commission respecting the status of the case, i. e., complaint issued and answer filed, and of the motion to dismiss because of lack of interstate commerce and expressed the view that the best course would be to refer the case to the Board of Review for hearing, prior to the taking of testimony.

After discussion, Mr. Humphrey offered the following motion, seconded by Mr. Van Fleet:

Moved, that prior to any other proceeding in the case that the respondents be granted a hearing before the Board of Review and that the Board grant an early hearing and report to the Commission.

As to the foregoing motion, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The motion was adopted and it was so ordered. Messrs. Nugent and Thompson asked that their dissent be noted. Mr. Thompson thereupon offered the following motion:

Moved, that Attorney Cowden, the Commission Trial Attorney in the case be instructed to appear before the Board of Review at the same time as respondents' attorney.

It was so ordered by the Commission.

May 29, 1925.

In response to the Commission's action of May 8, 1925, the Secretary called up for consideration, Pocket 1116 - Eastern Federation Farm Machinery Dealers, et al and informed the Commission that petition of the Government to modify and supplement the decision of 1918 which dissolved the International Harvester Company at that time, was denied on May 19, 1925 by the Circuit Court of Appeals for the Eighth Circuit, sitting at St. Paul, Minnesota.

The case is before the Commission on the following record: memorandum of February 27th from the Chief Counsel stating "It is Mr. Bear's opinion that the complaint should be dismissed on the facts set up in his report. It is also my opinion that this case should be dismissed"; joint report dated February 23, 1925, by Attorney Bear and Examiner J. W. Adams recommending as follows:

"That unless the case is tried on evidence gathered prior to 1920, the quality and quantity and limitations of which have heretofore been outlined and discussed in detail, it should be dismissed, because however, much we may learn on circumstantial evidence to prove a meeting of the minds of respondents to establish a union of power behind the scheme charged in the complaint, we have no evidence of the execution of such a scheme since 1920."

After consideration, Mr. Van Fleet offered the following motion, seconded by Mr. Humphrey:

Moved, that the complaint herein be now dismissed on the recommendation of the Chief Counsel and the Commission's Trial Attorney and that the minute record, the order of dismissal and the publicity statement set forth the reasons for dismissal as given by the Chief Counsel and the Trial Attorney.

As to the foregoing motion, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The motion was adopted and it was so ordered.

Messrs. Nugent and Thompson asked that their dissent be noted.

The Chief Counsel was directed to prepare and the Secretary to serve order of dismissal.

May 29, 1935.

The Chairman submitted the following matters and action as indicated was taken by the Commission:

(1) Letter from the Treasury Department (Division of Appointments) requesting the Commission to furnish the Treasury Department an abstract of official record of William C. Gordon while employed in the Commission.

The letter was read and referred to the Secretary for compliance.

(2) Letter of May 26th from the Comptroller General of the United States (Lurtin R. Ginn, Acting Comptroller General) enclosing copy of a decision of the Comptroller General affirming a prior decision approving the action of the General Accounting Office in finding William E. Sheppard, former Examiner of Inheritance at large in the Indian Service, indebted to the United States in the sum of \$736.78 arising out of unsatisfied differences in his disbursing accounts. The letter called the Commission's attention to Section 1768, Revised Statutes, and in connection therewith, requested the Commission to withhold payment of further compensation due Mr. Sheppard until the indebtedness is satisfied.

The letter was read and referred to the Secretary for report in the matter.

(3) File 1-3462 - F. T. C. vs. Wallpaper Manufacturers' Association of the United States.

Letter of May 22nd was received from the Attorney General of the United States (John G. Sargent) referring to the inspection of the Commission's files in this case by agents of the Department of Justice and referring to the Commission's letter advising the Attorney General that under a recently adopted rule, information furnished voluntarily by any party under investigation would not be furnished other agents of the Government without written consent of the party under investigation and to the fact that under this rule, an inspection of practically all material in the files would be barred. The letter requested "an exact statement of the general rule adopted by your Commission relating to granting to this Department access to your files."

The letter was referred to the Secretary to prepare reply for the Chairman's signature again advising the Attorney General of the rule in question.

Mr. Thompson asked that his dissent be noted.

(4) Letter of May 26th from Crafton Mills, Inc., (Herman Blum), Philadelphia, Pennsylvania, with reference to the Commission's letter of May 17th in regard to the use of the word "Rayon" as a generic name for a fabric heretofore known as Artificial Silk.

The letter was read and referred to the Secretary for acknowledgment and filing.

May 23, 1925.

At this time Mr. Humphrey was excused from the meeting.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Nugent,
Charles W. Hunt,
Huston Thompson.

Mr. Humphrey absent.

(5) Letter of May 26, 1925, from the Mahogany Association, Inc., as follows:

"MAHOGANY ASSOCIATION, INC.

Rooms 1214 and 1216
St. James Building
1103 Broadway
New York

May 26, 1925.

"Hon. Vernon W. Van Fleet,
Chairman, Federal Trade Commission
Washington, D. C.

My dear Judge Van Fleet:

I am sending you this note to confirm our conference of yesterday, at which I understood you to consent to the following:

1. That before any stipulation is entered into by and between the Federal Trade Commission and any of the respondents in the attached list, an opportunity will be accorded the Mahogany Association to present to the Federal Trade Commission for its consideration any suggestions or comments the Association may have relative to the terms of such stipulation.

2. That after a stipulation has been arrived at or a decision handed down by the Federal Trade Commission in the furniture cases a public statement will be issued defining what practices in the marketing of furniture are held to constitute unfair competition and in consequence are subject to be suppressed.

May 29, 1925.

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3. That after a stipulation has been arrived at or a decision handed down by the Federal Trade Commission in the matter of 'Philippine Mahogany', a public statement will be issued as to whether the sale of various and sundry Philippine woods or products made therefrom under the name 'Philippine Mahogany' or the use of the word mahogany in conjunction therewith constitutes unfair competition and in consequence is subject to be suppressed.

You will recall that the applications for complaint in which the Mahogany Association has a vital interest may be separated into two groups: first, those cases concerned with the sale of various and sundry Philippine woods under the name 'Philippine Mahogany' and, secondly, the advertisement and sale of furniture composed of gum, birch and other substitute woods under terms which lead the public to believe that the furniture is, in fact, composed of mahogany or walnut.

The reason this Association desires to have an opportunity to comment upon the terms of any stipulation entered into with the respondents herein mentioned is because the questions involved in both the Philippine mahogany cases and the furniture cases have certain difficult technical aspects with reference to which we believe that the exhaustive investigations we have carried on would be helpful to the Commission.

Our reason for suggesting that a public statement be issued by the Commission relative to the Philippine mahogany and the furniture cases is because the unfair practices alleged in the specific applications for complaint are representative of practices in which practically the entire trade indulges. A public statement would, I feel sure, be welcomed by the trade generally.

If no such statement were issued it would be necessary for applications for complaint to be filed against practically every retailer of furniture in the United States and against a vast number of lumber dealers and furniture manufacturers using Philippine woods described as 'Philippine Mahogany'.

We note from your letter of May 21st that the Commission has very kindly granted our request to appear and participate in any informal hearings on the applications for complaint specified in the attached list.

In view of the fact that the office of the Chief Examiner frequently stipulates in the first instance, may I make the suggestion that your decision relative to the

May 22, 1925.

matter set forth in this letter be drawn to the attention of the Office of the Chief Examiner and also to the attention of the Board of Review?

Very respectfully

MAHOGANY ASSOCIATION, INC.

By B. H. Allen, (signed)
Chairman, Executive Committee.

DHA/D
Enclosure.

Name	Location	Filed By	Date Filed
Keystone Furniture Co.	Lancaster, Pa.	Vigilance Com.	4-2-24.
United Furniture Mfrs.	Chicago, Ill.	" "	6-20-24
Sheppard Knapp Co.	New York City	" "	10-3-24
Buckley-Hawthall Co.	" " "	" "	10-3-24
Spewer & Company.	" " "	" "	10-3-24
Ludwig Bauermann Co.	" " "	" "	11-1-24
John Wasmaker.	" " "	Mahogany Assn.	12-17-24.
Gimbel Brothers.	" " "	" "	2-27-24
R. H. Macy & Company.	" " "	" "	4-10-25
Stern Brothers.	" " "	" "	4-10-25
Udell Furniture Co.	Indianapolis, Ind.	Vigilance Com.	3-4-25.
Klingman's	Grand Rapids, Mich.	" "	3-10-24
John Wasmaker	New York City	Mahogany Assn.	4-25-25
Thos. A. Pope Lbr. Co.	St. Louis, Mo.	" "	2-20-25
Black & Yates, Inc.	New York City.	" "	3-3-25
Pacific S. W. Import Co.	Los Angeles, Cal.	" "	3-3-25
Mammond Lumber Co.	" " "	" "	3-3-25
Frank Parton Lbr. Co.	Kansas City, Kan.	" "	3-3-25
Kirschmann Hardwood Co.	San Francisco, Cal.	" "	3-3-25.
Indiana Qtd. Oak Company.	New York City.	" "	3-19-25

The letter was read and discussed and Mr. Thompson read from the stenographic report of the conference held by the furniture industry at Chicago on September 8, 1924, in connection with trade practice submittal, at which conference the trade made a request that the Commission should issue complaints in all cases where they found false advertising in the furniture industry.

The Commission discussed the handling of cases involving proper designation of furniture as raised in the trade practice submittal and in applications for complaint.

After discussion, Mr. Thompson stated for the record that he reaffirmed his action of April 6, 1925, in withdrawing from the supervision of the trade practice submittal in view of the Commission's action in ordering the Chief Examiner to handle file 1-3539 - Associated Advertising Clubs of the World vs. Keystone Furniture Company by stipulation and stated that he

May 29, 1925.

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favorable complaint in this case and like cases and further that he would file a public statement setting forth his reasons for withdrawing from the conduct of the trade practice suit.

The letter of May 30th from the Mahogany Association was left in the custody of the Secretary.

Mr. Thompson presented a clipping of May 27, 1925, from the Chicago Journal of Commerce, as follows:

"Ask Southern Cotton Mills To Cut Output for One Week
Charlotte, N. C., May 26 - A definite step to bring about cooperative curtailment of production among southern cotton mills was taken today, when a letter was sent to every mill in the south asking pledges to 'curtail normal operations to the extent of one week between June 1 and August 15'. The letter asking signatures for this agreement was sent out by David Clark, editor of the Southern Textile Bulletin, who said today that he acted in response to a continued demand from manufacturers, who urged that a concentrated movement toward curtailment be begun. The pledge card accompanying the letter stated that the curtailment action would be subject to similar pledges being made by officials of mills aggregating 10,000,000 cotton spindles."

The clipping was read and on motion of Mr. Thompson, the Chief Examiner was directed to make an informal inquiry and ascertain the facts with respect to the matters set out in the clipping and report to the Commission.

The following matters of general business forwarded to the Commission by the heads of the several divisions were presented by the Secretary and action as indicated was taken by the Commission:

(1) Packet 1149 - Marinello Company.

Memorandum of May 21, 1925 was received from the Chief Counsel transmitting "respondent's answer to the order to cease and desist". The Chief Counsel stated that the answer is in the nature of a petition for rehearing and request for modification of the order. The Chief Counsel also submitted a memorandum of May 16th from Trial Attorney Graves, recommending that the petition be denied, in which recommendation the Chief Counsel concurred.

It was directed that the papers be circulated.

May 29, 1925.

(2) Docket 991 - Iowa Nebraska-Minnesota Wholesale
Grocers' Association, et al.

Memorandum of May 28, 1925 was received from the Chief Counsel transmitting the request of counsel for respondent, James S. Kirk & Company for an extension of twenty days for filing brief. The Chief Counsel recommended that the extension be allowed.

The extension was allowed by the Commission. The Chief Counsel was directed to prepare and the Secretary to serve an appropriate order.

(3) Memorandum of May 18, 1925, was received from the Chief Counsel with respect to the question as to whether or not stipulations should contain an admission that the particular acts from which the charges arise, have a tendency to mislead or do mislead the public.

It was directed that the memorandum be circulated.

(4) Docket 1260 - Edison Picture Company, Inc.

Memorandum of May 21, 1925 was received from the Chief Counsel transmitting a motion by counsel for the respondent to dismiss the complaint at the close of the Commission's case for failure of proof to sustain the allegations of the complaint. The Chief Counsel recommended that the motion to dismiss be denied with leave to the respondent to present and argue the same when the case is heard by the Commission on the merits.

The motion was read and the recommendation of the Chief Counsel approved and it was so ordered.

(5) File 1-3092 - Safe-Guard Check Writer Company, Inc. vs.
Madman Manufacturing Company.

Memorandum of May 23rd was received from the Chief Counsel referring to the Commission's action of May 6, 1925 in directing that complaint issue and recommending that the Commission reconsider the case. The Chief Counsel also submitted a memorandum of May 21st from Trial Attorney Whitelaw of the Commission's Staff, recommending reconsideration.

It was directed that the matter be circulated.

(6) File 1-3834 - Pure Silk Hosiery Mills, Inc. vs.
Helix Hosiery Mills.

Memorandum of May 21st was received from the Chief Counsel referring to the Commission's action of May 13th in directing that complaint issue and transmitting an undated memorandum from Attorney DeBruler, suggesting that the case be disposed of by the Chief Examiner by stipulation. The Chief Counsel concurred in the recommendation of Attorney DeBruler with respect to the disposition of the case.

It was directed that the file be circulated.

May 29, 1925.

(7) File 1-3594 - Cigar Manufacturers' Association of
Tampa vs. Tampa Cigar Company.

Memorandum of May 27, 1925 was received from the Chief Counsel referring to the Commission's action of May 4th in directing that complaint issue and suggesting that before complaint is served that further investigation be made. The Chief Counsel also submitted a memorandum of May 15th from Trial Attorney Sweet, recommending that if the use of the words complained of have been discontinued that a complaint be not issued.

After consideration, the following motion was offered by Mr. Nugent:

Moved, that the Chief Counsel be directed to proceed as heretofore ordered by the Commission and prepare the complaint authorized and that the complaint be served without further action.

The motion was adopted and it was so ordered.

(8) Docket 1225 - National Furniture Distributing
Corporation, et al.

Upon receipt of memorandum of May 28th from Trial Attorney Doyle as transmitted by the Chief Counsel, this case was set for final argument before the Commission on Monday, June 8, 1925, at 2 p.m., with the direction that interested parties be notified thereof by registered mail, by the Secretary.

(9) File 1-3216 - Central Paint & Shellac Works vs. Twin
City Shellac Company, Inc.

Memorandum of May 16, 1925 was received from the Chief Examiner referring to the dismissal of this application for complaint under date of March 3, 1924 for the reason that the proposed respondent was not engaged in interstate commerce; reporting that as the result of subsequent complaint and investigation, it appears that the respondent is now engaged in interstate commerce and is misbranding its product and recommending that the file be reopened and the Chief Examiner directed to proceed in the regular course with respect to the present practices of the respondent.

The memorandum was read and the recommendation of the Chief Examiner was adopted and it was so ordered.

(10) File 1-3870 - U. S. Civil Service Commission vs.
Columbia School of Civil Service.

Memorandum of May 22nd was received from the Chief Examiner reporting the facts and recommending that authority be granted the Chief Examiner to negotiate a stipulation under the rule and report to the Commission.

The memorandum was read and the recommendation of the Chief Examiner approved and it was so ordered.

May 29, 1925.

(11) Memorandum of May 20, 1925 from the Chief Examiner reporting in compliance with the Commission's direction of February 20th that an investigation had been made with respect to the price cutting activities of the Ward Baking Company, Continental Baking Company and General Baking Company, reciting the results of the investigation and recommending that the file be closed without further action.

It was directed that the matter be circulated.

(12) File 1-3714 - Satellite Corporation vs. Greater Atlantic & Pacific Radio Corporation.

Memorandum of May 19, 1925 was received from the Chief Examiner transmitting the file containing results of preliminary investigation and letter from Attorney George R. Jackson, representing the applicant, requesting expedition. The Chief Examiner recommended that the Commission direct the Board of Review to expedite the disposition of the case.

The memorandum was read and after consideration, it was ordered, on motion of Mr. Van Fleet, that the case go to the Board of Review without an order for expedition.

(13) File 1-3803 - F. T. C. vs. Robert Dollar Company.

The Chief Examiner transmitted, by endorsement of May 23, 1925 the final report of Attorney-Examiner Dollar, recommending complaint. The Chief Examiner concurred in the recommendation.

The report was read and thereafter, it was ordered by the Commission, on motion of Mr. Van Fleet seconded by Mr. Thompson, that complaint issue charging Robert Dollar Company with violation of the Federal Trade Commission Act.

The file was referred to the Chief Counsel for the preparation of complaint under the rule, the same to be served by the Secretary without further action by the Commission.

In this connection, the Commission considered the desirability from the standpoint of economy and expedition, of proceeding in a test case from among the group of cases known as Philippine Lahogany cases and with respect to which the Chief Examiner was directed, under date of March 11, 1925, to expedite his report and submit the same direct to the Commission without reference to the Board of Review. After consideration, it was ordered that the Chief Counsel select the best two or three cases from among the cases in this group, in which the Commission directs complaint to issue and to try the selected cases as test cases, holding the others in the group in abeyance pending determination by the Commission of the test cases.

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(14) File 1-3334 - Makelite Corporation vs. Rose Brothers Company.

Memorandum of May 23rd was received from the Chief Examiner reporting efforts made to settle the case by stipulation and the apparent intention of the proposed respondent to ignore the Commission's request for consideration of a stipulation submitted to the proposed respondent and recommending that complaint issue forthwith.

The memorandum was read and after consideration of the facts in the case, it was ordered by the Commission, upon motion of Mr. Van Fleet, seconded by Mr. Hunt, that complaint issue charging Rose Brothers Company with violation of the Federal Trade Commission Act.

The file was referred to the Chief Counsel for preparation of the complaint under the rule, the same to be served by the Secretary without further action by the Commission.

(15) File 1-2369 - United Woollen Mills Company, Inc. vs. The English Woollen Mills Company.

Memorandum of May 11, 1925 was received from the Chief Examiner reporting negotiations with the respondent to settle the case by stipulation under the rule of March 11, 1925, the respondent's willingness to stipulate and the present submission of the file to the Commission for instructions with respect to the request of the respondent to be allowed a period of six months to conform its business to comply with the requirements of the stipulation. The Chief Examiner expressed doubt of the advisability of allowing the respondent six months for the purpose in mind and suggested an allowance of two or three months.

The memorandum was read and after consideration, on motion of Mr. Van Fleet, the file was referred back to the Chief Examiner with authority to stipulate with the respondent for an allowance of sixty days from date of acceptance of a stipulation in the case by the Commission, within which time the respondent is to conform its business to the terms of the stipulation.

(16) File 1-3571 - Elbro Knitting Mills vs. Allre Knitting Mills.

Memorandum of May 14th was received from the Chief Examiner reporting the facts and stating that the sole issue involved is the similarity in the name of the two concerns, the only difference being that the first word of the applicant's trade name is "Elbro" and the first word in the respondent's name is "Allre"; that no confusion of goods is shown; that the goods of the parties are not strictly competitive nor sold in the same territory and recommending that the application for complaint be dismissed.

The memorandum was read and the recommendation of the Chief Examiner was approved by the Commission and it was ordered that the case be dismissed.

May 29, 1925.

(17) Docket 1198 - Lexington Storage Warehouse Company.

Upon receipt of memorandum of May 28th from Trial Attorney Doyle as transmitted by the Chief Counsel, this case was set for final argument before the Commission on Wednesday, June 10, 1925, at 2 p.m., with the direction that interested parties be notified thereof by the Secretary by registered mail.

(18) Docket 1192 - Factory-to-You Furniture Store.

Upon receipt of memorandum of May 28th from Trial Attorney Doyle as transmitted by the Chief Counsel, this case was set for final argument before the Commission on Monday, June 15, 1925, at 2 p.m., with the direction that interested parties be notified thereof by the Secretary by registered mail.

(19) Docket 1243 - Grand Rapids Furniture Manufacturers Warehouse Association, et al.

Upon receipt of memorandum of May 28th from Trial Attorney Doyle as transmitted by the Chief Counsel, this case was set for final argument before the Commission on Wednesday, June 17, 1925, at 2 p.m., with the direction that interested parties be notified thereof by the Secretary by registered mail.

Mr. W. H. Fuller, the Chief Counsel of the Commission appeared and presented:

(1) A memorandum of May 27, 1925 of suggested changes in the procedure leading up to and the issuance of complaints; and

(2) A memorandum of May 29, 1925 recommending certain salary increases in the Chief Counsel's Staff. Mr. Fuller stated that as he was leaving the city, he desired to submit these memoranda at this time for the consideration of the Commission.

Memoranda were received and ordered circulated.

Thereupon, at the hour of 12:15 p.m., the Commission adjourned to meet Monday, June 1, 1925, at 10 a.m.

Verdon E. Van Fleet,
Chairman.

Attest:

W. H. Fuller,
Secretary.

FILE

DIVIDER

June 1, 1935.

Saturday - May 25, 1935 - No meeting held.

Sunday - May 26, 1935 - No meeting held.

MEETING OF THE FEDERAL TRADE COMMISSION.

Monday - June 3, 1935 - 10 a.m.

PRESENT:

Harvey W. Van Fleet, Chairman,
John F. Nugent,
Charles E. Hunt,
Austin Thompson,
William E. Humphrey.

The minutes of the meeting of May 21, 1935 were read and approved.

Mr. Van Fleet presented file 1-3786 - W. J. Barry, vs. Needy-Lewis and stated that the application was direct to the Commission from the United States without reference to the Board of Review pursuant to the rule of February 4, 1934.

Mr. Van Fleet recited the facts and stated that he concurred in the recommendation of the staff for dismissal and moved that the application for complaint be dismissed. The motion was seconded by Mr. Hunt.

In substitution for the foregoing motion, Mr. Nugent offered the following motion, seconded by Mr. Thompson:

Leave, not at complaint issue.

As to the substitute motion, Messrs. Nugent and Thompson voted in the affirmative and Messrs. Van Fleet, Hunt and Humphrey voted in the negative. The substitute motion was lost.

Vote was then taken upon the original motion. As in the earlier, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The motion carried and it was so ordered.

Messrs. Nugent and Thompson asked that their dissent be noted.

June 1, 1925.

Mr. Haupt presented file 1-3686 - Columbia Phonograph Company, Inc. vs. Victor Talking Machine Company, with memorandum of June 1st reviewing the record and recommending in the recommendation of the Board of Review that complaint issue.

After consideration, Mr. Haupt offered the following motion, seconded by Mr. Van Fleet:

Resolved, that complaint issue charging the Victor Talking Machine Company with violation of the Federal Trade Commission Act.

As to the foregoing motion, Messrs. Van Fleet, Haupt, and Mr. Thompson voted in the affirmative and Mr. Humphrey voted in the negative. The motion carried and it was so ordered.

Mr. Humphrey asked that his dissent be noted.

Mr. Van Fleet stated that he did not believe under the facts in this case that a private suit would be adequate to protect the public interest.

The file was referred to the Chief Examiner for preparation of complaint, the same to be thereafter served by the Clerk of the Commission further action by the Commission.

Mr. Hunt submitted the following listed applications for complaints and action as indicated was taken by the Commission:

- (1) File 1-3641 - Chicago Association of Lady Sellers vs. Gordon & Company.

Mr. Hunt stated that this complaint was directed to the Commission from the Chief Examiner without endorsement to the Board of Review, pursuant to the rule of December 3, 1924.

Mr. Hunt presented memorandum of May 21st reviewing the record and recommending in the recommendation of the staff for dismissal.

The recommendation was read and after consideration, an action of Mr. Hunt, seconded by Mr. Humphrey. The application for complaint was withdrawn by the Commission.

- (2) File 1-3607 - Associated Advertisers, State of the World vs. Times Publishing Company.

Mr. Hunt presented memorandum of May 21st reviewing the facts and thereafter, offered the following motion, which was seconded by Mr. Van Fleet:

Resolved, that the file be referred to the Chief Examiner to negotiate with the respondent for a stipulation under the rule and that if the respondent refuses to stipulate that complaint be issued.

June 1, 1925.

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In substitution for the foregoing motion, Mr. Leggett offered the following motion, which was seconded by Mr. Thompson:

Moved, as a substitute, that complaint issue.

Vote was taken upon the substitute motion. As to this motion Messrs. Leggett and Thompson voted in the affirmative and Messrs. Van Fleet, Hunt and Humphrey voted in the negative. The substitute motion was lost.

Vote was then taken upon the original motion. As to this motion, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Leggett and Thompson voted in the negative. The motion carried and it was so ordered.

Messrs. Leggett and Thompson asked that their dissent be noted.

The Chairman presented letter of May 28th from F. A. Schmitt, General Manager, of the Lumbermen's Association, Inc., New York City, transmitting correspondence between Julius Leopold, Belleville, Illinois and the Lumbermen's Association with respect to material which Mr. Leopold purchased from a lumber yard, a sample of which material was being sent under separate cover. The letter stated that the wood is not mahogany, but is a representative piece of Philippine hardwoods, now being marketed in the United States as "Philippine Mahogany". Schmitt has made that the correspondence be considered in connection with previous applications for complaints by the Association against certain Philippine hardwood dealers, a list of which was contained in the Association's letter of May 28, 1925.

In motion of the Chairman, the letter and the sample which was received were referred to the Chief Clerk for attention.

The following matters of general business referred to the Committee by the heads of the several divisions were presented by the Secretary and a vote as indicated was taken by the Commission:

(1) Memorandum of May 28th from the Chief Clerk transmitting draft of letter to the "Lumber Age" in reply to a letter of May 18th from F. A. Schmitt of the National Staff of the Iron & Steel Institute, inquiring in regard to some data in the report of the Commission on "War-time Costs & Profits of the Steel Industry" dated February 18, 1925.

It was directed that the correspondence be circulated.

June 1, 1925.

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In substitution for the foregoing notice, Mr. Rogers offered the following notice, which was seconded by Mr. Thompson:

Moved, as a substitute, that complaint issue.

Vote was taken upon the substitute notice. As to this notice Messrs. Day, St. and Thompson voted in the affirmative and Messrs. Van Fleet, Hunt and Humphrey voted in the negative. The substitute notice was lost.

Vote was then taken upon the original notice. As to this notice, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Day, St. and Thompson voted in the negative. The notice carried and it was so ordered.

Messrs. Day, St. and Thompson asked that their dissent be noted.

The Chairman presented letter of May 27th from F. A. Schmitt, General Manager, of the Hardware Association, Inc., New York City, transmitting correspondence between Julius Leopold, Belleville, Illinois and the Hardware Association with respect to material which Leopold purchased from a lumber yard, a sample of which material was being sent under separate cover. The letter stated that the wood is not mahogany, but is a representative piece of Philippine hardwood, now being marketed in the United States as "Philippine Mahogany". Request was made that the correspondence be considered in connection with previous applications for complaints by the Association against certain Philippine hardwood dealers, a list of which was contained in the Association's letter of May 26, 1925.

On motion of the Chairman, the letter and the sample which was received were referred to the Chief Examiner for attention.

The following matters of general business forwarded to the Commission by the heads of the several divisions were presented by the Secretary and action as indicated was taken by the Commission:

(1) Memorandum of May 21st from the Chief Examiner transmitting draft of letter to the "Iron Age" in reply to a letter of May 16th from F. A. LaFrey of the Editorial Staff of the Iron Age making inquiry in regard to data in the report of the Commission on "War-Time Costs & Profits of the Steel Industry" dated February 18, 1925.

It was directed that the correspondence be circulated.

June 1, 1935.

(2) Docket 1932 - Arkansas Wholesale Grocers' Association.

Memorandum of May 24th from the Chief Counsel stating application for the issuance of a commission to take the testimony of Charles Lockman at New Orleans, Louisiana, by deposition.

The memorandum was read and the recommendation of the Chief Counsel was approved and it was directed that a commission issue to Hugh H. Carter, Jr., United States Commissioner, to take the testimony in question.

The following orders were approved and entered: (1) order directing the taking of testimony by deposition and (2) an order appointing United States Commissioner Hugh H. Carter, Jr., to take the deposition of witness, Charles Lockman, of the Southern Sugar, Inc., New Orleans, Louisiana, at New Orleans, Louisiana, on June 10, 1935, at 10 a.m.

(3) File 1-3717 - F. T. C. vs. Franklin Tool Company.

Memorandum of May 25th was received from the Chief Examiner reporting that respondent is charged with labeling hammers as being manufactured from "cast steel" - on the said hammers are not made of steel but are manufactured from malleable iron and setting forth the respondent's willingness to stipulate and recommending that the Chief Examiner is authorized to handle the case by stipulation under the rule of March 11, 1935, and further if stipulation cannot be negotiated, that complaint issue.

The memorandum was read and thereafter, the following motion was offered by Mr. Thompson, seconded by Mr. Hunt:

Moved, that the recommendation of the Chief Examiner be adopted and that the case be handled by stipulation.

In substitution for the foregoing motion, Mr. Nugent offered the following motion, which was seconded by Mr. Thompson:

Moved, for a substitute that complaint issue.

Vote was taken upon the substitute motion. As to this motion, Messrs. Nugent and Thompson voted in the affirmative and Messrs. Van Fleet, Hunt and Laughrey voted in the negative. The substitute motion was lost.

Vote was then taken upon the original motion. As to this motion, Messrs. Van Fleet, Hunt and Thompson voted in the affirmative and Messrs. Nugent and Laughrey voted in the negative. The motion carried and it was so ordered.

Messrs. Nugent and Thompson asked that their dissent be noted.

The case was referred to the Chief Examiner to be handled by stipulation and report made to the Commission.

June 1, 1928.

From the circulating calendar the Commission considered the following matters and action as indicated was taken by the Commission:

(1) Preliminary report dated April 1st from the Chief Examiner in the matter of acquisition by the American Tobacco Company of the Salomon Products Corporation. The investigating Attorney reported that the acquisition did not involve acquiring of capital stock and recommended that the matter be not docketed but that it be closed without further action. The Chief Examiner concurred in this recommendation.

The file was circulated on April 10th. Petitions by the Commissioners were read and thereafter, the following action was offered by Mr. Thompson, seconded by Mr. Dugent:

Moved, that the matter be docketed as an application for complaint.

In substitution for the foregoing motion, the following motion was offered by Mr. Hunt, seconded by Mr. Van Fleet:

Moved, as a substitute, that the recommendation of the Chief Examiner be approved and that the matter be filed without action.

Vote was taken upon the substitute motion. As to this motion, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Dugent and Thompson voted in the negative. The substitute motion carried and it was so ordered.

Messrs. Dugent and Thompson moved that their dissent be not

(2) File 1-2647 - National Confectioners' Association of the U. S. vs. Chicago Candy Makers.

General report of investigating Attorney Jungs, dated April 1st, 1928, recommending that the case be handled by stipulation under the rule of March 11, 1928. The recommendation was concurred in by the Chief Examiner.

The file was circulated on May 1st. Petitions by the Commissioners were read and thereafter, the following motion was offered by Mr. Thompson, seconded by Mr. Dugent:

Moved, that complaint issue.

In substitution for the foregoing motion, the following motion was offered by Mr. Van Fleet, seconded by Mr. Hunt:

Moved, that the recommendation of the Chief Examiner be approved and that the case be handled by stipulation under the rule.

June 1, 1903.
June 3, 1903.

Vote was taken upon the substitute motion, as to this motion, Messrs. Van Fleet, Root and Humpreys voted in the affirmative and Messrs. Ruger and Thompson voted in the negative. The substitute motion carried and it was so ordered.

Messrs. Ruger and Thompson asked that their dissent be noted.

Thereupon, at the hour of 11:30 a.m., the Committee adjourned to meet Wednesday, June 3, 1903, at 10 a.m.

Vernon W. Van Fleet,
Chairman.

Attorney:

Secretary.

Tuesday - June 2, 1903 - No meeting held.

MEETING OF THE FEDERAL TRADE COMMISSION

Wednesday, - June 3, 1903 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Ruger,
Charles G. Root,
Gustav Thompson,
William A. Humpreys.

The minutes of the meeting of June 1, 1903 were read and approved.

June 3, 1925.

The following matters of general business forwarded to the Commission by the heads of the several Divisions were presented by the Secretary and action as indicated was taken by the Commission:

(1) Memorandum of May 28th from the Chief Examiner and memorandum of May 28th from the Chief of the Export Trade Division, reporting in response to the Commission's direction of April 24, 1925, information in the possession of the Commission regarding the allegation that combinations are being formed abroad by American business in alleged violation of the anti-trust laws. This information was gotten together in response to a letter of March 24, 1925, from some fifteen United States Senators.

It was directed that the papers be circulated.

(2) Memorandum of June 1st from the Chief Examiner transmitting letter of May 27th from Walter H. Datto, making an appeal from his present classification of Professional Service, Grade I and requesting Professional Service, Grade II. The Chief Examiner expressed the opinion that Mr. Datto's work would justify classification under either G. J. T. Grade V or Professional Service, Grade I, but not higher.

The Commission directed that the matter be presented after July 1, 1925.

(3) Packet 121 - Advance Paint Company.

Memorandum of May 28th was received from the Chief Counsel transmitting memorandum of May 28th from Attorney Grayer of the Staff and also a report dated April 3, 1925, from the Chief Examiner, all with reference to the alleged violation by the respondents of the cease and desist order issued by the Commission and dated June 8, 1918.

The Chief Counsel concurred in the recommendation of Attorney Grayer and recommended that proceedings be instituted for confirmation of the order.

The memoranda were read and after discussion, Mr. Van Fleet offered the following motion, seconded by Mr. Thompson:

Moved, that the recommendation of the Chief Counsel be approved and that the Chief Counsel be directed to institute a proceeding in the United States Circuit Court of Appeals to enforce the Commission's Order.

The motion was adopted and it was so ordered by the Commission.

(4) "Invitation to Bid" and "Proposal for Stenographic Reporting and Related Service to be rendered the Federal Trade Commission during the fiscal year ending June 30, 1926".

June 3, 1935.

The Secretary reported that bids had been drafted pursuant to the Commission's instructions of June 23, 1934 in alternative form; first: calling for a bid which would permit the reporter to sell copies of transcript to the public as under the present contract, and second: calling for bid which would prohibit the reporter from selling transcript to the public and permit the sale only to parties at interest.

The Secretary was authorized to call for bids on the forms presented.

(5) Press Clipping Service.

The Secretary recommended for purposes of economy, that the present form of contract for newspaper clippings under which the cost for the present fiscal year was over \$700, be discontinued, and that bids be requested for more limited service, consisting of press clippings of editorials and non-syndicated descriptive articles, and one copy only of syndicated articles from newspapers and trade periodicals covering the entire country. The Secretary estimated that the modified service would cost in the neighborhood of \$350. a year.

On motion of the Chairman, the Commission authorized the submission of bids as recommended by the Secretary for the limited service with the idea of reducing expenditures.

(6) Report from the Chairman of the Board of Review of the work of the Board of Review for the month ending May 31, 1935.

The report was received and placed in the Calendar.

From the circulating Calendar the Commission considered the following matters and action as indicated was taken:

(1) Memorandum of May 1st from the Chief Examiner transmitting report from the Chief Examiner's Staff on the consolidation of several fruit companies through the exchange of capital stock issues under the name of Bidlergia Fruit Corporation. The Chief Examiner concurred in the recommendation of the Investigator in recommending that no action be taken against the Bidlergia Fruit Corporation on account of its acquisition of the various concerns mentioned in the report, with the exception of the Lucerna Park Fruit Association.

The file was circulated May 8th. Citations by the Commissioners were read and thereafter, the following motion was offered by Mr. Van Fleet, seconded by Mr. Humphreys:

June 2, 1935.

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Moved, that the recommendation of the Chief Examiner be adopted and that an application for complaint be docketed against the DiGiorgio Fruit Corporation on account of its acquisition of the capital stock of the Lucerne Park Fruit Association in alleged violation of Section 7 of the Clayton Act.

In substitution for the foregoing motion, the following motion was offered by Mr. Nugent, seconded by Mr. Thompson:

Moved, as a substitute, that an application for complaint be docketed not only on account of the acquisition of the Lucerne Association but also on account of acquisition of the capital stock of all the companies named on page three of Agent Fleming's report, except the Baltimore Fruit Exchange and the DiGiorgio Fruit Company.

As to the substitute motion, Messrs. Nugent and Thompson voted in the affirmative and Messrs. Van Fleet, Hunt and Humphrey voted in the negative. The substitute motion was lost.

Vote was taken upon the original motion by Mr. Van Fleet. As to this motion, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Nugent and Thompson voted in the negative and asked that their dissent be noted. The motion carried and it was so ordered.

(2) Memorandum of May 7th from Hugh L. White of the Chief Counsel's Staff submitting in response to the Commission's direction of April 25, 1935, a report of the information available with respect to the practice of steel coverings, other than the United States Steel Corporation, in regard to the heating point practice mentioned in the Pittsburgh Plus case - Pocket 760.

The file was circulated May 15th. Motions by the Commissioners were read and thereafter, the following motion was offered by Mr. Nugent, seconded by Mr. Thompson:

Moved, that the Economic Division be directed to institute an investigation for the purpose of ascertaining the facts in connection with the policy adopted by the steel manufacturers since the decision of the Commission in the United States Steel Corporation case, relative to the sale of steel at delivered prices.

As to the foregoing motion, Messrs. Nugent and Thompson voted in the affirmative and Messrs. Van Fleet, Hunt and Humphrey voted in the negative. The motion was lost.

Mr. Van Fleet made the following statement for the record:

June 2, 1925.

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Moved, that complaint issue charging the respondent with improper use of the word "Tampa".

In substitution for the foregoing motion, the following motion was offered by Mr. Van Fleet, seconded by Mr. Humphrey:

Moved, as a substitute, that the case be settled under the rule of March 11, 1925, by stipulation and that the stipulation shall not provide for or prohibit the representation that the cigars are made of Havana tobacco.

As to the foregoing substitute motion, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Nugent and Thompson voted in the negative and asked that their dissent be noted. The substitute motion carried and it was so ordered.

(3) Memorandum of March 11th from the Chief Economist stating that Senate Resolution 163, adopted February 16, 1924, (Senator LaFollette) directing an inquiry into the costs and profits affecting bread "from the time the wheat leaves the farm until the bread is delivered to the consumer" and that it is necessary to get the costs, profits and margins of country and terminal elevators to answer this inquiry and recommending that authority be given to resume this work which was postponed at the request of the Grain Marketing Company of Chicago.

The file was circulated April 22nd. Citations by the several Commissioners were read and thereafter the following motion was offered by Mr. Thompson, seconded by Mr. Nugent:

Moved, that the Commission go ahead with the recommendation of the Chief Economist and authorize the investigation under the Senate Resolution.

In substitution for the foregoing motion, the following motion was offered by Mr. Van Fleet, seconded by Mr. Hunt:

Moved, that no action be taken in the matter at this time in view of the Commission's letter to the President dated May 4, 1925 asking for an opinion from the Attorney General.

Vote was taken upon the substitute motion. As to this motion, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Nugent and Thompson voted in the negative and asked that their dissent be noted. The substitute motion carried and it was so ordered.

June 3, 1925.

June 5, 1925.

Mr. Humphrey referred to the decision of the Court of Appeals of the District of Columbia in the case of Shade Shop vs. Federal Trade Commission (Commission's Docket 696) in which decision the Court stated that it was without jurisdiction to enforce the Commission's Order to cease and desist. Mr. Humphrey suggested that the matter should be reviewed.

After discussion, the following motion was offered by Mr. Van Fleet, seconded by Mr. Tugent:

Moved, that the Chief Counsel be instructed to apply to the Supreme Court of the United States for a writ of certiorari to review this decision.

The motion was adopted and it was so ordered.

Thereupon, at the hour of 11 a.m., the Commission adjourned to meet Friday, June 5, 1925, at 10 a.m.

Vernon E. Van Fleet,
Chairman.

Witness:

Secretary.

Thursday - June 4, 1925 - No meeting held.

MEETING OF THE FEDERAL TRADE COMMISSION

Friday - June 5, 1925 - 10 a.m.

PRESENT:

Vernon E. Van Fleet, Chairman,
John P. Tugent,
Charles E. Hunt,
Huston Thompson,
William A. Humphrey.

June 5, 1935.

The minutes of the meeting of June 2, 1935 were read and approved.

Formal docket cases appearing on the weekly Conference Calendar were considered by the Commission and action as indicated was taken:

- (1) Docket 626 - Gulf Ship Chandlery Company, Inc.
- " 646 - Alabama Dry Dock & Shipbuilding Company, Inc.
- " 709 - S. Davidson Company, et al.
- " 726 - Garco, Piller & Company, et al.
- " 746 - T. J. Chapman.
- " 766 - Kelly Dry Dock & Shipbuilding Company, Inc.
- " 804 - Maritime Company, Inc.
- " 821 - Liberty Iron & Wire Company, Inc.
- " 838 - A. D. Davis Packing Company, Inc.
- " 842 - Berkeley Machine Works, Inc.

On April 3, 1935 the Commission directed that the above cases be laid over pending determination of Docket 1073 - J. T. Swift Company. The Swift case was dismissed on May 24, 1935.

The Gulf Ship Chandlery Company case is before the Commission on the following record: memorandum of March 12th from the Chief Counsel transmitting the above cases and recommending that the complaints be dismissed without prejudice; complaint; testimony; accompanying memoranda from the Chief Counsel indicating the status of each of the above entitled cases. An answer was filed.

After consideration, the following action was offered by Mr. Hunt, seconded by Mr. Hooper:

Moved, that the cases be dismissed on the recommendation of the Chief Counsel.

After further consideration and discussion, in substitution for the foregoing motion, it was moved by Mr. Nugent, seconded by Mr. Van Vleet, as follows:

Moved, that the complaints in Dockets 646, 649, 709 and 746 be dismissed and that in the matter of Dockets 726, 746, 766, 804, 821 and 838 the Chief Counsel be directed to report at the next meeting his opinion as to whether the Commission has jurisdiction to proceed, it being the understanding that it is the aim of the Commission to go about in some other Circuit Court than the Fourth Circuit in which the Girdler and Gordon cases were decided.

The foregoing motion was unanimously adopted and it was so ordered.

Mr. Nugent stated for the record as follows:

June 5, 1935.

(3) Board 1166 - Louis Leavitt.

On April 17, 1935, the Commission directed that an order be drawn and deist issue. On May 1, 1935 after amendment of Paragraph Two of the findings as to the facts submitted by the Chief Counsel to show that sulphate of lead is not the principal and predominant element of respondent's product, the case was referred back to the Chief Counsel to report whether or not the evidence in this particular case shows that fifty per cent by weight of white lead is required to make white lead the principal and predominant element in paint; and also whether or not the evidence in this particular case shows that it is the general understanding not only by the trade but by the public.

Pursuant to the above order, the case is before the Commission upon the following record: memorandum of May 21, 1935 from the Chief Counsel; findings as to the facts and order to deist and deist submitted by the Chief Counsel with returned n of May 21st; complaint.

The findings and the order submitted by the Chief Counsel and memorandum of May 21, 1935, were amended upon motion of Mr. Ogden, seconded by Mr. Van Fleet, and as shown on docket copy, as follows:

In Paragraph Five of the findings, after the words "principal and predominant ingredients" add "to the extent of at least fifty per cent by weight of the product"; and the first Paragraph of the order to cease and deist after the words "principal and predominant ingredients" add "to the extent of at least fifty per cent by weight of product".

As amended the findings and order, upon motion of Mr. Ogden seconded by Mr. Van Fleet, were adopted by the Commission and referred to the Secretary for service without further action.

(4) Board 1168 - Carinated Products Corporation.

Consideration of this case was laid over until next Conference Day.

(5) Board 1178 - Lincoln A. Elmer.

This case came before the Commission for final determination upon the following record: memorandum of May 20, 1935 from the Chief Counsel recommending that the allegation be accepted and the complaint dismissed; complaint; answer; stipulation as to the facts. No testimony was taken nor briefs filed. Attorney Ogden represents the Commission. Respondent has no attorney of record.

After consideration, the following action was offered by Mr. Ogden, seconded by Mr. Thompson:

June 5, 1935.

"I vote for the dismissal of these cases which have been dismissed for the reasons that are shown by the memorandums from the Chief Counsel dated March 17, 1935, which has just now been considered by the Commission, the complaint in each case was issued and served in the year 1928 and 1931 and in those cases in which hearings have been held the major portion of the evidence introduced on behalf of the Commission was hearsay in character and in my judgment would not be sufficient upon which to enable this Commission to issue an order to cease and desist."

"I vote to dismiss for the further reason that as the complaints were issued approximately five years ago, in the event trial should be had it would be necessary to institute reinvestigation of the cases for the purpose of ascertaining the facts as of today, and I think it would be a better policy to dismiss these particular cases at this time and if possible find another case in which the conditions complained of are in existence at the present time and which can be tried in some other Circuit than the Circuit which decided the Winslow case."

Mr. Thompson stated that he voted for dismissal for reasons which he would state later for the record.

(2) Docket 1618 - Holeproof Vesting Company.

On May 1, 1935, the Commission directed that an order to cease and desist issue and that the Chief Counsel prepare and submit to the Commission for approval as to form, draft of findings as to the facts and order to cease and desist. It was further ordered that the dissent of Commissioner Humphrey be noted.

Pursuant to the above action, the case is before the Commission for consideration of the findings and order submitted by the Commission for consideration of the findings and order submitted by the Chief Counsel. The following papers have been placed in the hands of each Commissioner: Memorandum of May 15th from the Chief Counsel; findings as to the facts and order to cease and desist; complaint.

After deliberation, on motion of Mr. Ingers, seconded by Mr. Van Fleet, the findings and order submitted by the Chief Counsel with memorandum of May 15, 1935 were approved and referred to the Secretary for service without further action.

As to the foregoing action, Messrs. Van Fleet, Ingers, Hunt and Jackson voted in the affirmative and Mr. Humphrey voted in the negative and noted that his dissent be noted.

June 5, 1925.

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(3) Packet 1166 - Louis Levitt.

On April 17, 1925, the Commission directed that an order to cease and desist issue. On May 3, 1925 after amendment of Paragraph Two of the findings as to the facts admitted by the Chief Counsel to show that sulphate of lead is not the principal and predominant element of respondent's product, the case was referred back to the Chief Counsel to report whether or not the evidence in this particular case shows that fifty per cent by weight of white lead is required to make white lead the principal and predominant element in paint; and also whether or not the evidence in this particular case shows that it is the general understanding not only by the trade but by the public.

Pursuant to the above action, the case is before the Commission upon the following record: memorandum of May 21, 1925 from the Chief Counsel; findings as to the facts and order to cease and desist submitted by the Chief Counsel with memorandum of May 21st; complaint.

The findings and the order submitted by the Chief Counsel with memorandum of May 21, 1925, were amended upon motion of Mr. Nugent, seconded by Mr. Van Fleet, and as shown on marked copy, as follows:

In Paragraph Five of the findings, after the words "principal and predominant ingredients" add "to the extent of at least fifty per cent by weight of the product"; and the first Paragraph of the order to cease and desist after the words "principal and predominant ingredients" add "to the extent of at least fifty per cent by weight of product".

As amended the findings and order, upon motion of Mr. Nugent seconded by Mr. Van Fleet, were adopted by the Commission and referred to the Secretary for service without further action.

(4) Packet 1255 - International Products Corporation.
Consideration of this case was laid over until next Conference Day.

(5) Packet 1796 - Lincoln B. Miner.

This case comes before the Commission for final determination upon the following record: memorandum of May 20, 1925 from the Chief Counsel recommending that the stipulation be accepted and the complaint dismissed; complaint; answer; stipulation as to the facts. No testimony was taken nor briefs filed. Attorney Gillette represents the Commission. Respondent has no attorney of record.

After consideration, the following motion was offered by Mr. Nugent, seconded by Mr. Thompson:

June 5, 1925.

Moved, that the so-called stipulation submitted in this case be rejected and that the Chief Counsel be instructed to proceed with the trial of the case.

In substitution for the foregoing motion, the following motion was offered by Mr. Van Fleet, seconded by Mr. Hunt:

Moved, that the stipulation be accepted and the complaint dismissed.

Vote was taken upon the substitute motion. As to this motion, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Nugent and Thompson voted in the negative and asked that their dissent be noted. The substitute motion was carried and it was so ordered.

The Chief Counsel was directed to prepare and the Secretary to make order of dismissal.

The following matters of general business forwarded to the Commission by the heads of the several divisions were presented by the Secretary and action as indicated was taken by the Commission:

(1) Buckle 1121 - Furniture Manufacturers' Showrooms, Inc. Memorandum of June 3rd was received from the Chief Counsel stating that counsel for the Commission and counsel for the respondent waived final argument of the case before the Commission and recommended that the case be presented to the Commission for final determination without oral argument. It was so ordered by the Commission.

(2) Buckle 1126 - Lexington Storage Warehouse Company, et al. Memorandum of June 3rd was received from the Chief Counsel stating that the case was now set for final argument on June 12, 1925, that counsel for the Commission and counsel for the respondent waived final argument of the case before the Commission and recommended that the date be now set for final argument be cancelled and the case determined by the Commission without final argument.

The recommendation of the Chief Counsel was approved and the Secretary was directed to notify interested parties of the cancellation of the date of final argument by registered mail.

(3) Buckle 1127 - Associated Furniture Manufacturers' Warehouse Company, et al. Memorandum of June 3rd was received from the Chief Counsel stating that the case was now set for final argument on June 8, 1925,

June 5, 1935.

Chief counsel for the Commission and counsel for the respondent waived final argument of the case before the Commission and recommended that the date be now set for final argument be cancelled and the case determined by the Commission without final argument.

The recommendation of the Chief Counsel was approved and the Secretary was directed to notify interested parties of the cancellation of the date for final argument by registered mail.

(4) Packet 1142 - Factory-to-You Furniture Store.

Memorandum of June 2nd was received from the Chief Counsel stating that the case was now set for final argument on June 14, 1935 and that counsel for the Commission and counsel for the respondent waived final argument of the case before the Commission and recommended that the date be cancelled and the case determined by the Commission without final argument.

The recommendation of the Chief Counsel was approved and the Secretary directed to notify interested parties of the cancellation of the date for final argument by registered mail.

(5) The Secretary reported that on June 1, 1935, he was served with subpoena duces tecum to appear as a witness and testify on behalf of the defense in the case of Maltby vs. Brill in the Supreme Court of the District of Columbia and to bring "the records and original papers in the files of the Federal Trade Commission relating to the compliance or non-compliance by the respondents with the order of said Commission passed February 9, 1933, in Case No. 44", Maltby & Maltby, known as the Taxicab case in the District of Columbia.

The Secretary stated that in response to the subpoena and in company with Attorney Kelley of the Chief Counsel's Office, he had appeared in Court with the papers and upon motion of the defense counsel had been excused by Chief Justice Coffey for the reason that the defense was not ready at that time to use the Secretary as a witness, but with instructions to hold himself in readiness to appear in response to telephone message; and that the case had been closed without the Secretary being called.

Thereupon, at the hour of 11:35 a.m., the Commission adjourned to meet Monday, June 8, 1935, at 10 a.m.

Attest:

W. B. Jackson,
Secretary.

Vernon F. Van Fleet,
Chairman.

June 8, 1925.

Saturday - June 6, 1925 - No meeting held.

Sunday - June 7, 1925 - No meeting held.

MEETING OF THE FEDERAL TRADE COMMISSION

Monday - June 8, 1925 - 10 a.m.

PRESENT:

John F. Nugent, Acting Chairman,
Charles W. Hunt,
Huston Thompson,
William S. Humphrey.

Mr. Van Fleet absent.

The minutes of the meeting of June 5, 1925, were read and approved.

Mr. Nugent presented file 1-3210 - Remington Arms Company vs. National Cash Register Company and read a memorandum of June 8, 1925, reviewing the facts and concurring in the recommendation of the Staff for complaint.

After discussion, Mr. Nugent offered the following motion seconded by Mr. Thompson:

Moved, that complaint issue charging the National Cash Register Company with violation of the Federal Trade Commission Act and that the complaint be drafted in conformity with the views of Chairman Clarke of the Board of Review and that the complaint set out the facts in the case, all of which taken together constitute unfair methods of competition.

Mr. Thompson offered an amendment to Mr. Nugent's motion, as follows:

"I move to amend Mr. Nugent's motion to include in the complaint the facts which will show enticement of employees of competitors and espionage."

The amendment was accepted by Mr. Nugent.
The motion as amended was adopted by the Commission and it was so ordered.

June 8, 1925.

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The file was referred to the Chief Counsel, via Pocket Section for preparation of complaint, the same to be served by the Secretary without further action by the Commission.

Mr. Hunt submitted the following Foreign Trade complaint and applications for complaint and action as indicated was taken by the Commission:

- (1) File 50-102 - Foreign Trade complaint of Samu Cooper, of Utila, Bay Islands, Honduras and D. H. McCollough, of Ceiba, Honduras, against the Taylor Oil Engines, Inc., of Ludington, Michigan.

Mr. Hunt submitted memorandum of June 1st reviewing the facts and concurring in the recommendation of the Export Trade Division, that a report of the facts in the case be made to the Commerce Department, the papers received from that office returned and the case in this office closed. The Commission also received draft of a letter to the Secretary of Commerce prepared by the Export Trade Division.

The memorandum was read and on motion of Mr. Hunt, the recommendation of the Export Trade Division was approved. The letter to the Secretary of Commerce was also approved and ordered forwarded after signature by the Chairman. See file.

- (2) File 1-3329 - H. & A. Selmer, Inc. vs. William S. Maynes Company.

Mr. Hunt stated that this application came direct to the Commission from the Chief Examiner without reference to the Board of Review pursuant to the Commission action of December 4, 1924.

Mr. Hunt submitted memorandum of June 3rd reviewing the facts and concurring in the recommendation of the Staff for dismissal.

After consideration, on motion of Mr. Hunt, the application for complaint was dismissed by the Commission.

- (3) File 1-2494 - L. E. Waterman Pen Company vs. A. W. Waterman Pen Company.

Mr. Hunt stated that this application came direct to the Commission from the Chief Examiner without reference to the Board of Review, pursuant to the Commission action of December 4, 1924.

Mr. Hunt submitted memorandum of June 6th reviewing the facts and concurring in the recommendation of the Staff for dismissal.

After consideration, on motion of Mr. Hunt, the application for complaint was dismissed by the Commission.

Mr. Nugent made the following statement for the record:

June 8, 1935.

"I vote to dismiss this case for the reason not only as given by Mr. Hunt that the parties are not engaged in interstate commerce, but for the further reason that I think the respondent in this case whose name is Galbraith, has a right to use his name in the sale of pens and that if there is any case here at all, it is a private controversy which should be settled between the parties."

Mr. Humphrey presented file 1-3335 - J. P. Caldwell Company vs. Howard-Cooper Corporation, and after reporting the facts, stated that he concurred in the recommendation of the Board of Review for dismissal.

After consideration, upon motion of Mr. Humphrey, the application for complaint was dismissed by the Commission.

The following motion of general business forwarded to the Commission by the heads of the several Divisions were presented by the Secretary and action as indicated was taken by the Commission:

(1) Letter from Miss Elaine H. Butler, stenographer in the Stenographic Division, requesting leave without pay because of illness.

The Commission directed that Miss Butler be granted the maximum annual and sick leave for the year and thereafter be granted leave without pay to and including September 30, 1935.

(2) Application of Werthy P. Stevens of the Economic Division for annual and sick leave from July 1, 1935 until August 31, 1935, by reason of illness. The application was endorsed by the Chief Economist and was accompanied by a doctor's certificate.

The leave was granted by the Commission.

(3) Letter of May 15th from the Illinois Grain Dealers' Association, Easton, Illinois, (C. C. Davies, President) referring to the inquiry initiated by the Commission in September 1934 in respect to margins and profits of grain dealers and making inquiry (1) "at whose request was this inquiry suspended" and (2) "what results were obtained so far as said inquiry was conducted". The Commission also received draft of reply prepared by the Chief Economist.

June 8, 1925.

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On motion of Mr. Nugent, it was directed that the correspondence be circulated.

(4) Report of the Chief Examiner of the work of the Legal Investigating Division for the month of May 1925. The report was received and placed in the Calendar.

(5) Report of the Chief Examiner of the formal cases in the hands of Trial Masters as of June 1, 1925. The report was received and placed in the Calendar.

- (6) Docket 1283 - Cedar Rapids Mill Company.
" 1284 - Grand Rapids Lumber Company.
" 1285 - Redalovich Lumber Company.
" 1286 - Deer Park Lumber Company.
" 1287 - The Sheridan-Hixon Company.

Memorandum of June 4th was received from the Chief Counsel transmitting letter of May 29th from Attorney Edward E. Rogers, Chicago, Illinois, referring to the dismissal of the complaints in the above cases on the ground that before the complaints were issued, the respondents had voluntarily discontinued the practice of using the phrase Eastern White Pine as descriptive of pine furniture, and stating that certain producers have failed to discontinue the practice and inquiring whether the Commission would entertain an application for complaint against the mills which are continuing the misdescription. The Commission also received draft of reply prepared by Attorney Bridges of the Chief Counsel's Staff.

It was directed that the matter be circulated.

(7) Memorandum of June 4th was received from the Chief Counsel transmitting letter of June 3rd from the Furniture Manufacturers' Association of Grand Rapids, Michigan, expressing appreciation of the Commission's work in connection with the furniture cases assigned to Attorney Doyle for trial, i.e., Docket 1143 - P. & J. Furniture Company; Docket 1151 - Great Eastern Wisconsin Furniture Company; Docket 1157 - Wisconsin Union, et al; Docket 1193 - Grand Rapids Sales Company; Docket 1194 - Big O Furniture Works; and Docket 1258 - Grand Rapids Furniture Company.

The letter was read and referred to the Secretary for acknowledgment and filing.

(8) Memorandum of June 3rd from the Chief Examiner reporting in response to the Commission's direction of May 21st with respect to a letter of June 1st from Miss Julia A. Robinson, Library Commissioner, State of Iowa, referring to the use of certain practices of the Pergamon Encyclopedia Corporation. The Chief Examiner reported that the preliminary investigation conducted shows that the respondent's alleged unfair practices have been used since the

June 8, 1925.

adoption of the trade practice submittal with the Subscription Book publishers and recommended that this material be made a part of file 1-3333 - F. T. C., et al vs. North American Publishing Company, et al, which is on its way to the Commission from the Board of Review.

The recommendation of the Chief Examiner was approved and it was so ordered.

(9) Letter of May 26, 1923 from the Personnel Classification Board (Circular No. 19) advising that the Board will formally act on each case of demotion or dismissal on account of inefficiency and requesting that such cases be reported to the Board for consideration and action deferred until the Board's approval is given.

The letter was referred to the Secretary for attention.

(10) Memorandum of June 4th was received from the Secretary reporting the condition of the Suspense Calendar as of June 1, 1925.

The report was referred to the Chief Examiner for attention.

(11) Memorandum of June 8th was received from the Secretary recommending that reports of trade practice submittals heretofore conducted by the Commission be edited and printed in book form.

Mr. Thompson moved that the recommendation be adopted. The motion was seconded by Mr. Hunt and adopted by the Commission and it was so ordered.

Mr. Nugent voted in the negative and stated that he voted "no" as he favored the mimeographing of the trade practice submittals, as heretofore authorized by the Commission, at a considerable less expense than the printing.

(12) Memorandum of June 8th from the Chief Counsel transmitting memorandum of June 3rd from Attorney Wooden commenting upon letter of April 24, 1925, from the Attorney General of the United States with respect to the California Redwood Lumber Manufacturers' Association.

It was directed that the memorandum be circulated.

(13) Memorandum of June 4th from Trial Examiner Sheppard in regard to a letter addressed to the Commission under date of May 26, 1925, by the Comptroller General of the United States (Lurtin R. Ginn, Acting Comptroller General) reporting an indebtedness on the part of Mr. Sheppard to the United States, calling the Commission's attention to Section 1766 of the Revised Statutes and in connection therewith requesting the Commission to withhold payment of further compensation due Mr. Sheppard until the indebtedness is satisfied.

June 8, 1905.

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In his memorandum Mr. Sheppard reviewed the matter and concluded as follows:

"I have considered, therefore, after consideration, to adjust the matter and will ask the Commission to give me its assistance in this, in the following respects: request the Comptroller General's Office to allow me sufficient time, possibly if necessary up to the end of the next month of June, within which time will allow me to do one of two things, first, I wish to take the matter up with the Department of the Interior with the intent of obtaining their assistance in having this matter submitted to the Bureau of the Budget and subsequently provided for in the next budget bill before Congress meets, failing in this, I desire to make arrangements to pay the amount in full."

The Secretary reported that upon receipt of the Comptroller General's letter above referred to, the Director Office and the Fishery Bureau and Mr. Sheppard had been notified that in accordance with the Comptroller General's letter and the action of the Revised Statutes mentioned, that until further direction, no payment of further compensation was Mr. Sheppard to make. The Secretary reported the opinion of the Fiscal Officer and the Comptroller General that the Comptroller General's request that no further payment of compensation be made Mr. Sheppard, was mandatory on the Commission.

The Commission directed, on motion of Mr. Tamm, that Mr. Sheppard's compensation be suspended and filed without action, it being the opinion of the Commission, that the matter was one to be settled between Mr. Sheppard and the Comptroller General and that the Commission was bound to withhold payment of compensation when the State is referred to.

[14] Memorandum of June 8th was received from the Chief Counsel (prepared by Attorney L. L. Smith) reporting in response to the Commission's direct on of June 7, 1905, as follows: as to whether the Commission was jurisdiction to proceed in

- Parcel 334 - Garcia, Miller & Sheppard, et al.
- " 344 - T. J. Sheppard.
- " 354 - Kelly Fry & Co. & Shipbuilding Company, Inc.
- " 364 - Levine Company, Inc.
- " 374 - Liberty Iron & Steel Company, Inc.
- " 384 - A. B. Davis & Company, Inc.

A letter from the Chief Counsel in the ship building to Henry. The Commission also received a second memorandum of June 8th from

June 8, 1925.
June 10, 1925.

The Chief Counsel (represented by Alexander W. S. Kelley) also reported to the power of the Commission is concerned with my reason.

Such documents were circulated.

Thereupon, at the hour of 11:45 a.m., the Commission adjourned to meet Wednesday, June 10, 1925, at 10 a.m.

J. F. Nugent
June F. Nugent,
Acting Chairman.

Attest:

W. L. Thompson
W. L. Thompson,
Secretary.

Friday - June 12, 1925 - no meeting held.

MEETING OF THE COMMISSION TO RECONSIDER

Wednesday - June 10, 1925 - 10 a.m.

PRESENT:

Harold W. Van Fleet, Chairman,
John F. Nugent,
Charles W. Smith,
Eugene Thompson,
William L. Thompson.

The minutes of the meeting of June 8, 1925 were read and approved.

June 10, 1925.

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Chairman Van Fleet submitted the following motion and action as indicated was taken by the Commission:

(1) Salaries of members of Board of Review.

Mr. Van Fleet referred to the variance in the salaries paid members of the Board of Review and thereafter offered the following motion, seconded by Mr. Hunt:

Moved, that the salaries of Messrs. Jakes and Laddison be increased from \$2800. and \$1000. respectively to \$1600. each, to be in accord with the salaries paid other members of the Board, except Mr. Laddison who had some salary increases effective July 1, 1925.

As to the foregoing motion, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The motion carried and it was so ordered.

(2) Salary of Attorney-in-Chief J. C. Purdee.

Mr. Van Fleet referred to the fact that the Personnel Classification Board a year or more ago had recommended Purdee salary from \$3600. to \$3800, while Mr. Purdee was on the Chief Examiner's Staff and to the fact that Mr. Purdee was now an associate attorney assigned to the Chief Counsel's Office and thereafter offered the following motion, seconded by Mr. Thompson:

Moved, that Mr. Purdee's salary be increased from \$3000. to \$3400. effective July 1, 1925.

The motion was adopted and it was so ordered.

(3) Salaries of Trial Examiners.

Mr. Van Fleet referred to the variance in salaries of several Trial Examiners and thereafter offered the following motion, seconded by Mr. Humphrey:

Moved, that the salaries of Messrs. Addison, Arnold, Brown, Cushman, Shaffer and Smith be increased from \$2400. to \$2600. effective July 1, 1925.

In an addition to the foregoing motion, the following motion was offered by Mr. Nugent:

Moved, as an amendment, that the salary of E. C. Reeves, a Trial Examiner, be decreased from \$2600. to \$2400. and that the salaries of the other sitting examiners remain as now fixed.

June 16, 1923.

The motion was lost for lack of a second.

Vote was then taken upon the original motion. As to this motion, Messrs. Van Fleet, Hunt and Humphreys voted in the affirmative and Messrs. Baggett and Thompson voted in the negative. The motion carried and it was so ordered.

Mr. Thompson's second motion was stated for the record as follows:

"I do not believe in increasing the salaries of all but believe we should vote on each one separately."

(4) Mr. Van Fleet read and offered the following motion which was accepted by Mr. Hunt:

"I move whereas the appropriation bill providing for funds for the Federal Trade Commission and the Department thereof for the fiscal year ending July 1, 1924, provides that no part of the sum appropriated shall be expended for investigations, except by concurrent resolution of Congress, except investigations in connection with alleged violations of antitrust acts, it is ordered in accordance with the provisions of said law that no funds of this Commission shall be expended on and after said date and during said fiscal year upon any investigation requested by either House of Congress, unless for the purpose limited by said act, and all employees of this Commission are ordered not to expend any funds of the Commission otherwise. The Secretary is ordered to bring this order to the attention of all such employees."

Prior to vote upon this motion and at the suggestion of Mr. Baggett, the Committee directed that copies of the motion be furnished each Commissioner and that vote be held over until Friday, June 16, 1923.

(5) Letter of May 16th from the Secretary of the Treasury (A. W. Belmont) replying to the Commission's letter of May 15th and forwarding various information from the files of the Internal Revenue Bureau with respect to, whether or not such as desired by the Commission in its investigation of the American Tobacco Company and the Imperial Tobacco Company, Ltd., pursuant to Senate Resolution 203, adopted February 3, 1923. (Senator Baggett).

The letter was read and referred to the Chief Clerk for attention.

June 10, 1935.

(6) Letter of June 3rd from the (American Association, Inc., 175 W. Allen, Baltimore, Executive Committee), New York City, requesting the Commission to give precedence to the Philippine Embassy and furniture cases now pending before it.

The letter was read and it appearing that the Commission has heretofore given special instructions for the handling of these cases, the letter was referred to the Secretary for acknowledgment and the Chief Counsel and the Chief Examiner for information.

(7) Letter of June 3rd from the Commissioners' Association (15 E. 40th, Brooklyn, New York City), requesting the Commission to indicate a representative to attend the conference between the Commissioners' Association and the National Association of Attorneys of United States. The letter was referred to a conference with Attorney General of the Commission's New York Office with respect to complaints relating to certain goods sold as "Real Silver" and transmitted a letter of June 3rd to the New York Office setting forth the substance of the interview with Attorney General.

The correspondence was read and referred to the Secretary to advise the Association that the Commission was requested Attorney General to attend the conference referred to without making an address and to report to the Commission the proceedings. The Secretary was also directed to notify the Chief Counsel and Attorney General.

(8) Letter of June 4th from the Department of State (Bureau of Consular Affairs), acknowledging the Commission's letter of May 15th in regard to the case of the American Company and the American Company and further requesting that the Commission could arrange an interview between one of its representatives and Mr. Arthur Hughes, the Commercial Attache of the United States, Bureau, Bureau of Mr. Hughes desires to furnish information which the Commission would be useful to the Commission in this proceeding.

The letter was referred to the Secretary to prepare reply advising the Department of State that the Commission will confer with the Commercial Attache in the case. The letter was also referred to the Chief Counsel for the purpose of the interview.

(9) Letter of June 3rd from the American National Bank (100 W. 40th, Brooklyn, New York City), requesting the Commission to make an investigation of the charges of unfair trade practices made to the Commission by the American National Bank in the case of the American National Bank in February 1935 by J. P. Russell, President of the Philippine National Bank, Inc. The charges related to the sale of certain goods.

The letter was read and the substance of the complaint was noted and the matter was referred to the Chief Counsel to make a confidential inquiry and report to the Commission. It was so ordered.

June 10, 1938.

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(10) Letter of June 10 from the Department of Justice (William J. Donovan, Assistant to the Attorney General) regarding the Phillips-James Corporation. The letter stated that complaint had been made that the said company maintains a policy of enforcing resale price restrictions in violation of the antitrust laws and referred to the action of the Commission in dismissing its complaint against this company and requested a statement of the grounds for dismissal in order to avoid, if possible, a duplication of work. The Commission's work is dated 1934 & Phillips-James Corporation. The letter was referred to the Secretary with instructions to furnish a copy of the pleadings and a statement of the reasons for dismissal of the complaint.

(11) Letter of June 10 from the Department of Justice (William J. Donovan, Assistant to the Attorney General) relative to the application by the Standard Copper Company of a controlling interest in the American Copper Company and the Phillips-James Corporation. The letter stated that in the course of an investigation of complaints concerning this transaction, it was found to the satisfaction of the Department that the Commission has recently dismissed a formal complaint covering the transaction and requested copies of any findings or opinion filed by the Commission, etc. The letter was referred to the Chairman to prepare reply to the effect that the Commission has not yet decided its case and consequently cannot express any opinion.

(12) Letter of July 28th from the Department of Justice (William J. Donovan, Assistant to the Attorney General) relative to the application by the Standard Copper Company of a controlling interest in the American Copper Company. The letter stated that in the course of an investigation by the Department of complaints concerning the above transaction, it was found to the satisfaction of the Department that the Commission has recently dismissed a formal complaint which had been issued covering the above transactions and requested a copy of any findings or opinion filed by the Commission, etc. The letter was referred to the Chairman to prepare reply to the effect that the Commission has not yet decided its case and consequently cannot express any opinion.

In action of the Chairman, the Secretary was directed to prepare letter setting forth the Commission's action in the matter showing that it was dismissed by the majority with the dissent and forward a copy of the Chief Counsel's memorandum in the matter and a copy of the memorandum by the dissenting Commissioner and also to call attention to the fact that the matter was disposed of as an application for complaint and that no formal complaint was ever issued by the Commission.

June 16, 1935.

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(13) Letter of June 11 from the Department of Justice (William J. Donovan, Assistant to the Attorney General) reporting that the Department is in receipt of a complaint to the effect that the Radio Corporation of America in a party to various agreements and licenses violative of the anti-trust acts, referring to the Commission's proceeding on the subject and requesting with a view to avoiding duplication of work, to be informed whether or not the Commission has instituted any investigation involving the organization of the Radio Corporation of America and if so whether such inquiry has been terminated and what was the result thereof.

The letter was referred to the Secretary to prepare reply advising of the pendency of the Commission's complaint and to transmit a copy of the pleadings in the case with the statement that the case is expected to proceed to trial in the early fall.

Mr. Post reported conference with H. A. Bickie, Secretary of the Label Manufacturers' National Association, New York City, with a view to having the Commission reconsider and amend its order in deciding to approve certain sections of a code of ethics adopted by the Labeling Box Manufacturers' Association. Mr. Post informed the Commission that he had suggested that the matter be set out in a letter to the Commission.

Mr. Thompson submitted the following application for complaint and action as indicated was taken by the Commission:

- (1) File 1-2418 - Western Union Telegraph Company vs. Day Advertising Company.

Mr. Thompson stated that this application came direct to the Commission from the Chief Examiner without reference to the Board of Review pursuant to the Commission's action of December 3, 1934.

Mr. Thompson submitted memorandum of June 10, 1935, reviewing the record and recommending the recommendation of the Staff for dismissal.

The memorandum was read and thereafter, a motion of Mr. Thompson, seconded by Mr. Watt, the application for complaint was discussed by the Commission.

- 2) File 1-2712 - East Trading Company (Wholesale) vs. Oriental Show-You Company.

Mr. Thompson submitted memorandum of June 16th reviewing the record and disagreeing with the recommendation of the Board of Review that the case be referred to the Chief Examiner to be handled by stipulation and recommending that complaint issue.

June 10, 1935.

The memorandum was read and thereafter, Mr. Thompson offered the following motion, seconded by Mr. Ingersoll:

Moved, that complaint issue charging the Oriental Steamship Company with violation of the Federal Trade Commission Act.

In substitution for the foregoing motion, it was moved by Mr. Van Fleet, seconded by Mr. Hunt, that the case be handled under the rule by stipulation.

Vote was taken on the substitute motion. As to this motion Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Ingersoll and Thompson voted in the negative. The substitute motion was adopted and the case referred to the Chief Clerk to be handled by stipulation under the rule and report to the next day.

Messrs. Ingersoll and Thompson asked that their dissent be noted.

Mr. Humphrey presented a memorandum of June 8th from Trial Attorney Boyle recommending that complaint in Docket 1218 - Herwood-Wakefield Company be dismissed for reasons stated in the memorandum.

Mr. Humphrey informed the Committee respecting the contents of the memorandum and Mr. Boyle's views and stated that after careful consideration of the matter, he was still of the opinion as expressed at the time the complaint was filed, that the complaint should go forward and not be dismissed, and asked if the matter was considered in his absence that the views be made known and that he favored the complaint because the matter was misleading to the public.

Mr. Van Fleet suggested that the matter be circulated.

At this time Mr. Van Fleet was excused from the meeting.

Vernon W. Van Fleet,
Chairman.

Adjunct:

John J. Ingersoll,
Secretary.

June 10, 1935.

PRESENT:

John E. agent, Acting Chairman.
Charles P. Hunt,
Martin Thompson,
William L. Humphrey.
Jr. Van Fleet absent.

After further discussion, it was ordered that the matter be circulated.

The following matters of general business forwarded to the Commission by the heads of the several divisions were presented by the Secretary and action as indicated was taken by the Commission:

(1) Letter of June 8, from F. L. Gerdip, Industrial Engineer, Derby, Connecticut, representing the American Manufacturers of Cotton & Safety Pins and asking complaint against William Prym of Berlin, Inc., New York City, "exclusive sellers of products of William Prym, Ltd., Stollberg, Germany", of unfair trade practices in alleged failure to properly mark imported pins and needles in America below the cost of production abroad.

Mr. Humphrey informed the Commission with respect to the nature of the complaint and thereafter, it was ordered that the matter be referred to the Chief Counsel to advise the Commission as to whether or not the Commission has jurisdiction to proceed.

(2) Bureau 1935-48, R. Lallinor & Company, Inc.

Memorandum of June 8th was received from the Chief Counsel transmitting letter of June 8, 1935 from Rose & Fashier, Counsel for the respondent, in which the statement is made that the sign "Lallinor's Silk de Luxe Fabrics" on a building at Trenton, N. J., which had been complained of to the Commission by Francis M. Stone, Textile Mixer, New York Commercial, in letter of May 28th, 1935, will be changed to conform with the stipulations. The Chief Counsel so stated that the assurances be accepted and the matter closed. It was directed that the matter be circulated.

(3) Bureau 1935-49 - Iowa-Cherokee Indian Wholesaler's Association, et al.

Memorandum of June 8th was received from the Chief Counsel transmitting request of Messrs. Tinley, Mitchell, Bone & Mitchell (former extension) of time for filing brief for the respondents. The Chief Counsel has filed a motion to reopen the case. The Chief Counsel recommended that the time for filing briefs be opened for all the respondents to extend twenty days after the receipt of copy of the Commission's brief.

June 10, 1935.

The recommendation of the Chief Counsel was approved and the Chief Counsel was directed to prepare and the Secretary to serve appropriate order.

(4) Financial statement submitted by the Secretary of the allotments, expenditures and liabilities to the end of May 1935.

The report was received and placed in the calendars.

(5) Memorandum of June 8th was received from the Chief Examiner transmitting and approving the request of Attorney Lundquist for thirty days sick leave, twenty-nine days annual leave and three months leave without pay because of illness.

The leave as requested was granted by the Commissioner.

(6) Letter of June 8th was received from the Cincinnati Candy Association (H. M. Keeler, Business Manager), Cincinnati, Ohio, requesting an opinion by the Commissioner and advice for the future guidance of the Association in regard to bringing pressure to bear upon manufacturers to sell their goods at a price which will allow jobbers a higher margin of profit, etc. The Commissioner also received draft of reply prepared by the Chief Examiner.

It was directed that the matter be circulated.

(7) Letter of June 8th was received from John D. Byrnes, Special Examiner in the Economic Division, requesting three months leave without pay beginning June 11, 1935, because of illness. The request was approved by the Chief Examiner.

The leave requested was granted by the Commissioner.

(8) Packet 435 - Pure Silk Laundry Mills.

Memorandum of June 8th was received from the Chief Counsel transmitting a petition for filing in the United States Circuit Court of Appeals for the Seventh Circuit in the matter of the enforcement of the decrees of that Court in the above case.

The memorandum was read and on June 10, 1935, approved by the Chief Examiner, the Commissioner approved the petition and directed that the same be filed with the Court.

Thereupon, at the hour of 11:30 a.m., the Commissioner adjourned to next Friday, June 12, 1935, at 10 a.m.

Attest:

John P. Lundquist
John P. Lundquist,
Chief Examiner.

John P. Lundquist
John P. Lundquist,
Chief Examiner.

June 12, 1935.

Tuesday - June 11, 1935 - No meeting held.

ATTENDANCE AT THE COUNCIL MEETING

Friday - June 10, 1935 - 10 a.m.

PRESENT:

Verdon W. Mac Fleet, Chairman,
John W. Rogers,
Charles W. Hunt,
Horton Thompson,
William D. Humphrey.

The minutes of the meeting of June 10, 1935 were read and approved.

Mr. Humphrey presented memoranda of May 15th from the Chief Counsel recommending certain salary increases, which was presented to May 15th and circulated. Mr. Humphrey stated that the memorandum had been revised by striking therefrom the names of Messrs. L. J. and C. J., whose salaries were increased after date of June 10, 1935 and by adding the name of Mr. De Ruler and thereafter, offered the following motion:

Moved, that the recommendation of the Chief Counsel be approved and that the following salary increases be allowed:

L. A. Cox	from \$4100. to \$4150.
J. T. Reardon	" 4000. to 4100.
C. A. Sweet	" 4000. to 4100.
L. J. Rowland	" 4000. to 4100.
G. R. DeRuler	" 4600. to 4800.
R. F. Whiteley	" 3800. to 4000.
R. W. Brownell	" 3600. to 4000.
L. J. Craven	" 3600. to 4000.
A. L. Torrey	" 3600. to 3750.

Mr. Thompson suggested that the matter be laid over for a few days to permit the Council members to study the recommendation. This was agreed to with the understanding that Mr. Humphrey be recorded in favor of the increase if the subject is taken up in his absence.

June 12, 1925.

Mr. Humphrey suggested that the action offered on June 10, 1925, by the Chairman be considered at this time as it would be necessary for him to leave the meeting in a short time.

The Commission thereupon considered the following action which was offered on June 10, 1925, by Mr. Van Fleet, seconded by Mr. Hunt:

"I move, whereas the appropriation bill providing for funds for the Federal Trade Commission and the expenditures thereof for the fiscal year beginning July 1, 1925, provides that no part of the sum appropriated shall be expended for investigations except by concurrent resolution of Congress, except investigations in connection with alleged violations of anti-trust acts, it is ordered in accordance with the provisions of said law that no funds of this Commission shall be expended on and after said date and during said fiscal year upon any investigation requested by either House of Congress alone, unless for the purpose limited by said act, and all employees of this Commission are ordered not to expend any funds of the Commission otherwise. The Secretary is ordered to bring this order to the attention of all such employees."

After discussion, vote was taken upon the motion. Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Lippert and Thompson voted in the negative. The motion carried and it was so ordered.

Messrs. Van Fleet and Thompson asked that their dissent be recorded and stated that they would file a public statement in dissent.

Mr. Humphrey requested to see the dissent of Messrs. Lippert and Thompson and stated that he reserved the right to make a statement in reply.

Mr. Thompson made the following statement for the record:

"Let the record show in explanation of my dissent I wish to state for the record I do not dissent to the enforcement of the law but to the form of the resolution as adopted by the Commission. In that, I think that the Mr. Lippert should take the full responsibility of determining what work should be done, if any, upon the various resolutions sent down by the Senate for investigation."

June 12, 1925.

Mr. Tugent referred to the rule adopted by the Commission to the effect that information voluntarily furnished the Commission would not be referred to other Government agencies without the consent in writing of the party furnishing the information. This rule is laid down with respect to the following cases:

Docket 1222 - Chicago Retail Lumber Dealers' Association, et al.
----- The Aluminum Company of America,
File 1-2462 - E. T. G. vs. Wallpaper Manufacturers' Association of the United States.

as shown in the minutes of January 10, February 11 and May 20, 1923, respectively.

Mr. Tugent and Mr. Thompson stated that in addition to having their dissent to the Commission's action in this respect noted upon the minutes and the survey, etc., so they would file a public statement.

Mr. Van Fleet asked to see how state was prior to its publication with a view to preparing a reply.

Formal dockets were appearing on the weekly conference. Minutes for formal intervention were considered by the Commission and action was indicated as to cases by the Commission:

(1) Docket 1122 - Westinghouse Electric Works.

This case came before the Commission for final determination upon the following records: complaint; answer; testimony; report upon the facts by Trial Examiner Thompson; exceptions thereto by counsel for the respondent; removal for the Commission did not file exceptions; brief by counsel for the Commission; counsel for the respondent claimed filing of brief and presentation of oral argument. This case would represent the Commission's decision. Counsel for the respondent appeared in the courtroom.

After consultation, on motion of Mr. Tugent, seconded by Mr. Van Fleet, the Commission directed that an order be issued for all papers and that a copy of the oral argument be filed in the Commission for approval as to form, draft of findings as to the facts and order to prepare a decision.

(2) Docket 1122 - Local 101, American Federation of Teachers, et al.

This case came before the Commission for final determination upon the following records: complaint; answer; testimony; report upon the facts by Trial Examiner Thompson; exceptions thereto by counsel for the respondent; removal for the Commission did not file exceptions; brief by counsel for the Commission; counsel for the respondent claimed filing of brief and presentation of

June 12, 1935.

oral argument. Attorney Doyle represents the Commission. Attorney Mark Goldberg represents the respondents.

After consideration, on motion of Mr. Nugent, recorded by Mr. Van Fleet, the Commission directed that an order to issue and docket issue and that the Chief Counsel prepare and submit to the Commission for approval as to form, draft of findings as to the facts and order to issue and docket.

(3) Pocket 1225 - Associated Furniture Manufacturers' Warehouse Company, et al.

This case came before the Commission for final determination upon the following records: complaints; answers; testimony; reports upon the facts by Trial Examiner Saxgaard; objections thereto by counsel for the Commission; exceptions thereto by counsel for the respondents; brief by counsel for the Commission; counsel for the respondents waived the filing of brief and presentation of oral argument. Attorney Doyle represents the Commission. Attorneys David Gordon and Gordon, Jolly & Gordon represent the respondents.

After consideration, on motion of Mr. Nugent, recorded by Mr. Van Fleet, the Commission directed that an order to issue and docket issue and that the Chief Counsel prepare and submit to the Commission for approval as to form, draft of findings as to the facts and order to issue and docket.

(4) Pocket 1256 - Continental Products Corporation.

This case came before the Commission for final determination upon the following records: memoranda of May 20, 1935 from the Chief Counsel transmitting the case and case records; disclaimer without prejudice; complaint; answer; stipulation as to the facts. No testimony was taken nor briefs filed. Attorney Doyle represents the Commission. Attorney Charles L. Bradley represents the respondent.

After consideration, Mr. Van Fleet offered the following motion, recorded by Mr. Nugent:

Moved, that the complaint be dismissed in accordance with the recommendation of the Chief Counsel.

In substantiation for the foregoing motion, the following motion was offered by Mr. Nugent, recorded by Mr. Thompson:

Moved, that an order be issued and docket issue in this case.

Votes were taken upon the substitute motion. As to this motion, Messrs. Van Fleet and Thompson voted in the affirmative and Messrs. Van Fleet, Hurd and Thompson voted in the negative. The substitute motion was lost.

June 12, 1925.

Vote was thereupon taken upon the original motion. In this action, Messrs. Van Fleet, Eli and Mayberry voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The motion carried and it was so ordered.

Messrs. Nugent and Thompson asked that their dissent be noted.

The Chief Counsel was directed to prepare and the Secretary to serve order of dismissal.

(5) Docket 1266 - Express Manufacturing Company.

On April 31, 1925, the Commission received this case to the Chief Counsel with instructions to incorporate in the stipulation of facts, a statement that the respondent will not resume the practice charged in the complaint.

Pursuant to the above action, the case is before the Commission upon the following record: memorandum of Day 31 from the Chief Counsel transmitting stipulation pursuant to the Commission's direction; stipulation as to the facts; complaint.

After consideration, a motion of R. Dugan, executed by Mr. Van Fleet, the stipulation was accepted and the complaint dismissed.

The Chief Counsel was directed to prepare and the Secretary to serve order of dismissal.

The Chairman presented the following matters and action as indicated was taken by the Commission:

(1) Letter of June 11, 1925, from the Comptroller General of the United States to the Commission as follows:

"June 11, 1925.

"The Chairman,
Federal Trade Commission.

Sir:

On May 26, 1925, I requested you, in conformity with section 1725, Revised Statutes, to withhold payment of compensation to William T. Sherrill, an employee of your office, until there be satisfied an indebtedness of \$286.71 due to the United States pursuant to a settlement by the General Accounting Office of his account as Special District Agent and Inspector of Inheritance at large in the Indian Service, which settle-ment of his accounts was sustained by me in decision of July 31, 1924, and copy furnished you with my said letter of May 26, 1925.

June 12, 1935.

"There has been received a letter from Mr. Shepard, dated June 9, 1935, in which he states that a withholding of his entire salary would work a hardship upon him and his family, and, therefore, requests permission to have the indebtedness liquidated by monthly installments of \$40.00, beginning July 1, 1935.

"You are advised that this undertaking will not be objected to by this office while Mr. Shepard remains an employee with your Commission; if there be filed in this office at any time, the consent thereto of the surety of the Special Disbursing Agent, but I must request that the installment payments be made from each salary including with the month of June 1935, and that all amounts payable, to the full amount of such indebtedness remains unpaid, be withheld in the event Mr. Shepard's employment with your Commission should be terminated.

Respectfully,

J. R. DeFur,
Comptroller General,
of the United States."

The letter was read and referred to the Secretary for attention.

[2] In response to the Commission's action of June 12th, the Division presented draft of replies to the Department of Justice in reply to letters from William J. Brennan, Assistant to the Attorney General, as follows:

- (a) Letter of June 12th is re acquisition by the Tennessee Copper Company of a controlling interest in the Utah Copper Company.
- (b) Letter of June 12th is re Phillips-Jones Corporation.
- (c) Letter of June 12th is re acquisition by the American Copper Company of a controlling interest in the American Brass Company and the Utah Copper Company.
- (d) Letter of June 12th is re Radio Corporation of America.

The replies were read, amended in certain instances as shown, on marked copy and hereafter approved and ordered forwarded.
See file

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(3) Letter of June 9th from Arthur J. Stewart, Elmira, New York, addressed to the President of the United States and complaining of the recent advance and the present high cost of lamons. The letter was referred by stamp reference to the Commission for acknowledgment and consideration.

The letter was read and referred to the Chief Secretary for attention.

(4) In connection with the investigation being conducted under Senate Resolution 339, adopted February 3, 1925 (Senator Brand) the Commission received the following letters: First, letter of June 9th from E. T. Joyner, Assistant General Counsel, Tobacco Growers' Cooperative Association, Raleigh, North Carolina, and second, letter of June 10th from Carl J. Davis, (Davis & McKee) attorneys-at-law, Detroit, Michigan, representing the Tobacco Growers' Cooperative Association. These letters were in response to the Commission's letter of June 1st and referred to conference held with Messrs. Anderson and Lehegan of the Chief Executive's Staff. Mr. Davis' letter advised the Commission that these gentlemen had been informed that the report would be completed about June 20th and it was suggested that at that time they meet with the Commission. Mr. Davis stated that they would be glad to meet with the Commission before the report is filed at any time suggested by the Commission.

After discussion, the following action was offered by Mr. Thompson, seconded by Mr. Van Fleet and adopted by the Commission:

Resolved, that the report be submitted to the Commission immediately upon its completion and that a copy of the report be hereafter transmitted to representatives of the farmer and cooperative groups and also to the American Tobacco Company and the Imperial Tobacco Company with notice that a hearing will be granted by the Commission in connection with the report on June 23, 1925, at 10 a.m., and that representatives of the parties may be present if they so desire; and further that in transmitting the report the statement be made that it is a tentative report.

At this time Mr. Humphrey was excused from the meeting.

PRESENT:

Vernon E. Van Fleet, Chairman,
John T. Nugent,
Charles E. Root,
Linton Thompson.

Mr. Humphrey absent.

(5) File 1-3842 - E. T. S. vs. Keweenaw Copper Corporation.
The Chairman referred to the operation of a selling agency as disclosed by the record in this case and suggested the desirability of further study to develop fully the facts surrounding the

June 12, 1925.

organization, operation and results of this selling agency, and with that end in view, moved that the Chief Examiner be instructed to institute an informal inquiry, to be conducted by the New York Office to ascertain all the facts and report to the Commission within four weeks from date.

The motion was adopted by the Commission and it was so ordered.

Mr. Thompson referred to conference with Attorney Doyle of the Commission's Staff to the effect that competitors of the Mack, Miller Candle Company - Patent 1125, were engaged in unfair practices concerning the wickless content of candles. Mr. Thompson suggested that the Commission conduct an informal inquiry of the candle industry to gather the facts as to whether any of the competitors of the Mack Miller Candle Company follow any of the practices condemned in that complaint and further as to whether any other unfair methods are being employed and report to the Commission.

Mr. Thompson moved that the Chief Examiner be directed to make this inquiry. The motion was seconded by Mr. Van Fleet and adopted by the Commission and it was so ordered.

Mr. Hunt presented a letter of June 8th from the United Serum Company, Kansas City, Kansas, referring to a statement issued June 4, 1925, by the Commission covering a trade practice submitted with manufacturers of Anti-Dog Cholera Serum & Virus and calling attention to alleged false and misleading advertising on the part of the Serum Laboratories, Inc. of St. Paul, Minnesota.

Mr. Hunt informed the Commission of the nature of the complaint and moved that the correspondence be referred to the Chief Examiner for attention.

The motion was adopted and it was so ordered.

The following letters of general business forwarded to the Commission by the heads of the several divisions were presented by the Secretary and action as indicated was taken by the Commission:

- (1) File 1-K-100 - Charles B. Bonn vs. Aluminum Company of America.

The Secretary referred to the Commission's action of May 25, 1925, in directing that complaint issue charging the

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Aluminum Company of America with unfair methods of competition under the Federal Trade Commission Act and also charging violation of the Clayton Act and directing the Chief Counsel to prepare draft of complaint and submit the same to the Commission for approval as to form and pursuant to the above direction presented draft of complaint prepared by the Chief Counsel charging the Aluminum Company of America with violation of Section 2 of the Clayton Act and Section 4 of the Federal Trade Commission Act.

On motion of Mr. Thompson, it was directed that copies of the complaint be delivered to each Commissioner for consideration and that the complaint be considered at a later meeting.

(2) Docket #88 - Calumet Baking Powder Company.

Memorandum of June 11th was received from the Chief Counsel transmitting motion of Attorney Marvin Farrington for an order allowing him to be entered as attorney of record for West Wheat Millers' Association, Intervenor, in lieu of the firm of King & King. The firm of King & King consent to an allowance of the motion. The Chief Counsel recommended that the motion be granted.

The motion was granted by the Commission and order to this effect approved and entered.

(3) Docket 1910 - Pittsburgh Coal Company of Wisconsin, et al.

Pursuant to the action of the Commission of May 15, 1925, the Commission received (1) motion dated June 4, 1925, filed by counsel for the respondents to amend the order to cease and desist dated March 15, 1925, by striking out sub-paragraph Seven of Paragraph One thereof relating to the furnishing to the Secretary of respondent association by members of said association, the names of retail dealers or other customers, who are delinquent in paying accounts before the 15th day of the second month following the shipment of coal, or any other day certain and also by striking out in Item 4 in next to the last paragraph of the order, the words "accounts past due" which relate to the furnishing of such information by the Secretary to the members; and (2) memoranda on respondents' motion to amend the order filed by counsel for the respondent and counsel for the Commission, dated June 4, and June 10, 1925, respectively. Attorney Hayscraft, counsel for the Commission, stated that he did not wish to oppose the motion to amend the order as filed by counsel for the respondents.

After consideration, Mr. Van Fleet offered the following motion, which was adopted by the Commission:

Moved, that the motion filed by counsel for the respondents to modify the outstanding order to cease and desist be granted and that the order be modified accordingly.

June 12, 1923.

The Chief Counsel was directed to prepare modified order pursuant to the Commission action, the same to be served by the Secretary.

(4) Docket 1262 - Larrowe Milling Company, et al.
Memorandum of June 12, 1923, was received from the Chief Counsel recommending that the time for filing answers in this case on behalf of all the respondents be extended thirty days from June 14, 1923.

The recommendation of the Chief Counsel was approved and the Chief Counsel directed to prepare and the Secretary to serve appropriate order.

(5) Letter of June 8th from Senator Royal G. Copeland of New York, transmitting a letter of May 29th from the Hilton Paper Company (L. H. Bogart), New York City. The letter from the Hilton Paper Company transmitted as an enclosure a letter of May 28th from the Employing Engravers' Association of New York directing the attention of the stationery, printing and allied trades to a statement of the Commission with respect to the use of the words "Engraved" and "Enbossed" as applied to a product not made from copper plates or steel dies. The Hilton Paper Company requested information with respect to the continued use by them of the words on their stationery as follows "Makers of Fine Papers", when as a matter of fact the firm were not makers of paper, etc.

The correspondence was read and referred to the Chief Examiner for preparation of reply.

(6) Letter of June 8th from the Southern Paper & Millwork Manufacturers' Association, Atlanta, Georgia. (G. B. Harman, Secretary) inviting the Commission to designate a member to attend and address a general meeting of the Association at Biltmore, North Carolina, on July 16, 18 and 17, 1923.

The letter was read and referred to the Secretary to express the Commission's regret that it would be impossible for any member to attend the meeting.

(7) File 1-2773 - Glib Welding Machines Company vs. Electric Arc Cutting & Welding Company.

Letter of June 8th was received from the Glib Welding Machine Company, applicant, referring to the dismissal of the case under date of May 21, 1923, "for the reason that the matters involved are in litigation between the parties in the Courts". The letter stated that the decision was based

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an misinformation and requested the Commission to reopen the case. The Commission also received draft of reply prepared by the Chief Examiner setting out in more detail the reasons for dismissal.

The letter was read, approved and ordered forwarded.

(b) Employment of Hugh A. White.

The Secretary reported that the present employment of Mr. White under his original contract would terminate at the close of business June 15, 1925 and of the recommendation of Trial Attorney Hays in charge of Record 962 - Bethlehem Steel Corporation, et al, and the Chief Counsel that Mr. White's employment be continued for a further period of six months from June 15, 1925.

The Secretary reported the terms of the present employment to be that Mr. White was employed at \$3000. per annum, with per diem while away from Minneapolis, Minnesota.

After discussion, the following action was offered by Mr. Van Fleet, seconded by Mr. Hunt:

Moved, that Mr. White's employment be extended for a period of six months at a salary of \$3000. and that he be not allowed per diem, except when away from Washington, for the reason that he resides in the City of Washington.

The foregoing motion was adopted by the Commission and it was so ordered.

Mr. Hunt stated for the record as follows:

"I vote for the foregoing motion upon the statement that it is illegal for the Commission to vote per diem for Mr. White in view of the fact that he is residing in the City of Washington and that per diem can be paid only when he is outside of Washington."

Whereupon, at the hour of 11:45 a.m., the Commission adjourned to meeting Monday, June 15, 1925, at 10 a.m.

Vernon W. Van Fleet,
Chairman.

Attest:

Secretary.

June 12, 1925.

Saturday - June 13, 1925 - No meeting held.

Sunday - June 14, 1925 - No meeting held.

MEETING OF THE FEDERAL TRADE COMMISSION

Monday - June 15, 1925 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Nugent,
Charles W. Hunt,
Huston Thompson,
William E. Humphrey.

The minutes of the meeting of June 12, 1925, were read and after amendment were approved.

Mr. Van Fleet submitted the following listed applications for complaint and action as indicated was taken by the Commission:

(1) File 1-3361 - E. H. Eazy & Company vs. Elizabeth Arden.

Mr. Van Fleet presented memorandum of June 11th reviewing the facts and thereafter offered the following motion, seconded by Mr. Humphrey:

Moved, that the application for complaint be dismissed.

As to the foregoing motion, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The motion carried and the application dismissed.

Messrs. Nugent and Thompson asked that their dissent be noted.

(2) File 1-3771 - Lockman & Seacher vs. Tim's Cap Corporation.

Mr. Van Fleet presented memorandum of June 13th reviewing the facts and thereafter offered the following motion, which was seconded by Mr. Humphrey:

Moved, that the application for complaint be dismissed.

The motion was adopted and it was so ordered.

June 15, 1925.

(3) File 1-3628 - Unfair Competition Bureau of the Paint & Varnish Industries vs. Excelsior Paint Works.

Mr. Van Fleet submitted memorandum of June 11th reviewing the facts and thereafter offered the following motion, recorded by Mr. Hunt:

Moved, that the case be sent back to the Board of Review to be handled in accordance with the rule and to serve notice and give a hearing to the proposed respondent and if a stipulation is determined upon that the Board of Review shall itself prepare the stipulation and send it to the Commission if signed.

In substitution for the foregoing motion, Mr. Nugent offered the following motion, which was recorded by Mr. Thompson:

Moved, that complaint issue in this case.

Vote was taken upon the substitute motion. As to this motion, Messrs. Nugent and Thompson voted in the affirmative and Messrs. Van Fleet, Hunt and Humphrey voted in the negative. The substitute motion was lost.

Vote was thereupon taken upon the original motion. As to this motion, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The motion carried and it was so ordered.

Messrs. Nugent and Thompson asked that their dissent be noted.

Mr. Nugent submitted the following listed applications for complaint and action as indicated was taken by the Commission:

(1) File 1-3772 - F. T. C. vs. Savoy Watch Company.

Mr. Nugent stated that this application came direct to the Commission from the Chief Examiner without reference to the Board of Review pursuant to the rule of December 4, 1924.

Mr. Nugent presented memorandum of June 11th reviewing the record and concurring in the recommendation of the Staff that the application be dismissed.

The memorandum was read and after consideration, on motion of Mr. Nugent, the application for complaint was dismissed by the Commission.

(2) File 1-3873 - J. A. Flinn & Company vs. J. Liskovits & Sons.

Mr. Nugent submitted memorandum of June 11th reviewing the record and concurring in the recommendation of the Chief Examiner that complaint issue.

June 15, 1935.

The memorandum was read and thereafter, Mr. Nugent offered the following motion, which was seconded by Mr. Thompson:

Moved, that complaint issue charging G. Lichovits & Sons with violation of Section 5 of the Federal Trade Commission Act.

In substitution for the foregoing motion, Mr. Van Fleet offered the following motion, which was seconded by Mr. Humphrey:

Moved, as a substitute, that the recommendation of the Board of Review be approved and that the case be handled by stipulation.

Vote was taken upon the substitute motion. As to this motion Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The substitute motion carried and it was so ordered.

Messrs. Nugent and Thompson asked that their dissent be noted.

(3) File 1-2755 - John H. Clarke, et al vs. Crane & Company, et al. Mr. Nugent stated that this application came direct to the Commission from the Chief Examiner without reference to the Board of Review pursuant to the rule of December 4, 1934.

Mr. Nugent submitted memorandum of June 15th reviewing the record and thereafter offered the following motion:

Moved, in accordance with the recommendation of the Chief Examiner, that the application be dismissed and further that no application for complaint be docketed against the National Trade Extension Bureau in the case of the Commission charging unfair practices under Section 5 of the Federal Trade Commission Act.

The motion was adopted by the Commission and it was so ordered.

Mr. Hunt exhibited the following listed applications for complaint and action as indicated was taken by the Commission:

(1) File 1-3042 - Alan M. Hirschbach vs. Fain Molding Mills, Inc.

Mr. Hunt submitted memorandum of June 15th reviewing the record, stating that an informal hearing had been held before the Board of Review and to the rule of March 17, 1935, and thereafter offered the following motion, which was seconded by Mr. Van Fleet:

June 13, 1935.

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Moved, that the case be referred back to the Board of Review for the purpose of settling it by stipulation and report to the Commission.

In substitution for the foregoing motion, the following motion was offered by Mr. Nugent, seconded by Mr. Thompson:

Moved, as a substitute that complaint issue in accordance with the recommendation of the Examining Attorney and the Chief Examiner.

Vote was taken upon the substitute motion. As to this motion Messrs. Nugent and Thompson voted in the affirmative and Messrs. Van Fleet, Hunt and Humphrey voted in the negative. The substitute motion was lost.

Vote was thereupon taken upon the original motion. As to this motion Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The motion carried and it was so ordered.

Messrs. Nugent and Thompson asked that their dissent be noted. Mr. Thompson made the following statement for the record:

"I dissent on the ground that at the hearing before the Board of Review there was no testimony taken nor any witnesses sworn and there is nothing here to advise us how to vote other than the hearsay statements of the Board of Review."

"I further dissent on the ground that in order to know how to vote correctly, I assert the right to have before me the same record as the Board of Review had and such as the Commission always had under the previous rule."

Mr. Humphrey thereupon made the following statement, following Mr. Thompson's statement:

"I desire to state that the rule provides that there shall be no witnesses present or sworn by the Board of Review and that there was nothing to have prevented anyone who desires to be present to hear what took place and that the proceedings of the Commission are open to any member of the Commission."

Mr. Thompson thereupon made the following further statement for the record:

"I dissent for the further reason that there was no notice to myself as a Commissioner, that there was to be such a hearing and that there was no notice served upon the applicant in regard to the hearing."

June 15, 1935.

(2) File 1-3530 - F. T. C. vs. Tins & Sellen, Inc.
 Mr. Hunt submitted Memorandum of June 13th reviewing the record and thereafter offered the following motion:

Moved, that the case be dismissed.

In substitution for the foregoing motion, Mr. Ingers offered the following motion, seconded by Mr. Thompson:

Moved, as a substitute, that complaint issue.

After discussion and prior to vote on the case, Mr. Hunt asked that the case be referred again to him for further study. It was so ordered.

Mr. Thompson submitted the following listed applications for complaint and Export Trade complaints and notices as indicated was taken by the Commission:

- (1) File 1-3704 - Lehman, Schwartz & Company vs. Westfield River Paper Company.

Mr. Thompson stated that this application came direct to the Commission from the Chief Examiner without reference to the Board of Review pursuant to the rule of December 4, 1934.

Mr. Thompson submitted memorandum of June 13th reviewing the record and concurring in the recommendation of the Staff for dismissal.

After consideration, on motion of Mr. Thompson, the application for complaint was dismissed by the Commission.

- (2) File 1-3084 - Martin Hanger Slate Company vs. Portland Grinding Wheel Corporation, et al.

Mr. Thompson recited the facts and stated that on April 12, 1935, the case was referred to the Board of Review with instructions to proceed under the rule of March 16, 1935 and grant the proposed respondents a hearing and report to the Commission. The Board of Review reported that a hearing was held and recommended that the Chief Examiner conduct a supplemental investigation.

After discussion, on motion of Mr. Van Fleet, the file was circulated.

- (3) File 50-14 - Foreign Trade complaint of Caja Obrera of Montevideo, Uruguay against the E. F. Burns Company of Chicago, Illinois.

Memorandum was received from the Export Trade Division reporting the result of preliminary investigation and recommending that the facts be reported to the Commerce Department, the papers received from that office returned and the case closed. The

June 13, 1925.

Commission also received draft of letter to the Secretary of Commerce prepared by the Export Trade Division.

The recommendation of the Export Trade Division was approved. The letter as submitted was approved and ordered forwarded.

Mr. Humphrey submitted the following listed applications for complaint and action as indicated was taken by the Commission:

- 1) File 1-3346 - Glass Laminated Glass Company vs. Howell Manufacturing Company.

Mr. Humphrey recited the facts and thereafter offered the following motion:

Moved, that the case be dismissed for the reason that the respondent is a bankrupt.

The motion was adopted and it was so ordered.

- 2) File 1-3347 - Talcum Lapse (Inc.) Company vs. Talcum Food Products Company, Inc.

Mr. Humphrey recited the facts and thereafter offered the following motion, which was seconded by Mr. Hunt:

Moved, in accordance with the recommendation of the Board of Review that the case be handled by stipulation by the Chief Examiner.

In substitution for the foregoing motion, Mr. Thompson offered the following motion, which was seconded by Mr. Van Fleet:

Moved, as a substitute, that the case be dismissed.

Mr. Hunt withdrew his second to the motion for stipulation and stated that he would vote for dismissal.

Mr. August Thompson seconded the motion by Mr. Humphrey for a stipulation.

Vote was taken upon the substitute motion for dismissal. In so doing, Messrs. Van Fleet, Hunt and Thompson voted in the affirmative and Messrs. August and Thompson voted in the negative. The substitute motion carried and the application for complaint was dismissed.

June 15, 1925.

Mr. Van Fleet offered the following motion, which was seconded by Mr. Hunt.

"I move that in all cases where the Board of Review is of the opinion that corrective action is warranted by the Commission but that a stipulation should be entered into under the rule, the Board of Review shall negotiate for and prepare the stipulation to be submitted to the Commission."

The motion was adopted by the Commission and it was so ordered.

The Chairman presented the following matters and action as indicated was taken by the Commission:

(1) Letter of May 23rd from the General Accounting Office, (J. R. McGarr, Comptroller General) referring to the Commission's letter of May 13, 1925, relative to the indebtedness of A. H. Ross, Disbursing Clerk and advising the Commission that inasmuch as this matter is to be presented to the next Congress for relief, that the General Accounting Office will take no further action toward effecting collection until after the adjournment of the first session of Congress hereafter, provided the written consent of the surety thereto is filed promptly with the General Accounting Office.

The letter was read and referred to the Secretary to take up with the Disbursing Clerk the matter of filing the written consent of the surety with the General Accounting Office.

(2) Letter of June 10th from Hugh C. White of the Chief Counsel's Staff transmitting a letter of June 10th from Mark N. Jones, New York City, requesting Mr. White to undertake a traffic study. In his letter Mr. White referred to the original contract covering his employment with the Commission containing a provision that Mr. White was not to handle private matters when upon leave and when not to conflict with the work of the Commission. Mr. White asked to be advised.

The correspondence was read and thereafter, Mr. Van Fleet offered the following motion:

Moved, that Mr. White be advised that the Commission has no objection to his undertaking the proposed work if it does not interfere with his duties with the Commission.

The motion was adopted and it was so ordered.

June 13, 1935.

In this connection, the Secretary referred to the action of the Commission at the previous meeting in continuing Mr. White's employment and reported that the question of a higher allocation under the Classification Act for Mr. White had been taken up with the Personnel Classification Board and informal assurance given that the Board would approve the temporary assignment of Mr. White to Professional Grade V. The Secretary reported that under this allocation, Mr. White's salary could be increased by the Commission to \$6000.

The Secretary was directed to confer with Messrs. White and Bailey and secure a memorandum of Mr. White's plans for the future.

The following matters of general business forwarded to the Commission by the heads of the several Divisions were presented by the Secretary and action as indicated was taken by the Commission:

(1) Report 1247 - United Chemical & Ice Corporation.
Memorandum of June 12th was received from the Chief Counsel transmitting (1) letter of June 12, 1935 from Miller & Otis, counsel for the respondent, requesting an informal hearing before the Board of Review, and (2) memorandum of June 12th from Trial Attorney Wendley stating that in his opinion a hearing before the Board of Review will accomplish nothing and will not aid in the trial of the case.

After discussion, Mr. Lugent offered the following action:

Moved, that the request for a hearing before the Board of Review be denied.

After further discussion and without vote and at the suggestion of Mr. Van Fleet, the matter was circulated.

(2) Report 1246 - Gold Grape Company.

Memorandum of June 12th was received from the Chief Counsel transmitting motion for instructions to T. F. Dineen. The Chief Counsel stated that Trial Examiner Dineen assigned to taking testimony herein did not permit the answering of questions, directed with the purpose of disclosing the applicant and that the action is an effort of respondent's attorney to have the Commission take an order directing Trial Examiner Dineen to permit witnesses to disclose the name of the applicant. The Chief Counsel recommended that the motion be denied.

It was directed that the matter be circulated.

June 15, 1925.

(3) Docket 1186 - Good Grape Company.

Memorandum of June 13th was received from the Chief Counsel transmitting motion filed by counsel for the respondent for leave to file a substitute answer and proposed substitute answer, which was filed on June 12, 1925. The Chief Counsel recommended that the motion be granted.

The motion was granted by the Commission and the proposed substitute answer was received and filed. Order to this effect was approved and entered.

(4) Docket 1116 - Eastern Federation Farm Machinery Dealers, et al.

Memorandum of June 13th was received from the Chief Counsel transmitting two forms of orders of dismissal in this case, one in long form showing in detail the reasons for dismissal, and one in short form, omitting the reasons for dismissal. The complaint was dismissed by the Commission on May 29, 1925.

The orders were read and thereafter, Mr. Van Fleet offered the following motion, seconded by Mr. Hunt:

Moved, that the short statement, omitting reasons for dismissal be adopted.

The motion was adopted by the Commission, with Messrs. Van Fleet, Hunt and Humphrey voting in the affirmative and Messrs. Nugent and Thompson voting present.

Mr. Nugent made the following statement for the record and was joined in such statement by Mr. Thompson:

"I vote 'present' for the sole reason that as heretofore stated in the record, I voted against the dismissal of the complaint and I will later file a statement of dissent."

(5) Docket 1203 - Barnes-Ames Company, et al.

Memorandum of June 11th was received from the Chief Counsel transmitting pursuant to the Commission direction of May 29, 1925, draft of amended complaint and memorandum of June 8th by Attorney DeBruler. The Chief Counsel recommended in view of the interview to be had with the Commercial Attache of the Royal Italian Embassy, that consideration of the matter be held in abeyance until the result of the interview can be forwarded to the Commission.

It was directed that the matter be circulated.

June 18, 1925.

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(6) File 1-3636 - Pure Silk Hosiery Mills, Inc. vs.
Premier Hosiery Mills, Inc.

Memorandum of June 18th was received from the Chief Examiner transmitting stipulation signed by the proposed respondent and recommending that the stipulation be approved and the application dismissed.

After consideration, on motion of Mr. Van Fleet, seconded by Mr. Hunt, the recommendation of the Chief Examiner was approved and the stipulation was accepted and the application dismissed.

As to the foregoing motion, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Nugent and Thompson voted in the negative.

Messrs. Nugent and Thompson asked that their dissent be noted.

(7) File 1-3634 - American Fair Trade League vs. Tiger
Package Corporation.

Memorandum of June 2nd was received from the Chief Examiner reporting that the proposed respondent is engaged in selling small cigars packed in boxes and labeled "Havana Blend, Very Mild, Cuban Crop, Infants - Tiger Package Corporation, New York". The Chief Examiner stated that the proposed respondent is willing to discontinue the use of the words "Havana Blend" and has taken steps to do so, but considers the words "Cuban Crop" as a trade name and is not reluctant to discontinue the use of the word "Infants". The Chief Examiner recommended that the case be handled under the rule of March 11, 1923 and proposed respondent be given an opportunity to sign stipulation as to the use of both the words "Havana" and "Infants".

After consideration, on motion of Mr. Van Fleet, seconded by Mr. Humphrey, the recommendation of the Chief Examiner was approved and the case referred back to the Chief Examiner to be handled by stipulation under the rule and report to the Commission.

(8) Memorandum of June 14th was received from the Chief Examiner reporting the result of preliminary investigation in the matter of the acquisition of the Hamilton-East Manufacturing Company, American Pig Company and the Oakville Company by the Oakville Manufacturing Company. The Chief Examiner recommended that the matter be docketed as an application for complaint.

It was directed that the report be circulated.

(9) File 1-3710 - Better Business Bureau of Kansas City,
Missouri vs. Alexander Laboratories.

Memorandum of June 17th was received from the Chief Examiner reporting that the respondent is engaged in the manufacture and sale in interstate commerce of various products, such as Anti-Hog Cholera Serum, etc., and is charged with fraudulent misrepresentation and false and misleading advertising in the sale of its product.

June 13, 1923.

The Chief Examiner stated that the Postoffice Department is conducting an investigation and recommended that the file be placed on the Suspense Calendar awaiting the outcome of the Postoffice Department proceedings.

After consideration, on motion of Mr. Thompson, seconded by Mr. Van Fleet, the application was placed on the Suspense Calendar for a period of three months from date with instructions that at that time the case be reported to the Commission with a statement of the action taken by the Postoffice Department.

(10) File 1-3304 - Mahogany Association, Inc. vs. E. J. Stanton & Son.

Memorandum of June 15th was received from the Investigating Attorney, concurred in by the Chief Examiner recommending that complaint issue under Section 5 of the Federal Trade Commission Act.

After consideration, on motion of Mr. Thompson, seconded by Mr. Van Fleet, it was directed that complaint issue and be drafted but not served and that the case be included in the list of Philippine Mahogany cases from which the Chief Counsel was heretofore been instructed to select two or three cases for trial.

(11) File 1-3306 - Columbia Photograph Company, Inc. vs. World Picture Picture Company.

Memorandum of June 15th was received from the Chief Examiner transmitting the file and memorandum of June 15th by Attorney General noting but defects in the files with regard to the parties to be made respondent and evidence as to interstate commerce. The Chief Counsel recommended that the files be returned to the Chief Examiner for the purpose of securing additional information.

The file was referred to Messrs. Lusk, Rogers, and Van Fleet for examination and report to the Commission.

Thereupon, at the hour of 12:10 p.m., the Commission adjourned to meet Wednesday, June 13, 1923, at 10 a.m.

Attest:

W. H. Thompson
W. H. Thompson,
Secretary.

Marion B. Van Fleet,
Clerk.

June 17, 1953.

Meeting - June 16, 1953 - No meeting held.

REPORT OF THE SPECIAL TRIAL COMMISSION

Monday - June 17, 1953 - 10 a.m.

MEMBERS:

John W. Van Fleet, Chairman,
John F. Rogers,
William W. Hunt,
Robert Thompson,
William A. Humphrey.

The minutes of the meeting of June 16, 1953 were read and approved.

The Chairman presented the following matters which were indicated were taken by the Commission:

- (1) General Order No. 21 dated January 12, 1953 directing Trial Commissions that they must not admit witnesses in violation of the identity of applicants.
Mr. Van Fleet referred to the matter of General Order No. 21 and stated that the Commission had been directed to permit witnesses to testify in person and to the effect that the identity of the applicants and the nature of the charges against them must be disclosed to the Commission in accordance with the General Order referred to.
Mr. Van Fleet stated that the General Order had been a part of the file in connection with the matter, which is now circulating.
It was so ordered.

- (2) Letter of June 10, 1953 from Senator Richard B. Russell of Virginia stating that he had been advised that the late, William Thompson's Commission had been granted to the Commission a briefing to be held in the Commission by certain persons who had been advised that the Commission was authorized to give the matter its current consideration.
The letter was referred to the Secretary for preparation of acknowledgment and to the Chief Examiner for attention in connection with the brief referred to.

June 17, 1925.

(2) Letter of Mr. Clegg from the Department of Agriculture (W. L. Jardine, Secretary) as follows:

"Hon. Arthur W. Van Fleet,
Chicago, Federal Trade Commission.

Dear Mr. Van Fleet:

In 1922 there was issued by the Federal Trade Commission a report on 'The Grain Trade', Volume I which related to country grain marketing. I understand that the then Bureau of Entomology of the Department of Agriculture cooperated with the Federal Trade Commission in the country elevator field work in the State of Illinois and Iowa and also in connection with the preparation of the reports upon the work. An acknowledgment of that fact is made on Page 13 of the report.

This Department, as you know, finds it necessary in the pursuit of its investigations from time to time to make various studies of questions related to grain marketing. In such studies it is our desire to arrive at results as quickly as possible and to eliminate duplication of work by the use of available material gathered by other agencies of the Government. With this as a preliminary, I wish to request permission to use material in detail the country elevator collection which appear on Page 317 of the aforesaid report of the Federal Trade Commission. What we desire for our use is not individual reports, we are not concerned for the names of those who reported, but we should like to have by comparison such data as will show the direction in which grain flows to market, the form of organization of local elevators, the number of elevators and so on.

If this request meets with your approval and you will so advise me, I shall be glad to take appropriate action and people may make the considerations necessary to produce the desired information.

Sincerely yours,

(Signed) W. L. Jardine,
Secretary."

The letter was read and on notice of the Chairman, the Commission passed a resolution of the Department of Agriculture and advised that the Secretary of Agriculture be so advised.

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(i) File 1-2686 - U. S. v. Bond Brothers & Company, et al.
Letter proper of the Export Trade Division addressed to the Secretary of Commerce transmits a statement of facts with reference to the foreign trade complaints against Bond Brothers & Company, New York City, with respect to the alleged sale of cargoes to India, etc. The statement contains the substance of the action of the latter which was approved and ordered forwarded.
After further discussion, Mr. Tamm offered the following action, which was approved by Mr. Tamm:

Moved, that an application for complaint be docketed in this matter against Bond Brothers & Company of New York City, in the name of the Government and instructions issued to the Chief Examiner to cause a supplemental investigation to be made by the New York Office as to the present facts in view of the age of the case and ascertain whether the proposed response is still in accordance with the present practice in regard to the handling of cargoes.

The motion was adopted by the Commission and it was so ordered.

(b) Letter of June 1935 from the American Trade Legation, Washington, D. C., advising the Commission's attention to certain alleged unfair trade practices in the Kingdom of Siam.

The letter is a read and referred to the Chief Examiner for examination.

Mr. Tamm referred to the minute record showing his dissent to the action of the Commission under date of June 17, 1935, in the matter of the case of Bond Brothers & Company, New York City, as follows:

"I have voted to approve this bill providing for the Federal Trade Commission and the expenditure thereof for the fiscal year beginning July 1, 1935, provides that a part of the appropriation shall be expended for investigations except by consent of the Committee of Commerce, except investigations in connection with alleged violations of anti-trust acts, to be ordered by the Commission. The provisions of said act that no funds of this Commission shall be expended or used after said date and during said fiscal year upon any investigation requested by either House of Congress alone, unless for the purpose limited by said act, and all employees of this Commission are ordered not to expend any funds

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of the Commission otherwise. The Secretary is ordered to bring this matter to the attention of all such employees."

Mr. Thompson stated that, he was not directing to the law but was consenting to the placing of the responsibility in the matter upon the employees and offered the following statement for the record of June 17, 1935:

"Let the record show in appreciation of my dissent I wish to state for the record I do not dissent to the enforcement of the law but to the form of the resolution as adopted by the Commission, in that I think that the Commission should take the full responsibility of determining what work should be done, if any, upon the various certificates sent down by the State for investigation."

The Commission withdrew its amendment of the minutes of June 12, 1935, in accordance with the above.

Mr. Humphrey referred to the matter of June 12, 1935, with respect to the salary increases for the Chief Counsel's Staff as offered by Mr. Humphrey as follows:

Moved, that the recommendations of the Chief Counsel be approved and that the following salary increases be allowed:

H. A. Cox	from \$1600. to \$1610.
E. C. Hordman	" 1720. to 1730.
W. A. Davis	" 1730. to 1740.
G. E. Hordman	" 1750. to 1760.
C. A. Dyer, Jr.	" 1810. to 1820.
H. P. Whitaker	" 1850. to 1860.
R. W. Starnes	" 1910. to 1920.
L. L. Green	" 1930. to 1940.
C. Herring	" 1950. to 1960.

Mr. Humphrey resumed the matter and stated that it is voted upon by the Commission at this time.

After discussion, vote was taken upon the foregoing matter. As to this motion, Messrs. Geo. Thiel, Hunt and Humphrey voted in the affirmative and Messrs. Thompson and Starnes voted in the negative. The motion carried and it was ordered, the salary increases to be effective July 1, 1935.

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Mr. Humphrey referred to memorandum of June 17, 1934, which Attorney Doyle recommended that the complaint in District 10000 - Department of the Interior be dismissed for reasons stated in the memorandum and in the fact that this case was not on the file when circulated to June 1934.

After discussion, the Chairman announced it to be the consensus of opinion of the Committee that Attorney Doyle proceed with the trial of the case and it was accordingly so ordered by the Commission.

The following matters of record are being forwarded to the Committee by the heads of the several divisions were presented by the Secretary and action as indicated was taken by the Commission:

(1) Employment of Mr. C. W. Hale.

In response to the Commission's action of June 11th, the Secretary reported that a conference with Messrs. Halley and White with respect to Mr. Hale's employment was stated that Mr. Hale felt he would be unable to accept employment at \$3300, per annum with headquarters at Washington, D. C., as offered by the Commission's action of June 10, 1935 and of the various action of the Chief Counsel, the result that Mr. Hale is offered temporary employment for six months at \$3300, per annum with headquarters at Washington, D. C.

After discussion, a motion of Mr. Thompson, seconded by Mr. Clegg, that the action of the Chief Counsel, regarding the employment of Mr. Hale was approved and a motion was introduced by Mr. Hale's temporary employment was approved. It was for a period of six months from June 16, 1935, with headquarters at Washington, D. C., and per diem only when away from Washington, D. C., and allocated the position in Washington Grade 2 and made his appointment at the initial salary of his grade, \$3500, with promotion to \$3700, effective June 16, 1935.

(2) Letter of June 10th from the Golding, New York, Bureau, National Association of the Golding, New York, Bureau, regarding the Commission's action of June 10th and the 12th of the letter of January 10, 1935 and under the second paragraph of the Commission's letter of March 10, 1935, wherein the Commission advised that it is not approved paragraph three and four of Section III of the Golding, New York, Bureau, etc.

The letter from the Association was read and after consideration, an action of Mr. Mc Trest, seconded by Mr. Clegg, that the letter be referred to the former action and directed the Association to so advise the Commission.

June 17, 1938.

(2) Packet 1005 - Bellinger Varnum Works.

Memorandum of June 9th was received from the Chief Counsel transmitting (1) a copy of June 8th from the respondent enclosing samples of labels in use and reporting compliance with the Commission's Order; (2) letter of June 8th from Senator J. W. Tedworth of New York transmitting correspondence received from the respondent complaining of the manner in which the case had been handled; (3) draft of ruling prepared by the Chief Counsel to Senator Tedworth, and (4) letter prepared by the Chief Counsel to the respondent. The Chief Counsel stated that the report filed by the respondent shows a satisfactory compliance with the order of the Commission and recommended that the Commission be advised accordingly. The issue used by Henry Hoffman of the respondent, William Simpson referred to in the respondent's letter and the facts ascertained.

It was directed that the matter be circulated.

(4) Packet 1049 - New York Telephone Company, Inc.

Letter of May 24th was received from the respondent regarding compliance in letterheads to conform to the Commission's order and also telling the Commission's attitude in a statement all set to have been made in the respondent by Attorney General of the Staff to the effect that if the respondent voluntarily changes the use of the word "Bell" in the letterheads, it will take action.

The letter was read and referred to the Secretary for acknowledgment and filing.

(5) Packet 1072 - Crescent Manufacturing Company.

" 1181 - Kelly Sugar Corporation.

" 1227 - J. W. Bell Company.

Memorandum of June 15th was received from the Chief Counsel referring to appointment of Trial Inspectors in these cases and suggesting that the Commission appoint a collector and Inspector or members of the Board. The Chief Counsel also submitted a list showing the appearance the various Trial Inspectors have made under appointment to the Pacific Coast.

On motion of Mr. Victor, the matter was circulated.

(6) File 1-7627 - Associated Independent Clubs of the World vs. Edith Wyle, Inc.

Memorandum of May 24th was received from Assistant Attorney General, submitted in by the Chief Counsel, stating that the case involves the use of the words "Lobbying" and "Political Lobbying" and recommending that certain books charging the respondent with violation of Section 1 of the Federal Trade Commission Act.

It was directed that the file be circulated.

June 17, 1935.

(7) File 1-7518 - Hammer Company, Inc. vs. Livvella Manufacturing Company.

Memorandum of June 14th was received from Chairman Palmer, concerning in by the Chief Examiner, stating that the respondent is using a label not in conformity with the rule in the Non-Clear case - Pocket 924 - and recommending that the Chief Examiner be authorized to handle the case by stipulation under the rule.

On notice of Mr. Van Fleet, the Division approved the recommendation of the Chief Examiner and directed that the case be returned to the Chief Examiner to be handled by stipulation under the rule and report to the Commission.

(8) File 1-1442 - Tampa Cigar Manufacturers' Association vs. John C. Vernon Company.

Memorandum of May 19th was received from the Chief Examiner reporting negotiations with the respondent to settle the case by stipulation under the rule of March 13, 1935, and of the respondent's apparent intention not to sign a stipulation. The Chief Examiner submitted the matter for instructions.

The memorandum and the proposed stipulation were examined by the Commission and thereafter the Commission ordered upon notice by Mr. Humphrey, that complaint issue charging John C. Vernon Company with violation of Section 5 of the Federal Trade Commission Act.

The file was referred to the Chief Counsel for preparation of complaint under the rule, the same to be served by the Secretary without reference back to the Commission.

(9) Pocket 1558 - Harvard Brothers.

The following orders submitted by the Chief Counsel were approved and entered: (1) that Edward L. Averill, ex-Counsel of the Commission, be designated to receive testimony, etc., and (2) that the hearing of the complaint begin at New York City, July 2, 1935, at 10 a.m.

The Commission recessed at 12:15 p.m., and reconvened at 2 p.m.

PRESENT:

Warren E. Van Fleet, Chairman,
John C. Nugent,
Charles W. Hunt,
Theodore Thompson,
William C. Humphrey.

June 17, 1939.

Pursuant to arrangement the Commission met to hear final argument in Packet 1242 - Grand Rapids Furniture Manufacturers' Tariff Case Association, et al. Counsel for the respondent offered a motion to amend the answer heretofore filed by withdrawing from the original answer the admission that the respondent is engaged in interstate commerce and substituting therefor, a statement denying that respondent is engaged in interstate commerce, and that the complaint be dismissed. The motion was presented by counsel for the respondent and was objected to by counsel for the Comptroller. The motion was read and taken under advisement for determination when case is determined.

Attorney Doyle was heard in support of the complaint. Attorney Joseph L. Miller was heard on behalf of the respondents. The hearing continued until the hour of 2:30 p.m., was concluded and the case taken under advisement.

Thereafter, at the hour of 2:30 p.m., the Comptroller adjourned to meet Friday, June 19, 1939, at 10 a.m.

Warner M. Van Fleet,
Chairman.

Attest:

W. H. Johnson
Otis A. Johnson,
Secretary.

Thursday - June 18, 1939 - No meeting held.

June 12, 1925.

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MEETING OF THE FORMAL TRADE COMMISSION

Friday - June 12, 1925 - 10 a.m.

PRESENT:

Verion W. Van Fleet, Chairman,
John F. Nugent,
Charles W. Hunt,
Dustin Thompson,
William E. Humphrey.

The minutes of the meeting of June 17, 1925, were read and approved.

Formal docket cases appearing on the Weekly Conference Calendar for final determination were considered and action as indicated was taken by the Commission:

(1) Docket 543 - Fath Thomas Black Company.

This case came before the Commission for final determination upon the following record: memorandum of May 15th from the Chief Counsel transmitting the case and recommending dismissal of the complaint without prejudice; complaint; answer; testimony; report upon the facts by Trial Examiner Bennett, exceptions thereto by counsel for the respondent; request for the Commission did not file exceptions; stipulation; order of dismissal submitted by chief counsel with approval of May 15th. The briefs were filed. Attorney Powell represents the Commission. Attorney Best, Clark, Fowler & Collette represent the respondent.

In memorandum of May 8, 1925, the Chief Counsel recommended that the complaint be dismissed without prejudice, stating that upon the decision of the Board of Trade by the Supreme Court reversing the Appeals Court, it changed its methods and has not since employed coercive or repressive methods for the maintenance of its suggested prices and that the methods complained of were abandoned by respondent before the issuance of complaint by the Commission.

After consideration, the following motion was offered by Mr. Thompson, seconded by Mr. Van Fleet:

Moved, that the complaint be dismissed on the recommendation of the Chief Counsel.

As to the foregoing motion, Messrs. Van Fleet, Hunt, Thompson and Humphrey voted in the affirmative and Mr. Nugent voted in the negative and asked that his dissent be noted. The motion carried and it was so ordered.

June 19, 1928.

Mr. Thompson made the following statement for the record in explanation of his vote to dismiss the complaint:

"That the record show that I vote 'aye' because of the following statement in memorandum of May 9, 1928, from the Chief Counsel: 'That upon the decision of the Beachmont case by the Supreme Court reversing the Appeals Court, it [respondent] changed its attitude and has not since employed coercive or cooperative methods for the maintenance of its suggested prices.' "

Mr. Hugart made the following statement for the record:

"I vote 'no' and dissent because I believe an order to cease and desist should issue for the following reasons: that the record shows that for years the respondent maintained an absolutely perfect system of resale price maintenance and that its customers throughout the country were aware of that fact; that while it appears from the record that the respondent has not enforced its resale price maintenance policy since January 1923, when the decision of the Supreme Court in the Beachmont case was handed down, nevertheless, respondent has never notified its customers that it would not do so and there is no doubt in my mind that the prices fixed by respondent are maintained by its dealers in the belief that the said policy is still in force and effect."

The Chief Counsel was directed to prepare and the Secretary to carry out order of dismissal.

(C) Packet 1001 - G. F. Lemler.

On May 15, 1928, the Commission issued findings as to the facts and order to cease and desist in this case. Subsequently in Packet 1000 - G. F. Hallinger, et al, the Commission made its findings as to the facts and issued the order in which it used the words "if such cigars are not composed of tobacco grown in and imported from the island of Cuba". The Commission then directed the Chief Counsel to submit the necessary papers to bring Packet 1001 - G. F. Lemler, into conformance to the findings and order adopted in Packet 1000 - G. F. Hallinger, et al.

Pursuant to this order, the case is before the Commission upon the following records: memorandum of May 26, 1928, from the Chief Counsel transmitting the case; modified stipulation, as to the facts; modified findings as to the facts and modified order to cease and desist submitted by the Chief Counsel with memorandum of May 26th; findings and order issued on May 15, 1928; findings and order in Packet 1000 - G. F. Hallinger, et al; complaint.

June 19, 1935.

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After consideration, the Commission approved and modified findings as to the facts and modified order to cease and desist submitted by the Chief Counsel with memorandum of May 26, 1935, and directed that the same be served without further action.

(3) Pocket 1191 - Furniture Manufacturers' Showrooms, Inc.

This case comes before the Commission for final determination upon the following record: complaint; answer; testimony; report upon the facts by Trial Examiner Sheppard; brief by counsel for the Commission. No exceptions were filed to the report of the Trial Examiner. Counsel for the respondent waived the filing of brief and presentation of oral argument. Attorney Doyle represents the Commission. Attorney Jacob Hassen represents the respondent.

After consideration, Mr. Nugent offered the following motion, seconded by Mr. Thompson:

Moved, that an order to cease and desist issue and that the Chief Counsel be directed to prepare findings as to the facts and order to cease and desist and submit the same to the Commission for approval as to form.

The motion was adopted by the Commission and it was so ordered.

Mr. Thompson called attention to the words "said city" as appearing in the sixth line of Paragraph One of the report upon the facts by Trial Examiner Sheppard and suggested that those words be not used in the findings as to the facts, but that the words "the City of Philadelphia" be used in their stead in the findings as to the facts.

It was so ordered by the Commission.

(4) Pocket 1247 - Grand Rapids Furniture Manufacturers' Warehouse Association, et al.

This case comes before the Commission for final determination upon the following record: complaint; answer; testimony; report upon the facts by Trial Examiner Sheppard; exceptions thereto by counsel for the respondent; counsel for the Commission did not file exceptions; brief by counsel for the Commission and counsel for the respondent; final argument heard June 17, 1935. Attorney Doyle represents the Commission. Attorney Jacob L. Miller represents the respondent.

The Commission also received and considered motion presented June 17, 1935 by counsel for the respondent, to amend the answer by changing Paragraphs One and Two of the answer to read the word "Respondents and each of them state that at no time have they or any of them been engaged in interstate commerce"; and also a memorandum of June 18, 1935, by Trial Attorney Doyle in opposition to the granting of the respondent's motion.

The Commission also received memorandum of June 18, 1935, from Attorney Doyle with respect to the interstate commerce feature of the case.

June 19, 1925.

After consideration, the following motion was offered by Mr. Nugent, seconded by Mr. Van Fleet:

Moved, that the respondent's motion to amend the decree be denied.

The motion was adopted by the Commission and it was so ordered.

After further discussion, the following motion was offered by Mr. Nugent:

Moved, that an order to cease and desist issue and that the Chief Counsel be directed to prepare findings as to the facts and order to cease and desist and submit the same to the Commission for approval as in form.

The motion was adopted by the Commission and it was so ordered.

In the preparation of the findings as to the facts in Docket 1261 - Furniture Manufacturers' Showrooms, Inc. and Docket 1262 - Grand Rapids Furniture Manufacturers' Warehouse Association, et al, the Chief Counsel was instructed to make a separate finding that respondent interfered with interstate commerce as well as being in interstate commerce themselves.

(3) Docket 1264 - Standard Fountain Pen Company.

This case comes before the Commission for final determination upon the following record: memorandum of May 27th from the Chief Counsel transmitting the case; memorandum of May 28th from Attorney Wilbert; complaint; answer; stipulation as to the facts; findings as to the facts and order to cease and desist submitted by the Chief Counsel with memorandum of May 29, 1925. No testimony was taken nor briefs filed. Attorney Barnbrook represents the Commission. Respondent has no attorney of record.

After consideration, it was ordered by the Commission, upon motion of Mr. Nugent, that an order to cease and desist, that the stipulation be accepted and the findings as to the facts and order to cease and desist submitted by the Chief Counsel with memorandum of May 29, 1925, be approved and served without further action by the Commission.

The Chairman called up for consideration the memorandum of June 17th from the Chief Examiner requesting the Commission to designate trial examiners in the following cases:

June 19, 1925.

Packet 1172 - Crescent Manufacturing Company
" 1181 - Holly Sugar Corporation
" 1227 - J. T. Kobi Company.

After discussion, it was agreed and ordered, (1) that Mr. Thompson be designated as Trial Examiner in Packet 1181 - Philip Carey Manufacturing Company, et al; (2) that Mr. Humphrey be designated Trial Examiner in Packet 1172 - Crescent Manufacturing Company, and Packet 1227 - J. T. Kobi Company to sit in the hearings at Seattle, Washington; and (3) that the Chief Examiner designate a regular examiner to sit at hearings other than the hearings at Seattle, in Packet 1172 and 1227.

The Commission thereupon discussed the appointment of an examiner in the Holly Sugar Corporation case - Packet 1181.

Mr. Nugent suggested the designation of Mr. Bennett.

Mr. Van Fleet offered the following motion, seconded by Mr. Hunt

Moved, that Examiner Averill be designated to sit as Examiner in this case.

In substitution for the foregoing motion, Mr. Nugent offered the following motion:

Moved, that Mr. Bennett be appointed as Examiner.

After further discussion, Mr. Nugent offered the following motion:

Moved, as a substitute for all the previous motions, that the Chief Examiner proceed in the regular course of business and designate an available examiner in this case.

Vote was taken upon the substitute motion. As to this motion, Messrs. Nugent and Thompson voted in the affirmative and Messrs. Van Fleet, Hunt and Humphrey voted in the negative. The substitute motion was lost.

Vote was thereupon taken upon the original motion to designate Mr. Averill. As to this motion, Messrs. Van Fleet, Hunt, Thompson and Humphrey voted in the affirmative and Mr. Nugent voted in the negative and asked that his dissent be noted.

The following matters of general business forwarded to the Commission by the heads of the several divisions were presented by the Secretary and action as indicated was taken by the Commission:

(1) Memorandum (without date - received June 17th by the Secretary) from W. T. Jayner, stenographer in the Administrative Division, requesting leave without pay for sixty days commencing

June 19, 1925.

(10) Memorandum of June 18th was received from the Chief Examiner transmitting pursuant to the Commission's direction of June 16th, report that the facts given in letter of June 14th from P. L. Verety, Industrial Engineer, Perth, Connecticut, complaining against Willis Price of America, Inc., New York City, are not enough to show that the Commission has jurisdiction.

It was directed that the matter be circulated.

From the Circulating Calendar the Commission considered the following matters and action as indicated was taken:

(1) Order 1177 - H. B. Hallinsen & Company, Inc.

Memorandum of June 18th was received from the Chief Examiner transmitting letter of June 16th from Ross E. Knicker, counsel for the respondent, in which the statement is made that the sign "Hallinsen's Silk Defuze Fabrics" on a building at Trenton, New Jersey, which had been complained of to the Commission by Francis A. Adams, Textile Editor, New York Commercial, will be changed to conform with the stipulation in this case. The Chief Examiner recommended that the assurance be accepted and the matter closed.

The file was circulated June 19, 1925. Motions by the several Commissioners were read and thereafter, an action of Mr. Van Fleet, seconded by Mr. Vengrove, the Commission approved the recommendation of the Chief Examiner and closed the matter.

Mr. Nugent voted "no" and made the following statement for the record:

"I vote 'no' for the reason that I believe that the order heretofore issued should be vacated and that an order to remove and desist should issue against the respondent under the statute."

(2) File 1-1178 - Binder Art Company (A. Binder) vs. Central Portrait Company, R. F. Cleghat & Miguel Garibay.

Memorandum of March 26th was received from the Chief Examiner reporting that the case is a private controversy falling within the terms of the Commission's rule of March 11, 1925 and recommending that the application be dismissed.

The file was circulated March 27, 1925. Motions by the several Commissioners were read and thereafter the following action was offered by Mr. Van Fleet, seconded by Mr. Nugent:

June 19, 1935.

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Moved, that the recommendation of the Chief Examiner be approved and the case dismissed.

The motion was adopted by the Commission with Reservations. Van Fleet, Tugent, Hunt and Humphrey voting in the affirmative and Mr. Thompson voting in the negative.

(2) Memorandum of May 23rd from the Chief Economist transmitting draft of letter to the "Iron Age" in reply to a letter of May 18th from T. A. LaTray of the Editorial Staff of the Iron Age making inquiry in regard to some data in the report of the Commission on "War-time Costs & Profits of the Steel Industry", dated February 18, 1935.

The file was circulated June 1st. Relations by the Commissioners were read and thereafter, the draft of letter submitted by the Chief Counsel was approved and ordered forwarded.

The Secretary reported four certain trade practice exhibits heretofore authorized by the Commission: (1) reading cotton; (2) soap; (3) watch cases; and (4) furniture, were awaiting assignment to an individual Commissioner for supervision.

In connection with the furniture industry trade practice exhibit and in response to the Commission's directive of May 27th, the Secretary again presented file 1-3333 - Associated Advertising Clubs of the World vs. Haystack Furniture Company with memorandum of May 23rd from the Chief Examiner reporting that work was proceeding on the matter of handling the case by stipulation as authorized by the Commission on April 4, 1935 and that the stipulation had not yet been submitted to the proposed respondent. This case was discussed by the Commission on May 29, 1935.

The case was received without action and accordingly, pursuant to the Commission's directive of April 4, 1935, was returned to the Chief Examiner to be handled by stipulation under the rule and report to the Commission.

Commissioner Hunt called attention to his memorandum of April 4, 1935, in the file presented to the Commission on April 6th that the respondent be invited to stipulate and if respondent refuses to stipulate that a complaint issue.

After further discussion of the Trade practice exhibits, Mr. Thompson offered the following motion:

Moved, that these exhibits be assigned to the Commissioners in rotation, except to the Chairman.

Without vote upon the motion, the exhibits were assigned by lot to the Commissioners as follows, for supervision to conduct the exhibits and report to the Commission:

June 19, 1925.

Mr. Nugent - furniture industry.
 Mr. Hunt - soap industry.
 Mr. Thompson - roofing material.
 Mr. Lundgren - watch cases.

The Commission recessed at 12:15 p.m. and reconvened at 2 p.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
 John T. Nugent,
 Charles T. Hunt,
 Hunter Thompson,
 William C. Murphy.

Pursuant to arrangements the Commission met and conferred informally with representatives of the related printing industry, the copper plate and steel die industry and the Bureau of Engraving & Printing, with respect to the marking of the ends of the ends "A. grade" and "B. grade".

Those present at the hearing were:

Richard C. H. Hill, of the New-Plains Engraving Company, New York, representing about forty-three other firms in group, Louis A. Hill, with the Hill Agency, formerly Director of the Bureau of Engraving & Printing,
 George W. Franklin, of the firm of Carl T. Frederick, New York,
 Theo A. Isert, representing the steel and copper plate engraving industry,
 John H. Davisy, Assistant Director of Bureau of Engraving & Printing,
 Henry E. Wilson, from the Bureau of Engraving & Printing,
 William John Quinn, formerly President of the Typographic Union of America.

The conference continued until the hour of 2:20 p.m., was concluded and the matter taken under advisement. The conference was subsequently repeated.

Thereupon at the hour of 2:30 p.m., the Commission adjourned to meet Monday, June 22, 1925 at 10 a.m.

Attest:

W. C. Murphy,
 Secretary.

Vernon W. Van Fleet,
 Chairman.

June 22, 1935.

Tuesday - June 20, 1935 - No meeting held.

Wednesday - June 21, 1935 - No meeting held.

MEETING OF THE COMMISSION, WASHINGTON

Monday - June 22, 1935 - 10 a.m.

PRESENT:

Harold W. Van Fleet, Chairman,
John W. Ingersoll,
Charles W. Hunt,
Ruston Thompson,
William E. Humphrey.

The minutes of the meeting of June 19, 1935 were read and approved.

Mr. Van Fleet submitted the following application for complaint and foreign trade complaints and action as indicated was taken by the Commission:

(1) File 1-3898 - General Electric Corp. vs. Federal Electric Corp.

Mr. Van Fleet presented a memorandum of June 18th reviewing the record and thereafter offered the following action, which was accepted by Mr. Hunt:

That, that the application for complaint be dismissed for lack of public interest.

The action was accepted by the Commission and it was so ordered.

(2) File 38-55 - Foreign Trade Complaint of Luis Salvo of Madrid, Spain vs. P. J. Salvo, Jr. Company, Inc. of New York City.

Memorandum of June 18th was received from the Export Trade Division reporting the result of preliminary inquiry was of recommendation that report be made to the Department of Commerce, the papers received from said office returned and the case closed. The Commission also received draft of letter to the Secretary of Commerce prepared by the Export Trade Division pursuant to the recommendation of the Export Trade Division.

June 22, 1925.

After consideration, on motion of Mr. Van Fleet, the letter was approved and ordered forwarded.

- (3) File 88-24 - Foreign Trade complaint of John W. Cook of Montevideo, Uruguay vs. W. H. Cook Company of Chicago, Illinois.

Memoranda was received from the Export Trade Division reporting the result of preliminary inquiry and recommending that the facts be reported to the Department of Commerce, the papers received from that office returned and the case closed. The Commission also received draft of letter to the Secretary of Commerce prepared pursuant to the recommendation of the Export Trade Division.

After consideration, on motion of Mr. Van Fleet, the letter was approved and ordered forwarded.

- (4) File 88-121 - Foreign Trade complaint of Jere Hays, Ltd. of Melbourne, Australia vs. Edward S. Bickman of New York City.

Memoranda of Lay Hays was received from the Export Trade Division reporting the result of preliminary inquiry and recommending that the facts be reported to the Department of Commerce, the papers received from that office returned and the case closed. The Commission also received draft of letter to the Secretary of Commerce, prepared pursuant to the recommendation of the Export Trade Division.

After consideration, on motion of Mr. Van Fleet, the letter was approved and ordered forwarded.

Mr. Hays presented file 1-2126 - Central States Coal Company vs. Central States Coal Company with memorandum of June 11th stating the facts and recommending in the recommendation of the Board of Review that the application be dismissed.

The memorandum was read and after consideration, on motion of Mr. Hays, the application for complaint was dismissed by the Commission.

Mr. Hays submitted the following listed applications for complaint and action as indicated was taken by the Commission:

- (1) File 1-2381 - Hyman Guttmann Textile-Pick Company vs. Cent-Hekt Products Company, Inc.

Mr. Hays presented memorandum of June 16th reviewing the facts and recommending in the recommendation of the Board of Review that the application be dismissed.

June 22, 1935.

The memorandum was read and after consideration, on motion of Mr. Hunt, the application for complaint was dismissed by the Commission.

(3) File 1-3777 - F. T. C. vs. Sebastian Corporation.

Mr. Hunt stated that this application came direct to the Commission from the Chief Examiner without reference to the Board of Review, pursuant to the direction of December 1, 1934.

Mr. Hunt submitted memorandum of June 13th reviewing the facts, concurring in the recommendation of the Staff and recommending that the application be dismissed.

The memorandum was read and after consideration, on motion of Mr. Hunt, the application for complaint was dismissed by the Commission.

(7) File 1-3710 - Fink, Silas & Company vs. Carter Asphalt Company.

Mr. Hunt stated that this application came direct to the Commission from the Chief Examiner without reference to the Board of Review pursuant to the direction of December 1, 1934.

Mr. Hunt presented memorandum of June 13th reviewing the facts and concurring in the recommendation of the Staff that the application be dismissed.

The memorandum was read and after consideration, on motion of Mr. Hunt, the application for complaint was dismissed by the Commission, for lack of jurisdiction.

(4) File 1-3810 - F. T. C. vs. The J. L. Allen, Inc.

Mr. Hunt presented memorandum of June 12th reviewing the facts and thereafter offered the following motion:

Moved, that all cases and other like pending cases be referred to the Chief Examiner for recommendations with the proper responsible looking towards a trade practice committee with instructions to report to the Commission the result of such investigations.

The other cases referred to are:

File 1-3850 - F. T. C. vs. Reading, Lubliner & Company, et al.

" 1-3851 - F. T. C. vs. Lammert & Company.

" 1-3852 - F. T. C. vs. Fink, Walter & Company.

The motion was adopted by Mr. Hunt and so it was so ordered.

June 20, 1935.

Mr. Humphrey presented file 1-3776 - W. T. C. vs. Hardsack Battery Rifle and stated that this application came direct to the Commission from the Chief Examiner without reference to the Board of Review pursuant to the rule of December 4, 1934.

Mr. Humphrey recited the facts and moved that the application be dismissed.

The motion was adopted and it was so ordered.

Mr. Thompson presented the following listed applications for complaint and action as indicated was taken by the Commission:

- (1) File 1-3889 - Chandler, John, for Company vs. Portland Commerce Company, Inc.

Mr. Thompson stated that this application came direct from the Chief Examiner without reference to the Board of Review pursuant to the rule of December 4, 1934.

Mr. Thompson presented memorandum of June 1935 reviewing the facts, disagreeing with the recommendation of the Staff for dismissal and recommending that complaint issue.

The Board on the read and after deliberation, Mr. Thompson offered the following motion, seconded by Mr. Lugeoff:

Resolved, that complaint issue.

In addition to the foregoing motion, the following motion was offered by Mr. Van Wert, seconded by Mr. Lugeoff:

Resolved, with a substitute, that the case be referred to the Chief Examiner to obtain stipulation to waive the practice and if so stipulated, that complaint issue.

This was taken upon the substitute motion for stipulation. As to it is motion, Lugeoff, Van Wert, and myself were voted in the affirmative and Lugeoff, Van Wert and Thompson voted in the negative. The motion carried and it was so ordered.

Where, Lugeoff and Thompson moved that their dissent be noted.

- (2) File 1-3889 - Jefferson Dry Cleaning, Inc. vs. Regain Sloop Laundry.

Mr. Thompson stated that this application came direct to the Commission from the Chief Examiner without reference to the Board of Review, pursuant to the rule of December 4, 1934.

Mr. Thompson, after reading memorandum of June 1935 reviewing the facts and thereafter, offered the following motion, which was seconded by Mr. Lugeoff:

June 22, 1935.

MEMORANDUM:

John W. Thayer, Acting Chairman,
 Gustaf W. Thayer,
 Hudson Thompson,
 William J. Murphy.
 Mr. Van Fleet absent.

The case was further discussed and thereupon Mr. Thayer offered the following motion, which was seconded by Mr. Thompson:

Moved, that complaint be filed against William J. Thayer and W. J. Thayer, together with the proper penalty for each of them, as herein said to pass, against certain articles of competition under Section 5 of the Federal Trade Commission Act.

Mr. Thayer then moved for the Committee to follow the motion just offered by Chairman Van Fleet:

"Vote 143507 - I vote for complaint with a reference for a stipulation Van Fleet."

The motion was adopted and it was so ordered, the file being referred to the Chief Counsel to prepare complaint under the Act, the same to be carried by the Secretary without further action by the Commission.

(C) Mr. Thompson moved the following application for complaint:

(a) 143508 - Steven Van Fleet and Corporation vs. Hudson Thompson.

Mr. Thompson moved the vote in the case.

The Board of Commissioners met and after discussion of the case, Mr. Thompson offered the following motion, seconded by Mr. Thayer:

Moved, that complaint be filed.

In the foregoing motion, Messrs. Thayer and Murphy voted in the affirmative and Messrs. Van Fleet and Murphy voted in the negative. The motion was lost on the vote.

The file was then referred to Chairman Van Fleet with request for immediate action on the vote to be taken.

June 28, 1933.

10) With JAMES M. G. O., Jr., Solicitor General, Washington, D.C. The date reported the facts and read excerpts from the report of the "Working Group" and the Board of Review.

The Board of Directors of the Board of Directors, Inc. has approved the following action, which was passed by the Board:

1. 1990年12月15日，在北京市召开的中国工程院成立大会暨工程院第一次院士大会上的讲话。

In consultation with the Foreign Office, the following
 officer was offered by Mr. [redacted] on 11/1, suggested by Mr. [redacted]:

and, that the representation of a - based on
 the above, appeared to be a - application for
 complaint to the board.

[illegible][illegible]

The following report of the following investigation of the 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657,

[illegible][illegible]

In accordance with the provisions of the directive
of June 10, 1968, there is attached herewith eight
copies of the schedule report, containing the results of
the inquiry made pursuant to Senate Resolution No. 719.
This report is complete with the exception of additional
data which may be obtained hereafter for reasons stated
prior to the submission of the final draft which
pertaining to the resolution, but has been referred to the
President and later than July 1st. A summary for the
signature of the President will also be prepared so
that it can be recorded.

June 23, 1935.

It will be noted that the last few pages of the report contain the recommendations based on the evidence now at hand. In view of the fact that a hearing is to be conducted on matters interested, it is recommended that this portion of the report be not included in the copies submitted for comment. The conclusions are only tentative.

The report is being submitted as early as was practically possible after the Commissioner's order of June 15th. In view of the short time, it is recommended that the United Tobacco Growers' Cooperative Association of Lexington, Kentucky, and the West Tobacco Growers' Cooperative Association of Nashville, Kentucky, be given notice of the hearing by wire and that the report will be available to their representatives at the offices of the Commission. It is doubted whether they will attend the hearing as they have manifested little interest in the investigation. In fact, the West Association has telegraphed and telegrams from this office at a great cost. As such, their attitude is especially alarming as they desire data on the report in the investigation and be supplied before the final draft of the report is prepared.

Briefly, the results of the investigation were:

(1) That the charges in the case filed that the United and Imperial Companies were engaged to boycott and oppress the cooperative associations are not proven.

(2) That the Board of Trade and Merchants concerned in the territory of the United States and the United States have actively opposed the cooperative associations. The Western Tobacco Manufacturers, including the American and Imperial Companies, have contributed to some of these organizations with the knowledge that the funds would be used for their purposes. There is some of the large companies and merchants who have indicated negative attitude to the investigation which have been an important factor in the investigation. It is recommended that the cooperative and in participating members to through contacts with the associations. When the evidence at hand is reviewed, it is believed that it will be sufficient to warrant the following conclusions: That the United Tobacco Growers' Cooperative Association of Lexington, Kentucky, and the West Tobacco Growers' Cooperative Association of Nashville, Kentucky, are not engaged in the investigation.

June 22, 1935.

(3) That the Chicago Association has conducted many activities and has never received more than 25 per cent of the total proceeds in the territories covered. The income for the year 1934 was \$1,100; the collection of the year 1935 is \$1,200. Neither the Chicago Association nor the Chicago Association has been able to obtain a quick response to its members because of its policy to sell insurance only in the United States. Whether the response given by the association for the collection of this policy are justifiable is questionable. In any event, the investigation shows that at least 25 of the officials and directors of the association were financially interested in insurance policies issued for the association, all of which have returned great profits. The officials in reply, state that the association was only charged \$1.75 per hundred dollars of insurance and it was not possible to get a 10 per cent return on the insurance. This was in reply to view of the evidence that many insurance companies declare, who purchased the insurance of the association made in 1933, were allocated as a source of profit in 1933 and 1934. The inclusion of the association's officials in the call insurance plan.

It may also be noted that the officials have never made public the facts with respect to this matter.

Respectfully submitted,

(s) J. J. McLeod, Jr.,
Chief Counsel.

W. J. J.
Counsel

First of the Committee's letter of June 10, 1935, the report was immediately referred to the Committee to be forwarded to the representatives of the various groups, including the American Tobacco Company and the Imperial Tobacco Company, with a view of having them before the Committee on June 15, 1935, at 10 a.m.

The Committee also approved the recommendation of the staff that the copies of the tentative report be distributed to the representatives of the various groups and the interested parties in the tobacco industry and report on the situation.

[Signature]

Walter Dill

[illegible]

Figure 1

[illegible][illegible][illegible][illegible]

Figure 1. The effect of the concentration of the *Agrobacterium* strain on the transformation efficiency of *Agrobacterium* strain on *Agrobacterium* strain.

June 21, 1935.

(c) Letter of June 1935 from Sidney G. Smith, Acting, official reporters, referring to the above and heretofore mentioned the Commission and requesting a clarification of the charges.

The letter was read and referred to the Secretary for acknowledgment and filing.

(d) Letter of June 1935 from the Department of Justice (W. B. Riddick, Chief Counsel) referring to the Commission's letter of June 1935 relative to the petition of P. M. Smith, C. B. Smith, et al., and asking, among other things, for further evidence in the Commission to complete its findings, in order that the Department may determine whether such case might claim immunity from further prosecution under Article 3 of the Federal Trade Commission Act as provided in the case of *Stearns vs. United States*, decided in the Supreme Court May 25, 1935.

The letter was read and referred to the Chief Counsel for preparation of reply.

(e) Letter of June 1935 from the Department of Justice (W. B. Riddick, Chief Counsel) referring to the Commission's letter of June 1935 with which was presented a statement signed by the operators of P. M. Smith, C. B. Smith, et al., of Chicago and stating the Commission that the matter was referred to a Postoffice Inspector for investigation.

The letter was read and referred to the Secretary for acknowledgment and filing.

(f) Letter of June 19, 1935, from the General Counsel's Office with respect to the case of *Stearns vs. United States*, as follows:

June 19, 1935.

The Chairman,
Federal Trade Commission.

Sir:

Reference is made to the petition of P. M. Smith, former President of International and Special Telegraphs, Inc., a long distance service, which was the subject of letters of this office dated May 29 and June 11, 1935. You are advised that there was also received a letter from the Lloyd's Casualty Company, London, England, dated June 17, 1935, with reference to the petition of the said Lloyd's Casualty Company, as follows:

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June 21, 1925.

The purpose of this letter is, therefore, to set forth full description of our respective rights, to report to the proposed plan of paying payment of \$20,500.

Under the plan, you are advised that there now appears no impediment to putting into effect the proposed plan of liquidation of this account.

Respectfully,

For the Comptroller General
of the United States,
R. L. Selig,
Sellingman."

The letter was read and referred to the Secretary for appropriate action.

(6) Letter of June 21st from the National Farm Loan Board (R. L. Taylor, Farm Loan Commissioner) referring to the tentative report of the Commission on the National Farm Loan Board, West Virginia (National Farm Loan Board, West Virginia, 1925) advising that the Farm Loan Board is interested in this question because of outstanding loans or advances and requested to be furnished with a copy of the tentative report and granted permission to have a representative of the Board attend the Commission's report before the Commission on June 21, 1925.

The letter was read and referred to the Secretary with instructions to furnish a copy of the report at once, if available, and to advise the Board that a representative may be present at the hearing.

(7) Letter of June 15th from Secretary J. W. Clark of the Civil Service Staff in the matter of salary increases.

At the suggestion of Mr. Clark, the letter was circulated.

(8) Letter of June 15th from Richard E. Hays, Secretary to Senator T. B. Platt of Alabama, requesting for the files of the Senator, a complete list of the Oklahoma people employed in the Federal House of Representatives, whether under the Civil Service rules or otherwise, and the salaries of each.

The letter was read and referred to the Secretary for compliance.

June 24, 1935.

(1) Letter of June 22nd from H. C. Sullivan, Chief Coordinator, overruling the Commission's objection to quarters for the New York Office in the Federal Building in New York City and requesting the Commission to occupy quarters in the Federal Building as of July 1, 1935. The letter reads as follows:

June 22nd, 1935.

Mr. Vernon W. Van Fleet,
Chairman, Federal Trade Commission,
Washington, D. C.

My Dear Mr. Van Fleet:

The Assistant Secretary of the Treasury has again referred to this office the question of occupancy of the room in the warehouse corner of the first floor of the Sub-Treasury Building in New York City.

A conference held in this office on May 27th, 1935, it was not forth that this room contains 700 square feet of space, an area as great as that now occupied by the New York Office of the Federal Trade Commission, and that this space had been offered to the Federal Trade Commission by Mr. Arthur Larson, representative of the Treasury Department, who considered it suitable for office purposes. It was also reported that two of the Federal Trade Commissions are not equipped with room and that they did not consider it suitable.

In view of the fact that the occupancy of affecting such arrangements are not disadvantageous to the efficient prosecution of Government business, and of the feeling that will be effected by the relinquishment of rented space by the Federal Trade Commission in this case, I am authorized to overrule the objections offered to occupancy of this space, and it is requested that notice be given to effect the removal of the New York Office of the Federal Trade Commission from rented space into the Sub-Treasury Building by July 1st, 1935.

Very sincerely yours,

(Signed) H. C. Sullivan,
Chief Coordinator."

The letter was read and after discussion, a motion of Mr. Sullivan, Commissioner Ferguson and Thompson were presented to confer as soon as possible with the Chief Coordinator and upon present the Commission's objection to these quarters and report back.

June 24, 1935.

Mr. Thompson referred to a trade practice submitted with the clothing button industry as assigned to him on June 10, 1935, for supervision and reported that a preliminary conference had been held with the trade at New York City on June 22nd at which perhaps 75% of the industry was represented and that conditions were favorable for a settlement. Mr. Thompson stated that the question had arisen as to whether or not it would be desirable to extend the scope of the settlement to include all thread rather than limit it to heading yarn as originally suggested. Mr. Thompson expressed the view that the extension would be desirable and this view was supported by the other Commissioners and the matter left to Mr. Thompson to handle.

Mr. Hunt presented the following matters and action as indicated and taken by the Commission:

(1) Letter of June 15th from Attorney George S. Franklin, New York City, representing the organized effort group of the New York Typing Printers' Association and referring to a conference with the Commission on June 18th with respect to the retail printing industry and transmitting additional copies of a brief submitted to the Commission on the evening of June 18th, requesting that the Commission's attention be called to the brief.

The letter was read and referred to Mr. Hunt for reply.

(2) Letter of June 15th from Attorney George S. Franklin, New York City, representing the organized effort group of the New York Typing Printers' Association and enclosing copy of a letter dated May 28, 1935, which the Typing Printers' Association, New York City, has caused to be sent to members of the Stationery, Printing and Allied Trades. The letter of May 28th referred to the Commission's statement of January 16, 1935, following the trade practice submitted as the use of the terms "disproved" and "disproved". The letter from Attorney Franklin stated that the content of the Typing Printers' Association in sending out the letter was unfair and deserves the censure of the Commission.

The letter was read and was referred to Mr. Hunt for attention and preparation of reply.

June 24, 1935.

Mr. Murphy stated that he expected to leave the city in a few days and for that reason asked the Commission to consider certain matters which he desired to present at this time. This was agreed to and Mr. Murphy presented the following matters:

(1) Docket 1623 - International Shoe Company.

Draft of findings as to the facts and order to rehear and decide was prepared by Trial Attorney Brinkley and submitted to the Commission by the Chief Counsel with memoranda of June 18th. These findings and order were prepared in response to the Commission's order of May 8, 1935.

Mr. Murphy called attention to items (b) and (c) of Paragraph Twenty-Three of the findings as follows and expressed the view that the evidence did not support such findings:

"(b) To restrain commerce in the shoe business and especially in that part of such business relating to the sale of dress shoes for men in various sections or communities of the United States in which International Shoe Company and W. W. McGraw Company were engaged in commerce;

"(c) To restrain commerce in the shoe business in the sections or communities of the United States including Columbus, Ohio; Kansas City, Missouri; and San Francisco, California; and in other sections or communities adjacent thereto;"

After discussion, Mr. Murphy offered the following motion, which was seconded by Mr. Hunt:

"That, that the foregoing sections (b) and (c) of Paragraph Twenty-Three of these findings of fact be stricken on the ground that the evidence does not sustain such findings."

After further discussion, it was agreed that the vote would not be voted upon at this time, but would be left to stand upon the record and be called when the case was considered by the Commission, with the understanding, if Mr. Murphy was absent when the case was considered and the motion put to vote, that Mr. Murphy's vote be recorded in favor of the motion.

In accordance with rule made on May 8, 1935, in directing to be tried in this case, Mr. Murphy submitted a memorandum of dissent to accompany and which is open and pending before the Commission, and this memorandum to be delivered to the Secretary, when the Commission shall deem in order to rehear and decide.

June 24, 1925.

(2) File 1-2423 - F. T. C. vs. Anaconda Copper Mining Company.
Mr. Humphrey referred to the report of Investigating Attorney Burian recommending complaint and to the report of the Board of Review recommending dismissal and after reporting the facts in the case, offered the following motion, which was seconded by Mr. Hunt:

Moved, that the case be dismissed in accordance with the recommendation of the Board of Review.

After discussion and prior to vote upon the motion, it was agreed that further consideration of the motion be postponed until Monday, June 29th and considered as a Special Order of business at that time and in the meantime, that the case be referred to the several Commissioners for examination; with the further understanding that in event Mr. Humphrey is absent, when the case is considered, that his vote in favor of dismissal be cast and recorded.

The Chairman referred to the fact that publication and service of a number of orders disposing of cases had been withheld pending the preparation of dissenting opinions and suggested in order to avoid delay that the orders be served by the Secretary when ready for service, without waiting for dissenting memorandum, with the understanding that the memorandum of dissent would be later published and distributed in like manner, as the order of the Commission; and that the order of the Commission carry a statement that certain Commissioners dissent and would later file a memorandum of dissent.

This was unanimously agreed to and it was so ordered.

At this time (11 a.m.) Commissioners Thompson and Humphrey were excused for conference with the Chief Coordinator, with respect to quarters for the New York Office in accordance with letter of June 23rd from the Chief Coordinator, with request to report back.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Nugent,
Charles W. Hunt.

Mr. Thompson absent on official business.
Mr. Humphrey absent on official business.

June 28, 1935.

The following matters of general business forwarded to the Commission by the heads of the several divisions were presented by the Secretary and action as indicated was taken by the Commission:

- (1) Docket 1243 - Grand Rapids Warehouse Association, et al.

Letter of June 11th was received from Edward J. Bennett, United States Attorney, Western District of Michigan, Grand Rapids, Michigan, requesting the Commission's file for use in preparing a fraud case under Section 215 of the Federal Food Code. Memorandum of June 10th was also received from Trial Attorney Boyle stating that the material requested by the United States Attorney to be the copy of the transcript, the exhibits and a copy of the Commission's brief and recommended that the request be granted.

The request was granted by the Commission with the understanding that in event the original papers from the Commission's files are introduced in evidence, that arrangements be made with the proper persons for the substitution of photostatic copies and the return of the originals to the Commission's files.

(2) Memorandum of June 2nd was received from the Chief Examiner transmitting letter of May 29th from the Silk Association of America, New York City (Harvey F. Pugh, Secretary). The Chief Examiner stated that the request of Mr. Pugh was to have the Commission reconsider the Conference Bulletin No. 26, of April 26, 1935, in regard to misbranding, mislabeling, and advertising of thread which contained no silk, as Cambric, Silktone, etc. The Chief Examiner stated that it was his belief that a reasonably careful person would be able to detect by the label, approved after the Conference Bulletin, and asked instructions.

The letter and the memorandum were read and after consideration the letter was referred to the Chief Examiner in connection with Commission's action of June 27, 1935, in denying certain application for complaint under Section 215, 216, 217 and 218 of the Federal Food Code for regulations for a trade practice standard.

- (3) Docket 1217 - W. H. Harris, Secretary, Inc.

Memorandum was received from the Chief Examiner transmitting request of respondent for an extension of time for filing answer until July 20, 1935 and recommending that the request be granted. The request was granted by the Commission, and order to that effect approved and entered.

- (4) Docket 1212 - Post Coast Theatres, Inc., et al.

" 1220 - Post Coast Theatres, Inc., et al.
Upon receipt of request of counsel for the respondents, entered in by the Chief Examiner, for an extension of time to and

June 24, 1923.

including August 10, 1923 for filing answer, the Commission granted the request and directed the Chief Counsel to prepare and the Secretary to serve appropriate orders.

(4) Request 824 - Standard Oil Company of New Jersey.

An order of June 23rd was received from the Chief Counsel recommending that counsel for the Commission and counsel for the respondent be granted an extension of time to September 1, 1923, in which to file brief.

The recommendation of the Chief Counsel was approved and it was so ordered. The Chief Counsel was directed to prepare and the Secretary to serve appropriate order.

(5) Request 1425 - The Standard Company.

A remonstrance of June 11th was received from the Chief Counsel transmitting memorandum by Attorney Boardman recommending that the present complaint in this case be dismissed and a new complaint be filed by the present date for the grounds stated in the remonstrance. The Chief Counsel approved the recommendation of Attorney Boardman and submitted draft of proposed new complaint.

The memorandum was read and after consideration, the Commission (1) dismissed the present complaint in this case, (2) directed that a new complaint issue, and (3) approved the draft of complaint as submitted by the Chief Counsel and referred the same to the Secretary for service.

The Chief Counsel was directed to prepare and the Secretary to serve order of dismissal.

(6) Request 1141 - Standard Oil Company of Kentucky.

The following order submitted by the Chief Counsel was approved and entered: that the hearing of the complaint begin at Cleveland, Ohio, Monday, July 30, 1923, at 10 a.m.

(7) Request 1373 - United States Oil Company, et al.

The following orders submitted by the Chief Counsel were approved and entered: (1) that John W. Dennis, as counsel of the Commission be directed to receive testimony, etc., and (2) that the hearing of the complaint begin at Providence, R. I., on July 18, 1923, at 10 a.m.

Thereupon, at the hour of 11:30 a.m., the Commission adjourned to meet Thursday, June 28, 1923, at 10 a.m.

Attest:

W. H. Van Fleet
 W. H. Van Fleet,
 Secretary.

Walter W. Van Fleet,
 Chairman.

June 25, 1933.

MEETING OF THE FEDERAL TRADE COMMISSION

Thursday - June 25, 1933 - 10 a.m.

PRESENT:

Vernon T. Van Fleet, Chairman,
John F. Nugent,
Charles W. Hunt,
Hester Thompson,
William E. Humphrey.

Pursuant to notice, the Commission heard representatives of the cooperative and farmer groups in the tobacco industry and representatives of the American Tobacco Company and the Imperial Tobacco Company, Ltd., with respect to tentative report prepared by the Staff of the Commission in response to Senate Resolution 229, adopted February 3, 1933 (Senator Trust) which tentative report was submitted to the various groups prior to the hearing.

Those present at the hearing were:

Representing the Imperial Tobacco Company, Ltd.

H. M. Snelten, Washington, D. C.
L. M. Reed, Richmond, Virginia.
John S. Spilston, Richmond, Virginia.
W. A. Leake, Richmond, Virginia.

Representing the American Tobacco Company.

Thomas P. Littlepage, Washington, D. C.
Julius Parker, New York City.

Representing the Department of Agriculture.

Paul W. Williams.
Frank A. Wilkinson,
W. H. Garner,
George G. Quinn,
A. W. Brady,
J. W. Leeman.

Carl J. Davis, attorney for Tobacco Growers' Association,
Detroit, Michigan.

J. V. Hesse, Vice-President, Burley Tobacco Growers' Cooperative Association, Lexington, Kentucky.

G. A. Farwell, President, Tobacco Growers' Cooperative Association, Goldsboro, North Carolina.

John Martin, Tobacco Growers' Cooperative Association,
Gastonsville, Virginia.

June 28, 1925.
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W. W. Martin, Tobacco Growers' Cooperative Association,
Richmond, Virginia.
W. T. Joyner, Attorney for Tobacco Growers' Cooperative
Association, Raleigh, North Carolina.
T. S. Chewer, Tobacco Growers' Association, Martinsburg,
Virginia.

Carl Davis and W. T. Joyner, were heard on behalf of the
Tobacco Growers' Cooperative Association. Julius Parker was
heard on behalf of the American Tobacco Company. John S.
Appleton was heard on behalf of the Imperial Tobacco Company.
The hearing was stenographically reported. See file

The hearing continued until the hour of 11:30 a.m., was
concluded and the matter taken under advisement by the Commission.

Thereupon, at the hour of 11:30 a.m., the Commission
adjourned to meet Friday, June 26, 1925, at 10 a.m.

Vernon E. Van Fleet,
Chairman.

Witness:

Secretary.

MINUTES OF THE COMMISSION ON TOBACCO

Friday - June 26, 1925 - 10 a.m.

PAGE TWO:

Vernon E. Van Fleet, Chairman,
John F. Leggett,
Charles C. Hart,
Wesley L. Brown,
William C. Carpenter.

The minutes of the meeting of June 24 and June 25, 1925,
were read and approved.

June 26, 1925.

The Bureau submitted the following matters for action as indicated suggested by the Commission:

(1) Telegram of June 22nd from Benjamin Franklin (writing) Bismarck, Secretary National Council, Bismarck, Minn., addressed to the President of the United States and requesting the President to instruct the Federal Trade Commission to investigate the Power Trust, Open Price Manipulation and the Corporations, etc.

The telegram which was received by the Commission, by reference from the White House was sent to the Commission by the Chairman and referred to the Secretary for acknowledgment.

(2) Quarters for the New York Office.

(a) Letter of June 21, 1925, from the Bureau of the Budget (H. V. Wood, Director), as follows:

June 24, 1925.

The Honorable,
The Chairman,
Federal Trade Commission,
Washington, D. C.

My dear Mr. Chairman:

Referring to the matter of the assignment of space in the Sub-Treasury Building in New York City for the accommodation of the New York Office of your Commission, I understand that the one real objection made to the occupancy of this space is the alleged impracticability of making it properly partitioned so as to permit of proper administration. If there exists such impracticability, I certainly feel that the Federal Real Estate Board would be justified in passing any proposed lease for the next fiscal year for private quarters, it being understood that the quarters in the Sub-Treasury Building are the only public quarters available. It is available for assignment to your New York Office. However, if we have the assurance of the Commission charged with the general supervision of the Sub-Treasury Building that it can be properly partitioned so as to meet the administrative requirements of your office, I certainly do not believe that the Federal Real Estate Board would be justified in clearing a private lease for private quarters for the next fiscal year.

I have sent a copy of this letter to General H. C. Gifford, the Chief Administrator, with request that he give this matter consideration along the lines which I have indicated above.

Sincerely yours,

(Signed) H. V. Wood,
Director.

June 26, 1935.

(b) Letter of June 25, 1935, from the Attorney-in-Charge of the Commission's New York Office (W. I. Clark) as follows:

"June 25, 1935.

Honorable Vernon W. Van Fleet,
Chairman, Federal Trade Commission,
Washington, D. C.

Dear Judge Van Fleet:

Captain Miller, the Coordinator of the First Area, telephoned me this morning and requested me to come down to talk over an important matter with him at his office at the Custom House. I did so and was informed by Captain Miller that the Chief Coordinator in Washington had called him on the telephone and directed that he get in touch with me and ascertain what reasons, if any, I had to urge against the removal of the Federal Trade Commission's New York Office to space to be assigned in the Sub-Treasury on Wall Street. I told him that there were several objections and pointed out to him that, aside from the inconvenience to our own employees, that would result from this change, the situation would be inconvenient to the public at large, as practically all of our work in New York City is north of 14th Street. The primary objections, however, that I urged, were the impossibility of partitioning the space in such a way as to meet our requirements and the poor light which would require the constant use of artificial light even on sunny days.

Captain Miller met the first objection by calling in the architect and asking him if there was any practical difficulty in the way of partitioning the room that was proposed to be given to us in such a way that all reasonable requirements would be met. The architect assured him that the space could be easily divided with sound-proof partitions with him agreed to the distribution of the window space, so that no room would be very dark. He assured the Coordinator and myself, that if we should accept the space that everything would be done that was required in the way of partitions and electric lights and asked to have no doubt about his ability to convert the space into acceptable office quarters.

As to the light, Captain Miller then to this objection was not well founded and pointed out that in that particular portion of New York, practically every office building uses artificial light more or less during the day. He thought that this was a condition that Government employees should

June 26, 1925.

be willing to make in the interest of society. He stated that, in his opinion, the space that he was offering the Commission was first class office space, a statement which I told him, I could not disagree in.

After a visit looking over the Sub-Treasury Building with one of the Commission's assistants, I told him that I had made no objection to the Commission and could not see wherein anything further was expected of me, that I would make the change if it were necessary to do so, but that I would not do it voluntarily. During my conversation with these gentlemen, I received the impression that the Commission has practically settled the question in favor of our removal to the space offered.

My only purpose in writing this letter is to advise you what has taken place.

Very truly yours,

signed) W. A. Clark,
Chief Clerk-Charge,
New York Office.

The Chairman referred the disposition of the contents of the foregoing letters from the Bureau of the Sub-Treasury Clerk.

Commissioners Thompson and Murphy reported in regard to their conferences yesterday with the Chief of Division of the Director of the Bureau of the Budget, at which conferences the Commission's objection to occupy the quarters in the Sub-Treasury Building at New York City was again presented.

After the consideration of the matter, the Board again reaffirmed its previous position as previously reported to the Chief of Division. That the proposed quarters in the Sub-Treasury Building after personal inspection by two members of the Commission were found to be unsuitable for the Commission's purposes because of the fact that the same is likely to endanger the health of the employees because of insufficient light, because of poor ventilation, because of insufficient fire escape space and because of the fact that the same is not suitable for the Commission's activity in New York City.

After further discussion, the following motion was offered by Mr. Thompson, seconded by Mr. Murphy:

Motion, That the Commission be asked with the exception of the lease for the present quarters in the Sub-Treasury Building for the next fiscal year and

June 26, 1925.

that the Secretary be authorized and directed to take such whatever steps were necessary to secure these quarters.

The motion was unanimously adopted and it was so ordered. The Secretary was instructed to submit the lease to the Federal Real Estate Board with a letter pointing out fully the Commission's position and requesting that the lease be passed. Attorney Clark was directed to refer matters of administration pertaining to quarters and like matters to the Public for determination without committing the Commission in any manner.

At this time Mr. Humphrey presented file #7841, Universal Equipment Installation, et al vs. Distalson Engineering Company, Inc., recited the facts and called the Commission's attention (1) to the report of the Board of Review & finding a hearing, granted the proposed complaint in which request the Board recommended that complaint be denied; (2) dissenting report by Attorney Clark recommending dismissal, and (3) letter of June 17th from counsel for the respondent following the hearing before the Board of Review. Mr. Humphrey also reported that the proposed respondent was not willing to stipulate the case.

After discussion, the following action was offered by Mr. Hunt, seconded by Mr. Van Fleet:

Resolved, that complaint denied.

The motion was adopted and it was so ordered, with Messrs. Van Fleet, Sugart, and W. B. Thompson voting in the affirmative and Mr. Humphrey and others.

Mr. Van Fleet stated that, stipulation having failed, no trial for discipline.

The file was referred to the Chief Counsel for preparation of complaint to be served by the Secretary without further action by the Commission.

The following additional matters were presented by the Chairman and were so referred as stated by the Commission:

(3) Dissolved No. 122, dated June 22, 1925, from the Bureau of the Budget (Mr. H. Lord, Director) requesting the submission of preliminary report of activities of a corporation for the fiscal year ending July 1, 1926 to the Bureau of the Budget on or before July 15, 1925.

June 26, 1985.

After discussion of the amount of the Commission's bill into the following motion was offered by Mr. Humphrey, seconded by Mr. Sargent:

Moved, that the Secretary be directed to prepare the estimate in amount of \$1,180,000, and that the same be submitted to the Board of the Budget pursuant to their request.

The motion was adopted and it was so ordered.

At this time Mr. Humphrey left the meeting stating that he was leaving the city for a vacation.

MEMORANDUM

For Mr. Max Fleish, Chairman,
John F. Sargent,
James M. Hall,
Walter Thompson.

Mr. Humphrey absent on vacation.

Re: Packet 1741 - Kansas Manufacturing Company, et al.

Letter of June 19th was received from Robert D. Sisco, Director, State of Kansas, who inquired for the respondents, referring to two facts that appear in the July 3, 1984, that the respondents had refused to file with the Board of Review a report stating that the time to answer the complaint be extended until after the decision of the Commission regarding the rights of the Board of Review.

The letter was read and open motion of Mr. Max Fleish, it was ordered that the time to answer be extended until July 19, 1985 after the decision of the Commission upon the report of the Board of Review.

(5) Will, 17418 - Kansas Manufacturing Company, et al.

Letter of June 19th was received from the Department of Law (John F. Sargent, Attorney General) and enclosing the respondents' letter of May 19th and stating that a copy of letter from Messrs. Sargent & Sisco, counsel for the proposed respondents, dated March 1, 1985, was filed in the Department of Law and the same with the respondents' letter of May 19th had been filed and requested another copy of said letter.

The letter was read and referred to the Department for compliance.

June 28, 1935.

(6) District 1161 - Florida Community, Ltd.

Letter of June 27rd was received from Gilbert M. Montague, attorney for the respondent, requesting an oral argument on the final submission of the case.

The letter was referred to the Chief Counsel to arrange for final argument.

(7) District 487 - Cudahy Packing Company.

Letter of June 27rd was received from Gilbert M. Montague, counsel for the respondent requesting an oral argument on the final submission of the case.

The letter was referred to the Chief Counsel to arrange for oral argument.

(8) Letter of June 27rd from the Department of Justice (William J. Donovan, Assistant to the Attorney General) returning seven separate cover the files of evidence obtained by the Federal Trade Commission in the course of its copying of the Western Film Distributors' Association, which files were transmitted to the Department of Justice on March 9, 1933, August 31, 1933 and January 20, 1934. The letter listed two files.

The letter was read and referred to the Secretary for acknowledgment.

Period April cases appearing on the weekly Conference Calendar for final determination by the Commission were examined and action as indicated was taken:

(1) District 1346 - Commercial Sales & Industrial Works, et al.

On November 14, 1933, the Commission issued findings as to the facts and order to cease and desist in this case and on July 21, 1934, directed that the case be brought into conformity with the findings and order issued in District 1347 - American Shellac Company, Inc.

Pursuant to the above action, the case is before the Commission for consideration on the following records: Memorandum of June 14th from the Chief Counsel transmitting modified explanation and modified findings and order; modified explanation as to the facts; findings as to the facts issued November 14, 1933; modified findings and order submitted by the Chief Counsel with memorandum of June 14, 1934; findings and order in District 1347 - American Shellac Company, Inc., precedent.

After consideration, the following action was ordered by Mr. Van Fleet, assisted by Mr. Smith:

Ordered, that the modified findings as to the facts and modified order to cease and desist submitted by the Chief Counsel be approved by the Commission and issued.

June 26, 1925.

The foregoing motion was adopted by the Commission and is now so ordered with dissent. The Clerk let the voting in the affirmative and in the negative. The Clerk let the voting in the affirmative and in the negative. Mr. Thompson did not vote.

Mr. Tolson stated that he wrote "no" for the same reason given in the handwritten note. He said JAG had added that this change is to appear on the receipt and on the order. It was explained.

The modified findings and notes as approved by the Commission were referred to the Secretary for sending without further action by the Commission.

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to 1.44 g/l in the 1990s and 1.07 g/l in the 2000s.

2000

Syntherisma *syntherisma*

1. *Journal of the American Medical Association*, 1997; 277: 1033-1036.

Figure 1. The effect of the concentration of the inhibitor on the rate of polymerization of α -methylstyrene in the presence of SnCl_4 at 0°C .

12. *Geography* 1000000

¹⁰ *See* e.g., *United States v. Gurnea*, 199 F.3d 1005, 1010 (9th Cir. 2000) (quoting *United States v. Gurnea*, 199 F.3d 1005, 1010 (9th Cir. 2000)).

• • •

12/10/2001 - North Carolina State Police
Greensboro, NC file

On April 1, 1969, the Department directed that as a matter of course and incident to the fact that the public interest requires that the issue of whether to release and assist and act if the same is the best solution for the public is to form.

From 1 to the above entries, the entry is before the 1900-1901 year the following events: introduction of June 1901 for the first time; introduction of draft of fishing and entry; fishing as to the first and order to examine and report; removal of June 1901 from the list of events; application of June 1, 1901, filed by court for the removal of the June 1901 constant.

The Commission considered the petition filed by the respondent dated June 19, 1975, to reopen the case and, after a consideration of Mr. Bryant, such matter to reopen the case was denied by the Commission.

"The findings and order submitted by the Chief Counsel with memorandum of June 11, 1937, were approved by the Executive Council of the Board. The Board and Council had on other occasions approved similar findings and order made by various members of the Executive and Administrative Committees and the Board of the American Bar Association without further action by the Council."

This was done before the Commission for its determination upon the following: receipt, communication of June 21, from the Chief General Prosecutor, the case and accompanying documents; receipt; answer; testimony. The report was filed by the Chief Prosecutor. No further was filed. All these facts remain in the Commission. Attorney David S. Lee was one of the members.

Second, the applicant is asked to prepare and submit for the Commission a list of those he directed to prepare and submit to the Commission. He agreed he is "free, swift and lightning" as to the facts and will try to make an effort.

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2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 2680, 2681, 26

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◎ 정답 ②번

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June 28, 1925.

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It was reported that John Smith, of Jacksonville, Florida, representing the Telephone Corporation, contacted and visited upon him and made a long talk with respect to the Commission's action upon the request of the Telephone Corporation for a return of the telephone in the 1940-41 report to the Commission. He advised him that Smith had been suggested to him. Smith then says that Smith had been to him in the United States in visiting and suggested to him the Commission.

The Government has advised that information about the activities of the Communist Party in the United States is being furnished to the United States Intelligence Community. This information is being furnished to the United States Intelligence Community for their use in the conduct of their operations. The Government has also advised that the United States Intelligence Community is conducting a study of the activities of the Communist Party in the United States. This study is being conducted in order to determine the extent of the activities of the Communist Party in the United States and to determine the methods by which the activities of the Communist Party can be controlled. The Government has also advised that the United States Intelligence Community is conducting a study of the activities of the Communist Party in the United States. This study is being conducted in order to determine the extent of the activities of the Communist Party in the United States and to determine the methods by which the activities of the Communist Party can be controlled.

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objection to the report or conclusions therefrom as discussed at the hearing; and that the examiner be authorized as outside to the Tribunal to receive such evidence as is presented from the Government for such reply as they may fit to make; and further that the Government be allowed to see any evidence submitted by the Tribunal's Commission and make any reply to such, that may fit; and that such also be allowed to have to reply to the matters submitted to them.

1990年，在“八五”计划期间，我国将重点发展高新技术产业，特别是电子信息、生物工程、新材料、新能源、海洋技术等。同时，也将继续加强基础科学研究，提高自主创新能力。在“九五”计划期间，我国将重点发展高新技术产业，特别是电子信息、生物工程、新材料、新能源、海洋技术等。同时，也将继续加强基础科学研究，提高自主创新能力。

Figure 1. The effect of the concentration of the *Agrobacterium* suspension on the transformation efficiency of *Agrobacterium* strains. The number of transformed cells was determined by the number of colonies obtained on the selective medium. The results are the mean of three independent experiments. Error bars represent the standard deviation.

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Figure 1. The effect of the concentration of the inhibitor on the rate of polymerization of α -methylstyrene in the presence of SnCl_4 at 25°C .

1. The first group of people who are interested in the results of the study are the researchers themselves. They want to know if the study was successful in achieving its goals and if the data collected is reliable and valid. They also want to know if the study has contributed to the field of research and if it has any practical implications.

1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 26

100

[illegible]

1. *Chlorophyll a* and *Chlorophyll b* were determined by the method of Arar and Collins (1971) using a Shimadzu 10A-UV spectrophotometer.

$\frac{\partial \mathcal{L}}{\partial \mathbf{w}_1} = \frac{\partial \mathcal{L}}{\partial \mathbf{z}_1} \frac{\partial \mathbf{z}_1}{\partial \mathbf{w}_1}$

June 21, 1925.

Mr. [redacted] submitted memorandum of June 1, 1938 reciting the facts and recommending in the recommendation of the Board for release Mr. [redacted]'s memorandum was read and after consideration, on motion of Mr. [redacted], the application for suspension was denied and the Board adjourned.

$$f(x) = \frac{1}{2} \left(\frac{1}{x} + \frac{1}{x^2} \right) = \frac{1}{2} \left(\frac{x+1}{x^2} \right) = \frac{x+1}{2x^2}$$

Mr. Ingram reported that this case was closed from the Civil Service without reference to the Board of Civil Service, and that on December 4, 1938, with the following for clearance and approval a resolution was adopted, with the facts, circumstances, and recommendations for clearance and approval, that be laid in before the Commission, Mr. Ingram and the Civil Service, which was approved by Mr. Ingram.

1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 26

In consideration of the foregoing matter, the following action was ordered by the Mag. Court, presided by Mr. Justice:

...that the case be sent to the Court of Inquiry
in the regular course.

[illegible][illegible][illegible]

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June 29, 1955.

1221P

Board at 10 a.m., this morning, at which time, the Board considered the Committee's letter of June 27, 1955, exhibiting a proposed contract for lease of quarters in the Alfred Hiding, New York City, for the fiscal year beginning July 1, 1955. Mr. Thompson stated that the Federal Civil Control Board had decided not to approve or pass the lease but recommended that the Committee might quarters in the Sub-Treasury Building as previously suggested by the Chief Coordinator, with the understanding that the Committee would not move to the Sub-Treasury until October 1, 1955, in order to permit these quarters to be put in condition for occupancy.

After discussion, the Committee determined to appeal to the President pursuant to the provision of Executive Order 11811, the decision of the Director of the Bureau of the Budget and the Chief Coordinator and requested the Secretary to comply with the course of the "Hiding" for occupancy by the Committee until at least October 1, 1955, and also requested the Secretary to prepare the necessary letter to the President asking the appeal and that the Bureau of the Budget and the Chief Coordinator and others interested be notified of the Committee's determination to appeal to the President.

Mr. Thompson submitted the following brief application for complaint and action as indicated was taken by the Committee:

- (1) File #2764 - Complaint against the Committee, Appleton, Inc.

Mr. Thompson stated that this application was direct to the Committee from the Chief Examiner cited reference to the Board of Review pursuant to the rule of December 4, 1954.

Mr. Thompson submitted memorandum of June 27 in reviewing the facts and reasoning in the recommendation of the staff for complaint.

The no order was read and after consideration, on motion of Mr. Thompson, the application for complaint was dismissed by the Committee.

- (2) File #2764 - Complaint against the Committee, Appleton, Inc.

Mr. Thompson stated that this application was direct to the Committee from the Chief Examiner cited reference to the Board of Review, pursuant to the rule of December 4, 1954.

Mr. Thompson recited the facts in the record and thereafter, offered the following action, which was accepted by Mr. Leggett:

Board, that complaint issue.

June 20, 1945.

In substitution for the foregoing motion, it was moved by Mr. Van Fleet, seconded by Mr. Hunt, that the case be referred to the Chief Engineer to obtain a recommendation under the rule and report to the Commission.

Vote was taken upon the substitute motion. As to this motion Messrs. Van Fleet and Hunt voted in the affirmative and Messrs. Ingersoll and Thompson voted in the negative. The substitute motion was lost on its vote.

Vote was then taken, taken upon the original motion for remand as to this motion, Messrs. Ingersoll and Thompson voted in the affirmative and Messrs. Van Fleet and Hunt voted in the negative. The motion was lost on its vote.

Under the rule adopted today, the case was referred to Commissioner Thompson, the Chief Commissioner, for deciding thereon.

(2) File 1-7127 - J. B. Thomas, Inc. vs. J. B. Laffair and Mr. Thompson stated that this application came direct from Commissioner from the Chief Engineer without reference to the Board of Review or remand to the rule of December 4, 1934.

Mr. Thompson submitted memorandum of June 20th reviewing in fact and recommending in the negative action of the Staff for direct after much deliberation, or action of Mr. Thompson, seconded by Mr. Hunt, the application for remand was developed by the Staff as to the foregoing motion, Messrs. Van Fleet, Hunt and Thompson voted in the affirmative and Mr. Ingersoll voted in the negative and the following statement for the record:

"I vote that for I believed in this case there is a believe complaint should have been made upon the report submitted by Mr. Thompson, while I believe I think sufficient to warrant the issuance of a complaint."

(3) File 1-7136 - Western Casual Company, Inc. vs. Seattle Mr. Thompson stated that this application came direct from Chief Engineer, with a reference to the Board of Review, under the rule of December 4, 1934.

Mr. Thompson submitted memorandum of June 20th reviewing in fact, disagreeing with the recommendation of the Chief Engineer and recommending that complaint issue.

After deliberation, Mr. Thompson offered the following motion, which was seconded by Mr. Ingersoll:

Moved, that complaint issue.

In substitution for the foregoing motion, it was moved by Mr. Van Fleet, seconded by Mr. Hunt, that the case be referred to the Board of Review in the regular course.

Vote was taken upon the substitute motion. As to this motion, Messrs. Van Fleet and Hunt voted in the affirmative and

June 29, 1925.

Leases, United and Chicago voted in the negative. The substitute motion was lost on the vote.

Resolved Chicago taken upon the original motion for complaint. As to this motion, Leases, United and Chicago voted in the affirmative and Leases, New York and United voted in the negative. The motion was lost on the vote.

Under the rule adopted today, the case was referred to Commissioner Murphy, the chief Commissioner, for deciding vote.

(5) Case 1-3864 - American Book Publishers' Association vs. International Publishing Company.

Mr. Thompson submitted a memorandum of June 28th, wherein the record and also giving in the recommendation of the Board of Review for complaint, except with respect to the recommendation as to what to do with the charge in the report of the Leases, relating to collection of debts, as to this report the Board of Review recommended its omission, but Mr. Thompson recommended its inclusion in the complaint. Mr. Thompson made further reference to the report of the Board, stating that the case should proceed direct to complaint under the rule of March 13, 1925, it being the spirit of the Board that collection and buying method should not be allowed in this case because of the fraudulent practices of the respondent.

After consideration, Mr. Thompson offered the following motion:

Resolved, that complaint issue charging E. B. Leases, trading under the name, International Publishing Company, Chicago, Illinois, with violation of the F. T. C. Act and that the complaint include the Leases' trade as defined by the International Publishing Company, Inc. Inc., specifically as to the Leases, relating to collection of debts.

The motion was seconded by Mr. Van Fleet and adopted by the Commission and it was so ordered.

The case was referred to the Chief Secretary, via Chief Secretary for preparation of complaint under the rule, with the direction that hereafter, the complaint is to be filed by the Secretary, without further action by the Commission.

Mr. United presented the following motion and from the Chief Secretary:

June 29, 1925.

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"June 29, 1925.

LETTER FROM THE COMMISSIONER

In Re

COMMISSION OF EXERCISE, AMERICAN CIVIL
SERVICE BY THE COMMISSIONER

Referring to the order of the Commission of June 10th, 1925, a copy of which is attached, the attention of the Commission is called to the fact that the Chief of the Commission has been directed by the Commission to conduct certain investigations (directed by the Senate of the United States) which may, or may not, be affected by part of the aforesaid order of June 10th, 1925, especially as to the construction of the appropriation act for the fiscal year ending June 30th, 1926, (Public Law No. 34, 6th Congress) by the Comptroller General.

In order to carry out completely both the orders in these investigations and to order not to make any of them which is contrary to the rule appropriation act, it seems that the Comptroller General's opinion is both necessary and proper. Such opinion may be obtained, I have been specially informed, by a direct request to the part of the Commission to the Comptroller General and this would seem to be the natural and desirable administrative method.

It is pertinent to note that evidence of complete violations of the anti-trust act, in particular conspiracies have been obtained with respect to labor and floor matters in the so-called bread inquiry, while the allegations of the Senate resolution are specific with respect to the so-called Electric Power inquiry.

It is, therefore, respectfully recommended that the Comptroller General be requested to give an advance ruling as to whether expenditures will be approved by him for certain purposes (in whole or in part) and that, as directed by the Chief of the Commission, namely, the so-called "Bread Inquiry" directed by Senate Resolution No. 187, 6th Congress, 1st Session and the so-called "Electric Power Inquiry" directed by Senate Resolution No. 187, 6th Congress, 1st Session.

(Signed) Francis B. Baker,
Chief of the Commission.

FVB
6-29-25.

June 29, 1925.

The manuscript was read and after discussion, it was ordered by the Commission, that application be made to the Department of the Interior of the United States for an opinion with respect to the application of the provision in the Appropriations Act, effective July 1, 1923, to the following Congressional Resolutions before the Committee:

Senate Resolution 22 (Senator Wheeler) (Radio Corporation) adopted March 27, 1921 * Opponents Association.
 Senate Resolution 74 (Senator Chapman) (Radio Corporation) adopted March 27, 1921 * Opponents Association.
 Senate Resolution 143 (Senator La Follette) (Radio Corporation) adopted February 14, 1924 * Passed.
 Senate Resolution 202 (Senator Norris) (Radio Corporation) adopted February 7, 1925 * Electric Power.

It was directed that the request for an opinion be accompanied by a copy of the same material submitted by the Commission to the Attorney General with its letter of May 2, 1925, requesting an opinion as to the authority of the Commission to proceed under the foregoing resolutions, i.e., (1) copy of the resolutions as amended; (2) memorandum from the Chief Counsel in response to the Commission's order of April 6, 1925; and (3) memorandum of April 22, 1925, from the Chief Counsel to the Commission.

The Secretary presented manuscript copy of report on "Impairment of Authority" as prepared by the Economic Division in response to the Commission's order of February 4, 1924. Mr. Boardman's attention was called to the file record respecting this report of December 14, 1924 and also on 10, 1925, it will later state the report was referred to Chairman Van Fleet for distribution.

Mr. Van Fleet stated as follows for the record:

"Let the record show that while I do not agree with all the conclusions in this report, I do not have any objections to its issuance."

The report was thereupon approved by the Commission and ordered transmitted to the Congress of the United States. It was to the public was printed in the usual course.

June 29, 1935.

The following actions of general business forwarded to the Commission by the heads of the several divisions were presented by the Secretary and action as indicated was taken by the Commission:

(1) Filed 1935 - East Coast Trustee, Inc.

Memoranda of June 18th was received from the Joint General Transacting application for extension of time for filing answer on behalf of Robert L. Rotherill Entertainment, Inc., one of the respondents herein.

The request was granted by the Commission and order approved and entered granting respondent ten and including August 5, 1935 for filing answer.

(2) Memoranda of June 21st and June 25th from the Chief Examiner recommending that an additional room be secured adjoining the present room in the San Francisco Office.

The Commission authorized and directed the rental of an additional room at a cost of \$600. per year and authorized and directed the Secretary to enter into the necessary contract.

Therefore, at the hour of 12:30 p.m., the Commission adjourned to next Wednesday, July 3, 1935, at 10 a.m.

Very truly,
Respectfully,
Secretary.

Attest:

[Handwritten signature]
Secretary.

Meeting - June 30, 1935 - No meeting held.

FILE

DIVIDER

July 1, 1923.

MEETING OF THE FEDERAL TRADE COMMISSION

Wednesday - July 1, 1923 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Nugent,
Charles W. Hunt,
Houston Thompson.

Mr. Humphrey absent on official business.

The minutes of the meeting of June 29, 1923 were read and approved.

Mr. Thompson brought up for consideration, the question of action to be taken by the Commission following informal conference on June 19, 1923, with representatives of the so-called raised printing industry, the steel plate and die industry and the Bureau of Engraving & Printing, with respect to the meaning in the trade of the words "Engraved" and "Embossed".

After consideration, the following motion was offered by Mr. Thompson:

Moved, that a public announcement be made and all parties notified that the Commission stands upon its statement which it made on January 18, 1923, in regard to the use of the words "Engraved" and "Embossed".

The motion was adopted by the Commission and it was so ordered.

Chairman Van Fleet submitted the following matters and action as indicated was taken by the Commission:

(1) Letter of June 30th from the White House (Rudolph Forster, Executive Clerk) advising that the Commission's letter of June 29th relating to the tobacco industry report under Senate Resolution 329, adopted February 3, 1923, (Senator Cnast) 68th Congress, had been received and would be brought to the attention of the President.

In its letter of June 29th, the Commission advised the President that it would be unable to complete the report on July 1st as required by the resolution.

The letter was referred to the Secretary for filing.

July 1, 1925.

(2) Letter of June 29th from Senator Walter E. Edge of New Jersey, in regard to A. A. Hartley, a member of the Staff. The letter was read and referred to the Secretary for acknowledgement.

(3) Letter of June 25th from the Chamber of Commerce of the United States of America (John W. O'Leary, President), transmitting a resolution adopted at the 13th Annual Meeting of the Chamber of Commerce of the United States, at Washington, D. C., on May 22, 1925, entitled "Government Interference in Business".

The resolution was read and ordered filed after acknowledgment.

(4) Letter of June 27th from the American Wholesale Grocers' Association (J. H. McLaurin, President), Washington, D. C., referring to the announcement on June 26th of dismissal of complaint against the Express Manufacturing Company and the Certainseed Products Corporation, based upon stipulation and commending this method of handling cases.

The letter was read and ordered filed after acknowledgment.

(5) Memorandum of June 30th from the Chief of the Export Trade Division, transmitting (1) draft of letter to the Attorney General of the United States, in reply to letter of May 6th in the matter of Naval Stores Export Corporation, as prepared in response to the action of May 13, 1925, and (2) memorandum covering information obtained from Associations filing papers with the Federal Trade Commission under the Export Trade Act during 1924 and the first half of 1925.

After consideration, it was directed (1) that the letter to the Attorney General be forwarded, and (2) that the memorandum be circulated.

(6) Letter of June 29th from the Chief Coordinator, (H. C. Smith), Washington, D. C., with enclosures, notifying that the date of July 1, 1925 specified in the Chief Coordinator's letter of June 23rd for the removal of the Commission's branch office into the Sub-Treasury Building, New York City, had been changed to October 1, 1925, to permit necessary repairs.

The Commission also received from the Surveyor General of Real Estate, the original of its letter of June 26, 1925, together with the lease submitted by that letter to the Surveyor General of Real Estate covering the rental of quarters in the Tilden Building for the fiscal year beginning July 1, 1925. The letter bore endorsement to the effect that the lease would not be cleared but that the leases of the quarters now occupied for the period July 1 to October 1925, would be cleared upon submission.

The correspondence was referred to the Secretary for attention.

July 1, 1925.

Mr. Thompson submitted file 30-20 - Fife Hardware Company of Fort William, Canada vs. J. A. Brandon Company of Akron, Ohio, together with memorandum of January 28, 1925 from the Chief of the Export Trade Division reporting the facts developed by investigation and recommending that report of the facts be made to the Department of Commerce, the papers returned to that office and the case closed. A letter to the Secretary of Commerce accompanied the file.

Mr. Thompson recited the facts and upon motion of Mr. Thompson, it was ordered that the letter to the Secretary of Commerce be forwarded, the files returned and the case closed.

Mr. Nugent submitted the following memorandum from the Chief Economist:

*June 30, 1925.

MEMORANDUM FOR THE COMMISSION

IN RE

BREAD AND ELECTRIC POWER INQUIRIES

Considering that, (1) the Commission has decided to refer the matter of continuing the 'Bread' and 'Electric Power' inquiries to the decision of the Comptroller General, because of a certain provision in the Appropriation Act; considering that, (2) even the temporary discontinuance of these two inquiries, pending the decision of the Comptroller General in this matter, would unavoidably involve loss of time on the part of the staff of the Economic Division; and considering that, (3) the Commission has authority under Section 6, paragraph (a) of the Federal Trade Commission Act, to order work to be undertaken with respect to industries generally and particularly with respect to the Bread, Flour, Electric Power and Electric Machinery industries, independently of any Senate resolutions; it is respectfully suggested that the Commission order the Chief Economist to undertake and proceed forthwith to inquire into the following matters, namely, (1) the competitive conditions in the bread, flour, electric power and electric machinery industries, respectively, including practices in restraint of trade, tendencies to monopolization of trade and unfair methods of competition, and (2) prices, costs, investment and profits in the bread, flour, electric power and electric machinery industries.

July 1, 1925.

respectively, especially with relation to any interferences, with or restriction of competition in said industries and with respect to the importance or effects of such interferences or restrictions.

(signed) Francis Walker,
Chief Economist."

FW:B
6-30-25.

The memorandum was read and after discussion, the following motion was offered by Mr. Nugent, seconded by Mr. Thompson:

Moved, that the recommendation of the Chief Economist be approved and that the Chief Economist be directed to proceed in accordance with the memorandum and that appropriate resolutions to carry out the intent and purpose of the memorandum be adopted, as of today.

As to the foregoing motion, Messrs. Nugent and Thompson voted in the affirmative and Messrs. Van Fleet and Hunt voted in the negative. The motion was lost on tie vote.

Mr. Van Fleet made the following statement for the record:

"I vote 'no' for the reason that the Commission has requested the Comptroller General to render an opinion in this matter and I think it appropriate to await the receipt of the opinion."

Mr. Nugent thereupon offered the following motion, seconded by Mr. Thompson:

Moved, that the Chief Economist be instructed to proceed with the investigation of the General Electric Company under the Norris resolution, i.e., Senate Resolution 329, adopted February 3, 1925, (Senator Norris) 68th Congress.

In substitution for the foregoing motion, Mr. Van Fleet offered the following motion, seconded by Mr. Hunt:

"I move as a substitute that the Chief Economist be authorized to proceed with that first part of the Norris Resolution upon the General Electric Company which reads, as follows:

July 1, 1935.

..... and whereas it has been alleged on the floor of the Senate during the course of a debate upon a bill relating to the disposition, operation, management, and control of the water-power and steam-power plant with their incidental lands, equipment, fixtures and properties, that a corporation known as the General Electric Company has acquired a monopoly or exercises a control in restraint of trade or commerce in violation of law or over the production and distribution of electric energy and the manufacture, sale and distribution of electrical equipment and apparatus: Therefore be it

RESOLVED FURTHER, That the Federal Trade Commission be, and it is hereby, directed to investigate and report to the Senate to what extent the said General Electric Company, or the stock-holders or other security holders thereof, either directly or through subsidiary companies, stock ownership, or through other means or instrumentalities, monopolize or control the production, generation, or transmission of electric energy or power, whether produced by steam, gas, or water power; and to report to the Senate the manner in which the said General Electric Company has acquired and maintained such monopoly or exercises such control in restraint of trade or commerce and in violation of law.

RESOLVED FURTHER, That the President of the United States be, and he is hereby, requested to direct the Secretary of the Treasury, under such rules and regulations as the Secretary of the Treasury may prescribe, to permit the said Federal Trade Commission to have access to official reports and records pertinent thereto in making such investigation."

Vote was taken upon the substitute motion. As to this motion, Messrs. Van Fleet and Hunt voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The substitute motion was lost on the vote.

Vote was thereupon taken upon the original motion. As to this motion, Messrs. Nugent and Thompson voted in the affirmative and Messrs. Van Fleet and Hunt voted in the negative. The motion was lost on the vote.

Mr. Nugent thereupon offered the following motion, seconded by Mr. Thompson:

Moved, that the Chief Economist be directed to proceed under Senate Resolution 183, adopted February 16, 1934, (Senator LaFollette), 68th Congress, with respect to the Flour and Bread Industry.

July 1, 1925.

As to the foregoing motion, Messrs. Nugent and Thompson voted in the affirmative and Messrs. Van Fleet and Hunt voted in the negative. The motion was lost on his vote.

Mr. Van Fleet made the following statement for the record:

"I vote 'na' for the reason, that I think we should await the decision of the Comptroller General who has been asked to rule on this matter."

The Secretary asked for instructions with respect to the Tobacco Resolution, i. e., Senate Resolution 329, adopted February 3, 1925 (Senator Ernst), 68th Congress.

Mr. Van Fleet thereupon offered the following motion, seconded by Mr. Hunt:

Moved, that the Tobacco Resolution referred to being a specific investigation in regard to specifically charged violations of the anti-trust laws by the American Tobacco Company and the Imperial Tobacco Company, the Commission proceed by its Chief Examiner with the investigation.

The motion was adopted and it was so ordered.

Mr. Nugent thereupon offered the following motion, seconded by Mr. Van Fleet:

"Believing as I do that many of the employees of the Economic Division should be employed in necessary work, I move that the Chief Economist be directed to proceed in the investigation under the first section of the Norris Resolution, directing an investigation of the General Electric Company, i. e., Senate Resolution 329, adopted February 3, 1925, (Senator Norris), 68th Congress, which part of the resolution to which I refer reads as follows:

.... and whereas it has been alleged on the floor of the Senate during the course of a debate upon a bill relating to the disposition, operation, management, and control of the water-power and steam-power plant with their incidental lands, equipment, fixtures, and properties, that a corporation known as the General Electric Company has acquired a monopoly or exercised a control in restraint of trade or commerce in violation of law of or over the production and distribution of electric energy and the manufacture,

July 1, 1935.

sale, and distribution of electrical equipment and apparatus: Therefore be it

RESOLVED FURTHER, That the Federal Trade Commission be, and it is hereby, directed to investigate and report to the Senate to what extent the said General Electric Company, or the stock-holders or other security holders thereof, either directly or through subsidiary companies, stock ownership, or through other means or instrumentalities, monopolize or control the production, generation, or transmission of electric energy or power, whether produced by steam, gas, or water power; and to report to the Senate the manner in which the said General Electric Company has acquired and maintained such monopoly or exercises such control in restraint of trade or commerce and in violation of law.

RESOLVED FURTHER, That the President of the United States be, and he is hereby, requested to direct the Secretary of the Treasury, under such rules and regulations as the Secretary of the Treasury may prescribe, to permit the said Federal Trade Commission to have access to official reports and records pertinent thereto in making such investigation."

The motion was adopted and it was so ordered by the Commission.

Mr. Van Fleet stated for the record:

"I favor the motion, because I think it is plainly a proper investigation as stated above in my substitute motion".

The Secretary presented the following matters of general business forwarded to the Commission by the heads of the several Divisions and action as indicated was taken by the Commission:

(1) Memorandum of June 30th from the Chief Economist transmitting revised typed copy of preliminary report on the Bread Industry in response to Senate Resolution 163, adopted February 18, 1924, (Senator LaFollette) 68th Congress. The Chief Economist expressed the opinion in his memorandum that it would be better to defer any publication on this resolution until the inquiry is completed.

The memorandum was read and it was directed by the Commission, upon motion of Mr. Nugent, that the report be circulated.

July 1, 1925.

(2) Letter of June 29th from the Personnel Classification Board advising the Commission that the Board has considered the appeal from the allocation for the position of Chief, Stenographic Unit, of the Commission (F. B. Hildebrandt) and that the Board has concluded it will be unable to change the Grade (Grade C.A.F. 3) heretofore approved for this position.

The letter was read and ordered filed.

(3) Request of Mrs. C. Estelle Pernell, clerk in the Administrative Division, for additional leave without pay from July 1, 1923 until Aug 31, 1925, both inclusive, because of illness.

The leave was granted by the Commission.

(4) Memorandum of June 27th from the Personnel Officer, concurred in by the Chief Economist, recommending that Miss Teresa Rickenberg, clerk-stenographer in the Economic Division, C. A. F. 1 - \$1860., who has been on leave without pay for a year and a half, because of illness, be dropped from the roll on account of extended illness, without prejudice and Miss Rickenberg notified that at any time within the ensuing five years, should she wish to return to the Commission, she may make application for reinstatement.

The memorandum was read and after consideration, on motion of Mr. Nugent, the recommendations of the Personnel Officer were approved and it was so ordered.

(5) Docket 431 - Gudaby Packing Company.

Memorandum of June 28th was received from the Chief Counsel recommending that the case be set for final argument before the Commission not later than September 14, 1925.

On motion of Mr. Thompson, the Commission directed that the case be set for argument on September 21, 1925, at 2 p.m., with direction to the Secretary to notify interested parties by registered mail.

(6) Docket 1191 - Oneida Community, Ltd.

Memorandum of June 24th was received from the Chief Counsel recommending that the case be set for argument on September 9, 1925.

On motion of Mr. Thompson, the Commission directed that the case be set for argument on September 23, 1925, at 2 p.m., with direction to the Secretary to notify interested parties by registered mail.

(7) Docket 124 - Standard Education Society.

Memorandum of June 26, 1925, was received from the Chief Counsel transmitting the report by Attorney Craven and recommending that proceedings be instituted for enforcement of the order to cease and desist issued by the Commission and dated November 13, 1923 and further that additional unfair methods of competition being practiced by the respondent and not covered by the order be docketed as an application for complaint.

July 1, 1935.

The memorandum was read and after consideration, it was ordered that the necessary steps be taken looking to the enforcement of the order, but that no action be taken looking toward the docketing of an application for complaint at this time.

(8) Docket 1183 - Philip Carey Manufacturing Company.
Memorandum of June 25th was received from the Chief Counsel transmitting a request of counsel for the respondent to postpone the taking of testimony until after September 13, 1935. The Chief Counsel submitted draft of order that the taking of testimony shall begin on Tuesday, September 3, 1935.

It was so ordered by the Commission and draft of order submitted by the Chief Counsel approved and entered.

(9) Docket 977 - Eastman Kodak Company, et al.
Memorandum of June 18th was received from the Chief Counsel (Attorney Busick), recommending that the Commission apply to the Supreme Court of the United States for a writ of certiorari to review the decision of the United States Circuit Court of Appeals for the Second Circuit setting aside certain portions of the Commission's order to cease and desist against the Eastman Kodak Company, et al. The Commission also received a supplemental memorandum of June 24th from Attorney Busick with respect to the question of whether or not the respondent would make application for a writ of certiorari.

After consideration, on motion of Mr. Thompson, the Commission approved the recommendation of Attorney Busick and directed the Chief Counsel to take the necessary steps and apply for a writ of certiorari.

(10) Docket 1281 - Thomas E. Fowle Lumber Company.
Memorandum of June 25th was received from Trial Attorney Flannery, approved by the Chief Counsel, recommending in view of the illness of the attorney for the respondent, that the answer due May 15, 1935, and filed June 24, 1935, be accepted; and in view of the order of the Commission of May 28th and for the purpose of clearing the record, that the request of attorney for respondent seeking a preliminary hearing before the Board of Review be denied and that this case with other cases selected by the Chief Counsel in this group proceed to trial.

On motion of Mr. Van Fleet, the recommendations of Attorney Flannery were approved by the Commission and it was so ordered.

July 1, 1923.

July 2, 1923.

(11) Bucket 100% - Illinois Glass Company.

Memorandum of June 23rd was received from Trial Attorney Brindley, concurred in by the Chief Counsel, reporting that the case stands at issue and is ready for taking of testimony, setting forth the facts and asking instructions as to proceeding with the trial of the case, in view of the opinion of the Commission attorney that "I see no chance of bringing this case to a successful conclusion".

The Commission directed that the matter be circulated.

Thereupon, at the hour of 12:15 p.m., the Commission adjourned to meet Friday, July 3, 1923, at 10 a.m.

Vernon W. Van Fleet,
Chairman.

Attest:

Otis B. Johnson,
Secretary.

Thursday - July 2, 1923 - No meeting held.

MEETING OF THE FEDERAL TRADE COMMISSION

Friday - July 3, 1923 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Nugent,
Charles W. Hunt,
Huston Thompson.

r. Humphrey absent on official business.

The minutes of the meeting of July 1, 1923, were read and approved.

July 3, 1925.

Formal documents appearing on the weekly Conference Calendar for final determination were considered by the Commission and action as indicated was taken:

(1) Docket #91 - Iowa-Nebraska-Minnesota Wholesale Grocers' Association, et al.

This case is before the Commission for consideration of motion by counsel for the Commission to open the case and take further testimony for the purpose of qualifying Commission's Exhibit No. 20, which was ruled out by the Examiner after the case for the Commission was closed. The following papers were placed in the hands of each Commissioner: memorandum of June 26th from the Chief Counsel; motion by counsel for the Commission to reopen the case and take further testimony; memorandum of April 23, 1925, by Trial Examiner Addison; report upon the facts by Trial Examiner Addison; copy of the Commission's Exhibit No. 20; memorandum of June 3, 1925, from the Chief Counsel on the motion to open the case; brief by counsel for the Commission in support of the motion; objections of respondent, Iowa-Nebraska-Minnesota Wholesale Grocers' Association to motion to reopen the case; brief on behalf of the respondent Association in support of the objections to the motion; objections of respondent, the Gudaky Packing Company to the motion to open the case; objection of respondent, Peet Brothers to open the case; objection of respondent, James E. Kirk & Company to motion to open the case; complaint. Attorney Warden represents the Commission. Attorney Tinley, Mitchell, Ross & Mitchell represent the respondent Association. Attorney R. B. Webster represents the Gudaky Packing Company; Attorneys Lathrop, Morrow, Fox & Moore represent the Peet Brothers Manufacturing Company.

After consideration, the following motion was offered by Mr. Nugent, seconded by Mr. Thompson:

Moved, that the motion of counsel for the Commission to reopen the case be granted and the objections thereto overruled.

As to the foregoing motion, Messrs. Nugent and Thompson voted in the affirmative and Messrs. Van Fleet and Hunt voted in the negative. The motion was lost on the vote.

After discussion of rulings upon evidence and testimony by the Trial Examiners as disclosed in this and other cases, Mr. Van Fleet offered the following motion, which was seconded by Mr. Hunt:

July 3, 1925.

Moved, that the Trial Examiners be instructed not to simply note objections and admit or reject evidence and testimony subject to objections, but that they shall make rulings at least prior to the adjournment of the hearing then being held on the admission or rejection of the evidence or testimony.

The motion was adopted by the Commission and it was so ordered with Messrs. Van Fleet, Nugent and Hunt voting in the affirmative and Mr. Thompson not voting.

(2) Docket 1023 - International Shoe Company.
Laid over for further consideration on next Conference Day.

(3) Docket 1262 - Larrows Milling Company.
Laid over for further consideration on next Conference Day.

(4) Docket 1303 - Leaders Hammerfield.

This case comes before the Commission for final determination upon the following record: memorandum of June 19th from the Chief Counsel transmitting the case; complaint; stipulation as to the facts; findings as to the facts and order to cease and desist submitted by the Chief Counsel with memorandum of June 19, 1925. An answer was filed. No testimony was taken nor briefs filed. Attorney Hearnden represents the Commission. Respondent has no attorney of record.

Mr. Nugent suggested a number of corrections in the findings and order as shown on marked copy and also raised questions as to the materiality of two certain paragraphs in the findings as shown on marked copy - Paragraphs One and Two on Page Four.- and suggests that the findings and order be returned to the Chief Counsel and Trial Attorney Hearnden with instructions to redraft the same pursuant to the marked copy and also to report to the Commission with respect to the materiality of Paragraphs One and Two on Page Four of the findings.

It was so ordered by the Commission.

The Chairman submitted the following matters and action as indicated was taken by the Commission:

(1) Letter of July 1, 1925, from the Treasury Department (McKenzie Coon, Assistant Secretary) reporting that the Department has no other suitable space in a Federal Building in New York City that can be made available to the Federal Trade Commission other than the quarters heretofore offered in the Sub-Treasury Building.

The letter was read and referred to the Secretary for attention.

July 3, 1923.

(2) Copy of the minutes of the meeting of the Federal Real Estate Board of June 30, 1923, with respect to quarters for the Federal Trade Commission in the Sub-Treasury Building in New York City.

The minutes were referred to the Secretary for attention.

(3) Letter of June 27th from the Chamber of Commerce of the United States of America (John W. O'Leary, President) respecting changes in procedure which the Commission made earlier in the year and enclosing declaration made by the Chamber at its meeting in May 1923 with respect to the changes in procedure.

The letter and the declaration were received and filed.

(4) Letter of July 1st from I. K. Russell, Chicago, Illinois, with respect to conditions in the Bread Baking Industry.

The letter was read and referred to the Chief Economist for attention in connection with the Flour and Bread Inquiry and a copy to the Chief Examiner for attention, with the further direction, that a copy be also forwarded to the Attorney General for his information.

Mr. Thompson submitted file 30-104 - Foreign Trade complaint of F. B. Surtee & Company of Bombay, India, against the Arts Electrical Company of Troy, New York, together with memorandum of June 29, 1923, from the Chief of the Export Trade Division reporting the facts developed by the investigation and recommending that report of the facts be made to the Commerce Department, the papers returned to that office and the case closed. A letter to the Secretary of Commerce accompanied the file.

Mr. Thompson recalled the facts and upon motion of Mr. Thompson, it was ordered that the letter to the Secretary of Commerce be forwarded, the files returned and the case closed.

Mr. Thompson raised the question as to whether or not it would be desirable to send a representative of the Commission to the Burley Tobacco Growers' Cooperative Association for full report of conditions in that Association in connection with the report on the tobacco industry in response to Senate Resolution 329, adopted February 3, 1923 (Senator Brant) and suggested that the Chief Examiner be directed to report in the matter.

The suggestion was adopted and the Chief Examiner was directed to report.

July 3, 1925.

The following matters of general business forwarded to the Commission by the heads of the several Divisions were presented by the Secretary and action as indicated was taken by the Commission:

(1) Docket 1154 - F. H. Hansen Knitting Company.

Memorandum of June 25th was received from the Chief Counsel transmitting request of counsel for the respondent for an extension of time for filing brief to July 20, 1925 and recommending that the extension be granted.

The request was granted by the Commission and order to this effect approved and entered.

(2) Docket 1133 - Ostermeier & Company, et al.

The Chief Counsel submitted a request of C. C. Cousine, counsel for the respondents, for a continuance for the purpose of taking the testimony on the part of the respondents for a period of sixty days from July 10, 1925. The Chief Counsel offered no objection to the request for continuance.

The request was granted by the Commission and the Chief Counsel directed to prepare and the Secretary to serve appropriate order.

(3) Docket 915 - The Gutler-Hammer Manufacturing Company.

Memorandum of July 2nd was received from the Chief Counsel transmitting request of counsel for the respondent for an extension of time for filing brief to August 27, 1925 and recommending that the request be granted.

The request was granted by the Commission and order to this effect approved and entered.

(4) Docket 1175 - United States Oil Company, et al.

Memorandum of July 2nd was received from the Chief Counsel transmitting request of counsel for the respondents for postponement of hearings now set for July 15, 1925, until September and recommending that the request be denied.

The request was denied by the Commission and the Chief Counsel directed to prepare and the Secretary to serve appropriate order.

(5) Docket 1123 - Real Silk Hosiery Mills.

Memorandum of July 2nd was received from the Chief Counsel recommending that counsel for respondents be granted ten days time to and including July 18, 1925 for filing exceptions to the Trial Examiner's report; that counsel for respondents be granted to and including September 15, 1925, for filing brief and that counsel for the Commission be granted to and including August 10, 1925, for filing brief.

The recommendation of the Chief Counsel was approved and orders to this effect approved and entered.

July 3, 1925.

From the Circulating Calendar the Commission considered the following matters and action as indicated was taken:

(1) Memorandum of June 13th from the Chief Counsel transmitting pursuant to the Commission's direction of June 10th, a report with respect to a letter of June 5th from P. L. Gerety, Derby, Connecticut, acting on behalf of the American Manufacturers of Common & Safety Pins and requesting the Commission to investigate certain alleged practices with respect to the marking and the importation of pins from foreign countries. The Chief Counsel's memorandum expressed the view that enough facts are not given to show that the Commission has jurisdiction.

The papers were circulated June 19th. Notations by the several Commissioners were read and thereafter, it was ordered that a letter be forwarded to Mr. Gerety in accordance with the memorandum from the Chief Counsel.

(2) Letter of June 3th from the Cincinnati Candy Association, Cincinnati, Ohio, requesting an opinion by the Commission and advice for the future guidance of the Association. The Commission also received draft of reply prepared by the Chief Examiner.

The papers were circulated June 10th. Notations by the several Commissioners were read and thereafter, on motion of Mr. Thompson, it was directed that reply be made stating substantially that the Commission does not wish to give advice in the matter but from the appearance only the plan does not appear to be lawful and to suggest that the parties consult private counsel.

(3) Docket 1149 - Marinville Company.

Memorandum of May 31st from the Chief Counsel transmitting respondent's answer to the order to cease and desist and stating that the answer is in the nature of a petition for rehearing and request for modification of the order. The Chief Counsel transmitted memorandum of May 18th from Trial Attorney Graves and concurred in the recommendation that the petition be denied.

The papers were circulated May 29th. Notations by the several Commissioners were read and thereafter, the recommendation of the Chief Counsel was approved and the petition for rehearing and request for modification of the order dated March 17, 1925, was denied with the direction that the parties be so advised and with direction to the Chief Examiner to keep watch and report any violations of the order.

(4) Docket 1284 - Caesar d'Alene Lill Company.

- " 1285 - Grande Ronde Lumber Company.
- " 1286 - McCallum Lumber Company.
- " 1287 - Deer Park Lumber Company.
- " 1288 - The Shavlin-Hixon Company.

Memorandum of June 4th from the Chief Counsel transmitting letter of May 23th from Attorney Edward S. Rogers, Chicago,

July 3, 1925.

Illinois, referring to the dismissal of the complaints in the above cases on the ground that the respondents had voluntarily discontinued the practice of using the phrase "Western White Pine" as descriptive of "Pinus ponderosa" before the complaints were issued and stating that certain producers have failed to discontinue the practice and inquiring whether the Commission would entertain an application for complaint against the mills which are continuing the misdescription. The Commission also received draft of reply submitted by the Chief Counsel to the effect that the Commission will consider any evidence submitted.

The papers were circulated June 8, 1925. Notations by the several Commissioners were read and thereafter, it was ordered that the draft of reply prepared by the Chief Counsel be approved and forwarded.

(5) File 1-3198 - Red River Woolen Mills Company vs.

Minneapolis Woolen Mills Company, Inc.

Memorandum of May 7th was received from the Chief Examiner reporting pursuant to the Commission's direction of January 3th that it is apparent that the use of the word "Mills" by the respondent in its corporate name does deceive and mislead the purchasing public and recommending that complaint issue.

The file was circulated May 20th. Notations by the several Commissioners were read and thereafter, it was ordered that the recommendation of the Chief Examiner be approved and that complaint issue charging the Minneapolis Woolen Mills Company, Inc. with violation of the Federal Trade Commission Act.

The file was referred to the Chief Counsel for preparation of complaint pursuant to the rule, the same to be served by the Secretary without further action by the Commission.

In the matter of Docket 1006 - The Charles H. Elliott Company, Mr. Thompson called attention to a letter dated May 26, 1925, written by The Charles H. Elliott Company, (Harry V. Elliott, Vice-President) to the Editor of the "Nation" and appearing in the July 1, 1925 issue of that publication, commenting upon the Commission's action in dismissing the complaint. Mr. Thompson stated that he would make a personal reply to this letter.

Thereupon, at the hour of 12:15 p.m., the Commission adjourned to meet Monday, July 6, 1925, at 10 a.m.

Attest:

Otis B. Johnson,
Secretary.

Vernon W. Van Fleet,
Chairman.

July 6, 1925.

Saturday - July 4, 1925 - No meeting held.

Sunday - July 5, 1925 - No meeting held.

MEETING OF THE FEDERAL TRADE COMMISSION

Monday - July 6, 1925 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Nugent,
Charles W. Hunt,
Huston Thompson.

R. Humphrey absent on vacation.

The minutes of the meeting of July 3, 1925, were read and approved.

Mr. Van Fleet presented file 1-3630 - Onondaga Pottery Company vs. Baucher & Company and stated that the file came direct to the Commission from the Chief Examiner without reference to the Board of Review, pursuant to the rule of December 4, 1924.

Mr. Van Fleet submitted memorandum of July 3rd reviewing the facts and thereafter offered the following action, which was seconded by Mr. Thompson:

Moved, that the case be dismissed on the recommendation of the Chief Examiner.

The motion was adopted with Messrs. Van Fleet, Hunt and Thompson voting in the affirmative and Mr. Nugent voting in the negative.

Mr. Nugent asked that his dissent be noted. It was so ordered.

Mr. Nugent submitted the following foreign trade complaint and applications for complaint and action as indicated was taken by the Commission:

July 6, 1938.

- (1) File 50-103 - Foreign Trade complaint of Mickel & Lyons, of Kobe, Japan, against Thomas W. Siemens & Company, of San Francisco, California.

Memorandum of June 29th was received from the Chief of the Export Trade Division reporting the facts developed by the investigation and recommending that report of the facts be made to the Department of Commerce, the papers received from that office returned and the case closed. A letter to the Secretary of Commerce accompanied the file.

Mr. Nugent recited the facts and upon motion of Mr. Nugent, it was ordered that the letter to the Secretary of Commerce be forwarded, the files returned and the case closed.

- (2) File 1-3462 - Postoffice Department vs. Simonsen Serum Farm (P. Simonsen).

Mr. Nugent submitted memorandum of July 6th reviewing the facts and concurring in the recommendation of the Board of Review for dismissal.

The memorandum was read and after consideration, Mr. Nugent offered the following motion:

Moved, that the application for complaint be dismissed for the reason that the record shows that the respondent discontinued the unfair practice complained of months prior to the time the Commission commenced investigating the matter, hence, it is now devoid of public interest.

The motion was adopted by the Commission and the application dismissed.

- (3) File 1-3579 - F. T. C. vs. New Orleans Wholesale Grocers' Association.

Mr. Nugent submitted memorandum of July 6th reviewing the facts and concurring in the recommendation of the Board of Review that complaint issue.

The memorandum was read and after consideration, Mr. Nugent offered the following motion:

Moved, that complaint issue against the New Orleans Wholesale Grocers' Association, its officers, directors and members charging violation of the Federal Trade Commission Act.

The motion was adopted and it was so ordered, the file being referred to the Chief Counsel for preparation of complaint under the rule, the same to be served by the Secretary without further action by the Commission.

July 6, 1925.

Mr. Hunt presented file 1-3738 - American Fair Trade League vs. American Cigar Company and stated that this application came direct to the Commission from the Chief Examiner without reference to the Board of Review pursuant to the rule of December 4, 1924.

Mr. Hunt submitted memorandum of July 1st reviewing the facts and concurring in the recommendation of the Staff for dismissal.

The memorandum was read and thereafter, the following action was offered by Mr. Hunt, seconded by Mr. Dugant:

Moved, that the case be dismissed because it is conclusively shown by the record that the cigars of the respondent are made from the cut ends of cigars made of Cuban tobacco.

The action was adopted and the application dismissed.

Mr. Thompson presented the following listed foreign trade complaint and applications for complaint and action as indicated was taken by the Commission:

- (1) File 50-99 - Foreign Trade complaint of Mitsubishi Bussan Kaisha, Ltd. of Shanghai, China against Kerr, Rifford & Company of Portland, Oregon.

Memorandum of April 29th was received from the Chief of the Export Trade Division reporting the facts developed by the investigation and recommending that report of the facts be made to the Department of Commerce, the papers received from that office returned and the case closed. A letter to the Secretary of Commerce accompanied the file.

Mr. Thompson recited the facts and upon motion of Mr. Thompson, it was ordered that the letter to the Secretary of Commerce be forwarded, the file returned and the case closed.

- (2) File 1-3672 - United States Civil Service Commission vs. Civil Service Preparatory School.

Mr. Thompson stated that this application came direct to the Commission from the Chief Examiner, without reference to the Board of Review, pursuant to the rule of December 4, 1924.

Mr. Thompson recited the facts and stated that he concurred in the recommendation of the Chief Examiner for dismissal.

After consideration, on motion of Mr. Thompson, the application for complaint was dismissed by the Commission.

July 6, 1925.

(3) File 1-2221 - F. T. C. vs. Universal Leaf Tobacco Company, I
Mr. Thompson stated that this application came direct to
the Commission from the Chief Examiner without reference to the
Board of Review, pursuant to the rule of December 4, 1924.

Mr. Thompson submitted memorandum of July 6th reviewing the
facts and concurring in the recommendation of the Chief Examiner
for dismissal.

Mr. Thompson stated that he based his recommendation on the
statement of Mr. Burton in the case.

After consideration, on motion of Mr. Thompson, the application
for complaint was dismissed by the Commission.

The Chairman submitted the following matters and action as
indicated was taken by the Commission:

(1) Letter of July 1, 1925, from the Tobacco Growers'
Cooperative Association (W. T. Jayner, Assistant General Counsel),
Raleigh, North Carolina, as follows:

"Hon. Vernon W. Van Fleet, Chairman,
Federal Trade Commission,
Washington, D. C.

In re: Tobacco Investigation.

Dear Sir:

I am in receipt of copy of your letter of June 29th
advising that the report of the Commission on the tobacco
investigation would not be completed on the first of
July but that additional evidence on points discussed at
the hearing might be submitted on or before July 10th.
We will take advantage of this opportunity and will submit
certain evidence on points covered by our objections.

There is one matter that I would like to call to
your particular attention. The latter part of the
tentative report deals with the re-drying of tobacco by
officers of the Association and with the 1924 policy
of the Association relative to handling green tobacco.
The tentative report attaches great importance to both of
these items and rather severely criticizes the Association.
As stated at the hearing, it is my opinion that the
conclusions and criticisms contained in the tentative
report can be completely answered. We feel that that
part of the report was based on an ex parte examination
and that the theory of the Association should have been
permitted to be presented by the personal examination

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of officers, directors and members of the Association. For example I am satisfied that an examination of typical members of the Association will disclose the fact that the membership demanded that the Association adopt the policy of refusing to sell tobacco in soft order to speculating dealers. I propose to submit some evidence on this point but I do not think that the point can be satisfactorily covered by isolated affidavits.

We trust that the Commission will see fit to grant our motion and exclude completely from the report the subjects dealt with in Pages 156 to 203 of the tentative report. We believe that the Commission will agree that this is not properly a part of the report. However, if the Commission should not adopt this view and should retain that subject matter in its report, the Association most urgently requests that a real examination be made of that subject matter and that the examiners of the Commission investigate by personal examination of officers, directors and typical members of the Association.

Thanking you for the courtesies that have been extended to us by the Commission and by you, I am

Yours very sincerely,

(signed) W. T. Joyner".

The letter was read and on motion of Mr. Van Fleet, was referred to the Chief Examiner with instructions to follow up the leads given in the letter and avail himself of any information which can be obtained therefrom.

(2) Letter of July 1st from Senator Morris Sheppard of Texas, quoting a letter to the Senator from Dr. S. L. Sparlock, President, Kidd-Key College, Sherman, Texas, with reference to the Commission's work in connection with price marking on sheet music.

The letter was read and on motion of the Chairman was referred to the Chief Examiner to forward to the writer a copy of the trade practice submittal statement issued on the subject and also information with respect to the Commission's proceeding in the Clayton F. Summy Company case - Docket 1174.

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Mr. Thompson submitted a letter of July 3rd from Congressman Carl Hayden, of Arizona, making inquiry with respect to the status of protest made by the Industrial Chemical Company against the Linda Airs Products Company of Los Angeles.

The letter was read and referred to the Secretary for preparation of reply.

The following matters of general business forwarded to the Commission by the heads of the several divisions were presented by the Secretary and action as indicated was taken by the Commission:

(1) Letter of June 26th from the Secretary of the Personnel Classification Board advising that the Board had granted the appeal of Miss Avis G. Washburne from C. A. F. Grade II to C. A. F. Grade III and the appeal of Mrs. Julia H. Hartman from C. A. F. Grade III to C. A. F. Grade IV.

The Commission directed that these employees go into the new grades at their present salary.

(2) Memorandum of July 2nd from Attorney W. T. Aulley of the Chief Counsel's Office transmitting the appeals of Attorney Henry Miller and Attorney Edward E. Beardon for higher classification.

The memorandum was returned to the Chief Counsel for recommendation.

From the Circulating Calendar, the Commission considered the following matters and action as indicated was taken by the Commission:

(1) File 1-2624 - Pure Silk Hosiery Mills, Inc. vs. Felix Hosiery Mills.

Memorandum of May 21st from the Chief Counsel referring to the Commission's action of May 13, 1925, in directing that complaint issue and transmitting an undated memorandum from Attorney DeBruler suggesting that the case be disposed of by the Chief Examiner by stipulation. The Chief Counsel concurred in the recommendation of Attorney DeBruler.

The file was circulated May 29th. Notations by the several Commissioners were read and thereafter, Mr. Nugent offered the following motion, which was seconded by Mr. Thompson:

Moved, that complaint be prepared and served as heretofore ordered by the Commission.

As to the foregoing motion, Messrs. Nugent and Thompson voted in the affirmative and Messrs. Van Fleet and Hunt voted in the negative. The motion was lost on tie vote.

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Mr. Van Fleet thereupon offered the following motion, which was seconded by Mr. Hunt:

Moved, that the Chief Examiner be authorized to negotiate for a stipulation under the rule and report to the Commission.

As to the foregoing motion, Messrs. Van Fleet, Hunt and Thompson voted in the affirmative and Mr. Nugent voted in the negative and asked that his dissent be noted. The motion was adopted and it was so ordered.

(2) Memorandum of May 28th from the Chief Counsel suggesting certain changes in procedure leading up to the issuance of complaints, and memorandum of May 28th from the Chief Counsel regarding certain salary increases.

The memorandum with respect to salary increases was not considered, the matter having been heretofore acted upon by the Commission under date of June 17, 1925.

After consideration of the Chief Counsel's memorandum regarding changes in procedure, it was ordered upon motion of Mr. Nugent, that the matter be placed on the Unfinished Business Calendar pending the return of the Chief Counsel.

(3) Memorandum of June 6th from the Chief Examiner reporting in regard to the acquisition of the Hamilton-Bosch Manufacturing Company, American Pin Company and the Oakville Company by the Scovill Manufacturing Company. The Chief Examiner recommended that complaint issue.

The papers were circulated June 15th. Motions by the several Commissioners were read and thereafter, on motion of Mr. Nugent, seconded by Mr. Van Fleet, it was directed that the matter be docketed in the name of the Commission as an application for the issuance of complaint and thereafter handled in the regular course.

(4) Memorandum of April 17th from the Chief Economist reporting pursuant to the Commission's order of February 18, 1925, in regard to the recent price making system and comment by the Chief Counsel dated May 5th upon the legal phases of the subject matter of the Chief Economist's memorandum.

The file was circulated May 11th. Motions by the several Commissioners were read and thereafter, the following motion was offered by Mr. Van Fleet, seconded by Mr. Hunt:

July 6, 1926.

Moved, that the matter be held in abeyance until after the final decision in the Supreme Court in the case against the Cement Manufacturers' Protective Association.

The motion was adopted and it was so ordered.

(5) Memorandum of May 1st from the Chief Economist reporting in compliance with the Commission's order of March 27th with reference to an inquiry by the Bureau of Standards "as to whether or not a fifty per cent portion of copper in brass and bronze is sufficient to make a genuine article, and also as to the proportion of materials included in genuine brass and bronze"; and expressing the opinion that any expression of opinion on the part of the Commission as to what kind of brass or bronze is genuine would be inadvisable.

The file was circulated May 20th. Notations by the several Commissioners were read and thereafter, Mr. Nugent offered the following motion which was seconded by Mr. Van Fleet:

Moved, that the Chief Examiner be directed to confer with the Associations interested in this matter for the purpose of ascertaining whether or not it would be agreeable to hold a trade practice subcommittee in respect to the matter now before the Commission in this file for the purpose of determining the views and ideas of the trade as to what constitutes pure brass and bronze in commodities manufactured for different uses and the advisability of adopting a symbol; and report back to the Commission.

The motion was adopted and it was so ordered.

(6) Memorandum of May 20th from the Chief Examiner reporting in compliance with the Commission's direction of February 20th, that an investigation had been made with respect to the price cutting activities of the Ward Baking Company, Continental Baking Company and General Baking Company, reciting the results of the investigation and recommending that the file be closed without further action.

The file was circulated May 20th. Notations by the several Commissioners were read and after consideration, the recommendation of the Chief Examiner was approved by the Commission and the file was closed without further action.

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July 8, 1925.

Thereupon, at the hour of 12 m., the Commission adjourned to meet Wednesday, July 8, 1925, at 10 a.m.

Vernon W. Van Fleet,
Chairman.

Attest:

Otis B. Johnson
Otis B. Johnson,
Secretary.

Tuesday - July 7, 1925 - No meeting held.

MEETING OF THE FEDERAL TRADE COMMISSION

Wednesday - July 8, 1925 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Nugent,
Charles W. Hunt,
Huston Thompson.

Mr. Humphrey absent on vacation.

The minutes of the meeting of July 6, 1925, were read and approved.

Mr. Van Fleet presented letter of July 3rd from the Chief Coordinator (H. G. Smither), transmitting letter of June 30th from Albert R. Ashforth, Inc., Real Estate, New York City, concerning arrangements which will allow the Federal Trade Commission to continue to occupy space in the Tilden Building until September 15, 1925 and requesting that the matter be taken up with the Ashforth Company, the lessor, directly by the Commission.

The letter was read and referred to the Secretary for attention.

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Mr. Nugent referred to the excusing of employees recently because of the heat and made the following statement for the record:

"Let the record show that I dissent to the action taken recently in dismissing the Washington force in the afternoon on account of the heat".

Mr. Thompson stated for the record, that he joined with Mr. Nugent in this dissent.

Mr. Nugent thereupon offered the following motion:

Moved, that the Secretary be directed hereafter to excuse no employee of the Commission from duty because of the heat, except upon the recommendation of the nurses.

The motion failed for want of a second.

Mr. Thompson referred to the forthcoming meeting in Philadelphia from July 20th to August 15th of the Institute on Cooperation and suggested that members of the Commission's staff, both Economic and Legal should attend the conference during a portion of the time.

After discussion, it was ordered on motion of Mr. Thompson, that Messrs. H. L. Anderson of the Chief Examiner's Staff and Earl Haines of the Chief Economist's Staff attend these conferences in part time but not all the time and report to the Commission and that this be done under the direction of Mr. Anderson.

Mr. Thompson referred to the appeal which had been filed by Attorney Miller for classification in Professional Grade IV instead of Professional Grade III and expressed the view that the appeal should be granted by the Commission.

The Commission also considered the appeal recently filed by Attorney Bearden and thereafter Mr. Thompson offered the following motion:

Moved, that the two appeals, one by Attorney Miller for Grade IV and one by Attorney Bearden for Grade V be approved by the Commission and forwarded to the Personnel Classification Board.

The motion was adopted and it was so ordered.

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The following matters of general business forwarded to the Commission by the heads of the several divisions were presented by the Secretary and action as indicated was taken by the Commission:

- (1) Docket 991 - Iowa-Nebraska-Minnesota Wholesale Grocers' Association, et al.

The Secretary referred to the action under date of July 3, 1923, at which time, the motion to grant the motion of counsel for the Commission to reopen the case was lost on tie vote and asked instructions as to whether this action was a denial of the motion or whether the matter should be referred to the absent Commissioner for decision.

The Commission decided that the action of July 3, 1923, overruled the motion of counsel for the Commission to reopen the case and directed that interested parties be so notified.

- (2) Draft of a letter to the President of the United States making appeal under Section 7 of the Executive Order of November 8, 1921 from the decision of the Director of the Bureau of the Budget and the Chief Coordinator, that the Commission occupy quarters in the Sub-Treasury Building, New York City. The Secretary reported that the preparation of the letter had been delayed pending receipt of letters from various trade associations and other in New York City protesting the removal of the Commission's offices to the Sub-Treasury Building. The Secretary presented a number of such letters addressed to the President.

The Commission directed that the draft of letter appealing to the President be approved, including therein a reference to the letters from the Associations and that such letter be then forwarded to the President. The Commission also expressed the view that the letters from such Associations addressed to the President should be forwarded direct by the Associations to the President and that copies be sent to the Director of the Bureau of the Budget and the Chief Coordinator for their information and copies also retained for the files of the Commission.

The matter was referred to the Secretary for attention.

- (3) Memorandum of July 8th from the Chief Examiner reporting in response to the Commission's direction of July 3rd in re further interviews with representatives of the Burley Tobacco Growers' Cooperative Association. The memorandum set forth investigations heretofore made with respect to this Association and the opportunities afforded the Association and also the Tri-State Association to submit information and concluded with the following paragraph:

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"It is anticipated that our Mr. Haas will be in Louisville, Kentucky, on other work for the Commission sometime next week and unless we have heard from Mr. Kehoe by that time, we had intended having Mr. Haas call upon the Association again at Lexington, Kentucky, and give them an opportunity of presenting anything further. Unless otherwise instructed by the Commission, this plan will be carried out."

The memorandum was read and the foregoing plan was approved by the Commission and it was ordered that the same be carried out.

(4) Letter of July 2nd from Miss Margaret Justice resigning her position as clerk in the Economic Division, salary \$1680. classification C. A. F. Grade III, to be effective July 7, 1925. The resignation was accepted.

(5) Memorandum of July 2nd from the Chief Counsel reporting with respect to the assignment of Miss Anna Boyie to the Legal Division as authorized by the Commission under date of February 27, 1925 and recommended that the assignment be continued until October 15, 1925.

It was so ordered by the Commission.

(6) Memorandum of July 7th from the Chief of the Stenographic Section, with endorsement by the Assistant Secretary, recommending additions to the stenographic force.

On motion of Mr. Nugent, the recommendation of the Assistant Secretary was approved and the Commission authorized the permanent appointment of two stenographers experienced in dictaphone work.

The motion was adopted and it was so ordered by the Commission. The Secretary stated that the appointments would be made from the Civil Service register, at salaries of \$1320. per annum, classification C. A. F. Grade II.

(7) The Secretary reported the need of additional stenographers and on motion of Mr. Thompson, seconded by Mr. Nugent, the Commission authorized the employment of two temporary stenographers for a period of three months at salaries of \$1320. per annum, each, classification C. A. F. Grade II.

As to the foregoing matter, Messrs. Nugent, Hunt and Thompson voted in the affirmative and Mr. Van Fleet voted in the negative.

(8) Memorandum of July 6th from the Personnel Officer reporting that the temporary employment of Messrs. Joseph E. Sepinson and James H. Golden, now employed as dictaphone operators expired July 15, 1925. The memorandum bore the endorsement of the Assistant Secretary recommending probational appointments for these employees.

July 8, 1925.

The Commission approved the recommendation and authorized probational appointments for Messrs. Espinosa and Holden as dictaphone operators at a salary of \$1320. per annum, classification C. A. F. Grade II.

(9) Memorandum of July 2nd from the Personnel Officer, approved by the Assistant Secretary, recommending the promotion of Les Curtin from position of messenger boy to position of clerk; and also memorandum of June 23rd from the Chief of the Pocket Section, approved by the Assistant Secretary, recommending the promotion of Samuel M. Woodward from the position of messenger boy to the position of clerk.

The memorandum was read and thereafter, Mr. Nugent offered the following motion:

Moved, that the recommendations be disapproved.

The motion was adopted and it was so ordered.

(10) Appeals filed by the following employees for higher allocation were presented and ordered circulated:

Miss Emma Greer, clerk in the Economic Division from C. A. F. Grade II to C. A. F. Grade III.

Howard H. Eliason, Librarian, from S. P. Grade VI to Professional Grade II.

Myron P. Barry, Associate Economic Analyst, Economic Division, from Grade P-3-1 to Grade P-4-1, Economic Analyst.

Walter H. Bush, Economic Division, from Professional Grade I to Professional Grade II.

Dr. George P. Watkins, Economic Division, from Professional Grade IV to Professional Grade V.

Miss Eleanor Yerman, stenographer- Chicago Office, from C. A. F. Grade III to C. A. F. Grade IV.

(11) The Secretary reported the facts with respect to the allocation by the Commission and the Personnel Classification Board of Mrs. Annette M. McCarthy to C. A. F. Grade IV and subsequent reallocation to C. A. F. Grade III to avoid salary reduction in accordance with decision of the Comptroller General; that the conditions under which employees would suffer salary reduction notwithstanding a promotion in classification grade had been relieved by legislative action, effective July 1, 1923, and recommended that the necessary steps be taken to again allocate Mrs. McCarthy to C. A. F. Grade IV.

The recommendation was approved and it was so ordered.

July 8, 1935.

(12) Docket 1306 - Reinhardt & Newton Company.

Memorandum of July 8th was received from the Chief Counsel submitting answer filed by respondent July 3, 1935, which was due on May 11, 1935 and recommended that the answer be accepted by the Commission and filed as of May 11, 1935.

The recommendation of the Chief Counsel was approved and order to this effect approved and entered.

(13) Docket 1308 - Chari-Cole Company.

Memorandum of July 8th was received from the Chief Counsel transmitting request of counsel for the respondent for an extension of time until July 14, 1935, for filing answer and recommending that the extension be granted.

The extension was granted by the Commission and the Chief Counsel directed to prepare and the Secretary to serve appropriate order.

(14) Report from the Chief Examiner of formal cases in the hands of Trial Examiners as of July 1, 1935.

The report was received and ordered placed in the Calendars.

(15) Memorandum of June 27th was received from the Chief Examiner in regard to proposed consolidation of certain wire manufacturing companies and reporting a visit of Mr. Robbins of the banking concern of Kiesel, Kinnicutt & Company together with representatives of some of the interests involved. The Chief Examiner recommended, should the Commission desire to express an opinion in this matter, that the firm of Kiesel, Kinnicutt & Company be advised that from the facts as presented to it, the Commission is of the opinion that the consolidation as proposed would in all probability violate Section 7 of the Clayton Act.

It was directed that the matter be circulated.

From the Circulating Calendar the Commission considered the following matters and action as indicated was taken:

(1) Letter of May 18th from the Illinois Grain Dealers' Association, Weston, Illinois, referring to the inquiry initiated by the Commission in September 1934, in respect to margins and profits of grain middlemen and making inquiry (1) "at whose request was this inquiry suspended" and (2) "What results were obtained as far as said inquiry was conducted"; Draft of reply was also received as prepared by the Chief Counselist.

The matter was circulated June 8th. Notations by the several Commissioners were read and after consideration, Mr. Hunt offered the following motion, seconded by Mr. Van Fleet:

July 8, 1925.

Moved, that the letter prepared by the Chief Economist go forward as drafted with the additional statement that the investigation will not be further conducted.

The foregoing motion was adopted, with Messrs. Van Fleet, and Hunt voting in the affirmative and Mr. Nugent voting in the negative. Mr. Thompson did not vote.

Mr. Thompson stated for the record, that he would write a separate letter to the Illinois Grain Dealers' Association and Mr. Nugent stated for the record that he would join with Mr. Thompson in the letter, showing the history of the investigation.

(2) Docket 1247 - Allied Chemical & Dye Corporation.

Memorandum of June 12th was received from the Chief Counsel transmitting (1) letter of June 10, 1925, from Hillier & Otis, counsel for the respondent, requesting an informal hearing before the Board of Review, and (2) memorandum of June 12th from Trial Attorney Brindley stating that in his opinion a hearing before the Board of Review will accomplish nothing and will not aid in the trial of the case.

The papers were circulated June 15th. Notations by the several Commissioners were read and after consideration, Mr. Van Fleet offered the following motion, which was seconded by Mr. Hunt:

Moved, that a hearing be granted before the Board of Review as requested.

As to the foregoing motion, Messrs. Van Fleet and Hunt voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The motion was lost on tie vote.

Mr. Thompson thereupon offered the following motion, which was seconded by Mr. Nugent:

Moved, that the case take the regular procedure and that Attorney Brindley proceed to trial.

As to the foregoing motion, Messrs. Nugent and Thompson voted in the affirmative and Messrs. Van Fleet and Hunt voted in the negative. The motion was lost on tie vote.

Pursuant to the Commission's action of June 29, 1925, this matter was referred to Mr. Humphrey, the absent Commissioner, to report his deciding vote.

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July 8, 1925.

(3) File 1-2092 - Safe-Guard Check Writer Company, Inc. vs. Hedman Manufacturing Company.

Memorandum of May 22nd from the Chief Counsel referring to the Commission's action of May 8th in directing that complaint issue and recommending that the Commission reconsider the case. The Commission also received memorandum of May 21st from Trial Attorney Whitely recommending reconsideration.

The file was circulated May 29th. Notations by the several Commissioners were read and after consideration, Mr. Van Fleet offered the following motion, seconded by Mr. Hunt:

Moved, that the matter be reconsidered and the application for complaint dismissed.

In substitution for the foregoing motion, the following motion was offered by Mr. Nugent, seconded by Mr. Thompson:

Moved, as a substitute, that the Chief Counsel be directed to proceed with the trial of the case.

As to the foregoing substitute motion, Messrs. Nugent and Thompson voted in the affirmative and Messrs. Van Fleet and Hunt voted in the negative. The substitute motion was lost on the vote.

Vote was then taken upon the original motion by Mr. Van Fleet. As to this motion, Messrs. Van Fleet and Hunt voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The motion was lost on the vote.

Pursuant to the action of June 29, 1925, the matter was referred to Mr. Humphrey, the absent Commissioner, to report his deciding vote.

(4) Memorandum of May 29th from the Chief Economist and memorandum of May 8th from the Chief of the Export Trade Division, reporting in response to the Commission's direction of April 24, 1925, information in the possession of the Commission regarding the allegation that combinations are being formed abroad by American business in alleged violation of the anti-trust laws. This information was prepared in response to a letter of March 24, 1925, by some fifteen United States Senators.

The file was circulated June 3rd. Notations by the several Commissioners were read and after consideration, the following motion was offered by Mr. Thompson:

Moved, that the Commission direct the Export Trade Division to make an investigation of the subjects here advanced and that this Division be required to call on the Commerce, Agriculture, State and other Departments to give any information they may have and assemble it and thereafter present the matter again to the Commission.

July 8, 1925.

The motion was adopted by the Commission and it was so ordered. The file being returned to the Export Trade Division.

(5) Docket 1025 - DeGolyer Varnish Works.

Memorandum of June 8th was received from the Chief Counsel transmitting (1) letter of June 5th from the respondent enclosing samples of labels now used and reporting compliance with the Commission's order; (2) letter of June 8th from Senator J. W. Wadsworth of New York transmitting correspondence received from the respondent complaining of the way the case has been handled; (3) draft of letter prepared by the Chief Counsel to Senator Wadsworth, and (4) draft of letter prepared by the Chief Counsel to the respondent. The Chief Counsel stated that the report filed by the respondent shows a satisfactory compliance with the Order of the Commission and recommended that investigation be made regarding the labels used by Berry Brothers and the Sherwin-Williams Company referred to in the respondent's letter and the facts ascertained.

The papers were circulated June 17th. Notations by the several Commissioners were read and thereafter, the letters (1) to Senator Wadsworth, and (2) to the DeGolyer Varnish Works, were read and amended as suggested by Mr. Nugent and as shown on marked copy and were thereafter approved and ordered forwarded.

Thereupon, at the hour of 12:15 p.m., the Commission adjourned to meet Friday, July 10, 1925, at 10 a.m.

Vernon W. Van Fleet,
Chairman.

Attest:

Otis A. Johnson
Otis A. Johnson,
Secretary.

Thursday - July 9, 1925 - No meeting held.

July 10, 1925.

MEETING OF THE FEDERAL TRADE COMMISSION

Friday - July 10, 1925 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Nugent,
Charles W. Hunt,
Houston Thompson.

Mr. Humphrey absent on vacation.

The minutes of the meeting of July 9, 1925, were read and approved.

Formal docket cases appearing on the weekly Conference Calendar for final determination were considered by the Commission and action as indicated was taken:

(1) Docket 1023 - International Shoe Company.

On May 8, 1925, the Commission directed that an order to cease and desist issue and that the Chief Counsel prepare and submit to the Commission, for approval as to form, draft of findings as to the facts and order to cease and desist. Mr. Humphrey assented that his dissent be noted and stated that he would file a memorandum of dissent.

The following papers were placed in the hands of each Commissioner: memorandum of June 30th from Attorney Brindley, approved by the Chief Counsel; findings as to the facts and order to cease and desist submitted by the Chief Counsel with memorandum of June 30th; complaint.

Mr. Nugent discussed the findings and order as submitted by the Chief Counsel and stated that subject to certain grammatical changes indicated by him on marked copy, in his opinion the findings and order should be approved and issued.

Mr. Van Fleet expressed the opinion that the finding of monopoly is not warranted by the record.

The grammatical and typographical changes suggested by Mr. Nugent to the findings as shown on marked copy, were adopted by the Commission.

After discussion, Mr. Nugent read to the Commission sub-paragraph (a) of Paragraph Twenty-Three of the proposed findings of facts, as follows:

July 10, 1925.

- "(c) To substantially lessen competition in commerce between International Shoe Company and W. H. McElwain Company in the sale of dress shoes for men;"

Thereafter, Mr. Nugent offered the following motion, seconded by Mr. Thompson:

Moved, that the foregoing finding be adopted by the Commission.

As to the foregoing motion, Messrs. Van Fleet, Nugent, Hunt and Thompson voted in the affirmative. Pursuant to agreement reached among the Commissioners as shown by the minutes of June 24, 1925, Mr. Humphrey's vote was recorded in the negative on this motion, notwithstanding Mr. Humphrey's absence. The motion carried and it was so ordered.

Mr. Nugent thereupon read to the Commission, sub-paragraph (b) of Paragraph Twenty-Three of the proposed findings of facts, as follows:

- "(b) To restrain commerce in the shoe business and especially in that part of such business relating to the sale of dress shoes for men in various sections or communities of the United States in which International Shoe Company and W. H. McElwain Company were engaged in commerce;"

Thereafter, Mr. Nugent offered the following motion, seconded by Mr. Thompson:

Moved, that the foregoing finding be adopted by the Commission.

As to the foregoing motion, Messrs. Van Fleet, Nugent and Thompson voted in the affirmative and Mr. Hunt voted in the negative. Pursuant to agreement reached among the Commissioners as shown by the minutes of June 24, 1925, Mr. Humphrey's vote was recorded in the negative on this motion, notwithstanding Mr. Humphrey's absence. The motion carried and it was so ordered.

Mr. Nugent thereupon read to the Commission, sub-paragraph (c) of Paragraph Twenty-three of the proposed findings of facts, as follows:

- "(c) To restrain commerce in the shoe business in the sections or communities of the United States including Columbus, Ohio; Kansas City, Missouri; and San Francisco, California and in other sections or communities adjacent thereto;"

July 10, 1923.

Thereafter, Mr. Nugent offered the following motion, seconded by Mr. Thompson:

Moved, that the foregoing findings be adopted by the Commission.

As to the foregoing motion, Messrs. Van Fleet, Nugent and Thompson voted in the affirmative and Mr. Hunt voted in the negative. Pursuant to agreement reached among the Commissioners as shown by the minutes of June 24, 1923, Mr. Humphrey's vote was recorded in the negative on this motion, notwithstanding Mr. Humphrey's absence. The motion carried and it was so ordered.

Mr. Nugent thereupon read to the Commission, sub-paragraph (d) of Paragraph Twenty-three of the proposed findings of facts, as follows:

"(d) To tend to create in International Shoe Company a monopoly in commerce of the shoe business."

Thereafter, Mr. Nugent offered the following motion, seconded by Mr. Thompson:

Moved, that the foregoing finding be adopted by the Commission.

As to the foregoing motion, Messrs. Nugent and Thompson voted in the affirmative and Messrs. Van Fleet and Hunt voted in the negative and pursuant to agreement reached among the Commissioners, as shown by the minutes of June 24, 1923, Mr. Humphrey's vote was recorded in the negative on this motion, notwithstanding Mr. Humphrey's absence. The motion was lost.

Messrs. Nugent and Thompson asked that their dissent be noted. The Order to cease and desist was then considered.

Mr. Nugent, thereupon, moved that the First Paragraph of the order be amended by including after the word "capital" the words "the same being".

The motion was adopted and it was so ordered.

Mr. Nugent, thereupon, offered the following motion, which was seconded by Mr. Thompson:

Moved, that the order to cease and desist as amended be approved and issued and that the findings as to the facts as amended be also approved and issued.

As to the foregoing motion, Messrs. Van Fleet, Nugent and Thompson voted in the affirmative, Mr. Hunt voted in the negative and pursuant to agreement reached among the Commissioners as shown by the minutes of June 24, 1923, Mr. Humphrey's vote was recorded in the negative on the motion, notwithstanding Mr. Humphrey's absence. The motion was adopted and it was so ordered.

July 10, 1925.

The findings and order were referred to the Chief Counsel to be redrafted pursuant to the Commission action and thereafter to be served by the Secretary without further action by the Commission.

Memorandum by Mr. Humphrey, concurred in by Mr. Hunt, dissenting to the issuance of findings as to the facts and order to cease and desist in this case was delivered to the Secretary by Mr. Hunt for attachment to the findings and order.

(2) Docket 1262 - Larrows Milling Company, et al.

Consideration of this case laid over until a full membership is present.

(3) Docket 1253 - Owens Manufacturing Company, et al.

Consideration of this case laid over until a full membership is present.

(4) Docket 1263 - Don-Plate Engraving Company, Inc.

This case comes before the Commission for final determination upon the following records: complaint; answer; report of the Board of Review dated June 16, 1925, recommending that the case take the regular course; letter of June 11th from George S. Franklin, counsel for the respondent, with reference to the use of the word "Engraving" in respondent's corporate name. Attorney Doyle represents the Commission. Attorney Earl T. Frederick represents the respondent.

After consideration, Mr. Nugent offered the following motion:

Moved, that the recommendation of the Board of Review be approved.

The motion was adopted and the file referred to the Chief Counsel to proceed with the trial of the case.

(5) Docket 1302 - George E. Watson Company.

This case comes before the Commission for final determination upon the following records: memorandum of June 30, 1925, from the Chief Counsel transmitting the case; complaint; answer; stipulation as to the facts; findings as to the facts and order to cease and desist submitted by the Chief Counsel with memorandum of June 30, 1925. No testimony was taken nor briefs filed. Attorney Miller represents the Commission. Respondent has no attorney of record.

After consideration, on motion of Mr. Nugent, the Commission directed that an order to cease and desist issue.

The findings as to the facts and order to cease and desist submitted by the Chief Counsel with memorandum of June 30, 1925, were approved without change and referred to the Secretary for service without further action by the Commission.

July 10, 1925.

The Chairman submitted the following matters and action as indicated was taken:

(1) Letter to the President of the United States making appeal under Section 7 of the Executive Order of November 8, 1921, from the decision of the Director of the Bureau of the Budget and the Chief Coordinator that the Federal Trade Commission occupy quarters in the Sub-Treasury Building, New York City.

Upon receipt of report from the Secretary of the probability of action on the part of the Chief Coordinator to secure other suitable quarters for the Commission, it was agreed that the letter be not forwarded until further order.

(2) Letter of July 8th from the Tobacco Growers' Cooperative Association (W. T. Joyner, Assistant General Counsel), Raleigh, North Carolina, filing with the Commission affidavits and exhibits accompanied by an explanatory memorandum dealing with the latter part of the Commission's tentative report in response to Senate Resolution 329, adopted February 3, 1923 (Senator Ernst), concerning the management of the Association, etc.

The letter was read and referred to the Chief Examiner and H. L. Anderson for attention.

Mr. Hunt presented a memorandum of July 9th from the Chief Examiner recommending that the Commission authorize an additional room in Chicago for the use of Messrs. Wooden and Bass and Miss Forman of the Chief Counsel's Staff at Chicago.

The Secretary presented a memorandum of July 9th from the Chief Counsel reporting the present assignments of Messrs. Wooden and Bass and also reported Attorney Kelley's view that Messrs. Wooden and Bass and Miss Forman be assigned to Washington, after the completion of Pocket 1268 - National Leather & Shoe Finders' Association, St. Louis, Missouri, and Pocket 1133 - National Association of Stationers & Manufacturers of the United States, it being estimated that these cases would take about six months time from date for completion.

After consideration, the Commission directed, (1) that Messrs. Wooden and Bass and Miss Forman be transferred to Washington, D. C., to report for duty at Washington on January 1, 1926, and (2) that an additional room as recommended by the Chief Examiner be secured in Chicago at a rental not to exceed \$70 per month for the period ending December 31, 1925, such room to be occupied by Messrs. Wooden & Bass and Miss Forman.

July 10, 1925.

The following matters of general business forwarded to the Commission by the heads of the several Divisions were presented by the Secretary and action as indicated was taken by the Commission:

(1) Statement showing (1) amounts expended by the several Divisions of the Commission for the first quarter beginning July 1, 1924; (2) amounts estimated by the several Divisions, and (3) amounts allocated tentatively for the first quarter beginning July 1, 1925.

On motion of Mr. Pugh, it was directed that consideration of the allocation of funds be made a Special Order of business, after the regular order on Monday, July 13, 1925.

(2) Docket 451 - Gudany Packing Company.
" 1101 - Onaida Community, Ltd.

Memorandum of July 9th was received from the Chief Counsel transmitting two separate letters dated July 9th from Gilbert H. Montague, counsel for the respondents, advising that the dates of September 21st and 23rd, 1925, now set for final argument of these cases was not convenient and requesting that the cases be set in the latter part of October or the early part of November.

The Commission directed that the cases be set in the last week of October. Accordingly, Docket 451 - Gudany Packing Company was set for final argument on Monday, October 26, 1925, at 2 p.m., and Docket 1101 - Onaida Community, Ltd., was set for final argument on Wednesday, October 28, 1925, at 2 p.m., with the direction that the Secretary notify interested parties by registered mail.

(3) Memorandum of July 9th from the Chief Examiner reporting requests made upon the Tobacco Growers' Cooperative Association for data and requesting that the Chief Economist be directed to assign an expert accountant to assist in securing further data from the Association, such assignment to be for a period not to exceed two weeks beginning July 11, 1925.

The memorandum was read and the request was granted.

(4) Letter of July 7, 1925 (Circular No. 22), from the Personnel Classification Board setting forth the procedure to be followed in making appeals for change in allocation.

The letter was referred to the Secretary for attention.

(5) Memorandum of July 7th from the Secretary setting forth the applications for complaint on the Suspense Calendar as of July 1, 1925.

The memorandum was received and referred to the Chief Examiner for attention.

July 10, 1925.

(6) Report from the Chief Examiner of the work of the Legal Investigating Division for the month of June 1925. The report was received and placed in the Calendar.

(7) Docket 1194 - M. H. Powers Company, Inc.

Memorandum of July 8th was received from the Chief Counsel recommending that the Commission's action of June 26, 1925, in directing the preparation of findings and order to cease and desist be reconsidered for the reason that the respondent's side of the case has not been put in. The Chief Counsel recommended that the order of June 26, 1925, be rescinded and that thereafter Trial Attorney Foyle will proceed to bring the matter on for submission upon the Examiner's report.

The recommendation of the Chief Counsel was approved by the Commission and it was ordered that the action of June 26, 1925, be reconsidered and rescinded and directed the Chief Counsel to go ahead with the case.

(8) File 1-3855 - Inter-Collegiate Press vs. Crescent Calendar Company.

The Secretary reported that this case was placed on the Unfinished Business Calendar to await action by the Commission with respect to the use of the words "Engraved" and "Embossed" following a conference with the trade on June 19, 1925; that in accordance with the Commission's action of July 1, 1925, in adhering to its decision with respect to the use of the words "Engraved" and "Embossed" as set out in the statement of January 16, 1925, the case was now presented and attention invited to the statement made by Mr. Sugent on May 15th, in presenting the case that if the Commission confirms its view as expressed in the trade practice submittal statement that complaint should issue in this case.

After consideration, the Commission directed that complaint issue in this case charging Crescent Calendar Company with violation of the Federal Trade Commission Act.

The file was referred to the Chief Counsel for preparation of complaint pursuant to the rule with the direction that the complaint be served by the Secretary without further action by the Commission.

(9) Memorandum of July 8th was received from the Chief Examiner in regard to the acquisition of the Orsdelack Company, Farwell Mills, Pelzer Manufacturing Company and the Tusageau Mills by the Lockwood, Greene & Company, Inc. The Chief Examiner recommended that the matter be filed without action.

It was directed that the matter be circulated.

July 10, 1925.

(10) File 1-3902 - Permatex Company, Inc. vs. Baum's
Castorine Company.

Memorandum of July 2nd was received from the Chief Examiner calling attention to the direction of the Commission under date of May 6, 1925, to negotiate with the proposed respondent for a stipulation and recommending that the Chief Examiner be instructed to negotiate for a stipulation on the basis of permitting the respondent, in the sale of a product containing some shellac for gasket use, to use the term "Shellac Compound" even though shellac gum is not the principal and predominant element.

It was directed that the matter be circulated.

(11) File 1-3719 - Watch Case Makers' Association vs.
Altenstein-Warneck & Sons, Inc.

Memorandum of July 1st was received from the Chief Examiner reporting the facts and recommending that the Chief Examiner be authorized to handle the case by stipulation under the rule of March 11, 1925.

The memorandum was read and thereafter, the following motion was offered by Mr. Van Fleet, seconded by Mr. Hunt:

Moved, that the recommendation of the Chief Examiner be adopted and that the case be handled by stipulation under the rule and report made to the Commission.

The motion was adopted with Messrs. Van Fleet and Hunt voting in the affirmative and Mr. Sugent voting in the negative. Mr. Thompson did not vote.

From the Circulating Calendar the Commission considered the following matters and action as indicated was taken:

(1) Docket 1186 - Good Grape Company.

Memorandum of June 15th from the Chief Counsel transmitting motion for instructions to W. F. Dinnen and stating that the Trial Examiner assigned to taking testimony herein did not permit the answering of questions directed with the purpose of disclosing the applicant and that the motion is an effort of respondent's attorney to have the Commission make an order directing Trial Examiner Dinnen to permit witnesses to disclose the name of the applicant. The Chief Counsel recommended that the motion be denied.

The file was circulated June 15th. Notations by the several Commissioners were read and after consideration, Mr. Van Fleet offered the following motion:

July 10, 1925.

Moved, that the motion by counsel for the respondent be overruled and that the respondent's attorney, the Trial Examiner and the Commission's attorney be so notified.

The motion was adopted and it was so ordered. The Chief Counsel was directed to prepare and the Secretary to serve appropriate order.

(2) Packet 890 - Green of Wheat Company.

Memorandum of June 18th from the Chief Counsel transmitting (1) motion filed June 10, 1925, by counsel for the respondent to amend the order to cease and desist in this case dated April 11, 1925, by adding certain affirmative propositions of law as to the rights of the respondent in seeking to establish resale prices for its product, and (2) memorandum of June 17th from Trial Attorney J. T. Clark of the Staff recommending that the motion be denied.

The file was circulated June 19th. Notations by the several Commissioners were read and thereafter, the motion of counsel for the respondent to amend the order to cease and desist was denied and the Chief Counsel was directed to prepare and the Secretary to serve appropriate order.

(3) Packet 728 - Garcia, Piller & Company, et al.

- " 744 - W. J. Chapman,
- " 786 - Kelly Dry Dock & Shipbuilding Company, Inc.,
- " 804 - Maritime Company, Inc.,
- " 821 - Liberty Iron & Wire Company, Inc.,
- " 828 - A. D. Davis Packing Company, Inc.

Memorandum of June 8th from the Chief Counsel reporting in response to the Commission's direction of June 5th an opinion as to whether the Commission has jurisdiction to proceed in the above listed cases, known as commercial bribery cases in the ship chandler industry. Memorandum of June 8th was also received from the Chief Counsel with respect to the power of the Commission in commercial bribery cases.

The matter was circulated June 8th. Notations by the several Commissioners were read and after consideration, it was ordered by the Commission, that the complaints in the foregoing cases be and the same are hereby dismissed.

Mr. Thompson made the following statement for the record:

"I vote to dismiss these cases on the ground of age and difficulty of getting testimony and for the further reason that the decision in the Winslow case controls in the Fourth Judicial Court.

The Chief Counsel was directed to prepare and the Secretary to serve orders of dismissal.

July 10, 1925.

- (4) File 1-3180 - United States Sugar Manufacturers' Association vs. United States Sugar Association.

Memorandum of March 21, 1925, from the Chief Examiner, reporting that the case has little, if any, public interest, and that under the rule of March 11, 1925, it would seem that further negotiations should not be made and recommending dismissal of the application.

The file was circulated March 27th. Notations by the several Commissioners were read and thereafter, the following motion was offered by Mr. Van Fleet, seconded by Mr. Hunt:

Moved, that the application be dismissed.

As to the foregoing motion, Messrs. Van Fleet, and Hunt voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The motion was lost on tie vote.

Accordingly, the file was referred to Mr. Humphrey, the absent Commissioner, pursuant to the action of June 29, 1925, for examination and to report his deciding vote to the Commission.

- (5) File 1-3682 - Associated Advertising Clubs of the World vs. Spear & Company.
- " 1-3683 - Associated Advertising Clubs of the World vs. Sheppard Knapp Son Company, Inc.
 - " 1-3705 - S. Karpen & Brothers vs. Black & Yates, Inc.
 - " 1-3713 - Associated Advertising Clubs of the World vs. Ludwig, Bauman & Company.
 - " 1-3825 - Mahogany Association, Inc. vs. Gimbel Brothers, Inc.

Pursuant to the Commission's action of March 11, 1925, directing that these applications for complaint, among others involving false and misleading advertising in the furniture industry, be expedited by the Chief Examiner and reported direct to the Commission without reference to the Board of Review, the Chief Examiner submitted the foregoing cases reporting preliminary investigations and recommendations for Commission action.

The files were circulated April 27th. Notations by the several Commissioners were read and after consideration, Mr. Nugent offered the following motion:

Moved, in accordance with my notes, that separate complaints issue (1) against Gimbel Brothers, Inc. - file 1-3825; (2) against Ludwig, Bauman & Company - file 1-3713; (3) against Black & Yates, Inc. - file 1-3705; (4) against Sheppard Knapp Son Company, Inc. - file 1-3683; and (5) against Spear & Company - file 1-3682; charging violation of the Federal Trade Commission Act.

July 10, 1935.

The motion was adopted and it was so ordered, the files being referred to the Chief Counsel for preparation of complaints pursuant to the rule, the complaints thereafter, to be served by the Secretary without further action by the Commission.

It was further ordered upon motion of Mr. Nugent, that application for complaint be docketed against the manufacturers named in the files who called the furniture in question to the dealers, i.e., Levinson Manufacturing Company, Jersey City, N. J., Forsythe Furniture Company, Winston-Salem, N.C.; Berkey & Gay, Grand Rapids, Michigan; Gluck Brothers, Brooklyn, N. Y., and American Furniture Fidelity Company, Chicago, Illinois.

(6) File 1-3034 - North Hanger Slate Company vs. Cortland Grinding Wheel Corporation, et al.

On April 13, 1935, the above case was referred to the Board of Review with instructions to proceed under the rule of March 16, 1935, and grant the proposed respondents a hearing and report to the Commission. The majority report of the Board of Review dated May 18, 1935, recommended that the Chief Examiner conduct a supplemental investigation.

The file was circulated June 10th. Notations by the several Commissioners were read and thereafter, Mr. Van Fleet offered the following motion, seconded by Mr. Hunt:

Moved, that the recommendation of the majority of the Board of Review be approved and that further investigation be made.

In substitution for the foregoing motion, Mr. Nugent offered the following motion, which was seconded by Mr. Thompson:

Moved, that complaint issue in accordance with the recommendations of the investigating Attorneys.

As to the substitute motion, Messrs. Nugent and Thompson voted in the affirmative and Messrs. Van Fleet and Hunt voted in the negative. The substitute motion was lost on its vote.

Vote was then taken upon the original motion. As to this motion, Messrs. Van Fleet and Hunt voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The motion was lost on its vote.

Accordingly, the file was referred to Mr. Humphrey, the absent Commissioner, pursuant to the action of June 29, 1935, for examination and to report his deciding vote to the Commission.

(7) Docket 1203 - Barnes-Ames Company, et al.

Memorandum of June 11th was received from the Chief Counsel transmitting pursuant to the Commission's direction of May 24, 1935, draft of amended complaint and memorandum of June 6th by Attorney DePruler. The Chief Counsel recommended in view of the interview

July 10, 1925.

to be had with the Commercial Attache of the Royal Italian Embassy, that consideration of the matter be held in abeyance until the result of the interview can be forwarded to the Commission.

At this time Mr. Thompson was excused from the meeting.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Nugent,
Charles W. Hunt.

Mr. Thompson absent.

Mr. Murphy absent on vacation.

The file was circulated June 18th. Resolutions by the several Commissioners were read and thereafter, the following action was offered by Mr. Van Fleet, seconded by Mr. Hunt:

Moved, that the recommendation of the Chief Counsel be approved and that action be held in abeyance until the result of the interview with the Commercial Attache of the Royal Italian Embassy is reported to the Commission.

As to the foregoing motion, Messrs. Van Fleet and Hunt voted in the affirmative and Mr. Nugent voted in the negative. The motion was adopted and it was so ordered.

Mr. Nugent made the following statement for the record:

"I vote 'no' for the reason that I believe that the Commission should either proceed forthwith with the trial of the case and issue the amended complaint presented by the Chief Counsel; or that the case should be dismissed."

Thereupon, at the hour of 12:15 p.m., the Commission adjourned to meet Monday, July 13, 1925, at 10 a.m.

Attest:

Vernon W. Van Fleet,
Chairman.

Giles W. Johnson,
Secretary.

July 13, 1925.

Saturday - July 11, 1925 - No meeting held.

Sunday - July 12, 1925 - No meeting held.

MEETING OF THE FEDERAL TRADE COMMISSION

Monday - July 13, 1925 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
John W. Nugent,
Charles W. Hunt,
Huston Thompson.

Mr. Humphrey absent on vacation.

The minutes of the meeting of July 10, 1925 were read and approved.

Mr. Van Fleet presented file 1-3107 - Wallace & Florman Company, Inc., vs. Industrial Appliance Company and read memorandum of July 1, 1925, reciting the facts and thereafter offered the following motion:

- Moved, that the case be referred to the Chief Examiner to report whether or not there is any present public interest in it; and also whether the respondent is still circulating the letter in question and report to the Commission.

The motion was adopted by the Commission and it was so ordered.

Mr. Nugent presented the following Export Trade complaint and applications for complaint and action as indicated was taken by the Commission:

- (1) File 50-100 - Foreign Trade complaint of Fleisch & Company of Marseille, France against Edward Rague, of New York City.

Memorandum of April 25th was received from the Export Trade Division reporting the result of preliminary investigation and recommending that report be made to the Department of Commerce,

July 13, 1935.

the papers received from that office returned and the case closed. The Commission also received draft of letter to the Secretary of Commerce.

After consideration, on motion of Mr. Nugent, the recommendation of the Export Trade Division was approved and it was ordered that the letter and accompanying documents be forwarded to the Department of Commerce and the matter closed so far as the Commission is concerned.

(2) File 1-2790 - Cramsey Corporation, Inc. vs. Pillsbury Flour Mills Company.

Mr. Nugent stated that this application came direct from the Chief Examiner without reference to the Board of Review pursuant to the rule of December 1, 1924.

Mr. Nugent submitted memorandum of July 13th reviewing the facts and concurring in the recommendation of the Staff that the application be dismissed.

After consideration, on motion of Mr. Nugent, the application for complaint was dismissed by the Commission.

(3) File 1-3332 - F. T. C. vs. North American Publishing Company, et al.

Mr. Nugent submitted memorandum of July 13th reviewing the facts and stating that he concurred with the Attorney-Examiner, the Attorney-in-charge of the New York Office and the Board of Review and moved that complaint issue in accordance with the recommendation in the special report of the Board of Review, i.e., that complaint issue against the respondent, Perpetual Encyclopedia Corporation charging violation of the Federal Trade Commission Act.

The motion was adopted by the Commission and it was so ordered, the files being referred to the Chief Counsel for preparation of complaint pursuant to the rule, the same to be served by the Secretary without further action by the Commission.

Mr. Thompson submitted the following listed applications for complaint and action as indicated was taken by the Commission:

(1) File 1-3473 - American Bosch Magneto Corporation vs. Bosch Ignition Corporation.

Mr. Thompson submitted memorandum of July 13th reviewing the facts and concurring in the recommendation of the Board of Review for dismissal.

After consideration, on motion of Mr. Thompson, the application for complaint was dismissed by the Commission.

July 13, 1928.

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- (1) File 1-3532 - Sun-G-Lac Company, Inc. vs. William H. Scheel, et al.

Mr. Thompson submitted memorandum of July 13th reviewing the facts and concurring in the recommendation of the Board of Review that the application be dismissed.

The memorandum was read and after consideration, an action of Mr. Thompson, the application for complaint was dismissed by the Commission.

- (2) File 1-3580 - F. T. C. vs. Tobacco Products Corporation.

Mr. Thompson stated that this application came direct to the Commission from the Chief Examiner without reference to the Board of Review.

Mr. Thompson submitted memorandum of July 13th reviewing the facts and thereafter, offered the following motion:

Moved, that complaint issue against the respondent, Tobacco Products Corporation, joining the American Tobacco Company and the United Cigar Stores Company in one complaint charging a tendency toward monopoly, also potential suppression of competition on the retail plans of distribution under the Clayton Act and a general charge under Section 5 of the Federal Trade Commission Act.

After discussion and prior to vote on the above motion, the case was referred to Mr. Van Fleet at his suggestion for examination and report back.

The following matters of general business forwarded to the Commission by the heads of the several Divisions were presented by the Secretary and action as indicated was taken:

- (1) Allotment of funds to the several Divisions for the

First Quarter of the fiscal year ending June 30, 1928.

In accordance with the action of July 10th, this matter was considered as a Special Order of business.

After consideration, the Commission approved the tentative allocation submitted by the Secretary as follows and directed that the same be effective as of July 1, 1928:

July 13, 1925.

Statement showing amounts expended by divisions for the FIRST quarter of the fiscal year 1925; amounts estimated by Division Chiefs, and amounts allotted for the FIRST quarter of the fiscal year 1926.

	Expended in the FIRST quarter fiscal year 1925	Estimates by Chief of Divisions for the FIRST quarter fiscal year 1926	Amounts allotted for the FIRST quarter fiscal year 1926
ADMINISTRATIVE:			
Salaries	45,330.43	41,688.00	41,688.00
Miscellaneous	7,028.87	5,432.00	5,432.00
TOTAL	52,359.30	47,120.00	47,120.00
DOCKING:			
Salaries	50,123.36	53,746.00	53,746.00
Travel Expense	2,844.84	3,550.00	3,550.00
TOTAL	52,968.20	57,296.00	57,296.00
CHIEF ENGINEER:			
Salaries	44,525.73	45,560.00	45,560.00
Travel Expense	3,034.64	3,000.00	3,000.00
Operating Service	1,631.25	2,000.00	2,000.00
TOTAL	50,191.62	50,560.00	50,560.00
CHIEF MECHANIC:			
Salaries	40,074.01	39,525.00	39,525.00
Travel Expense	2,524.31	2,500.00	2,500.00
TOTAL	42,598.32	42,025.00	42,025.00
CHIEF TRADER:			
Salaries	3,164.87	3,115.00	3,115.00
Travel Expense	-	1,021.00	1,021.00
TOTAL	3,164.87	4,136.00	4,136.00
BOARD OF REVIEW:			
Salaries	4,322.83	4,215.00	4,215.00
TOTAL	4,322.83	4,215.00	4,215.00
TOTAL	234,817.74	234,815.00	234,815.00

PRINTING: Available \$18000. - Allotted \$4000. for first quarter.

July 13, 1925.

In connection with the allocation of funds, Mr. Nugent discussed the work by the Economic Division under Senate Resolutions and thereafter offered the following motion, which was seconded by Mr. Thompson:

Moved, if and when the Comptroller General advises the Commission that the inquiries ordered by the Senate under Senate Resolution 28 (Senator McKellar) dated March 17, 1925, relating to open price associations and Senate Resolution 34 (Senator Shipstead) dated March 17, 1925, relating to cooperative organizations, or if either of said investigations may be lawfully conducted by the Commission under the provisions of the Appropriation Act for the ensuing year, that the Chief Economist is directed to proceed with both or either of these investigations as may be authorized.

As to the foregoing motion, Messrs. Nugent and Thompson voted in the affirmative and Messrs. Van Fleet and Hunt voted in the negative. The motion was lost on the vote.

(2) Statement of allotments, expenditures and liabilities to the end of the fiscal year ended June 30, 1925. The statement showed a credit balance for the Commission of about \$2400. in the general fund and \$123. in the printing fund.

The statement was received and placed in the Calendars.

(3) Report by the Chief Economist of the work of the Economic Division for the month of June 1925.

The report was received and placed in the Calendars.

(4) File 1-3442 - F. T. C. vs. Kennecott Copper Corporation.

Memorandum of July 10th was received from the Chief Examiner calling attention to the order of the Commission on June 12th that the facts in respect of the organization, operation and result of the Kennecott Copper Corporation be ascertained and report made within thirty days. The Chief Examiner reported that due to the absence of certain officials of Guggenheimer Brothers, it was impossible to complete the investigation within thirty days and requested an extension of thirty days time.

The extension of time requested by the Chief Examiner was granted.

(5) Memorandum of July 10th from the Chief Examiner in the matter of correspondence between the Chief Examiner's Office and Gordon H. Mills, Deputy Attorney General of the State of New York, in reference to the Union Simplex Train Control Company. The Chief Examiner referred to the request of Mr. Mills that the Commission conduct a blue sky investigation and that on the indefinite statements made the Chief Examiner does not feel authorized to make any such investigation. The Chief Examiner submitted the matter for instruction.

July 13, 1925.

The memorandum was read and on motion of Mr. Thompson, seconded by Mr. Van Fleet, the Commission directed that reply be made referring to the Chief Examiner's letters and advising that because of lack of detail and definite information, the Commission declines to proceed.

(6) Memorandum of July 10th was received from the Chief Examiner, as follows:

July 10, 1925.

MEMORANDUM FOR THE COMMISSION:

Manufacturers of Builders' Hardware,
Proposed symbol to identify
brass and bronze.

Reference is made to the Commission's direction of July 8th, 1925, and the accompanying correspondence.

It is concluded from a careful reading of the letter of the Director of the Bureau of Standards that the situation, and the scope of the Director's inquiry have not been fully understood. The letter discloses that the Bureau is already negotiating with the manufacturers and therefore for the Commission to undertake a trade practice submittal would look like an effort to take the matter out of the hands of the Bureau and might not be considered courteous.

The Director has asked the Commission for an opinion on the questions:

- (a) Whether the filing of papers with the Commission stating an intent to establish an identification symbol for certain alloys would give the symbol any official or legal standing.
- (b) Whether the fact of filing with the Commission could be used in advertising.
- (c) Would registration of the symbol, as a trade-mark, improve its standing with the Federal Trade Commission?

The answer to these questions is, that we have no means of receiving and registering trade names and hence, that the filing of such a mark would have no significance, so far as we are concerned.

- (d) Could improper use of the symbol be restrained subsequent to any of the above, or combinations of the above acts?

July 13, 1925.

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Improper use could probably be restrained, approaching the matter as an act of unfair competition in commerce, but registration of the symbol with the Commission is not essential to such action.

In reference to this proposed adoption by the manufacturers of a symbol or hall-mark to be placed on goods as an indication that they can properly be designated as brass or bronze, this is something which the trade can do for itself or which the Department, being already in touch with the matter, can assist them to do and it is not perceived how the Commission's cooperation would be of any value to them. The matter bears a close analogy to the adoption by the manufacturers of the word "rayon" as a trade name for products formerly called "artificial silk". The Commission now can proceed against any manufacturer who represents his brass or copper-plated goods as solid brass or bronze, in interstate commerce, provided it appears that there are other manufacturers who do not so misrepresent and that the purchasing public is misled, regardless of whether the manufacturers adopt any symbol or not. Such adoption would be merely a means of facilitating the crystallization of the trade and public understanding of the matter, but is not essential to the Commission's jurisdiction.

It is recommended, therefore, that instead of taking the matter up directly with the manufacturers, a reply be written to the Director of the Bureau of Standards substantially along the lines indicated.

Respectfully,

(Signed) Willard V. Hudson,
Chief Examiner."

The Commission approved the views of the Chief Examiner and directed the preparation of a letter in accordance therewith.

(7) Docket 1280 - Banner Silk Knitting Mills, Inc.

Memorandum of June 8th from the Chief Counsel transmitting stipulation as to the facts in addition to the testimony and evidence taken before the Trial Examiner and stating that the stipulation closes the case, thus enabling the Examiner to make his report. The Chief Counsel recommended that the stipulation be approved and accepted.

It was directed that the matter be circulated.

July 13, 1925.

(8) File 1-3917 - F. T. C. vs. Strable Hardwood Company.

Final report dated June 22nd was received from Attorney-Examiner Sadler, concurred in by Attorney Walker of the San Francisco Office and the Chief Examiner, recommending that complaint issue against respondent, Strable Hardwood Company charging misrepresentation under Section 5 of the Federal Trade Commission Act.

After consideration, on motion of Mr. Lugent, it was directed that in accordance with the action heretofore taken on similar cases that complaint issue charging Strable Hardwood Company with violation of the Federal Trade Commission Act and that such complaint be prepared but not served and that the file be referred to the Chief Counsel for consideration in connection with the trial of test cases in this group of Philippine Language cases.

(9) Report of the Board of Review on Efficiency Ratings for the six months period, November 13, 1924 to May 13, 1925, as follows:

"REPORT OF BOARD OF REVIEW ON
Efficiency Ratings,
Federal Trade Commission,
for the six months period,
November 13, 1924 to
May 13, 1925.

In pursuance of provisions of law and the regulations and instructions of the Bureau of Efficiency and the Personnel Classification Board, thereunder, the Board of Review appointed by the Federal Trade Commission presents its report on the Efficiency Ratings of the employees of the Commission for the six months' period November 13, 1924 to May 13, 1925. These final ratings as they stand have been reached with the advice and consent of the various reviewing officers (Chiefs of Divisions). Under these ratings, 183 are eligible for promotions out of a total of 313 employees rated. The list presents no employees subject to demotion or dismissal on account of inefficiency.

Respectfully submitted for the consideration of the Commission.

(signed) Otis B. Johnson,

(signed) L. M. Saring.

June 30, 1925.

Board of Review."

July 13, 1925.

"EFFICIENCY RATINGS

FEDERAL TRADE COMMISSION

NOVEMBER 15 to MAY 13, 1925.

"Showing: (1) name of employee, (2) Salary, (3) final efficiency rating, (4) rating necessary to retain present status, and (5) rating necessary to be eligible for salary promotion within the grade.

"The marks in red ink signify: the plus sign, employee eligible for promotion within the grade; the equality sign, employee retained in present status; the letter "A" following names of employees indicates those who are entitled to military preference.

GRADE P-1

Pesherton, Miss Irene	\$2100	d	87.01	65	85
Blackford, William R.	2200	e	85.83	70	90
Booth, Walter H.	2200	e	85.49	70	90
Smith, Mrs. Raybell R.	1880	e	85.42	65	70
Camalier, Renah F.	1880	e	84.02	65	70
Martin, C. A.	2200	e	83.43	70	90
Childs, William W.	2300	f	83.34	75	95

GRADE P-2

Junge, Henry, Jr.	3800	e	93.39	70	90
Furness, Miles J.	3000	d	91.34	80	--
Biggs, John S.	2700	d	86.32	65	85
Corne, William R.	2800	e	88.09	70	90
Lave, Miss Ellen L.	3400	e	87.69	65	70
Babcock, Harry A.	3000	c	87.49	60	--
Harriett, Geoffrey R.	2400	e	86.98	65	70
Sims, Edwin S.	3800	e	86.53	70	90
Reyna, Joseph A.	3100	e	86.39	65	70
Stevens, James E.	3400	e	86.10	65	70
Patterson, Francis X.	3800	e	85.69	70	90
Van Fleet, Stephen J.	2700	d	85.19	65	85
Gauke, John F.	2500	b	85.14	65	75
Dowlan, John R.	2700	d	84.75	65	85
Windle, Charlee T.	2700	d	84.64	65	85
Walton, Edward H.	2800	e	84.42	70	90
Southworth, John F.	2600	c	84.28	65	80
Wilson, Mrs. Margaret R.	3800	e	84.06	70	90
Gibbatt, David R.	3400	e	84.	65	70
Kennedy, Leo W.	2800	e	83.56	70	90
Shewky, Joseph E.	2400	d	83.71	65	70

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TABLE P-2 - Continued

Ward, George A.	\$2600	c	82.47	65	80
Peacock, Samuel C.	2400	a	82.69	65	70
Dinkins, Clarence E.	2400	a	82.53	65	70
Charneau, Thomas R.	3000	g	82.24	80	--
Taylor, Selcitt	2800	a	81.76	70	90
Alden, Henry P.	3000	g	80.20	80	--
Palmer, LeRoy A.	2400	a	79.35	65	70
Burkett, John K.	2800	a	77.70	70	80

TABLE P-3

Lundquist, Andreas T.	3000	a	88.53	65	70
Parry, Byron Phelps	3300	d	88.54	65	85
Klein, Joseph L.	3300	d	88.02	65	85
Sadler, Clarence T.	3000	a	87.44	65	70
Boyle, Morgan J.	3000	a	87.31	65	70
Cyr, Lee	3300	d	87.15	65	85
Hahagan, William A.	3500	f	87.13	75	95
Haines, Earl S.	3300	d	86.54	65	85
Bass, John H.	3300	d	86.55	65	85
Says, William W.	3300	d	86.59	65	85
Dynas, John H.	3300	d	86.26	65	85
Simpson, Joseph A.	3000	a	86.08	65	70
Sterne, Worth P.	3000	a	85.54	65	70
Carroll, Timothy A.	3300	d	85.52	65	85
Peat, James R.	3000	a	84.76	65	70
Bischof, James W.	3300	d	84.72	65	85
Baggerly, Franklin C.	3200	c	84.39	65	80
Tackett, Anderson R.	3000	a	84.14	65	70
McDermott, Ambrose L.	3000	a	84.10	65	70
Penably, Walter L.	3300	d	83.87	65	85
Killar, Henry	3600	g	83.43	80	--
Beauregard, Gustave T.	3100	b	83.08	65	75
Haward, John C.	3000	a	82.76	65	70
Stites, Otto B.	3000	a	82.51	65	70
Slonaker, Grin	3000	a	81.56	65	70
Fischer, Edward	3000	a	79.22	65	70
Backer, Charles L.	3300	d	77.72	65	85

TABLE P-4

White, Hugh L.	\$5000	c	90.44	80	--
DeBruiler, George R.	4800	a	90.33	70	90
Craves, John Temple, Jr.	4800	a	86.87	70	90
Stephens, G. A.	4600	a	88.53	70	90

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CHART P-1 - Continued

Arnold, John Knox	4000	b	88.03	65	75
Watkins, George F.	4800	f	87.99	75	45
Alford, Eliza C.	5000	c	87.71	80	--
Mitchell, Thomas W.	4200	c	87.37	63	80
Hurton, Ishmael	3800	a	87.13	55	70
Winkert, Gerald V.	3800	a	85.96	65	70
Cox, Henry A.	4000	b	85.17	65	75
Kiehlend, Rolf H.	3800	a	85.98	65	70
Reardon, Edward E.	4000	b	85.74	65	75
Gly, Richard B.	4000	b	85.93	65	75
Bane, Baldwin B.	4600	e	85.42	70	90
Hoycraft, Everett F.	4600	a	85.03	70	90
McMillen, Robert T.	4000	b	85.04	65	75
Giles, Malcolm A.	3800	a	85.03	65	75
Whitely, Richard F.	3800	a	84.95	65	70
Sweet, William A.	4000	b	84.64	65	75
Bennett, John W.	4000	b	84.79	65	75
Dinman, William F.	3800	a	84.69	65	70
Woodfill, Web	3800	a	84.69	65	70
Averill, Edward L.	3800	a	84.64	65	70
McCorkle, George	3800	a	84.81	65	70
Addison, John W.	3800	a	84.57	65	75
Reeves, William C.	4000	b	84.55	65	75
Sheppard, William W.	3800	a	84.34	65	70
Rowland, G. Edwin	4000	b	84.30	65	75
Craven, Alfred M.	3800	a	84.15	65	70
Brownell, Robert O.	3800	a	84.12	65	70
Adams, J. W.	3800	a	83.98	65	75
Horton, James A.	3800	a	83.59	65	70
Blake, Emma R.	3800	a	83.40	65	70
Hornibrook, Edward J.	4000	b	80.37	65	75
Wienery, A. Markham	4000	b	80.11	65	75
Parkins, Lewis G.	3800	a	78.93	65	70
Hawkins, Wayford R.	4800	f	77.26	75	95
Butler, T. John	3800	a	76.73	65	70

CHART P-1

Hudson, Willard F.	6000	f	88.	75	95
Watt, William A.	5200	a	87.90	65	70
Clarke, Larnell B.	5200	a	87.25	65	70
Anderson, Herbert L.	5200	a	86.70	65	75
England, William H.	6000	f	85.95	75	95
Stevens, W. R. G.	6000	f	85.65	75	95
Burr, Eugene W.	5200	a	85.10	65	70
Clark, W. S.	5200	a	84.40	65	70
Sator, George F., III	5200	a	84.51	65	70

July 13, 1935.

GRADE F-1 - Continued

- Bear, Henry W.	\$5200. a	84.40	65	70
- Wenden, Walter A.	5200. a	84.12	65	70
- Smith, Edward L.	5200. a	83.72	65	70
- Clark, James F.	5200. a	83.30	65	70
+ Brindley, Augustus R.	5200. a	82.90	65	70
- Hoff, Charles A.	5200. a	82.40	65	70
- Brinson, James L.	5200. a	82.	65	70

GRADE SF-1

- Decker, Peter L.	1300 s	83.51	65	65
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GRADE SF-1

- Markness, Mrs. Hodge T.	1680 s	84.61	65	65
- Birks, John G.	1800 a	84.28	65	70
- Fortimer, Mrs. Katherine	1560 b	83.81	65	75

GRADE SF-6

- Elsas, Howard R.	2100 s	84.90	65	65
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GRADE CAF-1

- Ruckelshausel, Laura E.	1200 b	85.32	65	75
- Kohl, George W.	1260 c	85.72	65	80
- Corrigan, Owen R.	1380 e	85.32	70	90
- Farnell, Mrs. E. Letellie	1380 e	84.72	70	90
- Barton, Mrs. Thelma L.	1140 s	84.11	65	70
- Lang, John R.	1260 c	83.21	65	80

GRADE CAF-2

- Raugh, Joseph	1320 a	80.40	65	70
- King, Russell M.	1320 a	80.49	65	70
- Coy, Evelyn B.	1500 d	80.07	65	85
- Jones, Lattie A.	1440 c	80.07	65	80
- Hussey, Edith A.	1620 f	87.94	75	95
- Washburne, Avis G.	1580 g	86.78	80	--
- Hopkins, Margaret V.	1620 f	86.11	75	95
- Crans, August	1560 s	86.	70	90
- Selden, James H.	1320 a	85.75	65	70
- Wenders, William C.	1620 f	85.05	75	95
- Lapinosa, Joseph L.	1320 a	85.03	65	70

July 13, 1925.

GRADE CAF-2 - Continued

Werner, Sadie K.	1380	d	85.02	65	85
Gouper, Elizabeth	1680	g	84.18	80	--
Greer, Anna	1620	f	84.15	75	85
Hughes, Florence L.	1360	d	83.90	65	85
Hankler, Elizabeth	1440	e	83.87	65	80
Reynolds, George B. F.	1320	e	83.17	65	70
Peterson, Anna P.	1320	e	82.09	65	70
Marlin, Selma	1440	e	81.88	65	80
Weatherabee, Frank B.	1320	e	80.24	65	70
Thompson, Agnes R.	1360	e	79.01	70	90

GRADE CAF-2

Truesco, Lucille	1740	e	89.07	70	90
Benedict, Mrs. Lucy F.	1740	e	88.70	70	90
Staves, Mrs. Katharine	1580	a	88.43	65	70
McCarthy, Annette H.	1600	f	88.38	75	85
Fresse, Pearl	1680	d	88.37	85	85
Henkala, Esther A.	1740	e	88.13	70	90
Braundis, Josephine	1620	c	87.91	65	80
Smith, Helen F.	1680	d	87.85	65	85
Draughton, Helen L.	1740	e	87.81	70	90
Hatiste, Daniel	1740	e	87.54	70	90
Joyce, Helen C.	1740	e	87.37	70	90
Logan, Margaret A.	1680	d	87.36	65	85
Thomas, Rachel	1680	d	87.21	65	85
Byrne, Margaret E.	1560	b	87.03	65	75
Joyner, William T.	1740	e	86.95	70	90
Ferman, Eleanor	1380	d	86.83	60	--
Boyle, Anna	1680	d	86.63	65	85
Grimes, Katie V.	1620	c	86.37	65	80
James, Willie V.	1740	e	86.15	70	90
Bupert, Grace E.	1620	c	86.12	65	80
Kietler, Mrs. Anna B.	1740	e	86.04	70	90
Trott, Frances W.	1620	c	85.98	65	80
Taylor, Frances C.	1380	d	85.90	65	75
Burr, Helen A.	1620	c	85.74	65	80
Shopp, Helen A.	1620	c	85.43	65	80
Klaesling, Frances B.	1600	a	85.39	65	70
Justice, Margaret	1680	d	85.24	65	85
Mahoney, Cecelia I.	1620	c	85.15	65	80
Harrity, Margaret B.	1680	d	85.07	65	85
Weiss, Edward A.	1620	c	85.07	65	80
Hartnuff, Mrs. Julia H.	1680	d	85.05	65	85
Levin, Amelia	1620	c	84.98	65	80
McKown, Mays A.	1560	b	84.95	65	75
Haigh, William L.	1620	c	84.87	65	80
Kathlet, Mrs. Gertrude	1560	b	84.85	65	75

July 13, 1935.

GRADE CAF-2 - Continued

Danahue, Louise	1740	a	84.84	70	90
Steiner, Jessie M.	1820	c	84.80	65	80
Allen, Dorothy E.	1500	a	84.74	65	70
Forrier, Sarah E.	1560	b	84.59	65	75
Farnsworth, Mrs. Lavinia	1740	a	84.56	70	90
Gritlander, John T.	1800	f	84.43	75	95
Schenck, Harold E.	1500	a	84.35	65	70
Hyde, Mrs. Caroline V.	1560	b	84.16	65	75
Smith, Genevieve	1740	a	84.10	70	90
Webster, Louise A.	1820	c	83.86	65	80
Whalen, Billy E.	1820	c	83.39	65	80
Hill, Mildred T.	1880	d	83.31	65	85
Lewis, Mary E.	1560	b	83.16	65	75
Reese, Mrs. Theo I.	1820	c	82.74	65	80
Butler, Helene M.	1560	b	82.46	65	75
Walta, Mrs. Ethel W.	1740	a	82.38	70	90
Darsey, Marion E.	1820	c	82.23	65	80
Gieseler, Alice M.	1500	a	82.13	65	70
Stein, Mrs. Nettie J.	1500	b	81.64	65	75
Smith, Alta M.	1740	a	81.39	70	90
McElhone, Mrs. Mary E.	1860	g	81.26	60	--
Gwan, Edward J.	1740	a	81.20	70	90
Key, Mrs. Edith M. S.	1880	d	80.82	65	85
Covington, Wilburn P.	1740	a	80.42	70	90
Kennister, Elsie M.	1740	a	79.54	70	90
Chambers, Ida	1820	c	77.06	65	80

GRADE CAF-4

Lewis, Louella E.	1740	b	88.83	65	75
Hardwall, Homer Y.	1740	b	88.32	65	75
Palryncle, Robert C.	1800	a	88.32	65	70
Katzen, Walter T.	1920	a	87.59	70	90
Kahler, Mrs. Anna T.	2040	g	87.22	60	--
Rosson, Vivien L.	1980	f	87.22	75	95
Adams, Agnes E.	1980	f	86.47	75	95
Carter, Harry E.	1920	a	86.29	70	90
Lorton, Anne M.	1800	c	86.08	65	80
Moore, Hiram H.	1920	a	85.83	70	90
Harris, Mary B.	1740	b	85.30	65	75
Nelson, Marie C. I.	2040	g	84.62	60	--
Wilson, Mrs. Nabel L.	1920	a	84.38	70	90
Baxter, Mrs. Dorothy W.	1800	c	84.08	65	80
Forbes, William E.	2040	g	83.84	60	--
Wellborn, W.	1740	b	83.50	65	75
Lovejoy, William B.	2040	g	83.40	60	--
Kadden, Errol H.	1880	d	83.40	65	70
Evans, Louis	2040	g	83.07	60	--
Yeager, Geneva	1920	a	82.54	70	90
Watts, Edward C. M.	1860	d	82.29	65	85
Swain, Frank	1980	f	75.70	75	95

July 13, 1955.

GRADE CAF-3

Goodwyn, Gwendoline	\$2100	d	90.	65	65
Murray, Mae R.	2100	d	88.77	65	65
Alford, Charles C.	2100	d	88.37	65	65
Anderson, Mrs. Mildred D.	2100	d	88.18	65	65
Abarcrombie, Mabel	2100	d	87.39	65	65
Berrity, Jane	2100	d	87.	65	65
Olscowski, Leopold	2200	a	86.74	70	90
Shaw, Helen T.	1860	a	86.03	65	70
Stamm, Harold B.	2100	d	85.81	65	65
Hall, Hazel	2100	d	85.80	65	65
Vincoli, Edna B.	2200	a	85.40	70	90
Cowdrey, Mrs. Dorene	2100	d	85.02	65	65
Brown, Charles A.	2300	f	84.90	75	95
Johnson, Mrs. Jane W.	1880	a	83.89	65	70
Gerlach, Mrs. Agnes J.	1920	b	83.72	65	75
Hildebrandt, Frank W.	2000	a	83.53	65	80
Donahan, Anna R.	1880	a	82.93	65	70
Schwickerdt, Rudolph B.	2400	g	82.73	80	--
Davis, Calvin C.	2400	g	82.67	80	--
Rougeau, Charles F.	3200	e	82.02	70	90
Gilman, Iva R.	1860	a	81.87	65	70
Fearnster, O. T.	2300	f	81.11	75	95
Demeritti, Carrie E.	1880	a	79.	65	70

GRADE CAF-4

Laffler, Milton L.	3500	a	88.49	70	90
Buckingham, Frank	2600	f	87.72	75	95
Shrout, Sam F.	2600	f	86.81	75	95
Rodger, Charles R.	2300	c	85.68	65	80
Galbraith, William B.	3700	g	85.41	80	--
Lambrecht, Clarence L.	2600	f	84.85	75	95
Landrus, Harry J.	2300	a	84.49	65	80
Solan, Arne B.	2400	d	82.52	65	65
Vestal, John E.	2100	a	82.04	65	70
Kallis, Helmer J.	2100	a	81.19	65	70

GRADE CAF-5

Conrell, Denis C.	2800	a	91.01	70	90
Flaws, Harold W.	2800	a	88.78	70	90
Karsner, John W.	2900	f	88.57	75	95
Ross, Andrew M.	3000	c	88.51	80	--
Ogle, Randolph N.	3900	f	87.46	75	95
Himmelwright, Charles E.	3700	d	86.34	65	85
Lyddane, Arthur L.	2600	c	84.81	65	80

July 13, 1923.

GRADE CAF-7 - Continued

Mason, Wardlaw H.	32800	e	84.65	70	90
Barnes, Roger E.	2500	b	83.74	65	71
Kolar, Harry M.	2700	d	83.61	65	65
Bansy, John J.	2700	d	83.50	65	65
Hiles, Nicholas J.	3700	d	83.09	65	65
Higginbotham, Leon C.	2800	e	82.53	70	70
Isbell, Charles L.	2400	e	81.	65	70
Risinger, William W.	3700	d	80.92	65	65
Roberts, W. T.	2800	e	79.87	70	90

GRADE CAF-8

Burdette, James W.	3200	f	84.90	75	95
Waring, Luther, E.	3300	g	84.90	80	--

GRADE CAF-9

Talbotson, Thomas A.	3000	a	87.80	85	70
Walsen, Walter	3600	g	87.48	80	--
Mullock, John O.	3000	a	85.17	65	70
Hartley, Albert A.	3400	f	83.37	75	95
Day, H. O.	3500	g	80.90	80	--

GRADE CAF-11

Duganne, C. G.	4000	b	88.05	65	75
Farwell, Clarence G.	3800	a	81.75	65	70

GRADE CAF-12

Johnson, Otis B.	5300	ab	86.73	65	75
Hoover, LeClaire	5200	ab	83.07	65	75

GRADE CU-1

Woodward, Samuel H.	720	e	89.42	70	90
Hyde, Walter F. P.	720	e	89.32	70	90
Curtin, Lee T.	720	e	86.65	70	90
Lanning, James B.	720	e	86.13	70	90
Smith, Garfield W.	720	e	83.54	70	90
Engle, James E.	720	e	78.44	70	90

GRADE CU-2

Crawford, William H.	1140	d	88.12	65	65
Heaton, Forrest P.	1140	d	87.02	65	65

July 12, 1925.

GRADE CU-3 - Continued

Palmer, James L.	1140	d	85.50	25	85
Agnew, John B.	1140	d	85.00	85	85
Danson, Louis A.	1140	d	85.	85	85
Green, Samuel S.	1140	d	83.50	65	85
Ceran, Winston	1140	d	83.12	65	85
Ryles, Monroe	1140	d	80.90	65	85

GRADE CU-4

Abert, Allan McLane	1380	s	81.17	70	90
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GRADE CU-6

Dalwick, George F.	1860	p	85.24	80	--
Nayes, George C.	1860	x	84.56	65	70

After consideration, on motion of Mr. Van Fleet, the report was adopted by the Commission and ordered published with notice to the various employees and a copy to the Personnel Classification Board in accordance with their request.

(10) Docket 1198 - Wisconsin Wholesale Grocers' Association.

The following orders submitted by the Chief Counsel were approved and entered: (1) that William C. Reeves, an Examiner of the Commission, be designated to receive testimony, etc., and (2) that the hearing of the complaint begin at Milwaukee, Wisconsin, on July 15, 1925, at 10 a.m.

(11) Docket 1197 - Northern Jobbers' Club, et al.

The following orders submitted by the Chief Counsel were approved and entered: (1) that William C. Reeves, an Examiner of the Commission, be designated to receive testimony, etc., and (2) that the hearing of the complaint begin at Green Bay, Wisconsin, on July 27, 1925, at 10 a.m.

Thereupon, at the hour of 12 m., the Commission adjourned to meet Wednesday, July 15, 1925, at 10 a.m.

Attest:

Otis P. Johnson,
Secretary.

Vernon W. Van Fleet,
Chairman.

July 15, 1935.

Tuesday - July 15, 1935 - No meeting held.

MEETING OF THE FEDERAL TRADE COMMISSION

Wednesday - July 15, 1935 - 10 a.m.

PRESENT:

Harold W. Van Fleet, Chairman,
John F. Nugent,
Charles W. Hart,
Austin Ogden.

Mr. Humphrey absent on vacation.

The minutes of the meeting of July 12, 1935, were read and approved.

Mr. Van Fleet submitted the following matters and action as indicated was taken by the Commission:

(1) Letter of July 11th from the Department of State transmitting copy of a note from the British Embassy, dated June 12, 1935, in regard to the use of the word "Sheffield" by the Sheffield Steel Mills, Muncie City, Missouri.

The letter was read and on motion of Mr. Van Fleet, was referred to the Chief Examiner to gather full information with respect to the matter and also to prepare a letter of acknowledgment to the State Department advising that the Commission would look into it.

(2) Docket 1225 - Camps Sugar Company.

Letter of June 12th from Senator George W. Pepper of Pennsylvania, reporting the desire of the respondent to continue the use of the present name until January 1, 1936, and to thereafter adopt one of a number of names suggested in the letter. The Senator made inquiry as to what, if anything, can be done in the matter.

The matter was referred to the Chief Examiner to report the status of the case and to prepare draft of reply to the Senator's letter.

July 18, 1933.

(3) Decree 1230 - F. W. Debs.

Letter of July 2th was received from F. J. Hodge reporting experience with the respondent in connection with a course of instructions and requesting the assistance of the Commission in obtaining a refund of money paid for a course in drafting.

The letter was read and referred to the Chief Examiner to check up the acts of the respondent and report whether or not the respondent is complying with the order to cease and desist issued by the Commission and dated February 6, 1933.

Mr. Sugert presented file 1-3130 - F. T. C. vs. Pacific Lillers' Association, et al, and after reciting the facts offered the following motion:

Moved, that separate complaints issue, in accordance with the opinion and recommendations of the Board of Review charging these respondents with violation of the National Trade Commission Act.

The Board of Review recommended as follows:

"In accordance with the foregoing opinion the Board of Review has officially recommended the issuance of two formal complaints against the two sets of respondents herein as enumerated and designated in each opinion, the respective charges to be as outlined in the opinion, the first complaint to cover broadly price-fixing activities of all of the respondent milling companies named, or affecting the States of Washington, Oregon and Idaho; and the second to cover the activities of the flour milling organizations named on the last page in fixing and entering into price agreements in regard to commerce with the Hawaiian Islands, as well as the coordination among the several above designated persons being business in said islands."

The motion was adopted by the Commission and it was so ordered, the file being referred to the Chief Counsel for preparation of complaints, the same to be acted by the Secretary without further action by the Commission.

Mr. Sugert referred to the action of June 19th in the matter of file 1-3130 - Charles A. Wood vs. American Company of America, at which time draft of complaint prepared by the Chief Counsel in accordance with the action of May 12, 1933, was submitted and copies

July 15, 1935.

delivered to each Commissioner with the understanding that the complaint would be later considered.

Mr. Nugent suggested that the complaint be considered at this time, as he was leaving the city and had a number of suggested changes to bring to the attention of the Commission.

The complaint was reconsidered and Mr. Nugent called attention and suggested changes in Paragraph One of the first count of the complaint, under the Clayton Act and Paragraph Two of the second count of the complaint under the Federal Trade Commission Act. These changes were indicated on marked copy and notes with respect thereto were made by the Secretary.

In addition to the corrections on marked copy, Mr. Nugent suggested that the complaint allege that the purpose, object and effect of the acts of the respondent as set out in the complaint is to suppress competition and create a monopoly.

Mr. Van Fleet also suggested changes in the complaint to incorporate allegations, (1) that the respondent have had the material in question for the purpose of preventing other firms from getting it and thereby making more their monopoly of the raw material; and (2) to allege that the jobbers have no other source of supply and are thereby forced to buy from the Aluminum Company of America.

After consideration, the following question was offered by Mr. Nugent, seconded by Mr. Thompson:

Resolved, that the draft of complaint be amended in accordance with the marked copy herewith submitted and in accordance with the suggestions of Commissioner Van Fleet and myself and that such complaint issue and be served.

The motion was adopted by the Commission and it was so ordered. The complaint was referred to the Chief Counsel to be re-drafted in accordance with the Commissioner's action and thereafter referred to the Secretary to be served without further action by the Commission.

In the matter of Decree 1933 - Intersect and Sales Company, Mr. Nugent referred to the action of the Board also under date of July 15th in amending the first Paragraph of the order to cease and desist by inserting after the word "company" the words "and some others". Mr. Nugent informed the Commission with respect to a conference had with the Trust Attorney in the case, Mr. Brinkley, and with Attorney Quisen and of the views of these attorneys that the facts in the case are not in accord with the foregoing amendment, which was made by the Commission on motion of Mr. Nugent.

After consideration, Mr. Nugent offered the following motion:

July 15, 1935.

Second, that the action of the Social Union on July 15, 1935, in adopting a resolution by which the order be rescinded in the first paragraph of which the words "the same being" after the word "in fact" be reconsidered and rescinded.

The motion was adopted as it was so ordered. The order in original form was thereafter referred to the Secretary to be passed with the findings of fact adopted on July 15, 1935.

In the matter of Local 1303 - Leader Gowerfield, Mr. Agent referred to the action of July 3, 1935, at which time the findings and order were adopted and referred to the Social Union as a redrafted and instructed also issued to report to the Social Union with respect to the materiality of Paragraph Two and Three of Page Four of the findings. Mr. Agent reported a conference with Mr. Attorney, Boardman, on the case in which Mr. Boardman submitted a reconsideration of July 15th from the Social Union transmitting redrafted findings and order in accordance with the Committee's action of July 15th.

Mr. Agent informed the Committee with respect to the case, as referred to in the memorandum of July 15th from the Social Union and advised that the action of the Committee on July 3, 1935, in rescinding the word "being" from Paragraph Three of the order be reconsidered and rescinded, and (b) that the order be amended to direct the respective thirty days instead of sixty days to report compliance.

This action was adopted by the Committee and it was so ordered. It was then referred to the Committee, an action of July 15th, that the findings and order be rescinded and in the form submitted by the Social Union with the recommendation of July 15th be approved as amended without further action. The motion was adopted and it was so ordered.

The findings and order were referred to the Secretary for service.

Mr. Agent presented the following applications for recognition and action in industrial was taken by the Committee:

- (1) File 1-25874 - National Aircraft Company was called attention to the order on -

Mr. Agent stated that it is application was direct to the Committee from the Chief Examiner without reference to the Board of Review, pursuant to the direction of December 4, 1934.

Mr. Agent called memoranda of July 15th reviewed, the record and concerning the recommendation of the Committee, Attorney and the Chief Examiner for decision.

July 15, 1965.

590

The matter was considered and after deliberation, an action of Mr. Hunt, the application for complaint was dismissed by the Commission.

(2) File 1-1048 - Milk Association of America vs. Kaiser Brethren & Company.

Mr. Hunt submitted memoranda of July 15th reviewing the matter and thereafter offered the following action, approved by Mr. Van Fleet:

Moved, that the file be referred to the Chief Counsel for the purpose of giving the respondent a chance to stipulate or recommend by his agent of record, but if the respondent refuses to stipulate, that the file be referred to the Chief Counsel with instructions to issue complaint against the respondent.

In substitution for the foregoing action, Mr. Simpson offered the following action, which was seconded by Mr. Tugent:

Moved, that complaint issue.

As to the substitute action, Messrs. Tugent and Van Fleet voted in the affirmative and Messrs. Van Fleet and Hunt voted in the negative. The substitute action was lost on the vote.

Vote was thereupon taken upon the original action of Mr. Hunt. As to this action Messrs. Van Fleet and Hunt voted in the affirmative and Messrs. Tugent and Simpson voted in the negative. The action was lost on the vote.

Thereafter the action of June 10, 1965, the file was referred to Mr. Simpson, the agent Commissioner, for examination and to report his deciding vote.

The following letters of General Counsel forwarded to the Commission by the heads of the General Counsel were presented by the Secretary and action thereon was taken by the Commission:

(1) Doctel 114 - Lawrence Lilling Company, et al.

Memorandum of July 15th was received from the Chief Counsel recommending no report of record for the Lawrence Lilling Company for an extension of time for filing answer. The Chief Counsel recommended that, however, no such extension be given to the facts in before the Commission, that an extension of time be granted from July 16, 1965, be granted to all persons who.

The extension was granted by the Commission, as recommended by the Chief Counsel and order to this effect approved and entered.

July 18, 1938.

(C) Vitell-3711 - Cassette Corporation vs. Greater Atlantic
A Pacific Lobster Corporation.

Letter of July 15th was received from Attorney George H. Jackson, counsel for the applicant, requesting that the Commission expedite its consideration of this application.

The letter was read and a motion of Mr. Van Fleet, the Board of Inquiry was instructed to expedite its consideration of the case.

(2) Memorandum of July 15th from the Chief Executive Board in letter (1) to the American Tobacco Company, and (3) the Imperial Tobacco Company, submitting to these companies a list of the statements contained in the tentative report on the tobacco industry, Senate Resolution 203, adopted February 2, 1938 (Senator Brand) and alleged to have been made by representatives of the American Tobacco Company and the Imperial Tobacco Company for the purpose of injuring the tobacco growers' cooperative institution.

The memorandum was read and the letters were approved and ordered forwarded. The file

(4) Letter of July 15th from Mrs. Fred L. Rose resigning her position as clerk in the Executive Division, effective July 1, 1938.

The resignation was accepted.

(5) Letter of July 15th from John F. Baker of the Executive Division requesting a further extension of leave under leave without pay, including July 1st because of the illness of his wife and the necessity of giving attention to his personal affairs.

The request was approved by the Chief Executive Board and was granted by the Division.

(6) Letter of July 15th from Miss Dickson Cooper, Clerk, U. S. F. Grade III, salary \$1800, of the Administrative Division, addressed to the Personnel Classification Board and appealing for an elevation to U. S. F. Grade III.

The Classification Board directed that the appeal be forwarded with its approval.

(7) Appeals filed by the following listed employees of the U. S. F. to the Personnel Classification Board and requesting higher classification than their classification was:

Mr. John Brown, Clerk, U. S. F. Grade I, salary \$1200, from U. S. F. Grade II to U. S. F. Grade III

Edward A. Hinson, Director, from U. S. F. Grade VI to Professional Grade II

Edward P. Perry, Assistant Executive Analyst, Economic

Division, from Grade P-3-B to Grade P-4-B, Economic Analyst

July 18, 1938.

Walter H. Dwyer, for said Division, from Professional Grade I to Professional Grade II -
 George H. Nettles, for said Division, from Professional Grade II to Professional Grade III -
 William Burton, chief, general Chicago Office, from U. S. A. No. 10 to U. S. A. No. 11 -

These appeals were circulated July 15th. Details of the several considerations were read and thereafter, the committee directed that all appeals other than that of W. H. Nettles be forwarded to the Board with the Commissioner's approval and that W. H. Nettles' appeal be taken still by the Chairman for consideration and report back.

(9) Consideration of July 14th from Attorney, relative to regard to petition to enforce the order of the Commission against the Standardization Society - Dwyer read.

It was directed that the memorandum be circulated.

(10) Report July 14th Standard Oil Company of New Jersey. Memorandum of July 14th was received from Chief Attorney Bradley from filing request of Standard Oil Company for an extension, at least until October 1st, 1938, to which to file brief. Attorney W. H. Dwyer stated that he had no objection to granting the request although regretting the delay in the execution of the case.

The Commission granted to said for the respondent an extension of time for filing a brief until October 1st, 1938 and directed the Chief Counsel to prepare and lay out, to serve appropriate order.

(11) Letter dated July 15th from the Chief Counsel from filing file of papers in response to that an application for complaint be directed to the Board of the United States against the Standardization Society, manufacturers of the product "Standard" oiling standard.

The report was read and the recommendations of the Chief Counsel were approved and it was so ordered.

(12) File A-100 - Standard Association, Inc. vs. Standard Oil Co., Inc.

This file was received direct from the Chief Counsel with the recommendation that complaint issue without reference to the Board of Review, subject to the Commission and false advertising in the Standard of Petroleum. The Commission requested that while this file was not listed in a group of cases considered on March 11, 1938, and be read expedited without reference to the Board of Review, that it was similar to such group and informed the Board of the view of the Chief Counsel that the case falls within the group and should be considered without reference to the Board of Review.

July 18, 1928.

The Commission considered the report of the investigating attorney, who had been ordered to investigate the same, and the report, after a review, was, with relation to the Federal Trade Commission Act.

The file was referred to the Chief Counsel, via the Chief Clerk, for preparation of a report under the rule, the same to be reported by the Secretary without further action by the Commission.

(12) Report 1928 - Grad and Manufacturing Company.

The following orders submitted by the Chief Counsel were approved and entered: (1) that William H. Hargrave, of the Commission, be designated to receive testimony, etc., and (2) that the hearing of the complaint begin at Seattle, Washington, August 3, 1928, at 11 a.m.

(13) Report 1928 - Kelly-Super Corporation.

The following orders submitted by the Chief Counsel were approved and entered: (1) that Edward W. Merrill, of the Commission, be designated to receive testimony, etc., and (2) that the hearing of the complaint begin at Los Angeles, California, August 17, 1928, at 11 a.m.

(14) Report 1928 - F. W. Hall Company.

The following orders submitted by the Chief Counsel were approved and entered: (1) that William H. Hargrave, of the Commission, be designated to receive testimony, etc., and (2) that the hearing of the complaint begin at Seattle, Washington, August 17, 1928, at 10 a.m.

From the investigating attorney the Commission received a report, dated July 18, 1928, containing information regarding the same, and the Commission ordered the report filed under the Federal Trade Act during 1928 and the first half of 1929.

This file was circulated July 18, 1928, and the several divisions were asked and thereafter, to make a report of the matter of Mr. Van Fleet, that the matter is filed.

Washington, at the year of 1928, the Commission ordered to make a report, July 18, 1928, at 10 a.m.

Charles W. Van Fleet,
Chairman.

Attest:
Office of the
Secretary.

www.ejg.org

1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 26

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(2) Letter of July 26th from Senator J. Lee Roybal of Texas, enclosing copy of a letter dated June 25th, addressed to the Senator by C. L. Spierbeck, President of the Midway College; for scrutiny of House of Representatives, Texas, this was not in the hands of the committee and by a bill of the House of Representatives concerning certain inquiries in reference to Texas.

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On following dates the following persons were furnished with the contents of the article as indicated below:

On receipt of July 1, 1944, from the Chief, General
transmitting request of General for transport and for no other reason,
to September 25, 1944, for filing, cover and record making, that the
request be granted.

(4) Letter of July 1958 from Judge J. Leeson, San Diego, assigned to Judge A. W. Fisher of the United States District Court, San Diego, and position effective at the close of day August 1, 1958.

• • •

July 17, 1925
July 26, 1925

Whereupon, at a hour of 11:00 a.m., the Committee
of, arrived to meet. Monday, July 26, 1925 at 11:00 a.m.

Verion E. Van Fleet)

Charles W. Hunt) President.

Charles E. Hunt)

Attent:

W. E. Van Fleet
Chairman.

As given by the minutes of September 5, 1925, the foregoing
Committee of, arrived to meet on, read to the Committee, modified and
adopted in the office of the Commission.

Verion E. Van Fleet,
Chairman.

Attent:

W. E. Van Fleet
Chairman.

Saturday - July 18, 1925 - 10:00 a.m.

Sunday - July 19, 1925 - 10:00 a.m.

REPORT OF THE COMMITTEE OF THE BOARD OF THE
TO PREPARE THE REPORT OF THE BOARD OF THE
OF THE BOARD OF THE BOARD OF THE BOARD OF THE
WITH THE BOARD OF THE BOARD OF THE BOARD OF THE

REPORT: Monday - July 20, 1925 - 10 a.m.
Verion E. Van Fleet, Chairman.
Charles E. Hunt,

Mr. Hunt absent on vacation.
Mr. Hunt absent.
Mr. Hunt absent on vacation.

July 10, 1935.

The minutes of the meeting of July 37, 1935, were read and approved.

The Chairman presented the following orders and action as indicated was taken:

(1) Memorandum of July 16th from the Export Trade Division transmitting papers received from the California Fruit Export Association, of San Francisco, California, in connection with the Export Trade Act. The chief of the Export Trade Division reported that the papers appeared to be formally in shape for filing, and recommended that they be placed on file.

The file also contained a memorandum of July 16th from the Chief Counsel recommending upon the papers.

Mr. Van Fleet reported his examination of the papers and noted that the papers were accepted and filed. It was so ordered, and the papers were referred to the Export Trade Division.

(2) Memorandum of July 17th from the Chairman of the Board of Review stating that owing to the absence of Miss Josephine Rogers, ex-officio member of the Board, on July 14th, and July 15th, and that neither of them might be personally assigned and that it is the wish of the Board of Review that the assignment be given to Mr. Contreras L. Martinez and that she be retained not later than July 17th.

The letter of Mr. Van Fleet, re, which was detailed as temporary clerk, referred to the Board of Review on July 15th during the absence of Miss Rogers.

(3) Letter of July 16th from Carl J. Davis (Duke - added), Detroit, Michigan, requesting a copy of the Commission's report with reference to the American Tobacco Company and the Imperial Tobacco Company, under Senate Resolution 110, offered by Senator Davis.

The letter was referred to the Secretary with instructions to forward a copy of the report when available.

Resolution of Mr. Davis, William M. Simon was designated member in the group of furniture and home goods of the Philippine Emergency cases and also in connection of cases and interests, financial in relation to the Emergency cases.

It was directed that the necessary orders be prepared.

On motion of Mr. Van Fleet, Edward L. Merrill was designated member in Detroit 1935 - present manufacturing company and in Detroit 1937 - A. W. Scott Company, to sit in all hearings after noon. The hearing is Seattle, Washington, and in cases San Francisco Company will sit.

It was directed that the necessary orders be prepared.

July 26, 1923.

The following matters of general business forwarded by the heads of the several divisions were presented by the Secretary and acted on as indicated and noted:

(1) Letter of July 10th from Miss Maria C. L. Nelson, clerk-at-large, in the Chief Clerk's Office, requesting leave without pay for three months beginning July 26, 1923. The leave was granted.

(2) Forest vs. Standard Mosaic Society.

Memorandum of July 10th from Attorney Bushick relative to petition to enforce the order of the Commission in this case. Mr. Bushick reported the circumstances surrounding the enforcement of the order in this case in view of the decision of the District Court of Appeals for the Second Circuit in the Chicago Portland Company case - Decket 140 and concluded as follows:

"PARAGRAPHS ONE: That the Chicago Portland case unless and until reversed by the Supreme Court is a bar in the Second Circuit to the enforcement of the order of the Commission to enforce the order in the Standard Mosaic case.

"PARAGRAPH TWO: That if a proceeding is to be instituted prior to action by the Supreme Court on the petition for certiorari in the Portland case, it should be in the Sixth Circuit through the exercise of equity in that Circuit are quite remote unless the Supreme Court reverses the Second Circuit in the Portland case prior to the Illinois decision, the Sixth Circuit in the Portland case.

"PARAGRAPH THREE: That it might be well to defer action on this case until the Supreme Court has acted upon the petition for certiorari in the Chicago Portland and Mosaic cases. While the mere granting of the petition itself is of no positive significance, we should at least be prepared to say that these cases were still pending and must be ultimately decided by the Supreme Court.

"PARAGRAPH FOUR: If the Commission desired to seek action by the Supreme Court on the petition for certiorari in the Chicago Portland and Mosaic cases, it might be well to advise the Standard Mosaic Society that it was advised that it is violating the order and process it issued for enforcement of the order in view of the Supreme Court acts upon the pending writs. Such a letter would be evidence that the Commission was not sleeping on its rights by letting the Company to flagrantly violate the order over a considerable period without proceeding for enforcement."

July 20, 1925.

The papers were circulated July 15th. Resolutions by the
saved. Resolutions were read and approved after Mr. Van Fleet,
the endorsement of Mr. Busick were adopted and it was ordered that
no steps be taken looking to the enforcement of the order, until the
action of the Supreme Court upon the petitions for certiorari in the
George Ferrell and the Winston cases and that the letter suggested
by Mr. Busick be forwarded to the Standard Executive Society.

(2) Order 1323 - The King-Beach Company.

The following orders submitted by the Chief Counsel were approved
and entered: (1) that William G. Sheppard, an examiner of the
Commission, be designated to receive testimony, etc., and (2) that
the hearing of the complaint begin at New York City, July 26, 1925,
at 10 a.m., standard time.

(3) Order 1324 - Pauline A. Winston-Serge, Inc.

The following orders submitted by the Chief Counsel were approved
and entered: (1) that William G. Sheppard, an examiner of the
Commission, be designated to receive testimony, etc., and (2) that
the hearing of the complaint begin at New York City, July 26, 1925,
at 1 p.m., standard time.

(4) Order 1325 - Frances Kneeling Mills.

The following orders submitted by the Chief Counsel were approved
and entered: (1) that William G. Sheppard, an examiner of the
Commission be designated to receive testimony, etc., and (2) that
the hearing of the complaint begin at New York City, July 26, 1925,
at 10 a.m., standard time.

Thereupon, at the hour of 10:00 a.m., the Committee adjourned
to meet Wednesday, July 22, 1925, at 10 a.m.

Attest:

Wm. G. Sheppard,
Secretary.

As shown by the minutes of September 2, 1925, the foregoing
Committee report was that day read to the Commission, verified and
adopted as the action of the Commission.

Attest:

Wm. G. Sheppard,
Secretary.

Vernon W. Van Fleet,
Chairman.

July 24, 1935.

Tuesday - July 23, 1935 - No meeting held.

Wednesday - July 24, 1935 - No meeting held.

Thursday - July 25, 1935 - No meeting held.

REPORT OF CHAIRMAN, VAN FLEET AND SECT, A COMMITTEE
TO TRANSMIT THE DISCUSSION AND REPORTS CONCERNING
OF THE COLLISION DURING THE WEEK OF A
JULY 24, 1935 TO THE COLLISION.

Friday - July 26, 1935 - 10 a.m.

PRESENT:

Charles E. Van Fleet, Chairman,
Charles W. Sect.

Mr. Lugert absent on vacation.

Mr. Thompson absent.

Mr. Hargrave absent on vacation.

The minutes of the meeting of July 23, 1935, were read and approved.

Chairman Van Fleet called the following matters and action as indicated was taken by the Committee:

(1) Quarters for the New York Office.

Mr. Van Fleet reported a visit to New York City and the inspection of the proposed quarters in the Sub-Bureau building and stated that the quarters were available for the Committee's purpose. Mr. Van Fleet also reported conference with Attorney Clark and the Coordinator of the Second Area with respect to proposed quarters at 45 Broadway and reported that these quarters had been inspected and were satisfactory and available.

Mr. Van Fleet, thereupon, presented the following letter from the Chief Coordinator requesting the Committee to make the necessary arrangements preliminary to the occupancy of the space at 45 Broadway with the Fleet Corporation and advise the Chief Coordinator of the action taken:

July 24, 1925.

July 24, 1925.

Mr. Vernon W. Van Fleet,
Chairman, Federal Trade Commission,
Washington, D. C.

My dear Mr. Van Fleet:

Reference is made to previous correspondence concerning quarters for the New York Office of the Federal Trade Commission and to the recommendation of the Federal Real Estate Board, dated June 23rd, 1925, "That the Federal Trade Commission be not required to move out of its rented quarters into the Sub-Treasury Building until October 1st, 1925, and that the Treasury Department in the meantime ascertain whether more suitable space in a Federal Building can be made available."

Under date of July 1st, 1925, the Fleet Corporation advised the Federal Real Estate Board that approximately 8,000 square feet of space in the building at 43 Broadway, New York City, not required for the uses of the United States Shipping Board Emergency Fleet Corporation, would be available in the near future. The Coordinator, Second Area, was requested to make a thorough investigation of this space and this office is in receipt of a report from the Coordinator, dated July 16th, 1925, in which the recommendation is made that the New York Office of the Federal Trade Commission be assigned space, not less in total area than that now occupied by them, in rooms on the east side of the fifth floor of the building at 43 Broadway.

There is enclosed, for your information, a copy of a letter written late last year by the Vice-Chairman of the Federal Real Estate Board to the General Manager, Fleet Corporation, and it is requested that the necessary arrangements preliminary to the occupancy of the space above mentioned be made with the Fleet Corporation as soon as practicable, and this office advised of the action taken.

Very respectfully yours,

(Signed) H. C. Jethier,
Chief Coordinator."

The letter was read and after discussion, the Committee on the recommendation of the Chairman, accepted the quarters at 43 Broadway and directed the Secretary to prepare letter to the Chief Coordinator in answer to the letter of July 16th quoted above, and to say that the Chairman and Attorney Clark of the New York Office have conferred with Captain Miller, Coordinator Second Area, in regard to quarters at 43 Broadway and that the latter's name, as will

July 24, 1925.

Numbers 507 to 515, inclusive have been agreed upon as those to be assigned to the Federal Trade Commission and that the Commission accepts these quarters and will make all arrangements to occupy them at the earliest possible moment.

(2) Letters from the following Associations, addressed to the President of the United States and protesting the plan of housing the New York Office of the Commission in the Sub-Treasury Building:

Letter of July 16, 1925, from F. C. Schultz, General Manager of the Mahogany Association, Inc.
 Letter of July 17th from John A. Drake, Managing Director, of the Broadway Association.

These letters were received by reference from the White House and were filed.

(3) Letter of July 20th from the Personnel Classification Board returning appeals of the following listed employees of the Commission as transmitted on July 17th with the request that these and all future appeals be handled in accordance with P. O. O. Circular No. 20 and in P. O. O. Form No. 13:

Miss Lena Greer -
 Miss Eleanor Johnson -
 George B. Watkins -
 Miss Elizabeth Cooper -
 Byron P. Parry -
 Howard R. Benson -

The appeals were referred to the Secretary to be resubmitted in accordance with the Board's request.

The following copies of general business furnished by the heads of the several Divisions were presented by the Secretary and action as indicated was taken:

(1) Report from the Chief Examiner of accounts of the work of the Investigating Division for the fiscal year 1924-25.
 The report was received and placed in the enclosure.

(2) Letter of July 22nd from the War Department Office of the Quartermaster General, W. W. Tibbitt, Major, (A. S. C.), requesting to be furnished with certified copies in duplicate of the following letters:

[illegible]

July 24, 1925.

The notice to prepare and submit the complaint was served
with subject to removal at the time of final hearing, and it
was ordered that the time for filing answer be not extended.

The Chief Justice was directed to prepare and the Secretary
to serve appropriate order.

Thereupon, at the hour of 10:45 a.m., the Committee adjourned
to next meeting, July 27, 1925, at 10 a.m.

Charles W. Hunt, Clerk

Charles W. Hunt, Clerk
Secretary

Attest:

John H. Hunt,
Secretary

In witness whereof, the Committee of September 2, 1925, the foregoing
Committee report was read and approved, certified and
placed on the minutes of the Committee.

Attest:

John H. Hunt,
Secretary

Charles W. Hunt, Clerk
Secretary

Monday - July 25, 1925 - No meeting held.

Tuesday - July 26, 1925 - No meeting held.

July 27, 1933.

REPORT OF THE BOARD OF DIRECTORS AND COMMITTEES
ON THE WORK OF THE BOARD OF DIRECTORS AND COMMITTEES
DURING THE YEAR 1932 TO THE CONVENTION.

Meeting - July 27, 1933 - 10 a.m.

PRESENT:

Thomas S. Van Fleet, Chairman,
Charles H. Hunt,

Mr. Hunt absent on vacation,
Mr. Thompson absent,
Mr. Murphy absent on vacation.

The minutes of the meeting of July 26, 1933, were read and approved.

Chairman Van Fleet submitted the following matters for action as indicated and taken by the Convention:

(1) Letter of July 25th from the Emergency League, Inc. (D. L. Allen, President, Secretary, New York City) stating that it would support the time and resources for a public hearing on the question of the prohibition of the sale of liquor within it and to be held.

The letter was read and referred to the Secretary for preparation of reply, transmission copy of the reply, publicity and other matters. The Board also recommended the formation of a committee to study the problem of the sale of liquor within it and to be held.

(2) Letter of July 25th from the Emergency League, Inc. (D. L. Allen, President, Secretary, New York City) stating that it would support the time and resources for a public hearing on the question of the prohibition of the sale of liquor within it and to be held.

The letter was read and referred to the Secretary for preparation of reply, transmission copy of the reply, publicity and other matters.

(3) Letter from the (National Association, a branch of the National Association of Manufacturers, Inc.) stating that it would support the time and resources for a public hearing on the question of the prohibition of the sale of liquor within it and to be held.

July 27, 1923.

Letter of July 14, 1923 from Macon A. Whittier, Secretary-Treasurer of the American Fair Trade League.
Letter of July 15, 1923 from Alexander Vincent, Secretary of the National Watch Case Manufacturers' Association.
Letter of July 15, 1923, from Alexander Vincent, Secretary of the Sterling Silverware Manufacturers' Association.

These letters were received by reference from the White House and were filed.

(4) Letter of July 24th from the Eugene McDuckin Company, Philadelphia, requesting replies to certain hypothetical questions in regard to allowance of discounts.

The letter was read and referred to the Chief Counsel for preparation of reply.

The following matters of general business forwarded by the heads of the several divisions were presented by the Secretary and action as indicated was taken:

(1) Docket 1329 - The Armand Company, Inc., et al.

Memorandum of July 23rd was received from the Chief Counsel transmitting request of Charles Wesley Dunn, counsel for the respondents, for an extension of time to August 31, 1923 for filing answer and recommending that the request be granted.

The request was granted and order to this effect approved and entered.

(2) Letter of July 17th was received from Esther A. Reckala, stenographer in the Chicago Office, requesting leave of absence without pay beginning July 20th and ending August 7, 1923.

The request which was approved by the Chief Examiner was granted by the Commission.

(3) A letter from George F. Dalwick transmitting a letter to the Personnel Classification Board appealing for an allocation from G. U. VI to G. U. VII.

The Committee directed that the appeal be forwarded with its approval in the usual course.

July 27, 1923
July 28, 1923

Meeting, at the hour of 10:30 a.m., the Committee
ad. adjourned to next Wednesday, July 31, 1923, at 10 a.m.

Verona H. Van Fleet

Charles W. Hunt Chairman.
Charles W. Hunt

Present:

W. H. Hunt
Secretary.

As stated by the minutes of September 1, 1923, the foregoing
Committee report was that day read to the Association, ratified
and adopted in the order of the Association.

Verona H. Van Fleet,
Chairman.

Present:

W. H. Hunt
Secretary.

Meeting - July 28, 1923 - adjourned to hold.

A REPORT OF THE COMMITTEE ON THE PROGRESS OF THE
ASSOCIATION'S WORK FOR THE YEAR 1922-23
OF THE ASSOCIATION'S WORK FOR THE YEAR OF A
REPORT FOR THE YEAR OF THE ASSOCIATION.

Meeting - July 29, 1923 - 10 a.m.

Present:

Verona H. Van Fleet, Chairman,
Charles W. Hunt,

Mr. H. J. Hunt on motion,
Mr. H. J. Hunt on motion,
Mr. H. J. Hunt on motion.

July 29, 1945.

The minutes of the meeting of July 27, 1945, were read and approved.

Chairman Van Fleet admitted the following matters and motion was indicated was taken:

(1) Letter of July 28th from the Acting Director of Public Buildings and Public Parks reporting that windows are habitually left open by employees of the Federal Trade Commission at the close of the days' work, which is contrary to the rules governing the use of temporary building No. 4, and requesting that employees be notified to close the windows.

The letter was read and it was directed that an order be issued advising employees of this complaint due to the denigration with instructions to close their windows at the end of each working day with notice that violation of this order will be brought to the attention of the Commission.

(2) Letter of July 27th from the Department of Justice (William J. Donovan, Assistant to the Attorney General) as follows:

July 27, 1945.

Hon. Vernon W. Van Fleet,
Chairman, Federal Trade Commission,
Washington, D. C.

Dear Sir:

If the rules of the Commission permit, it will be appreciated if you will have available for examination by one of my assistants a copy of the transcript of the hearing that was conducted to date in the matter of the American Photo-Instruments Association and others, and the International Photo-Instruments Association and others. It is desired that this examination be made in connection with the consideration of a record copy and which has been lodged with this Department, and it is believed that reference to this transcript will save a duplication of effort.

Very truly yours,

(Signed) William J. Donovan,
Assistant to the Attorney
General.

July 25, 1935.

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The letter numbered and it was directed that the same be kept in question, i. e., District 12 - 929 - The American Anti-Foreigners' Association, et al., in the custody of the Department of Justice. The letter was referred to the Secretary for preparation of reply.

(7) Letter of July 18th from the Inspector General of the United States (J. H. Leland), transmitting the Department for the consideration, certain facts and figures pertaining to the "American Anti-Foreigners' Association" and the "American Anti-Foreigners' Association".

The letter was referred to the Chief Inspector for preliminary inquiry and report to the Director of the Department of Justice. The letter was returned to the Inspector General for the attention of the Department.

(8) Letter of July 18th from the Inspector General of the United States (J. H. Leland), transmitting, for the attention of the Director of the Department of Justice, a certified copy of the minutes of the meeting of the Board of Directors of the Association on July 11, 1935, relating to the report by the Association relative to the financial management of the Association and also a copy of the report of the Committee on the Association, dated July 11, 1935, and requesting that the report be investigated.

The Director of the Department of Justice (J. H. Leland), Inspector General, is now reviewing the minutes of the meeting, dated July 11, 1935, relating to the financial management of the Association, a number of affidavits in support of the report of the Association.

The same papers were referred by the Director of the Department of Justice to the Chief Inspector for information and for review and report to the Department of Justice. The allegations in the affidavits.

The following matters of the kind mentioned in the minutes of the meeting of the Board of Directors of the Association were presented by the Secretary and notice is indicated as follows:

(1) Copy of letter of July 18th from the Inspector General to the Director of the Department of Justice, dated July 18, 1935.

July 18th, 1935.

"Mr. J. H. Leland,
Inspector General,
Department of Justice,
Washington, D. C."

My dear Mr. Leland:

With reference to former correspondence between the Federal Anti-Foreigners' Association and the Department of Justice,

July 29, 1935.

6

The Chief Justice also called attention to the Request of Attorney Jones for priority to the brief in excess of fifty pages and ruled that the request be granted.

After consideration, the recommendation of the Chief Justice was approved and the motion to dismiss was granted with leave to the respondent to replead the motion at the time of final hearing, in order to take effect execution of the writ of habeas corpus and enforce.

The Request of Attorney Jones was granted on the condition authorized the filing of brief of ninety-two pages.

(4) Record 1930 - West Coast Industries, Inc., et al.

The writ of habeas corpus was granted by the Chief Justice, who filed July 23, 1935, by Attorney J. J. Collins, counsel for the respondent, West Coast Industries, Inc., to quash and dismiss the complaint for the reason that the writ was alleged, if true, was not a writ of habeas corpus and that the defendant is therefore, entitled to his release. The respondent's attorney, requesting a ruling upon the motion for further extension of time for filing, requested the disposition of the motion. The Chief Justice responded that if the stated respondent is a corporation, an extension of time for filing, should be granted until, however, the respondent's time expires August 31, 1935, he requested that this request be granted an extension until August 15th, 1935, for filing his answer. The Chief Justice has indicated that the motion to quash and dismiss the complaint is denied.

The motion to quash and dismiss the complaint was denied and subject to removal at the time of final hearing, and it was ordered that the time for filing answer be August 15th, 1935, in order to take effect execution of the writ of habeas corpus and enforce.

(5) Letter of July 23rd from Robert A. Jones, is follows:

"Farms, Virginia
July 23, 1935.

"Mr. Clifford S. Brown,
Chief Justice,
Washington, D. C.

Dear Sir:

I expect you have noticed from the papers that we have filed suit against three officers and directors of the Tobacco Workers' Cooperative Association of Virginia, Inc., for \$500,000.00. We are trying to recover this sum for the contribution of the members to maintain their profits were made by the officers and directors of their official position. We are in a position.

July 29, 1935.

I understand the Federal Trade Commission is making a thorough investigation of the graft and "bribe-paying" in connection with our Association. In connection with my opinion I might get the wide collection of the Association in this regard. If I could only have had some of the information which the Commission has it would be of the greatest aid in revealing our case. We are short of facts to properly present our case to the court at present. If there is any way in which I might see to what the evidence from the Commission either has or has not, please advise me at once.

Respectfully, the Commission has given us some information, I am,

Very truly yours,

(Sd, cc) Robert L. ...

P.S. You will probably know of the fact I had a statement with your card when relative to the graft connected with the bribery business of the Association."

The letter was read and referred to the Secretary with instructions to prepare a reply, which was done. The information which has been collected by the Commission, and which is presented to the court, is that the Commission is not at liberty to make a report, although it will be submitted and that when the report is made it will be available to the public. The Commission is not at liberty to make a report, although it will be submitted and that when the report is made it will be available to the public.

(4) August 1934 - Robert L. ... Company, Inc., et al.
Injunction of the Court.

On August 19, 1934, a writ was received from the Chief Clerk of the United States District Court, District of Columbia, dated June 15, 1934, filed by W. H. ... Counsel for Robert L. ... Company, Inc., et al., is directed to the respondents, Robert L. ... Company, Inc., et al., to show cause why the writ should not be granted. The writ is directed to the respondents, Robert L. ... Company, Inc., et al., to show cause why the writ should not be granted.

The respondents of the writ of injunction are, Robert L. ... Company, Inc., et al., to show cause why the writ should not be granted.

(5) August 1934 - Robert L. ... Company, Inc., et al.

On August 19, 1934, a writ was received from the Chief Clerk of the United States District Court, District of Columbia, dated June 15, 1934, filed by W. H. ... Counsel for Robert L. ... Company, Inc., et al., is directed to the respondents, Robert L. ... Company, Inc., et al., to show cause why the writ should not be granted. The writ is directed to the respondents, Robert L. ... Company, Inc., et al., to show cause why the writ should not be granted.

The respondents of the writ of injunction are, Robert L. ... Company, Inc., et al., to show cause why the writ should not be granted.

July 29, 1935
July 31, 1935

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Therefore, at the hour of this day, the condition
of the said party, July 31, 1935, at 10:00.

For the U. S. Court,

Charles W. Hunt, Clerk.

Attest:

[Signature]
Secretary

A. W. Hunt, Clerk of the Court, U. S. Court,
District of Columbia, at the hour of this day, the condition
of the said party, July 31, 1935, at 10:00.

For the U. S. Court,
C. W. Hunt,

Attest:

[Signature]
Secretary

Therefore, at the hour of this day, the condition
of the said party, July 31, 1935, at 10:00.

A. W. Hunt, Clerk of the Court, U. S. Court,
District of Columbia, at the hour of this day, the condition
of the said party, July 31, 1935, at 10:00.

Therefore, at the hour of this day, the condition
of the said party, July 31, 1935, at 10:00.

Attest:

For the U. S. Court, Clerk.

Mr. [Name]
Mr. [Name]
Mr. [Name]

66

(a) $\frac{1}{2} \pi$ (b) $\frac{1}{4} \pi$ (c) $\frac{3}{4} \pi$ (d) $\frac{5}{4} \pi$

49 50 51

△●●, △●●, ●●●

Второй этап — формирование «матрицы» для построения модели. В матрице записываются все возможные комбинации параметров, влияющих на результат. В данном случае это значения параметров α и β . Матрица имеет вид:

July 31, 1968,
August 1, 1968.

Therefore, at the hour of 11:15 a.m., the Committee
of the Board of Directors, August 1, 1968, at 11 a.m.

James H. Van Fleet,
-Charles W. Hunt Chairman.
Secretary.

Attest:

[Signature]
Secretary.

At a meeting of the Board of Directors of the Board of Directors,
the Board of Directors of the Board of Directors, the Board of Directors,
the Board of Directors of the Board of Directors, the Board of Directors,
the Board of Directors of the Board of Directors, the Board of Directors,

James H. Van Fleet,
Chairman.

Attest:

[Signature]
Secretary.

Attest of the Board of Directors of the Board of Directors, the Board of Directors,
the Board of Directors of the Board of Directors, the Board of Directors,
the Board of Directors of the Board of Directors, the Board of Directors,
the Board of Directors of the Board of Directors, the Board of Directors,

Attest of the Board of Directors of the Board of Directors, the Board of Directors,

Attest:

James H. Van Fleet, Chairman,
Charles W. Hunt.

Attest of the Board of Directors of the Board of Directors, the Board of Directors,
the Board of Directors of the Board of Directors, the Board of Directors,
the Board of Directors of the Board of Directors, the Board of Directors,

Attest of the Board of Directors of the Board of Directors, the Board of Directors,
the Board of Directors of the Board of Directors, the Board of Directors,
the Board of Directors of the Board of Directors, the Board of Directors,

FILE

DIVIDER

July 31, 1935.
August 1, 1935.

Members of the Board of Directors of the American
Association of University Professors, August 5, 1935, at 10:00 a.m.

Charles W. Hunt, President

Charles W. Hunt, President

Charles W. Hunt, President

Attended:

Charles W. Hunt, President

On August 5, 1935, the American Association of University Professors, at its annual meeting, held a session of the Board of Directors.

Charles W. Hunt, President

Attended:

Charles W. Hunt, President

At a meeting of the Board of Directors of the American Association of University Professors, held on August 5, 1935, at 10:00 a.m., the following resolutions were adopted:

Resolved: That the Board of Directors of the American Association of University Professors, at its annual meeting, held on August 5, 1935, at 10:00 a.m., do hereby adopt the following resolutions:

Resolved:

Resolved: That the Board of Directors of the American Association of University Professors, at its annual meeting, held on August 5, 1935, at 10:00 a.m., do hereby adopt the following resolutions:

Resolved: That the Board of Directors of the American Association of University Professors, at its annual meeting, held on August 5, 1935, at 10:00 a.m., do hereby adopt the following resolutions:

The Board of Directors of the American Association of University Professors, at its annual meeting, held on August 5, 1935, at 10:00 a.m., do hereby adopt the following resolutions:

August 1, 1935.

(1) The Chairman presented copy of a letter dated July 29, 1935, from H. L. Hunt, General Manager of the Hunt Corporation to the Staff Coordinator with reference to the assignment of rooms to the Commission. It was decided that the building and the location of the room desired (room 317 to 318, 3rd floor) could be given consideration. The Staff Coordinator was to confer with the Hotel and the Commission to see if the date mentioned was feasible to be effective.

The Secretary was directed to reply to the Staff Coordinator and state that the Commission would request the Staff Coordinator of the New York Office to report to the Chairman of the Commission when he will be able to see the manager of the hotel and the Commission be informed of this date, the Staff Coordinator will be advised.

The Secretary was also directed to transmit a copy of the letter of July 29th from the Staff Coordinator to the Chairman and ask for a report when the Staff Coordinator will be able to see the manager and suggest that the rooms be ready for the Commission on August 13, 1935.

(2) The Chairman referred to the letter of July 29th from the Staff Coordinator General relative to the Commission's appropriation for 1936, which letter was presented at the last meeting of July 21, 1935 and upon motion of the Chairman it was ordered that a copy of the opinion of the Staff Coordinator General in regard to the appropriation be transmitted to the Secretary General of the United States for his information, in connection with the Commission's letter of July 12, 1935. The Secretary of the United States requested opinion from the Staff Coordinator.

There was no action at the meeting of 1935, and the matter was carried to next meeting, August 3, 1935, at 10 a.m.

Verian W. Van Fleet
Charles W. Hunt
 Secretary

Attest:
Charles W. Hunt
 Secretary

As shown by the minutes of September 1, 1935, the foregoing Committee report was that day read to the Commission, ratified and adopted to the action of the Commission.

Attest:
Charles W. Hunt
 Secretary

Verian W. Van Fleet,
 Chairman.

August 3, 1928.

Monday - August 3, 1928 - No meeting held.

At the meeting, Mr. Van Fleet and Mr. T. J. O'Connell, Jr. presented the following report on the progress of the work of the Commission during the month of August, 1928.

Mr. Van Fleet:

Mr. Van Fleet, Chairman,
Mr. T. J. O'Connell, Jr.

Mr. T. J. O'Connell, Jr. on motion.
Mr. T. J. O'Connell, Jr. on motion.
Mr. T. J. O'Connell, Jr. on motion.

The minutes of the meetings of July 11 and August 1, 1928, respectively were read and approved.

Mr. Van Fleet submitted the following matters and action on the same was taken:

(1) Draft of letter to the Hon. J. W. Van Fleet, Chairman, Department of Justice, re: Report of the Commission on the progress of the work of the Commission during the month of July 1928, submitted to the Commission's notice of July 20, 1928, wherein the Commission stated that the Commission is in possession of evidence that the order to remove the exhibit of letters to the Commission, dated July 11, 1928, is being violated, etc.

The letter advised the Commission that the Commission has evidence of the violation of the order by "the Commission" that "our Standard Bureau" has been authorized to proceed to investigate the same.

The Commission raised the question as to whether or not the foregoing representation on the part of the Commission could be taken as a basis for an appeal to the United States Court of Appeals for the District of Columbia Circuit, or the United States Court of Appeals for the District of Columbia Circuit, or the United States Court of Appeals for the District of Columbia Circuit.

The letter was accordingly referred back to Mr. T. J. O'Connell, Jr. for report upon the question raised by the Commission.

The desirability of sending any letter at all was questioned by the Commission.

August 3, 1935.

(2) The Chairman referred to the work now being conducted by the Research Division in the grain trade report as to the statement on the existing report of the United States for June 1935, that Volume III of the report, the concluding volume, was not completed at the end of June 1935 and hoped that the Board of Directors to see the Research Division for report as to the completion of the work being done on the grain trade report and what the present value is to say what it will later; how much it will be done; what program was necessary since the last report of 1934 completion; and how far along the program are now working, etc.

The motion was adopted and it was so ordered.

Mr. Hall presented letter of July 31st from the Iowa Wool Growers' Association, Des Moines, Iowa, requesting advice as to the disposition of Pack 1044 in the matter of the Plus Valley Woolery Company.

The letter was referred to the Secretary, for preparation of reply for Mr. Hall's signature.

The Secretary read with him, to reply from the Civil Service Director, a temporary stenographer, Grade G. 1, G. 11, salary \$1228, for a period of three months for assignment to the Civil Service Office to take the place of Miss Marie A. B. place, who was granted leave without pay for three months from July 26, 1935, the employment of the temporary stenographer to make free the time Miss B. was absent in leave.

The motion was adopted and it was so ordered.

Thereupon, at the hour of 11:15 a.m., the Committee adjourned to Wednesday, August 7, 1935, at 10 a.m.

The Committee met in Special Session at 11:30 a.m.

PRESENT:

Mr. C. H. Van Fleet, Chairman,
Charles E. Hall,

Mr. Tager absent on vacation.
Mr. The person absent.
Mr. Tager absent on vacation.

August 2, 1925.

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At the call of the Chairman, the Committee met in special session at 11.30 a.m., and conferred with Attorney Charles H. Porter representing the Laundry Association, Inc., New York City and the Indian (deceased) Gas Company, respondents in Reckert 1316, with respect to the request made by Mr. Porter that the beginning of the taking of testimony as now set for August 5th be cancelled for the reason that Attorney Porter was not prepared to go to trial at this time.

The conference was also attended by Messrs. Keller and Finnerty of the Chief Counsel's Office.

After discussion, the Committee cancelled the date now set for the taking of testimony in this case and adjourned the case to a date to be determined later.

Thereupon, at the hour of 12 m., the Committee adjourned to meet tomorrow, August 3, 1925, at 10 a.m.

(Signed: C. Van Fleet)

Charles W. Hunt Chairman.
Charles H. Hunt

Attest:

W. H. Keller
W. H. Keller,
Secretary.

On August 3, the minutes of September 2, 1925, the foregoing Committee report was that approved by the Committee, ratified and adopted as the action of the Committee.

(Signed: C. Van Fleet,
Chairman.)

Attest:

W. H. Keller
W. H. Keller,
Secretary.

Meeting - August 4, 1925 - no meeting held.

August 5, 1925.

REPORT OF MEMBERS, WAS SENT TO THE, & DELIVERED
TO THE BOARD AND MEMBERS OF THE BOARD OF DIRECTORS
OF THE COMMISSION DURING THE MEETING OF A
BOARD AND REPORT TO THE COMMISSION.

Wednesday - August 5, 1925 - 10:00 a.m.

PRESENT:

Thomas W. Van Fleet, Chairman
Charles W. Cook.

Mr. Tugent absent on vacation.
Mr. Chapman absent.
Mr. Carpenter absent on official business.

The minutes of the meeting of August 3, 1925, were read and approved.

Chairman Van Fleet submitted the following matters for action as indicated was intent:

(1) Letter of August 1st from the Department of Justice (U. S. Highway, Chief Clerk A. J. Kew) relating to the statement of Daniel S. Phaulk of the Phaulk-Henry Company, as before J. A. Lortens, attorney of the Federal Trade Commission under date of April 27, 1925, in relation to the investigation of a proceeding then being before the Commission (file 200-1006). This file was forwarded to the Department of Justice on August 1st, 1925 for its response, the filing of a writ of habeas corpus and out of Mr. Phaulk.

The file was returned to the Secret Section for filing.

(2) Letter of August 4th from the Fleet Corporation (H. L. Cook, General Manager, Washington, D. C.), enclosing the Commission's letter of August 1st in regard to the investigation of rates of the railroad, and advising that the Fleet Corporation's representative at New York City has been contacted to give consideration of the terms of conditions as desired by the Commission and reporting that the Fleet Corporation is advised that the work is finally accomplished.

The letter was read and referred to the Secretary with instructions to notify the Fleet Corporation when the work is made.

August 5, 1925.

The following matters of general business forwarded by the names of the named persons were presented by the secret and action as indicated was taken:

(1) Matter of the report of the committee.

Reference of report with was received from the chief of the transmitting request of William C. Brown, Jr., dated for the report, for an extension of time until September 1, 1925 for filing, answer to the report as stated and was decided, that the extension be granted.

The report was granted in order to the effect of the report.

(2) Matter of report of the committee, Chief of Police (W. C. Brown), regarding in regard to the work on "Volume II" of the Trade Dress Report in response to the invitation of the Committee on August 19th. The committee stated that the report is tentative, entitled, "Trade Dress - Volume II of the Trade Dress Report" and should be completed and report ready for the Committee on or before October 1, 1925.

The committee has now and thereafter the committee has referred to the following language in the memorandum:

"A considerable force of clerks is being employed in transcribing the facts of various statistics and generalizations with reference to the relationship existing between the volume of trading and price changes."

In another portion of the memorandum, it was stated that twenty-four men were now engaged on the work mentioned in the above quoted language.

After discussion, the Acting Chief of Police was directed to report (a) his explanation of the expansion of the language above and to state specifically, what work is being done for the information of the committee; and (b) to report on the progress of the report, to be, Volume II, which is a report given out some time since by the committee, the report, Volume II, entitled, "Trade Dress - Volume II of the Trade Dress Report" and the report is now in the view of the committee.

(3) Matter of the report of the committee.

Reference of report with was received from the committee, dated for the report of the committee on the work on "Volume II" of the Trade Dress Report, whether the representation of respondent that standard reference work had been "lost" which was a report of the four State Boards of Trade Dress, to be, Volume II, which is a report given out some time since by the committee, the report, Volume II, entitled, "Trade Dress - Volume II of the Trade Dress Report" and the report is now in the view of the committee.

August 5, 1925.

and says that the respondent is taking the representation to "Court in a letter" written by the respondent June 20, 1925. After so, the committee recommended that the Committee should to its notice of July 20th and that the proposed letter to the respondent as presented to the Committee on August 2nd be approved and forwarded.

The respondent was read and after discussion, the Committee determined not to take any action in the letter at the present time except that for reasons stated. If the respondent fails to forward the letter to the respondent he not approved and that as such letter be sent at this time.

(i) Letter of August 1st from New York City, N. Y. at 10:15 a.m. of the New York Office reporting his purpose to leave possession of the New York Office at 11:00 a.m. or 11:15 a.m. and his instructions in the matter of telephone service, etc.

The Committee approved the proposed letter, one to New York City at 11:15 a.m. with instructions that the Committee be notified when the letter has been sent.

Therefore, at the hour of 11:15 a.m., the Committee adjourned to meet Friday, August 7, 1925, at 10 a.m.

Adopted by the Committee

Charles W. Hunt, Secretary.
August 5, 1925.

Attest:

W. H. Hunt,
Secretary.

As shown by the minutes of the Committee, the first of the following is the first day of the Committee, not found in adoption of the action of the Committee.

Charles W. Hunt,
Secretary.

Attest:

W. H. Hunt,
Secretary.

August 7, 1935.

Thursday - August 6, 1935 - No meeting, rain.

REPORT OF MEMBERS, VAN FLUIT AND BUNT, A COMMITTEE
TO RECONSIDER THE DISCUSSION OF WOODS' DISCUSSION
AT THE MEETING DURING THE WEEK OF A
FOURTH AND REPORT TO THE DISCUSSION.

Friday - August 7, 1935 - 11 a.m.

PRESENT:

Marion W. Van Fluit, Chairman,
Charles E. Bunt.

Mr. Bunt absent on vacation.
Mr. Van Fluit absent.
Mr. Van Fluit absent on official business.

The minutes of the meeting, of August 5, 1935, were read
and approved.

Chairman Van Fluit submitted the following, a letter and
action as indicated was taken:

(1) Letter of August 5th from the Department of Justice
(William J. Donovan, Assistant to the Attorney General, asking
whether the Commission would be willing to have the
Department of Justice report of Louis W. Bennett in front of the
House of Representatives, at 11, or at
lunch, after the report of the Department to examine the report
at the Commission's office.

On action of the Chairman, it was ordered that Mr. Bunt,
Secretary of the Commission, be allowed to examine Bennett's
report at the Commission's office. The Secretary was
directed to prepare a letter to the Department.

(2) Letter of August 5th from Secretary of State, Mr. Clegg,
Department of State, Washington, New York City, to the effect of
the position on the part of certain competitors of putting up cases
in the future with, and from the standard measure in which such
cases are ordinarily held.

The letter was read and referred to the Chief Counsel for
Investigation and Preparation of Reply.

Mr. Bunt presented letter from Attorney General, in charge of the
Department of Justice, to the Commission with a copy for the
meeting room.

It was directed that Attorney General report to the Commission the
text of a reply.

August 7, 1935.

The following matters of general business forwarded by the heads of the several divisions were presented by the Secretary and action as indicated was taken:

(1) Report from the Chief Clerk of the rank of the Legal Investigating Division for the month of July 1935. The report was received and placed in the calendars.

(2) Report from the Chief Clerk of the Federal cases in the hands of Trial Divisions as of August 1, 1935. The report was received and placed in the calendars.

(3) Report from the Chief Clerk of Federal cases pending before the Commission as of July 1, 1935. The report was received and placed in the calendars.

(4) Packet 1124 - E. B. Lewis Printing Company. Upon receipt of remittance of \$2,415.15, from the Chief Clerk, the case was set for final argument before the Commission on Wednesday, September 11, 1935, at 3 p.m., with direction by the Secretary to notify interested parties by registered mail.

(5) Packet 113 - Letter-Printer Manufacturing Company. Remittance of \$1,000.00 was received from the Chief Clerk on August 1, 1935. The case is pending. The Commission's brief is fifty pages in this case he advised that Attorney E. B. Lewis was authorized to file a brief of seventy-four pages. The Chief Clerk advised that he needed two more pages set for final argument during the month of September.

Attorney E. B. Lewis was authorized to file a brief of seventy-four pages. The case was set for oral argument before the Commission on Friday, September 21, 1935, at 3 p.m., with the direction that interested parties be notified thereof by registered mail, to the Secretary.

(6) Remittance of \$1,000.00 was received from the Acting Chief Clerk of E. B. Lewis Printing Company, in response to the Commission's notice of August 11th and forwarding information with respect to "Laws of the State of New York". The remittance was received and filed.

August 7, 1935.
August 10, 1935.

Therefore, at the hour of 11:15 a.m., the Committee adjourned to meet on Monday, August 12, 1935, at 10 a.m.

Vernon T. Van Fleet, }
Charles W. Hunt } Van Fleet.
Charles L. Hunt }

Attest:

W. J. Johnson
Secretary.

An agenda by the direction of September 1, 1935, the foregoing Committee report was that day read to the Commission, ratified and adopted as the action of the Commission.

Vernon T. Van Fleet,
Chairman.

Attest:

W. J. Johnson
Secretary.

Saturday - August 9, 1935 - No meeting held.

Sunday - August 10, 1935 - No meeting held.

RIGHT BY 1. 1935. VAN FLEET AND HUNT, 1. 1935. 1935.
TO 1935. 1935. 1935. 1935. 1935. 1935. 1935. 1935.
OF THE COMMISSION. 1935. 1935. 1935. 1935. 1935. 1935.
1935. 1935. 1935. 1935. 1935. 1935. 1935. 1935.

Monday - August 12, 1935 - 10 a.m.

PRESENT:

Vernon T. Van Fleet, Chairman,
Charles L. Hunt.

Mr. [unclear] absent on vacation.
Mr. [unclear] [unclear]
Mr. [unclear] absent on official business.

August 10, 1925.

The minutes of the meeting of August 7, 1925, were read and approved.

The following matters of general business forwarded by the heads of the several divisions were presented by the Secretary and action as indicated was taken:

(1) Letter of August 5th from the Civil Service Commission requesting certain information respecting the personnel of the Federal Trade Commission in connection with the administration of the Retirement Act.

The letter was referred to the Secretary for preparation of reply with instructions to furnish the information desired.

(2) Statement showing the financial condition of the Commission as of July 31, 1925. The statement showed a debit to the Administrative Director and the Chief Examiner's Office. The Secretary explained the debit in the Administrative Division to be due to the purchase of supplies. The Chief Examiner was called upon to explain the reason for the debit in his office.

The statement was received and placed in the calendar.

(3) Report by the Secretary of applications for re-eligibility on the Expiree Calendar August 1, 1925.

The report was referred to the Chief Examiner for attention.

(4) Request of A. C. Terry, representing the Federation of Federal Employees, as made verbally to the Secretary, that the Commission give permission to hold a meeting of its employees with a view to reforming the employees of the purposes of the organization and if possible to acquire new members.

The Committee offered no objection to the calling of a meeting by representatives of the Federation of Federal Employees as described, in the hearing room at 413 p.m., some afternoon, if the employees clearly understood that the meeting was not called by the Commission or any of its representatives and that the employees were free to attend or not as they desire.

(5) Memorandum of August 5th from the Chief Examiner transmitting letter of August 5th from Attorney-General Joseph L. Klein of the New York Office requesting that the Commission permit the withdrawal of his resignation which was accepted on July 21, 1925, to be effective at the close of business August 10, 1925. The Chief Examiner recommended that the Commission's action of July 31, 1925, in accepting the resignation be rescinded.

The correspondence was read and the action of July 31, 1925, in accepting the resignation was rescinded and rescinded.

August 10, 1935.

(6) Docket 1250 - Heutgant, Inc.

The following orders submitted by the Chief Counsel were approved and entered: (1) that William C. Reeves, an examiner of the Commission be designated to receive testimony, etc., and (2) that the hearing of the complaint begin at New York City, September 9, 1935, at 10 a.m.

(7) Docket 1240 - Gimbel Brothers, Inc.

Memorandum of August 7th was received from the Chief Counsel transmitting request of Attorney Louis G. Bissell, counsel for respondent, for an extension of time to October 5, 1935, for filing answer and recommending that the request be granted.

The request was granted and order to this effect approved and entered.

(8) Docket 1231 - Manhattan Shirt Company.

Memorandum of August 7th was received from the Chief Counsel transmitting request of counsel for the respondent for an extension to and including September 12, 1935 for filing reply brief and recommending that the request be granted. The Chief Counsel also recommended that the case be set for oral argument on September 28, 1935.

The request of counsel for the respondent for an extension in which to file reply brief was granted and order to this effect approved and entered; and the case was set down for oral argument before the Commission on Monday, September 28, 1935, at 2 p.m., with the direction that interested parties be notified thereof by the Secretary by registered mail.

Thereupon, at the hour of 10:30 a.m., the Committee adjourned to meet Wednesday, August 13, 1935, at 10 a.m.

Vernon W. Van Fleet

Committee.

Charles W. Hunt

Attest:

Otis A. Johnson,
Secretary.

As shown by the minutes of September 9, 1935, the foregoing Committee Report was that day read to the Commission, ratified and adopted as the action of the Commission.

Attest:

Otis A. Johnson,
Secretary.

Vernon W. Van Fleet,
Chairman.

August 10, 1935.

Thursday - August 11, 1935 - No meeting held.

REPORT OF THE BOARD OF DIRECTORS, VAN FLICK & COMPANY, A CORPORATION,
TO THE STOCKHOLDERS, FOR THE YEAR ENDING DECEMBER 31, 1934.
BY THE BOARD OF DIRECTORS, AUGUST 11, 1935.

Wednesday - August 12, 1935 - 10 a.m.

MEMBERS:

Harold W. Van Fleet, Chairman,
Charles W. Hunt.

Mr. Vincent absent on vacation.
Mr. Thompson absent.
Mr. Humphrey absent on vacation.

The minutes of the meeting of August 10, 1935, were read
and approved.

The Chairman presented a memorandum of August 11th from the
United States Department of the Interior, Bureau of Land Management,
Washington, D.C., to the effect that the Department has decided
to withdraw a portion of the land in the vicinity of the
Bureau of Land Management, Washington, D.C., and to transfer
the same to the National Park Service, Department of the Interior,
Washington, D.C.

The memorandum was read and the request granted.

The following motion picture was shown by the
Bureau of Land Management, Washington, D.C., and was
presented and discussed by the Board of Directors and
the Board of Land Management.

(1) Bureau of Land Management, Washington, D.C.

The Board of Directors and the Board of Land Management
approved the motion picture and the Board of Land Management
recommended that the Board of Directors should be authorized
to purchase the land in the vicinity of the Bureau of Land
Management, Washington, D.C., and to transfer the same to the
National Park Service, Department of the Interior, Washington,
D.C.

August 12, 1925.
August 14, 1925.

Thereupon, at the hour of 12:15 noon, the Committee
adjourned on Friday, August 14, 1925, at 12 noon.

Norman T. Van Fleet)

Chairman.

Charles W. Hunt

Secretary.

Attest:

[Signature]
Miss M. J. [unclear]
Secretary.

As shown by the minutes of September 1, 1925, the foregoing
Committee report was that day read to the Commission, ratified and
adopted as the action of the Commission.

Norman T. Van Fleet,
Chairman.

Attest:

[Signature]
Miss M. J. [unclear]
Secretary.

Thursday - August 13, 1925 - No meeting held.

REPORT OF NORMAN T. VAN FLEET, CHAIRMAN, A COMMITTEE
TO ADVISE THE COMMISSION ON THE NECESSITY OF
OR THE NECESSITY OF THE COMMISSION TO
OR THE NECESSITY OF THE COMMISSION TO

Friday - August 14, 1925 - 10 a.m.

PRESENT:

Norman T. Van Fleet, Chairman,
Charles W. Hunt,

Mr. [unclear] absent on vacation.
Mr. [unclear] absent.
Mr. [unclear] absent on vacation.

The minutes of the meeting of August 12, 1925, were read
and approved.

August 14, 1925.

The Chairman admitted draft of letter prepared by the Secretary in the usual form, transmitting to the Personnel Classification Board, an appeal by Miss Eleanor Ferman, clerk, for change of allocation from U. S. V. Grade III to U. S. V. Grade IV, the latter stating that the appeal was approved by the Commission. The appeal was accompanied by a memorandum of August 6th from the Chief Counsel disagreeing with the job description furnished for Miss Ferman's position by Mr. Woodson and disapproving the recommendation for the change of Miss Ferman from U. S. V. Grade III to U. S. V. Grade IV and also the recommendation for salary increase.

In this connection the Secretary presented memorandum of August 6th from the Chief Examiner recurring in the recommendations of the Chief Counsel.

After consideration, the Secretary was instructed to hold the appeal and present the papers to the Commission at a meeting where full membership is present and to carry the matter on the unfinished Business Calendar.

The following matters of general business referred by the heads of the several Divisions were presented by the Secretary and action as indicated was taken:

(1) Application of W. E. Mills of the Economic Division for twelve days leave without pay from August 17th to August 28, 1925, was received.

The leave was granted by the Committee.

(2) Report of the Acting Chief Bookkeeper of the work of the Budget Division during July 1925.

The report was received and copies placed in the calendar.

(3) Memorandum of August 10th from the Chief Engineer reporting in response to the Committee's direction of August 10th and making explanation of the reason for the fact that the Chief Engineer's Division stands \$1401.92 behind on the financial summary for July 1925.

The memorandum was received and filed.

(4) Messenger Service.

On motion of the Chairman, the Committee authorized the appointment of an additional messenger boy from the Civil Service Register, Classification Grade 20 V, salary \$600. per annum.

August 14, 1935.

(5) Letter of August 14th from the Bureau of the Budget advising that the President has allocated to the Federal Trade Commission \$997,000, as a tentative maximum amount for the fiscal year ending June 30, 1937. The letter reads as follows:

"August 10, 1935.

"Chairman,
Federal Trade Commission.

Dear Sir:

I have the honor to advise you that the President has allocated to your Commission \$997,000, as a tentative maximum amount of the total of your estimates for the fiscal year ending June 30, 1937.

Your regular estimates for the fiscal year 1937, to be submitted on or before August 20, 1935 and prepared in accordance with the instructions of July 1, 1935, should not, therefore, exceed in their total the amount above stated.

If your estimates thus prepared do not in your opinion meet the absolutely necessary requirements of your Commission, they will be accompanied by a supplemental statement showing the additional amount which you believe will be required, allocated to appropriate titles and setting forth the necessity therefor. In stating the necessity for such increase it is requested that you indicate the consequences which might result from failure to secure the additional amount that you recommend.

Very truly yours,

(Signed) H. C. Levi,
Director."

The letter was read and, after discussion, it was agreed that the regular estimate for the fiscal year 1937 be prepared and submitted in amount of \$997,000, in accordance with the foregoing letter from the Bureau of the Budget and further that the submission of any supplemental estimate be omitted.

(6) Telegram dated August 17, 1935 from W. D. Clark, Attorney-in-Chief of the New York Office, advising the Commission that the New York Office is now in its new quarters at 41 Broadway.

The Secretary was directed to prepare letters to notify the Chief Commissioner and the Trust Corporation that the Commission has moved into its new quarters at New York and also to notify the Chief

August 14, 1935.

(7) Letter of August 14th from the Civil Service Commission reporting alleged violation of an order to cease and desist issued by the Commission in the matter of General (232) - Civil Service School, Inc.

The correspondence was read and it was directed that the reply be made that at the present time there is no question of the Commission's present but that the matter will be taken up later when a question is present, and that attention be called to the decision of the Court of Appeals of the District of Columbia in the *Shufeldt* case, stating that until and unless the Supreme Court of the United States shall reverse this decision or Congress shall amend the law the Commission is powerless to enforce its order in the District of Columbia.

(8) General (232) - W. R. Maxwell.

The following orders submitted by the Chief Counsel were approved and entered: (1) that W. R. Maxwell, an examiner of the Commission, be designated to receive testimony, etc., and (2) that the hearing of the complaint begin at Chicago, Illinois, August 17, 1935, at 10 a.m.

Thereupon, at the hour of 11:30 a.m., the Committee adjourned to next Monday, August 17, 1935, at 10 a.m.

For Don W. Van Fleet,

Chairman.

Charles W. Kent,

attest:

W. R. Maxwell
Chief Counsel
Secretary.

Don W. Van Fleet

As shown by the minutes of September 1, 1935, the foregoing Committee report was last day read to the Commission, ratified and dispensed as the advice of the Commission.

For Don W. Van Fleet,
Chairman.

Attest:

W. R. Maxwell
Chief Counsel
Secretary.

August 17, 1943.

Saturday - August 14, 1943 - No meeting held.

Sunday - August 15, 1943 - No meeting held.

REPORT OF JOHN VAN FLEET, JR. UNIT, A COMMITTEE
ON THE PART OF THE INTERSTATE AND INTRASTATE
OF THE OF THE INTERSTATE AND INTRASTATE OF A
UNIT, A COMMITTEE TO THE COMMISSION.

Monday - August 17, 1943 - 10 a.m.

REPORT:

Charles E. Van Fleet, Chairman,
Charles E. Kent,

Mr. Kent absent on vacation.
Mr. Kent absent on vacation.
Mr. Kent absent on vacation.

The minutes of the meeting of August 14, 1943, were read
and approved.

Charles Van Fleet exhibited the following matters and
action as indicated was taken:

(1) Letter of August 13, 1943, from the Interstate Commerce
Commission (I. C. C.), Acting Secretary) acknowledging the
Commission's letter of August 11th regarding, last came one from
the force of the Interstate Commerce Commission's indicated to
assist Mr. White of the Commission's Staff in the preparation of
rate data in connection with per meetings pending before the
Commission and the larger local producers (Barnet, etc.) -
local producers, et al. The letter stated that it would be a
pleasure to assist the Commission in this line and that if
Mr. White would call at the office of the Interstate Commerce
Commission, arrangements would be made to take care of the request.

The letter was read and it was directed that the same be
acknowledged through the Interstate Commerce Commission for its
cooperation and that Mr. White be notified.

(2) Letter of August 13, 1943 from W. G. Oliver, Attorney,
Detroit, Michigan, Chairman of the Michigan Automobile
Association, Detroit, Michigan, in the matter of the National
Trade Union which is one of the words "Civil Service" by
business colleges as part of their work.

The letter was read and referred to the Acting Secretary for
acknowledgment and thereafter to the chief counsel to prepare the
letter requested.

August 17, 1935.

The following matters of general business forwarded by the heads of the several Divisions were processed by the Acting Secretary and action as indicated was taken:

(1) Memorandum of August 11, 1935 from the Chief Engineer transmittal file is the matter of a complaint filed by the National Steel Construction Company, Seattle, Washington, a manufacturer of range boilers complaining under dates of April 13 and July 14, 1935 to the Commission of alleged direct restraint in freight allowances on the part of Eastern competitors. The memorandum set forth the facts thus far developed as a result of informal inquiry directed by the Commission on April 22, 1935. The Chief Engineer recommended in view of the facts developed that the matter be designated as an application for formal complaint and that investigation be made as to whether there exists an agreement or conspiracy to fix prices in restraint of trade and eliminate competition in the sale of range boilers in interstate commerce.

After reconsideration, the recommendation of the Chief Engineer was approved and it was directed that the matter be designated as an application for complaint.

(2) Docket 1332 - Harrell Company.

Memorandum of August 11, 1935 was received from the Chief Counsel recommending that request for the respondent be granted an extension of time for filing brief until September 1, 1935.

The recommendation of the Chief Counsel was approved and order to that effect approved and entered.

(3) Docket 1332 - Reid With Machinery Sales.

Memorandum of August 14, 1935 from the Chief Counsel recommending that request for the respondent be granted an extension of time until August 27, 1935 for filing brief.

The recommendation was approved and order to that effect approved and entered.

It was further directed that request for the respondent be granted an extension of time to October 1, 1935 for filing brief. The Chief Counsel was directed to prepare and now submit the order appropriate order.

(4) Letter of August 10, 1935 was received from Arthur L. Harris, Chief of Division, requesting leave without pay from September 1 to September 30, 1935, because of illness. The request and accompanying application were approved by the Assistant Chief Economist.

The leave was granted.

August 17, 1953.

(5) Letter of August 14, 1953 from the Personnel Classification Board authorizing change in grade of Stanley Rowland of the Staff from P 3 34-33 to P 3 33-33.

The letter was received and filed.

(6) Draft of letter for the signature of the Chairman, dated August 12, 1953, prepared pursuant to request contained in letter of June 24, 1953 from the Civil Service Commission (Mr. E. Doyle, Secretary), that the Classification Board should report to the Civil Service Commission all available information concerning the adaptability, efficiency, conduct, etc., of applicants under the Civil Service Commission's classification system, by the Veterans' Bureau. The Commission's letter covered report of Miss M. Stiles of the Chief Counsel's Staff; Harry Dunbar, Jr., and Alexander J. Hinkle of the Chief Counsel's Staff, and three employees of the Commission, who were not mentioned therein.

The letter was read and ordered forwarded after of course. The file.

(7) Letter of August 12, 1953 replying to letter of August 12, 1953 from Mr. W. S. Chandler, Secretary-Member, Board of Social Security, Washington, D. C., asking inquiry concerning the policy of the Commission concerning sick leave of employees certified by doctors and infirmity. The Board had it is the policy of the Commission to accept certificates from responsible and reputable medical persons, who are properly and professionally certified that he personally attended and treated the employee under professional supervision and that during the period stated such employee was actually physically incapacitated for the performance of his official duties.

The letter was read and ordered forwarded. The file.

(8) Letter of August 14, 1953 was received from J. L. Clark, Attorney-in-Charge of the New York Office, advising the Commission that he had notified Albert S. Lumbertich Company, Inc., agent for the United States, that the Commission would vacate the offices situated therein on August 18, 1953 and that following day, Mr. Lumbertich, representative of the real estate company, advised him by telephone that they had executed lease for the period July 1 to September 15, 1953, and that they would accept full payment for such space as was not rented prior to September 15th.

The letter was read and the Chairman, Mr. W. S. Chandler, has directed to Mr. J. L. Clark that the Commission, acting on request from the Federal Real Estate Board, did not vacate the space for the period July 1st to September 15, 1953, but believed that in the conditions that the firm was entitled to pay for the period in question for such space as was not rented before September 15, 1953 and that regardless of the fact that the office of the Commission was vacated on August 13, 1953, that such claim on the Government.

August 17, 1925.

Amfort, Company, Inc. might prefer to cover that would be approved and submitted to the Controller General with a statement of the facts for his decision as to whether or not the documents was authorized to pay same.

Resolved, at the hour of 10:00 a.m., the committee adjourned to meet Wednesday, August 18, 1925, at 10 a.m.

Thomas W. Van Fleet,

Chairman.

Charles W. Hunt

Wm. J. Ferguson
Secretary.

On August 17, 1925, the foregoing committee report was read and the resolution, ratified and adopted as the action of the committee.

Thomas W. Van Fleet,
Chairman.

Attest:
Wm. J. Ferguson
Secretary.

Meeting adjourned at 10:30 a.m. August 17, 1925.

August 19, 1948.

Wednesday - August 13, 1958 - 10 a.m.

INDEX

Staphylococcus aureus, *S. epidermidis*, *Pseudomonas aeruginosa*,
Streptococcus pneumoniae.

- ၂. မူဝါဒ အကျဉ်းချုပ်
- ၃. အကျဉ်းချုပ်
- ၄. အကျဉ်းချုပ်

2000

The Council of the Editors of *Reviews* is, I think, more and more agreed.

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6. Release from arrest without the filing of charges and without an indictment was granted:

(1) A report of August 18, 1953 from J. W. Hartigan, Chief of Public Relations Section, regarding a meeting between Mrs. Benjamin A. Jones, Washington, D. C., concerning a proposed transfer of the assets of the foundation to her and to her husband.

2nd extraction was good, and showed breakdown between 200 and 250.

17. Letter is being filed with the Veterans Service and Civil Liberties, P. O. Box 145, Salem, Oregon, reference is a book recently published by the National Industrial Conference Board entitled, "Trade Associations - Their Economic Significance & Legal Status" and stating that the conference board expects to apply NLRB to its various activities of the Association's Code of Ethics "and to put in keeping with our location or persons". The letter requested a copy of the the Association as to whether or not there is anything in the Code that would not meet the approval of the Commission or that we are entirely in keeping with sound commercial practice or ethics. A copy of the Code was enclosed.

The letter was read and thereafter, the writer's secretary was directed to deliver a copy of the letter, "Trade Associations - Their Economic Significance and Legal Status" from the Bureau of Industrial Affairs to the Bureau for the information of the Commission and to acknowledge receipt of the Association's letter saying that the matter shall be submitted to the Commission.

August 14, 1905.

(2) Letter of August 10, 1905 from the Department of Justice, William D. Coker, Assistant to the Attorney General, acknowledging the Commissioner's letter of August 10, 1905, and making available to an attorney of the Department the report of Fred Walker, Special Agent in Charge, regarding the case against the late Fred Lee Wilson - Patent 1118. The Department's letter expressed appreciation of the Commissioner's courtesy.

The letter was received and filed.

(3) Letter of August 17, 1905 from the Department of State, W. H. H. Wright, Assistant Secretary, referring to the Commissioner's letter of July 3, 1905 and transmitting copy of a dispatch dated July 14, 1905 from the American Consul General at Toronto, Canada, containing a report entitled, "Domestic Landmarking, and a patented design is labeled as 'copy' or 'imitation'". A copy of the law in question, reported by the Consul General.

The letter was read and referred to the Chief of the Patent Trade Division for his information.

(4) Letter of August 10, 1905, Circular No. 104, from the Bureau of the United States Army, Department of the Interior, regarding the relief of Captain W. H. Miller and designation of Captain Charles W. Taylor, as Commissioner, Forest Service.

The letter was received and filed.

(5) Letter of August 10, 1905, Circular No. 105, regarding relief of Lieutenant Commander Charles J. Lipp from and assignment of Lieutenant Eugene Kent W. Lipp to duty with Federal Wildlife Board.

The letter was received and filed.

The following matters of general business forwarded by the Chief of the Federal Division were presented for the Bureau's consideration and action as indicated was desired:

(1) Patent 1118 - General Electric Company, et al.

Correspondence of August 10, 1905 was received from the Chief Counsel referring to the patent case of April 17, 1905 of the American and British Patent Office. The correspondence of April 17, 1905 was filed in the Bureau of the Division. The correspondence stated that the Commissioner's attorney, Herbert L. Smith, had received the correspondence from the British Patent Office and from the correspondence between the Commissioner's counsel and counsel for the respondent, it appeared that an agreement cannot be reached. The Chief Counsel recommended that October 20, 1905 be filed in the Division file.

August 19, 1945.

The recommendation was made and after consideration, the recommendation of the first counsel was approved and the following order submitted by the Chief Counsel approved and entered: That any future of testimony in this proceeding be made on or after 25, 1945 at the New York Office of the Federal Trade Commission, 45 Broadway, New York City, at 10 a.m.

(2) Memorandum of August 17, 1945 was received from the Chief Counsel in New York for Chief Counsel of the Commission, New York letter prepared by Attorney Burr in reply to letter of August 14 from the Chicago-based Service, the letter, in which, the Chicago-based Service, to a complaint of their client, the Pacific Pipe Supply Company, for Chicago, California, to the effect that certain steel mills with which this company was dealing were not observing the anti-trust laws. The Service was also engaged in their unfair practices. The Chicago-based Service with the Secretary to the effect that if the correspondence with their client were submitted to the Commission as attorney of the Los Angeles would have an opinion as to what the rights of their client are in the matter and whether it would be advisable to proceed for correction of their practices through the Commission or through another court action. The letter prepared by Attorney Burr set out the compliance with the Pacific Pipe Supply Company.

The memorandum from the Chief Counsel and the letter prepared by Attorney Burr were read and after discussion, the letter, Attorney Burr, was directed to the Chicago-based Service of letter of August 14 from the Chicago-based Service and say that the letter would be considered by the Commission and that they would be communicated with later on. It was further ordered that the letter prepared by Attorney Burr and the memorandum were be circulated.

(3) Memorandum of August 17, 1945 was received from the Chief Counsel in New York for Chief Counsel of the Commission, New York letter prepared by Attorney Burr in reply to letter of August 14 from the Chicago-based Service, the letter, in which, the Chicago-based Service, to a complaint of their client, the Pacific Pipe Supply Company, for Chicago, California, to the effect that certain steel mills with which this company was dealing were not observing the anti-trust laws. The Service was also engaged in their unfair practices. The Chicago-based Service with the Secretary to the effect that if the correspondence with their client were submitted to the Commission as attorney of the Los Angeles would have an opinion as to what the rights of their client are in the matter and whether it would be advisable to proceed for correction of their practices through the Commission or through another court action. The letter prepared by Attorney Burr set out the compliance with the Pacific Pipe Supply Company.

After discussion, the recommendation of the Chief Counsel was approved and letter of August 14, 1945 from the Chicago-based Service was referred to the Chief Counsel for New York, for the Chief Counsel of the Chicago-based Service.

August 19, 1925.

(4) Memorandum of August 12, 1925 was received from the Chief Clerk of the Treasury (Series), referring to the Committee's action of November 23, 1924 in directing that informal investigation be made in connection with representations made by the respondents in file 12444 - (apparently in regard to "Shanghai" and "Spring" charges) to the effect that certain sponge dealers were falsely and dishonestly representing themselves as operating sponge fishing fleets and Chinese industries, among the firms and companies named being, London & Hill, Philadelphia, Pennsylvania. The memorandum stated that development was shown that London & Hill does not represent itself as operating sponge fishing fleets but represents themselves as only representing itself to the public as operators of sponge fishing fleets. The Chief Clerk recommended that as far as this matter London & Hill is a filter without further action.

The memorandum was read and after consideration, the recommendation of the Chief Clerk was approved and it was directed that this matter be filed without further action.

(5) Report dated August 12, 1925 from the Chief Clerk of the Treasury, stating that application was made for a license to operate a fishing vessel in the Philippines, Manila, for the purpose of fishing. The report was received and placed in the file.

(6) Memorandum of August 17, 1925 was received from the Chief Clerk of the Treasury, telegraph dated August 17, from Attorney General, in charge of the Treasury Office, requesting authority to employ two inspectors, one inspectors for the month during the absence of the other. The Chief Clerk recommended that the two inspectors be employed for the month of August.

After consideration, authority was granted on condition that the two inspectors be employed for the month of August at the salary rate of \$1500. per annum.

(7) Memorandum of August 17, 1925 from Attorney General, Miller, stating that the absence of the two inspectors for the month of August was approved. The Chief Clerk recommended that the two inspectors be employed for the month of August.

After consideration, the request for the two inspectors for the month of August was approved and the Chief Clerk recommended that the two inspectors be employed for the month of August. The Chief Clerk recommended that the two inspectors be employed for the month of August.

August 25, 1925.

[illegible]

Thereafter, on the basis of 1968 data, the rate index of 104.7 is to be used. Hence, August 23, 1968 at 20 days.

Journal of Management Education 30(6)

$\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$

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^a The number of subjects who were included in each group was 10.

$$A = \begin{pmatrix} 1 & 0 & 0 \\ 0 & 1 & 0 \\ 0 & 0 & 1 \end{pmatrix}, \quad B = \begin{pmatrix} 1 & 0 & 0 \\ 0 & 1 & 0 \\ 0 & 0 & 1 \end{pmatrix}, \quad C = \begin{pmatrix} 1 & 0 & 0 \\ 0 & 1 & 0 \\ 0 & 0 & 1 \end{pmatrix}$$

$\frac{1}{2} \left(\frac{1}{2} \right) = \frac{1}{4}$

1. The first group of people who are interested in the study of the history of the United States are the people who are interested in the history of the United States.

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$\frac{1}{2} \left(\frac{1}{2} \right) = \frac{1}{4}$

$$\frac{d}{dt} \left(\frac{\partial L}{\partial \dot{x}} \right) = \frac{\partial L}{\partial x}$$

2004 31, 103.

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1624 J. Neurosci., September 24, 2008 • 28(39):1620–1628 • The Journal of Neuroscience

[illegible]

1. The first part of the document is a list of names and titles, including "The Hon. Mr. Justice" and "The Hon. Mr. Justice".

10. 10. 2000

... ..

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[illegible]

7) Confidentiality of subject's name, date of birth, sex, place of birth, age, occupation, residence, etc., must be maintained.

[illegible][illegible]

...the

1. The Government of the United States of America, in the year 1945, did hereby certify that the following is a true and correct copy of the original document on file in the Department of State:

$$f(x) = \frac{1}{2} \left(\frac{1}{x} + \frac{1}{x^2} \right) \quad \text{for } x \in \mathbb{R} \setminus \{0\}$$
[illegible]

1. The first step is to identify the problem. In this case, the problem is that the company is not meeting its sales targets.

and give the

August 22, 1935.

The following matters of general business transacted by the ends of the several divisions were presented by the Acting Secretary of the Commission on Industrial Relations:

(1) Report 1184 - Clayton F. Kopp, Company.

Memorandum of August 11th was received from the Chief Counsel regarding that date for final report in this case. It was received from September 2, 1935 to Wednesday, September 18, 1935 at 2 p.m., because of absence of a member of the Commission on September 2nd.

The report was granted and it was directed that the case be set for final report on Wednesday, September 18, 1935 at 2 p.m., and that the necessary staff interested parties be notified thereof.

(2) Report 1185 - International Brotherhood of Teamsters.

Memorandum of August 11th was received from the Chief Counsel transmitting letter of August 10, 1935 from the Union, requesting an extension of time to file a report, requesting an extension of time to file a report. The Chief Counsel recommended that the extension be granted.

The recommendation was approved and the extension granted. The Chief Counsel was directed to prepare and the Secretary to make appropriate entry.

(3) The number of August 11th was received from the Chief Counsel transmitting letter of August 10, 1935 from the Union, requesting an extension of time to file a report, requesting an extension of time to file a report. The Chief Counsel recommended that the extension be granted. The Chief Counsel was directed to prepare and the Secretary to make appropriate entry.

The letter was read and after consideration, the matter was referred to the Chief Counsel with instructions to forward a copy of the letter to the members of the Commission on Industrial Relations, prepared and signed by the Chief Counsel, to the effect that the Commission will appreciate any information they may have on any violation of the law.

(4) Report 1186 - International Brotherhood of Teamsters, Union, et al.

The number of August 11th was received from the Chief Counsel transmitting letter for the approval of the Commission, granting respondents an extension of time until the end of 1935 to file a report. The respondents also suggested that the case be set for final report at the end of October or early in November.

After consideration, the matter was referred to the Chief Counsel granting respondents all acts until 1935 for filing a report and approved and entered.

August 26, 1968.

It was further directed that the same be set for final argument on Friday, September 1, 1968 at 11 a.m. and that the Secretary notify interested parties by registered mail.

(6) Memorandum of August 24th was received from the Chief Counsel referring to a number of affidavits submitted by the Immigrant Workers' Indemnity Association on July 24th respecting the arrest of Amelio, Wilson, an founder of the Association, in the United States, after being deported under the name Amelio in 1929. Further that, on May 1, 1968, and transmittal, account of Mr. Wilson, together with a letter addressed to the Association from W. A. Person, an attorney at Washington, D.C. directed to make it a condition that Mr. Wilson for further certain information. It was directed that the papers be circulated among the present Commissioners, and that the lost and downloaded be.

(7) Report 1371 - Director's Office of July 24, 1968.

Memorandum of August 24th was received from Attorney, David Rosenfeld, particularly to file brief of eighty-two pages in this case and stating that the brief exceeds the fifty-five pages provided by the Commission's order, because of the complexity in the rules of the Fifth Circuit and all matter be set to five pages, double spaced.

The memorial was read and after consideration, it was directed that the brief be filed in the brief of eighty-two pages as requested.

(8) Report 1371 - International Brotherhood of Teamsters.

Memorandum of August 19th was received from the Chief Counsel requesting that immediate investigation be undertaken at points in Canada and along the United States-Canada border in this matter.

After consideration, it was directed that Miss Henderson, an attorney of the Commission's staff, be designated as counsel and assigned to the investigation matter referred to in the memorandum and that necessary travel order, transportation requests and available be prepared and issued to the member.

Memorandum of August 15, 1968 was received from the Chief Counsel transmitting letter of August 1 to from L. L. Clark, Attorney-in-Charge of the New York Office, requesting authority to serve subpoenas on a regular for the month of September 16, 1968 because of the absence of Miss Helen Martin.

After consideration, authority was granted to a player to serve subpoenas for the time requested at the usual order rate of \$150. per annum.

August 26, 1925.

(10) Jackson Hill - Philip Henry Manufacturing Company, et al.
 The following orders submitted by the said Council were
 approved and entered: (1) that certain evidence, a Commissioner
 of this Council is, be admitted by reciprocal testimony, etc., and
 (2) that the Council, as a Council of the Commission, be authorized
 to receive testimony, etc., and (3) that the Council of the Council
 begin its work, December, September 1, 1925, at 10:00 a.m.

Thereafter, at the hour of 11:00 a.m., the Council
 adjourned to meet Friday, August 27, 1925 at 10 a.m.

Charles W. Hunt

) Council.

Charles W. Hunt

Charles W. Hunt

Charles W. Hunt
 J. C. Hunt,
 Acting Secretary.

At a meeting of the Council of the Council, held on August 27, 1925, the following
 Council report was that day read to the Council, ratified and
 adopted as the action of the Council.

Harmon C. Hunt,
 Chairman.

Attest:

Charles W. Hunt
 J. C. Hunt,
 Secretary.

Monday - August 27, 1925 - a meeting held.

August 28, 1953.

LETTER OF J. EDGAR HOOVER, DIRECTOR, FBI, TO THE
ATTORNEY GENERAL, U. S. DEPARTMENT OF JUSTICE, AUGUST 28, 1953
ON THE SUBJECT OF THE HOOVER REPORT, AUGUST 28, 1953.

Friday, August 28, 1953 - 12:15 a.m.

MEMORANDUM:

For Mr. J. Edgar Hoover, Director,
U. S. Department of Justice.

Mr. J. Edgar Hoover, Director,
U. S. Department of Justice.
Mr. J. Edgar Hoover, Director,
U. S. Department of Justice.

The minutes of the meeting of August 28th, 1953 are read
and approved.

On August 28th, 1953, the following letter of August 28th, 1953, from the
Attorney General, U. S. Department of Justice, transmitting for the
information of the Director, FBI, the letter of August 28th, 1953, addressed to
the Director, FBI, from the Attorney General, U. S. Department of Justice,
setting forth the position of the Attorney General in respect to the
which have been made by the U. S. Department of Justice.

The letter was ordered filed after consideration of the
and is being kept.

The following letters of General HOOVER, forwarded to the
Attorney General, U. S. Department of Justice, are presented to the Director, FBI,
and are being kept as indicated was indicated.

The letter of August 28, 1953, from the Attorney General, U. S. Department of Justice,
with further reference to the letter of August 28, 1953, from the Attorney General, U. S. Department of Justice,
relative to the alleged dissemination of anti-Semitic literature against
the Jewish people by the U. S. Department of Justice. The letter stated that
in view of the present cooperation on the part of the U. S. Department of Justice
and the satisfactory results obtained during the period between 1944
and 1953 the Department has decided to close the matter and the
case and suggested that the matter be closed.

The letter was read and ordered filed after consideration of the
and is being kept for the signature of the Director.

August 26, 1925.

(c) Doctor 1200 - R. Bernard Murphy.

Minutes of August 26th were received from the chief counsel recommending that final argument on this case be set for September 2, 1925 and that the Mayo Foundation's motion to dismiss be ruled in favor of until that time.

The recommendation was approved and it was directed that the case be set for final argument on Wednesday, September 2, 1925 at 10 a.m., and that the Secretary notify interested parties thereof by registered mail.

Thereupon, at the hour of 10:00 a.m., the Committee adjourned to meet Monday, August 31, instant at 10 a.m.

Thomas W. Van Fleet

Chairman
Charles W. Hunt

Attest:
E. G. Dugan
 E. G. Dugan,
 Acting Secretary.

As shown by the minutes of August 26, 1925, the foregoing Committee, at said day read to the Commission, verified and adopted as the action of the Commission.

Thomas W. Van Fleet,
 Chairman.

Attest:

E. G. Dugan
 Acting Secretary.

Monday - August 29, 1925 - no meeting held.

Tuesday - August 30, 1925 - no meeting held.

August 31, 1935.

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MINUTE BOOK OF THE COMMITTEE ON INVESTIGATION

Monday - August 31, 1935 - 10 a.m.

PRESENT:

Charles W. Van Fleet, Chairman,
John F. Lynch,
Charles W. Smith.

Mr. Thompson absent.

Mr. Humphrey absent on official business.

The minutes of the Committee meeting of August 19, 1935 were read and approved.

Chairman Van Fleet exhibited letter of August 29, 1935 from the People's Legislative Service, Small Business, Directors, Washington, D. C., referring to a report of recent date in the public press to the effect that the Commission "has decided not to conduct certain hearings" provided for by resolutions introduced by Senators Norris and Chalmers and by the late Senator La Follette and duly authorized by the United States Senate. The letter set forth the objectives of a preliminary investigation into the bread industry conducted by the People's Legislative Service at the request of Senator La Follette and comprised of a consolidated merger of the Continental Baking Corporation, the General Baking Company and the Ward Baking Company. The letter petitioned the Commission to proceed forthwith to investigate the pending merger in the bread industry along the lines ordered by Senate Resolution 163 dated February 16, 1934 (Senator La Follette).

After consideration, the letter was referred to the Acting Secretary for acknowledgment stating that further response to the letter will be made. The letter was also referred to the Chief Counsel for report to the Committee what information was or was not in possession of the Board with regard to the pending merger of the Continental Baking Corporation, the General Baking Company and the Ward Baking Company.

In connection herewith, it was directed that the report of the Board of Review, dated June 14, 1935 in the letter of March 1935 - to the Continental Baking Corporation be circulated.

The following letters of general business forwarded to the Commission by the heads of the several divisions were presented by the Acting Secretary and action as indicated was taken:

August 30, 1935.

(1) Docket 1887 - South Jersey Automobile Defectioners' Association, et al.

Memorandum of August 24th was received from the Chief Counsel recommending that request of counsel for respondent for an extension of time to October 1, 1935 for filing brief be granted.

After consideration, the recommendation of the Chief Counsel was approved and order granting extension submitted by the Chief Counsel approved and entered.

(2) Docket 1888 - Good House Company.

Memorandum of August 25th was received from the Chief Counsel recommending that counsel for the respondent be granted an extension to October 21, 1935 for filing briefs and to October 21, 1935 for filing brief, and that counsel for the Commission be granted until October 15th for filing brief. The Chief Counsel further recommended that the case be set for final argument sometime during the week beginning October 26, 1935.

After consideration, the extensions were granted as recommended and the Chief Counsel directed to prepare and the Secretary to serve appropriate orders.

The setting of date for final argument was ordered held in abeyance pending the return of the Secretary.

(3) Docket 1889 - New Old Laundry Lila.

Memorandum of August 26th was received from the Chief Counsel recommending that petition from Mrs. H. Lewis, of Philadelphia, Pennsylvania, setting aside the filing of brief unless certain conditions were present be granted on behalf of the Public Health Association of America and Defendant Manufacturers in this case. The Chief Counsel recommended that the request be granted and that Mr. Lewis be allowed until October 15, 1935 to file his brief. The Chief Counsel suggested that the case be set for final argument sometime in the last half of October.

After consideration, the filing of brief unless certain of the time recommended was granted by the Commission.

The Chief Counsel was directed to prepare and the Secretary to serve appropriate orders.

The setting of date for final argument was ordered held in abeyance pending the return of the Secretary.

(4) Docket 1890 - Wilson Picture Company, Inc.

Memorandum of August 26, 1935 was received from the Chief Counsel recommending that request of counsel for respondent for an extension of time to October 12, 1935 to file brief. The Chief Counsel recommended that the request be denied in view of the fact that the request does not set forth reasons sufficient for an extension until October 12th.

After consideration, the Commission granted counsel for the respondent until October 1, 1935 for filing brief. The Chief Counsel was directed to prepare and the Secretary to serve appropriate orders.

August 31, 1945.
September 1, 1945.

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(5) Memorandum of August 28, 1945 was received from the Chief
Inspector in the matter of Sheffield Steel Mills, a trade name used
by the American City Steel & Iron Company of Chicago, Illinois,
calling for the results of preliminary investigation made by the
Chicago Office in response to communications by the British Embassy,
through the State Department on June 15, 1945. The memorandum stated
that it is not believed, under the circumstances set forth, that
anyone purchasing steel products from this concern would be in error in
believing these products were made in Sheffield, England. The Chief
Inspector recommended that the matter be closed without searching and the
British Embassy be advised of the facts disclosed by the investigation
and the action of the Commission. The matter was referred to Mr. [redacted]
for consideration.

Thereafter, at the hour of 11:15 a.m., the Commission adjourned
to meet Wednesday, September 6, 1945, at 10 a.m.

Walter E. Van Vleet,
Chairman.

Walter E. Van Vleet,
Chairman.

MINUTES OF THE FIFTH MEETING OF THE COMMISSION

Friday - September 8, 1945 - 11 a.m.

Roll Call:

Walter E. Van Vleet, Chairman,
James H. [redacted],
William H. [redacted].

Mr. [redacted] on official business.
Mr. [redacted] absent.

At the call of the Chairman, the Commission met in Special
Session.

Mr. Humphrey presented a copy of a letter dated February 21, 1944,
addressed to the Chicago Office of the Federal Trade Commission by

FILE

DIVIDER

August 31, 1923.
September 1, 1923.

(5) Memorandum of August 28, 1923 was received from the Chief Examiner in the matter of Sheffield Steel Mills, a trade name used by the Kansas City Bolt & Nut Company of Kansas City, Missouri, setting forth the results of preliminary investigation made by the Chicago Office in response to complaint made by the British Embassy, through the State Department on June 12, 1923. The memorandum stated that it is not believed, under the circumstances, as set forth, that anyone purchasing steel products from this concern would do so under belief that these products were made in Sheffield, England. The Chief Examiner recommended that the matter be closed without docketing and British Embassy be advised of the facts disclosed by the investigation and the action of the Commission. The matter was referred to Mr. [redacted] for examination.

Thereupon, at the hour of 11:15 a.m., the Commission adjourned to meet Wednesday, September 2, 1923, at 10 a.m.

Vernon T. Van Fleet,
Chairman.

Attest:

C. S. [redacted]
Acting Secretary.

MEETING OF THE FEDERAL TRADE COMMISSION

Tuesday - September 1, 1923 - 11 a.m.

PRESENT:

Vernon T. Van Fleet, Chairman,
John F. Nugent,
William S. Humphrey.

Mr. Hunt absent on official business.
Mr. Thompson absent.

At the call of the Chairman, the Commission met in Special Session.

Mr. Humphrey presented copy of a letter dated February 21, 1924, addressed to the Chicago Office of the Federal Trade Commission by

Thereupon, the Commission directed that the following telegram be sent to French Airway Regulator:

George A. Doyle,
Secretary, National Trade Association,
11 West Wallington Street,
Chicago, Illinois.

[illegible]

1. James M. Smith
 2. James M. Smith

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Examination of the α and β branches of the ^{137}Ba - ^{137}La decay

Thompson, W. H. *Thompson, William H.*
 Jones, W. *Jones, William*
 Johnson, W. *Johnson, William*
 Wilson, J. *Wilson, James*

274 275 452

(1) Letter of August 1, 1953 was received from William F. Sullivan, II, stating his position on this matter is the effective at the close of business September 13, 1953.

The next action was taken.

Letterhead of September 2, 1955 was received from the Chief Counsel stating that this case is set for a hearing on September 15, 1955. The foregoing, in connection with the case, has been reviewed having read and further stated and it is desired to prove beyond a doubt that because that will be of the greatest assistance in securing responses to cases and assist the use of the word "liberal". The following is submitted draft of letter for the signature of the Director, addressed to the Chief Counsel of Internal Security, requesting a verbal response when it is necessary for other individuals to file a petition with the Attorney General or other officials of the Bureau of Internal Security for presentation to the Attorney General, to be submitted by the Department, at the hearing on September 15, 1955. The letter stated that the response requested would serve the purpose of the American Union of Good Citizens in affecting their political relation.

After consultation, the matter was referred back to the Chief Counsel for guidance as to whether or not the data requested be confidential and if confidential, whether it is proper for the disclosure to the request for it.

September 2, 1945.

(2) Pocket 107 - Louis Waparschewsky Corporation, et al.

A resolution of September 1, 1945 was received from the Chief Counsel through which, dated April 21, 1945 from George Weiss, attorney for the Chicago Diamond Company, one of the respondents in this case, requesting an additional two days in which to file exceptions to the report of the Trial Court. The Chief Counsel expressed his opinion that this application for extension was made for the purpose of delaying the proceedings and recommended that the request be denied.

The resolution was read and after deliberation an action of Mr. Van Fleet, seconded by Mr. Board, the resolution was granted an extension of five days from September 7, 1945 in which to file exceptions.

As to the foregoing action, Messrs. Van Fleet, Board and Hunt voted in the affirmative and Mr. Sawyer voted in the negative.

The Chief Counsel was directed to prepare and the Secretary to carry appropriate order.

(3) Pocket 131 - Sierra Cattle Co., Inc.

A resolution of September 1st was received from the Chief Counsel approving the report of respondent for an extension of thirty days to file answer and cross motion, that the same be granted.

The recommendation of the Chief Counsel was approved by the Committee and prior to this effect approved was entered.

(4) Transmittal of official transcripts from the Chief Counsel, the following federal docket cases were set for final argument before the Commission as listed below:

Pocket 1127 - United States v. Vander Zanden -
 Defendant - September 27, 1945 - 2 p.m. -
 Pocket 1128 - United States v. Vander Zanden -
 Defendant - September 27, 1945 - 2 p.m. -
 Pocket 1129 - United States v. Vander Zanden -
 Defendant - September 27, 1945 - 2 p.m. -
 Pocket 1130 - United States v. Vander Zanden -
 Defendant - September 27, 1945 - 2 p.m. -
 Pocket 1131 - United States v. Vander Zanden -
 Defendant - September 27, 1945 - 2 p.m. -
 Pocket 1132 - United States v. Vander Zanden -
 Defendant - September 27, 1945 - 2 p.m. -

The Secretary was directed to set for final argument before the Commission all.

Thereafter, at the hour of 11:15 a.m., the Commission adjourned to meet Friday, September 4, 1945, at 10 a.m.

Attest:

W. H. Board
 Secretary

James A. Van Fleet,
 Chairman.

September 3, 1935.

Monday - September 9, 1935 - No meeting held.

Tuesday - September 10, 1935 - No meeting held.

Wednesday - September 11, 1935 - No meeting held.

Thursday:

Harold W. Van Dusen, Chairman,

John T. Dyer,

Charles E. Hart,

William A. Humphrey,

R. Thompson absent.

The minutes of the meetings of September 1, 1935 and
September 2, 1935 were read and approved.

A number of items were presented for consideration, and
action on each item was taken by the Commission:

(1) Letter of application from the Director of Public
Buildings & Public Works (R. C. Corbridge), with reference to
making an application for a license to operate a building
department staff and requesting that the staff be authorized
to comply with the regulations governing smoking.

The letter was read and referred to the Secretary for reply
to the attention of the Board, and for the preparation of reply
for the Director of Public Works.

(2) Letter of application from Senator Royal W. Taylor, of
New York, transmitting letter of August 28, 1935 from John L. Brown,
New York City, requesting release of the funds used on the "Great
Smoking Inquiry".

The matter was referred to the Secretary for reply.

(3) Letter of application from the General Accounting Office
U. S. Treasury Department, referring to letters of August 28, 1935
and June 10, 1935, the Comptroller General relative to the interest
of J. W. Chapman, an employee of the Commission to the United States
and requesting that the General Accounting Office be advised as to
what action should be taken in the matter.

The letter was referred to the Secretary for attention.

September 4, 1935.

(4) Letter of September 3rd from the War Department, Bureau of Interior Affairs, requesting letter with respect to the records of Philippine laborers, serials 1201, 1202, 1203, 1204, 1205 and 1206, for the purpose of determining the Philippine Government's compliance with request of the former General of the Philippine Islands.

On motion of Mr. Williams, the Commission allowed the War Department, Bureau of Interior Affairs, to intervene in the group of cases based on the Philippine laborers, serials 1201, 1202, 1203, 1204, 1205 and 1206, and it is recommended by counsel, or otherwise, or in any way further, to be notified as to the hearing in these cases and furnished with copies of any exhibits and non-exhibits which will facilitate its representation with the cases.

The letter was referred to the Chief Counsel for preparation of reply.

Several district cases appearing on the weekly calendar calendar for final determination were considered by the Commission and action as indicated was taken:

(1) District 1204 - Filing, "Jones & Company, et al."

This case came before the Commission for final determination upon the following records: memorandum of July 1st from the Chief Counsel, Bureau of Interior Affairs, dated July 1st, 1935, without prejudice; memorandum of July 1st from Chief Counsel, B. I. A., dated July 1st, 1935; answers; testimony; order of dismissal submitted by the Chief Counsel with memorandum of July 2, 1935. A report was filed by the Chief Counsel. The case was filed. Afternoon with represents the Commission. Attorney William H. Williams and Mr. Williams represent the respondents.

After consideration, on motion of Mr. Williams, seconded by Mr. Van Fleet, the Commission directed that the complaint be dismissed without prejudice to the respondents of the "Chief Counsel".

On the following motion, Messrs. Van Fleet, and Mr. Williams voted in the affirmative and Mr. Williams voted in the negative.

Mr. Williams voted in the affirmative and Mr. Williams voted in the negative.

The Chief Counsel was directed to prepare and the necessary to carry out order of dismissal in accordance with the Commission's action.

(2) District 1205 - Filing, "R. H. Jones & Company, Inc."

This case came before the Commission for final determination upon the following records: memorandum of July 1st from the Chief Counsel, Bureau of Interior Affairs, dated July 1st, 1935, without prejudice; memorandum of July 1st from Chief Counsel, Bureau of Interior Affairs, dated July 1st, 1935; answers; testimony; order of dismissal submitted by the Chief Counsel with memorandum of July 2, 1935. A report was filed by the Chief Counsel. The case was filed. Afternoon with represents the Commission. Attorney William H. Williams and Mr. Williams represent the respondents.

After consideration, on motion of Mr. Williams, it was ordered that the complaint be dismissed without prejudice to the respondents of the "Chief Counsel".

September 4, 1903.

The Chief Counsel was directed to prepare and the Secretary to sign, order of the Board of Administration with the Inspector's title

(2) Product 100 - Corning Glass, Inc.

On April 3, 1948, the Commission directed that copies of its report and draft order be sent to the Chief Counsel proper, and submit to the Specialists for approval as to form, draft of findings as to the facts and order to remove and deny. The following papers were placed in the hands of each Specialist: memoranda of July 1947 from the Chief Counsel; findings as to the facts and order to remove and deny submitted by the Chief Counsel with paraphrase of July 1947 complaint.

12. Plaintiff advised the Defendant's attention to a copy of Plaintiff's letter of 11-2-68, "Selling and Spies," wherein he stated that he had previously, after the following, stated:

loved; that the findings he needed in connection with the charges were embodied in that number is suggested by the statement in paragraph 10, as well as the facts in his case will permit, with previous orders but that the body thereafter, together with such findings be transmitted to the committee for approval or disapproval.

1. The first part of the document is a list of names and addresses, which appears to be a directory or a list of contacts. The names are written in a cursive script, and the addresses are listed below them.

— — —

[illegible][illegible]

1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

[illegible]

"I tender in objection offered by said Father last, 1940, and this is referred to the District Attorney for the purpose of giving the respondents a chance to stipulate, or deny, or defend in the Board of Review, but that if the respondents refuse to stipulate, that it will be referred to the District Attorney for advice as to how to proceed and what the respondents will be able to do."

September 4, 1935.

Mr. Humphrey voted and his vote was recorded as indicated in the foregoing certificate and it was ordered by the Commission that the case be referred to the Board of Review for the purpose of giving the applicant a review in regular course, as recommended by the Board of Review and report to the Commission.

(c) Case 1-7775 - *William Edward Humphrey, Inc. vs. William Humphrey*.

This case was referred to Mr. Humphrey as shown by the minute entry of June 28, 1935.

Mr. Humphrey submitted the following statement:

"I appear in the matter offered by William Van Fleet, that the case be referred to the Board of Review in the regular course, and as vote."

Mr. Humphrey voted and his vote was recorded as indicated in the foregoing certificate and it was ordered that the case be referred to the Board of Review in the regular course.

(d) Case 1-7776 - *William Edward Humphrey, Inc. vs. William Humphrey*.

This case was referred to Mr. Humphrey as shown by the minute entry of July 9, 1935.

Mr. Humphrey submitted the following statement:

"I appear in the matter offered by William Van Fleet, that the case be referred to the Board of Review in the regular course, and as vote."

Mr. Humphrey voted and his vote was recorded as indicated in the foregoing certificate and it was ordered that the case be referred to the Board of Review in the regular course.

(e) Case 1-7777 - *William Edward Humphrey, Inc. vs. William Humphrey*.

This case was referred to Mr. Humphrey as shown by the minute entry of July 28, 1935.

Mr. Humphrey submitted the following statement:

"I appear in the matter offered by William Van Fleet, that the case be referred to the Board of Review in the regular course, and as vote."

Mr. Humphrey voted and his vote was recorded as indicated in the foregoing certificate and the case was referred to the Board of Review in the regular course.

1953

On 11/15/77, a writ of Habeas Corpus was issued for the release of the following "Marine Corporation, et al." This case was referred to the Honorable Judge J. Edgar Smith, Jr. of the District Court of the Eastern District of Texas.

1. The following information was obtained from the records of the Bureau of the Census:

"I do not believe the letter offered by Chairman [sic] [redacted] that the recommendation of the majority of the Board of Inquiry be accepted, and that [redacted] be removed from office."

1. The following information was obtained from the records of the Department of the Interior, Bureau of Land Management, regarding the land owned by the United States in the State of Nevada:

This case was referred to Mr. J. Edgar Hoover by the Attorney General of July 18, 1941.

...and the fact that the ...

"I cannot let the children witness my tears and I feel that the only thing I can do is to tell them that I love them and that I will be with them forever."

1. The following stated on the above was recorded as indicated in the foregoing, as shown in the application was filed.

(7) $\text{Fe}_2\text{O}_3 + 3\text{H}_2\text{O} = 2\text{Fe}(\text{OH})_3$ 鐵的氫氧化物之生成

...the ...

28. 1990年12月26日，在《中国日报》发表署名文章，指出：“中国对香港问题的立场是明确的，即香港问题是中国的内政，不容任何外国干涉。中国政府坚定不移地贯彻执行联合国关于香港问题的立场。中国政府准备为恢复香港行使主权作出最大努力，直至最后收回全部主权。”

September 4, 1935.

"I concur in the motion offered by Mr. West, that the recommendation of the Board of Review be adopted, the appeal be accepted and the application dismissed with costs."

Mr. Murphy noted that his vote was recorded as indicated in the foregoing narration.

The application was accepted and the application filed.

(b) Docket 1935 - titled Standard A Dye Corporation. This case was referred to Mr. Murphy on appeal by the Board of July 6, 1935.

At issue, the titled records are as follows:

"I concur in the motion offered by Mr. West, that a hearing be granted before the Board of Review, be accepted and costs noted."

Mr. Murphy noted that his vote was recorded as indicated in the foregoing narration and the case was requested was granted.

...

Mr. Murphy also presented the following listed application for complaint of violation of the patent:

(1) File 1-2375 - J. W. Allen vs. Standard Oil Company, Inc. (J. W. Allen, et al.)

Mr. Murphy submitted a recommendation reviewing the facts and records filed that the application be dismissed.

After consideration, the motion of Mr. Murphy, seconded by Mr. West, the application for complaint was dismissed.

(2) File 1-2376 - Mitchell A Miller Coal Company vs. Standard Oil Company, Inc.

At issue, the titled records are as follows:

"This application is dismissed. As if the proper remedy had been granted, the public interest is well served by the dismissal of the application."

After consideration, the motion of Mr. Murphy, the application for complaint was dismissed.

(3) File 1-2377 - J. W. Allen vs. Standard Oil Company, Inc.

Mr. Murphy submitted a recommendation reviewing the facts and records filed that the application be dismissed.

After consideration, the motion of Mr. Murphy, seconded by Mr. West, the application for complaint was dismissed.

Mr. Murphy noted that his vote was recorded as indicated in the foregoing narration.

October 4, 1945.

(1) File 1-7597 - Poling, Nathan Company vs. J. Edgar
Poling Corporation.

Mr. Sawyer submitted a report regarding the facts of
this case, and the application to the Board of
Patents of the United States.

After consideration, a motion of Mr. Sawyer, the application
for a patent was dismissed by the Board.

(2) File 1-7598 - J. H. McMillan Company vs. J. Edgar
Poling Corporation.

Mr. Sawyer submitted a report regarding the facts of
this case, and the application to the Board of
Patents of the United States.

After consideration, a motion of Mr. Sawyer, the application
for a patent was dismissed by the Board.

(3) File 1-7599 - J. H. McMillan Company vs. J. Edgar
Poling Corporation.

Mr. Sawyer submitted a report regarding the facts of
this case, and the application to the Board of
Patents of the United States.

After consideration, a motion of Mr. Sawyer, it was directed
that the application be dismissed by the Board of
Patents of the United States.

The files were referred to the Board of Patents, the Board
of Patents, for consideration of the application, the case
was referred to the Board of Patents, without further action
by the Board.

(4) File 1-7600 - J. H. McMillan Company vs. J. Edgar
Poling Corporation.

Mr. Sawyer submitted a report regarding the facts of
this case, and the application to the Board of
Patents of the United States.

After consideration, a motion of Mr. Sawyer, the application
for a patent was dismissed by the Board.

(5) File 1-7601 - J. H. McMillan Company vs. J. Edgar
Poling Corporation.

Mr. Sawyer submitted a report regarding the facts of
this case, and the application to the Board of
Patents of the United States.

After consideration, a motion of Mr. Sawyer, the application
for a patent was dismissed by the Board.

The following motion of General Sawyer, former of the
Board of Patents of the United States, was presented by
the Board of Patents, as indicated was taken:

Второй этап — это этап формирования и развития личности. В этот период происходит формирование личности, ее развитие и становление. Это происходит под влиянием различных факторов, таких как воспитание, образование, социальное окружение и т.д.

$$= \frac{1}{\sqrt{\pi}} \int_{-\infty}^{\infty} e^{-t^2} dt = 1$$

$\frac{d}{dt} \left(\frac{\partial L}{\partial \dot{x}} \right) = \frac{\partial L}{\partial x}$

[illegible]

September 4, 1935.

(9) File 1-27211 - General Hattie A. Chandler versus Mrs. John
Chandler, Chicago, Illinois.

Memorandum of July 18th was received from the Chief
Chandler regarding the facts and recommending that authority be
granted the Chief Chandler to negotiate a stipulation under
the rule.

After consideration, on motion of Mr. Van Fleet, seconded
by Mr. Hunt, it was directed by the Commission, that stipulation
be made regarding the facts and recommending that authority be
granted the Chief Chandler to negotiate a stipulation under
the rule.

The case was accordingly referred to the Chief Chandler,
the facts and recommending that authority be granted the Chief
Chandler to negotiate a stipulation under the rule, the case
thereafter, to be referred to the Secretary for review
before further action, be considered.

In the action of this case, the Chief Chandler was of the
opinion that the case did not come within the rule for handling,
and by stipulation the case was referred to the rule.

(10) File 1-27211 - File Chandler of a wife Mrs. William
Chandler, Chicago, Illinois.

Memorandum of August 11th was received from the Chief
Chandler regarding the facts and recommending that authority be
granted the Chief Chandler to negotiate a stipulation under the rule.

On motion of Mr. Van Fleet, seconded by Mr. Hunt, the
recommendation of the Chief Chandler was approved and the case
returned to the Chief Chandler to be handled by stipulation under
the rule.

Mr. Hunt asked that this document be filed.

(11) File 1-27211 - General Hattie A. Chandler versus Mrs. John
Chandler, Chicago, Illinois.

Memorandum of August 18, 1935 was received from the Chief
Chandler regarding the facts and recommending that authority be
granted the Chief Chandler to negotiate a stipulation under the
rule.

On motion of Mr. Van Fleet, seconded by Mr. Hunt, the
recommendation of the Chief Chandler was approved and the case
returned to the Chief Chandler to be handled by stipulation under
the rule.

(12) File 1-27211 - General Hattie A. Chandler versus Mrs. John
Chandler, Chicago, Illinois.

Memorandum of August 18, 1935 was received from the Chief
Chandler regarding the facts and recommending that authority be
granted the Chief Chandler to negotiate a stipulation under the
rule.

On motion of Mr. Van Fleet, seconded by Mr. Hunt, the
recommendation of the Chief Chandler was approved and the case
returned to the Chief Chandler to be handled by stipulation under
the rule.

Mr. Hunt asked that this document be filed.

September 4, 1915.

(13) File 1-2720 - American Air Trade League vs. John A. White's Sons.

A telegram of August 21st was received from the Chief Justice reporting the facts and recommending that authority be granted the Chief Justice to negotiate a stipulation under the rule.

On motion of Mr. Van Fleet, seconded by Mr. Holt, the recommendation of the Chief Justice was approved and the case returned to the Chief Justice to be disposed of stipulation under the rule.

Mr. Holt asked that the record be filed.

(14) File 1-2721 - American Air Trade, Inc. vs. United States District Court, etc., Inc.

A telegram of August 21st was received from the Chief Justice reporting the facts and recommending that authority be granted the Chief Justice to negotiate a stipulation under the rule and report to the Commissioner.

On motion of Mr. Van Fleet, seconded by Mr. Holt, the recommendation of the Chief Justice was approved, and the case returned to the Chief Justice to be disposed of stipulation under the rule.

Mr. Holt asked that the record be filed.

Therefore, at the hour of 11:15 A.M., the Courtroom of course to meet had adjourned, September 4, 1915, at 10:30 a.m.

Charles H. Van Fleet,
Attorney.

Attest:

Charles H. Van Fleet
Not a Secretary.

Saturday - September 4, 1915 - No meeting held.

Sunday - September 5, 1915 - No meeting held.

Monday - September 6, 1915 - No meeting held.

Tuesday - September 7, 1915 - No meeting held.

September 1, 1955.

MINUTES OF THE 77TH REGULAR MEETING

Wednesday - September 1, 1955 - 10 a.m.

PRESENT:

Charles H. Van Fleet, Chairman,
John W. Tugent,
Charles E. Kent,
Robert Thompson,
William E. McLaughlin.

The minutes of the meeting of September 1, 1955 were read and approved.

Charles H. Van Fleet presented the following letter and action of the Board was taken by the Board:

Letter of July 1955 from Congressman Andrew G. Barnes of West Virginia, requesting a copy of the report of the Committee on the Internal Security in response to Senate Resolution 11, 81st Congress, 2d. Sess. (Senator East), based on the allegations of the "Communist Party" demonstration as alleged and its president of the Internal and External Security Committee.

The letter was read and referred to the Committee to report that the report was not yet completed and no report is being made until it is received in copy of the report is published.

Mr. Thompson submitted the following listed applications for complaints and report forms as follows and action of the Board was taken:

- (1) File 1-3750 - William A. Barnes, Jr., President of the West Virginia.

Mr. Thompson submitted the minutes of the Board, referred to the Committee of the Board of Review and the Committee of the Board of Review for the Board of Internal Security and action of the Board was taken as follows: This resolution was referred to the following action:

September 3, 1928.

Moved, that the case be referred back to the Chief Engineer with instructions to make further investigation of the question of interstate commerce, particularly as to whether or not orders are received from outside the State and how the orders are filled.

After consideration, the foregoing motion was adopted by the Commission and it was so ordered.

(2) File 1-2828 - Armstrong, Walter J. Marshall, George W. L. L. Harris Company.

Mr. Maynard submitted memorandum reviewing the facts and recommending that the application for copyright be dismissed.

After consideration, motion of Mr. Maynard, the application for copyright was dismissed.

(3) File 10-28 - Foreign Trade complaint of mine assistant of Mine, Nevada against the United States Valley, United Valley of New York.

The Secretary read memoranda from the report of the division, the facts and recommending that final report on the facts be made to the Department of Justice, the papers received from that department returned and the case closed. The Commissioner also received draft of letter to the Secretary of Justice.

The recommendation of the report of the division was approved and it was so ordered. The letter was also approved and ordered forwarded.

(4) File 1-111 - Foreign Trade complaint of mine assistant of Mine, Nevada against the United States Valley, United Valley of New York.

The Secretary read memoranda from the report of the division dated June 17, 1928 setting the facts and recommending that final report on the facts be made to the Department of Justice, the papers received from that department returned and the case closed. The Commissioner also received draft of letter to the Secretary of Justice.

The recommendation of the report of the division was approved and it was so ordered. The letter was also approved and ordered forwarded.

The Secretary presented the following matters of general business forwarded to the Commissioner by the heads of the several divisions with action as indicated was taken:

(1) Estimates of appropriation furnished the Bureau of the Budget.

The Secretary referred to the Board before the Bureau of the Budget on September 1st and asked instructions with respect to

September 7, 1925.

forfeited. Certain additional information with respect to the cost of work under long-range and revolving contracts is requested by the Bureau of the Budget.

The request of the Bureau of the Budget reads as follows:

"3 (a) How much will the law provide in the law reduce the cost of work for 1926?

(b) How much was estimated as cost of floor and roof investigation \$_____

(c) How much was spent to July 1, 1925 \$_____

(d) " " to be spent in 1926 \$_____

4. Costs of Electric Power \$_____

(a) \$_____

(b) \$_____

5. Costs for a certain foreign corporation \$_____

(a) \$_____

(b) \$_____

6. Costs for General Electric Company \$_____

(a) \$_____

(b) \$_____

7. All of work that cannot be completed during 1926 \$_____

(a) \$_____

(b) \$_____

The Director, reports his response heretofore the Budget Bureau and suggested, after discussion, a form of reply to be made to the Bureau of the Budget.

The Secretary was directed to draft a reply as suggested by the Chairman and submit the same to the Chairman for approval.

A true copy of the foregoing was sent from the meeting.

IN WITNESS:

Marion H. Van Fleet, Chairman.

John F. Ingram,

Charles G. East,

Huston Thompson.

P. R. Langway is sent on official business.

September 3, 1955.

(12) Reports of members, the Fleet and Land, a Committee of Members of the Congress, and others in favor of the Congress during the absence of a person on the following dates:

July 17, 1955 -	August 3, 1955 -
July 18, 1955 -	August 4, 1955 -
July 19, 1955 -	August 5, 1955 -
July 20, 1955 -	August 6, 1955 -
July 21, 1955 -	August 7, 1955 -
July 22, 1955 -	August 8, 1955 -
August 1, 1955 -	August 9, 1955 -
August 2, 1955 -	August 10, 1955 -

The Committee reports were presented by the Secretary and were approved by the Commission.

(13) On August 11, 1955, a letter from Mr. J. Davis, Attorney for the American Workers' Cooperative Association, Detroit, Michigan, requesting extensive information of the Commission on August 11, 1955.

The Commission authorized a conference with Mr. Davis for August 11, 1955, and directed the Secretary to notify Mr. Davis.

(14) On August 11, 1955, a letter from the United States Attorney, Chicago, Illinois, to the Commission's Director of August 11, 1955, with respect to information disclosed by an investigation of merger of banking corporations. The United States Attorney (1) with reference to the proceedings leading up to the merger of the United States Bank, Chicago, Illinois, against the Continental Bank, Chicago, Illinois, and (2) that to date, the investigation has not disclosed any evidence of a merger of the United States Bank, Chicago, Illinois, with the Continental Bank, Chicago, Illinois.

The Commission was asked if it had received any reply to the request in response to a letter of August 11, 1955, from Mr. J. Davis, Director of the People's Legislative Service, Washington, D. C., stating confidentially that the Commission had received information, a reported confidential banking corporation merger and that to date the Commission's investigation has not disclosed any evidence of a merger of the United States Bank, Chicago, Illinois, with the Continental Bank, Chicago, Illinois.

(15) On August 11, 1955, a letter from Mr. J. Davis, Attorney for the American Workers' Cooperative Association, Detroit, Michigan, to the Commission on August 11, 1955.

The Commission was notified.

September 9, 1935.

(6) Joint resolution of September 11, from the Chief Counsel and the Chief Prosecutor requesting the completion of a copy, begun by Miss Rachel Thomas of the Records Division, to be used in connection with the International Labor Company case and stating that the copy for this work up to September 11th shall come from the collection to the Chief Counsel.

The request was granted and it was so ordered.

(7) Subject 340 - Royal Bahian, Bender Company.

Memorandum of September 1, 1935 was received from the Chief Counsel submitted a bill of \$500, filed by Mr. George H. Chandler, for services rendered the Committee in preparing and giving testimony on behalf of the Committee during the course of this proceeding.

After consideration, the matter was referred to Mr. Harboe to gather further information and report back to the Committee.

The Committee received at 10 A.M. and transcribed at 11 P.M.

Walter T. Van Fleet,
Chairman.

Attest:

Miss E. J. Thomas,
Secretary.

RECORDED:

John F. Page, Acting Chairman,
Charles T. Ward,
John C. Jones.

Mr. Van Fleet absent on official business.
Mr. Page, absent on official business.

Present to represent the Committee was Mr. J. H. Harboe, Attorney General, who acted in support of the complaint. Attorney H. L. Phillips, counsel for the respondent, was notified by registered mail, and

September 9, 1935.
September 11, 1935.

did not appear. The meeting continued until the hour of 3:00 p.m.,
was concluded and the order taken under advisement.

Thursday, at the hour of 3:00 p.m., the Commission did attend
to meet Friday, September 11, 1935, at 10 a.m.

John F. Lynch
John F. Lynch,
Acting Chairman.

Attent:

Miss J. J. Johnson
Miss J. J. Johnson,
Secretary.

Thursday - September 10, 1935 - 12 meeting held.

MEETING OF THE BOARD OF TRUSTEES, SEPTEMBER 11, 1935.

Friday - September 11, 1935 - 10 a.m.

PRESENT:

Raymond W. Van Fleet, Chairman,
John F. Lynch,
Charles W. Smith,
Hester Thompson,
Mr. Raymond Clark.

The minutes of the meeting of September 9, 1935 were read
and approved.

Formal reports were appearing on the weekly Conference Calendar
for final determination were considered by the Commission and action
as indicated taken:

This case came before the Commission for final determination upon the following record: an affidavit August 21st from the Union Counsel; complaint; answer; testimony; report upon the facts by Fred Lindeker Woodfill; exceptions thereto by counsel for the respondent; brief by counsel for the Commission; removal of respondent's motion to dismiss. Counsel for respondent waived the filing of brief. Attorney Lindeker represents the applicant. Attorney H. L. McIlwain represents the respondent. Final argument was heard September 1, 1934.

"I have the respondent's motion to dismiss he denied except that it be granted as far as the allegations of the complaint is concerned alleging the placing of water in the cans and the sale of those cans and imported cans without the water being removed from the cans, and that as to that part of the complaint, the motion should be granted for the reason that it was impossible to determine whether or not these particular cans and cans and shippers is interstate commerce; and further have told the chief counsel as directed to prepare findings and order in accordance with the facts as developed in the case and present the case in the conclusion for approval."

(2) Forest 1234 - Forest Manufacturing Company, et al.
 Violation of this case laid over 121 days earlier.

Generalization of this value held over a full 100% exploration is possible.

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[illegible]

September 11, 1935.

(6) Letter of September 8th from the Bureau of the Budget (H. L. Lord, Director), transmitting form and requesting the Commission to prepare a consolidated report, the totals to agree with the total estimates for 1937 and appropriations for 1936.

The letter and enclosure were referred to the Secretary for attention.

(7) Memorandum of September 10th from the Acting Chairman, Board of Review, with reference to furnishing copies of stenographically reported hearings to respondents. The memorandum stated that occasionally, there are cases pending before the Board of Review of such importance that the Board is of the opinion that the hearing ought to be stenographically reported and that the Board is also of the opinion that in such cases, the respondents, if they desire copies of the stenographic report of such hearing, should be furnished such copies as transcribed without expense to them.

After consideration, it was directed that the desired copy of the stenographically reported hearings be furnished respondents without charge and that the Board of Review be so notified.

At this time Mr. Foxgrove was excused from the meeting.

PRESENT:

Walter W. Van Fleet, Chairman,
John F. Dugan,
Charles W. Hunt.

Mr. Humphrey absent.

(8) Communication from the Department of State Transatlantic report from the American Consul, Marseille, France, entitled, "Official Belgian Trade Organization at Marseille".

The report was referred to the Export Trade Division.

(9) Pamphlet entitled "Tariffs relating to Trade and Navigation of the United Kingdom".

The pamphlet was referred to the Chief Economist for his information.

(10) Letter of September 8, 1935 from the U. S. Civil Service Commission advising, notice of announcement of Departmental Clerical Promotion Examination, to be held in Washington, D. C., and requesting that the announcement be brought to the attention of all employees of the Commission who are eligible for the examination.

The letter was referred to the Secretary with instructions to bring the announcement to the attention of all employees of the Commission.

September 11, 1925.

The following matters of general business forwarded to the Commission by the heads of the several divisions were presented by the Acting Secretary and action as indicated was taken by the Commission:

- (1) File 1-1565 - United States Lumber Company, Inc. vs. American Lumber Mills Company.

A memorial of June 13, 1925 was received from the Chief Examiner transmitting stipulation signed by the proposed respondent and recommending that the stipulation be approved and the application dismissed. The Chief Examiner also recommended that the respondent be allowed sixty days, as requested by respondent, to comply with the terms of the stipulation.

After consideration, on motion of Mr. Hunt, seconded by Mr. Van Fleet, the stipulation was accepted and the application was dismissed and the recommendation of the Chief Examiner that respondent be allowed sixty days to comply with the terms of the stipulation approved.

Mr. Hunt voted "no" and asked that his dissent be noted.

In the further remarks, it was ordered, on motion of Mr. Van Fleet seconded by Mr. Hunt, that the Chief Clerk be instructed hereafter, to draft stipulations in the name of the Federal Trade Commission and not in the name of the Chief Examiner.

- (2) File 1-1512 - United States Lumber Company, Inc. vs. the United States Lumber Company, Inc. vs. the United States Lumber Company, Inc.

A memorial of June 13, 1925 was received from the Chief Examiner transmitting stipulation signed by the proposed respondent and recommending that the stipulation be approved and the application dismissed.

After consideration, on motion of Mr. Van Fleet, seconded by Mr. Hunt, the recommendation of the Chief Examiner was approved and the stipulation accepted and the application dismissed.

Mr. Hunt voted "no" and asked that his dissent be noted.

In the further remarks, on motion of Mr. Van Fleet, it was ordered that the Chief Examiner be instructed that in any case where forwarding stipulations to the Commission, he inform the Commission briefly of the substance of the stipulation.

- (3) File 1-1565 - United States Lumber Company, Inc. vs. American Lumber Mills Company.

A memorial of June 13, 1925 was received from the Chief Examiner transmitting stipulation signed by the respondent and recommending that the stipulation be approved and the application dismissed.

After consideration, on motion of Mr. Hunt, seconded by Mr. Van Fleet, the recommendation of the Chief Examiner was approved and the stipulation accepted and the application dismissed.

Mr. Hunt voted "no" and asked that his dissent be noted.

1895-1896 11, 1325.

(4) 8310.1-5417 - E. J. Long, Company President, 10101
10110, Los Angeles

Information of July 24, 1955 was received from the Chief Engineer, Jacksonville, stipulating, signed by the proposed respondents and recommending, to the stipulations proposed and the application dismissed.

After consideration, on motion of Mr. Hunt, accepted by Mr. Van Fleet, the recommendation of the Chief Counsel was approved, the stipulation accepted and the application dismissed.

1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 26

(3) Page 1-Page 4, 1999, *Impey vs. Leeman Printing, LLC*,
 Appellate, 4/24/09, 1999 was received from the Chief
 Justice transmitting stipulations signed by the proposed Page 1
 and recommending (i) that the stipulation be accepted and the
 objection dismissed; and (ii) that no objection be entered since
 Page 1, 1999 is an ex parte stipulation and subject to the
 terms of the stipulation.

offer consideration, an offer of \$1.00, accepted by Mr. J. H. West. The management and of the C. I. S. Inc. was approved, the organization accepted and the application submitted; and management allowed only \$1.00 to be used to transfer, to the terms of the organization.

1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 26

(5) State Involvement in Child Welfare, 1976-1977, 114 pp., \$2.00.
 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2

Paragraphs of Item 17a was modified from the draft for the meeting and the issue of cost by the proposed respondent and recommended that the stipulation, supported in the application, be dropped. The brief in Item 17a also recommended that the respondent be granted a time extension, as an actual filing date is with respect to the terms of the stipulation.

After some iteration, an edition of the form, suggested by the first three, the necessary changes of the chief had been made. Indeed, the suggestions accepted of the English side had been. The requirement was granted a time difference was instead of day in a to conform to the terms of the translation.

... ..

Figure 1. The effect of the concentration of the H_2O_2 solution on the amount of the released H_2O_2 from the H_2O_2 -loaded hydrogel. The amount of the released H_2O_2 was measured by the amount of the released H_2O_2 from the H_2O_2 -loaded hydrogel. The amount of the released H_2O_2 was measured by the amount of the released H_2O_2 from the H_2O_2 -loaded hydrogel.

Generation of the data was verified from the initial interview concerning all factors related to the questioned respondent and the following data to the other two persons, as it was possible to be obtained.

After consideration, an action of P. S. C. resulted prior to the date of presentation of the bill. The law was approved, the legislation related to the bill was dismissed.

1944

September 11, 1935.

(8) File 1-3359 - Hart Brothers vs. Leonardo Novelty Company.
Memorandum of August 23, 1935 was received from the Chief Examiner transmitting two stipulations, one of which covers the misbranding of silverware as "Sheffield" plate, etc., and the other, the pricing-up of artificial pearls. The Chief Examiner recommended that these stipulations be accepted and the application dismissed.

After consideration, on motion of Mr. Hunt, seconded by Mr. Van Fleet, the recommendation of the Chief Examiner was approved, the stipulation accepted and the application dismissed.

Mr. Nugent voted 'no' and asked that his dissent be noted.

(9) File 1-3362 - Wyoming Wool Growers' Association vs. Burleigh-Bakers, et al.

Memorandum of July 18th was received from the Chief Examiner transmitting stipulation signed by the proposed respondents and recommending that the stipulation be approved and the application dismissed.

After consideration, on motion of Mr. Hunt, seconded by Mr. Van Fleet, the recommendation of the Chief Examiner was approved and the stipulation accepted and the application dismissed.

Mr. Nugent voted 'no' and asked that his dissent be noted.

(10) File 1-3342 - Alan H. Hirschbach vs. Pain Knitting Mills, Inc.
Supplemental report dated July 29th was received from the Board of Review, transmitting stipulation and recommending that the stipulation be approved and the application dismissed.

After consideration on motion of Mr. Hunt, seconded by Mr. Van Fleet, the recommendation of the Board of Review was approved, the stipulation accepted and the application dismissed.

Mr. Nugent voted 'no' and asked that his dissent be noted.

(11) File 1-3384 - Chicago Association of Candy Jobbers vs. Geiger Candy Company.

Memorandum of August 21st was received from the Chief Examiner reporting the facts and recommending that authority be granted the Chief Examiner to negotiate a stipulation under the rule and report to the Commission.

After consideration, on motion of Mr. Hunt, seconded by Mr. Van Fleet, the recommendation of the Chief Examiner was approved and the case returned to the Chief Examiner to be handled by stipulation under the rule.

Mr. Nugent asked that his dissent be noted.

(12) File 1-3945 - Mac-Scul Textile Mills, Inc. vs. Slaten Knitting Company.

Memorandum of August 24th was received from the Chief Examiner reporting the facts and recommending that authority be granted the

September 11, 1938.

Chief Examiner to negotiate a stipulation under the rule and report to the Commission.

After consideration, on motion of Mr. Hunt, approved by Mr. Van Fleet, the Commission ordered the Chief Examiner to report on the case returned to the Chief Examiner to be handled by stipulation under the rule.

Mr. Hunt asked that his dissent be noted.

(13) File 1-10374 - United States v. Joseph W. United States v. Joseph W. Joseph.

Memorandum of June 11th was received from the Chief Examiner reporting the facts and recommending that authority be granted the Chief Examiner to negotiate a stipulation under the rule and report to the Commission. After consideration, on motion of Mr. Hunt, approved by Mr. Van Fleet, the Commission ordered the Chief Examiner to report on the case returned to the Chief Examiner to be handled by stipulation under the rule.

Mr. Hunt asked that his dissent be noted.

(14) File 1-10375 - United States v. William W. United States v. William W. William.

Memorandum of June 11th was received from the Chief Examiner reporting the facts and recommending that authority be granted the Chief Examiner to negotiate a stipulation under the rule and report to the Commission.

On motion of Mr. Hunt, approved by Mr. Van Fleet, the Commission ordered the Chief Examiner to report on the case returned to the Chief Examiner to be handled by stipulation under the rule.

Mr. Hunt asked that his dissent be noted.

(15) File 1-10376 - United States v. Joseph W. United States v. Joseph W. Joseph.

Memorandum of June 11th was received from the Chief Examiner reporting the facts and recommending that authority be granted the Chief Examiner to negotiate a stipulation under the rule and report to the Commission.

After consideration, on motion of Mr. Hunt, approved by Mr. Van Fleet, the Commission ordered the Chief Examiner to report on the case returned to the Chief Examiner to be handled by stipulation under the rule.

(16) File 1-10377 - United States v. William W. United States v. William W. William.

Memorandum of June 11th was received from the Chief Examiner reporting the facts and recommending that authority be granted the Chief Examiner to negotiate a stipulation under the rule and report to the Commission.

September 11, 1935.

After consideration, on motion of Mr. Hunt, seconded by Mr. Van Fleet, the recommendation of the Chief Justice was approved and the case returned to the Chief Justice to be handled by stipulation under the rule.

(17) File 1-2212 - R. F. Tolson, vs. J. F. Johnson & Company. Information of same date was received from the Chief Justice reporting the fact that the stipulation was granted the Chief Justice to stipulate a stipulation under the rule and report to the Commission.

After consideration, on motion of Mr. Van Fleet, seconded by Mr. Hunt, the recommendation of the Chief Justice was approved and the case returned to the Chief Justice to be handled by stipulation under the rule.

Mr. Tolson asked that his name be noted.

(18) File 1-2212 - Tolson vs. Johnson & Company. Information of same date was received from the Chief Justice reporting the fact that the stipulation was granted the Chief Justice to stipulate a stipulation under the rule and report to the Commission.

On motion of Mr. Van Fleet, seconded by Mr. Hunt, the recommendation of the Chief Justice was approved and the case returned to the Chief Justice to be handled by stipulation under the rule.

Mr. Tolson asked that his name be noted.

Mr. Tolson asked that his name be noted.

(19) Tolson vs. Johnson & Company.

Information of September 11 was received from the Chief Justice reporting the fact that the stipulation was granted the Chief Justice to stipulate a stipulation under the rule and report to the Commission. In this case, the stipulation was granted the Chief Justice to stipulate a stipulation under the rule and report to the Commission. The stipulation was granted the Chief Justice to stipulate a stipulation under the rule and report to the Commission.

After consideration, the recommendation of the Chief Justice was approved and the case returned to the Chief Justice to be handled by stipulation under the rule. On September 11, 1935, at 2 p.m., with instructions to the Secretary to notify interested parties, registered with the Commission.

(20) Letter of September 11 was received from Tolson vs. Johnson & Company. Information of same date was received from the Chief Justice reporting the fact that the stipulation was granted the Chief Justice to stipulate a stipulation under the rule and report to the Commission.

The recommendation was adopted.

March 23, 1925.

October 24, 1925.

(21) Report of the Secretary, (Blackburn, Henderson and
Hatch) to the end of August 1906 for the fleet for 1906.

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1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 2680, 26

Arrived at the door at 11:30 a.m., the woman who
I changed to suit mother, September 13, 1938 at 12 noon.

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Figure 1

[illegible]
$$\frac{1}{2} \frac{d}{dt} \left(\frac{1}{2} \frac{d}{dt} \right) = \frac{1}{2} \frac{d^2}{dt^2}$$
$$f_{\text{max}} = 100 \text{ Hz} \quad \text{and} \quad f_{\text{min}} = 10 \text{ Hz} \quad \text{and} \quad f_{\text{max}} = 100 \text{ Hz} \quad \text{and} \quad f_{\text{min}} = 10 \text{ Hz}$$

1. The first group of people who are interested in the study of the history of the United States are the people who are interested in the history of the United States.

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Requested to report to the Commission a telegram of
August 19, 1948 from Lee E. Davis, Detroit, Michigan, calling
for the formation of a "cooperative association" for further
conference with the Commission in connection with the report on
the Detroit labor strike, requested in response to a prior
invitation for a Detroit telegram to the Commission dated
April 1, 1948 and was so called, regarding the association,
appeared in very short supply in view of the conditions for

September 14, 1935.

Another presentation of the Cooperative Association and of the funds suggested by it by an individual other than Executive Earl S. Wilson, Mr. W. T. Fisher, attorney for the Association, was also presented. H. H. Anderson of the Association's staff was present. The meeting was stenographically reported. The title of the subject of the Association was taken under advisement by the Commission.

The minutes of the meeting of September 14, 1935 were read and approved.

Mr. Lugent presented the following listed application for complaint and action as indicated and taken by the Board:

- (1) File 1-3879 - Public Information Bureau of the United States Industrial vs. Financing Products Company, et al.

Mr. Lugent stated that this application was direct to the Commission from the Chief Counsel, without reference to the Board of Review, pursuant to the rule of December 3, 1934.

Mr. Lugent submitted a copy of the petition filed by the firm, "Lugent," with the record evidence and the attorney-liquidated the chief finding that the application as disclosed, and reason being that original issue.

The Commission was held after deliberation, on notice of Mr. Lugent, recorded by Mr. Thompson, the Executive Director of the complaint issue charging the United States Industrial vs. et al., with violation of the Federal Trade Commission Act.

For this was referred to the Chief Counsel for preparation of complaint, pursuant to the rule, the rule to be served by the Commission. Subsequent further action by the Commission.

- (2) File 1-4000 - Bureau of the State of New York, Inc. vs. United States Industrial vs. et al. (Lugent)

Mr. Lugent submitted the petition of September 14, recorded by the record, also recorded, with the recommendation of the Board of Review to the Board of Review as suggested by the application. A finding of December 14, 1934 that the Commission failed to accept the application of that firm's complaint issue.

The Commission was held after deliberation, on notice of Mr. Lugent, recorded by Mr. Thompson, the Executive Director of the complaint issue charging the United States Industrial vs. et al., with violation of the Federal Trade Commission Act.

September 14, 1935.

The file was referred to the Chief Counsel for preparation of complaint pursuant to the rule, the case to be served by the board, or without further action by the commission.

(b) File 1-1885 - Correll-Hulse Company, et al vs. E. Israel. Mr. Ingersoll advised representation of E. Israel with the filing, disagreeing with the recommendation of the board of review, that the application be dismissed was recommending that further investigation be made.

The commission was read and after consideration, conclusion of Mr. Ingersoll, reached by Mr. Thompson, the file was referred to the Chief Counsel for further investigation in accordance with Mr. Ingersoll's recommendation.

Mr. Ingersoll presented the following applications for complaint and action as hereinafter was taken by the commission:

(1) File 1-1886 - E. I. Hill vs. American Electric Company. Mr. Ingersoll presented representation of E. I. Hill, the review, the record, disagreeing with the recommendation of the board of review that further investigation be made and recommended that the case be referred to the Chief Counsel to be handled by stipulation under the rule.

The commission was read and after consideration, Mr. Ingersoll presented the following action, which was accepted by Mr. Thompson:

Order, that the file be referred to the Chief Counsel to be handled by stipulation under the rule.

In the application for the foreign nation, it was moved by Mr. Ingersoll, reached by Mr. Thompson, that complaint be made against the American Electric Company with violation of the Federal Trade Commission Act.

Vote was taken upon the application motion. The vote was motion, motion, vote and the vote was taken in the affirmative and motion. The first and last vote in the negative. The commission motion was lost on the vote.

Vote was taken upon the application motion. The vote was motion, motion, vote and the vote was taken in the affirmative and motion. The first and last vote in the negative. The commission motion was lost on the vote.

Under the rule of June 22, 1935, the file was referred to Mr. Thompson, the Chief Counsel, for report.

September 14, 1938.

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1. The Board of Directors of the Corporation is hereby authorized to execute and deliver, or to cause to be executed and delivered, any and all documents, instruments, and contracts, and to do all such acts and things, as may be necessary or proper to carry out the purposes of the Corporation, and to do all such acts and things, as may be necessary or proper to carry out the purposes of the Corporation, and to do all such acts and things, as may be necessary or proper to carry out the purposes of the Corporation.

The defendant was sent up after breakfast, on orders of Mr. Bond, the foreman directed that defendant be confined in the jail on East Second Street of the Federal Prison Commission, St.

The file was referred to the JIC Council for preparation of a report under the code, but was to be served by the Secretary of State for Foreign Affairs, as recommended.

(1) July 1992 - American Film Institute (AFI) ranked
1st of 1000.

2. That said child's membership of said club terminated, and that said person, who is now deceased, was the last of said child's family, and that said child, as deceased, was the last of said person's family.

The undersigned was read and after deliberation, he said offered the following motion, which was seconded by Mr. Joe Burns

1948, 1949, and 1950/1951 he accepted and the
university for several decades.

As to the foregoing motion, Messrs. Van Fleet and Hunt voted in the affirmative and Messrs. Jones and Thompson voted in the negative. The motion was lost on the vote.

Pursuant to the rules of June 11, 1939, the file was
 referred to Mr. Thompson, the Special Investigator, for report.

(4) WILLIAMSON - ROBERTSON REPORT, INC., 1000 MILLER AVENUE, S.W., D.C.

Mr. and Mrs. [redacted] in their application to be placed on the
 Classification, Form No. 10 of [redacted] advised extensive use of
 south of [redacted], [redacted] on the night of December 4, 1943.

12. I have submitted a statement of explanation and reviewed the record, concluding, in the opinion of me and the majority of the members of the Board, that the charges are not sustained.

On 12 April 1968, the defendant was interviewed, on return of the car, the explanation was given for lack of telephone call.

(5) File 1-3740 - Interest in American People, Inc., reg. no. 6041, 1945-1946, 1948, 1949.

Mr. Earl Babb noted on August 1, 1964, reviewing the January 1964 report, that the records reflect the receipt of a copy and correspondence, that the case was closed by the Bureau.

The handwritten was filed with a copy of a letter of Mr. Hunt, forwarded by Mr. C. H. Frost, the application for a patent was disclosed to the public.

September 18, 1935.

(6) File 1-3428 - G. W. Zandall Company, Inc. vs. New York
East Air Company, et al.

Mr. Zandall stated that this application was direct to the
Commission from the Chief Judge without reference to the Board
of Review, pursuant to the rule of December 4, 1931.

Mr. Zandall presented no evidence of any other review, the
facts as occurring in the recommendation of the Chief Judge that
the application be dismissed.

After consideration, an action of Mr. Zandall, the application
for review was dismissed by the Commission.

4. The court submitted the following listed applications for
complaint and action as indicated was taken:

(1) File 1-3420 - Giff Brothers Company, Inc. vs. J. L. Bland

Mr. Bland stated that this application was direct to the
Commission from the Chief Judge without reference to the Board
of Review pursuant to the rule of December 4, 1931.

Mr. Bland stated the facts in the case and stated that
no evidence in the recommendation of the Chief Judge that the
application be dismissed.

After consideration, an action of Mr. Bland, the application
for complaint was dismissed by the Commission.

(2) File 1-3421 - American Film Sales Company, Inc. vs. John
L. Bland

Mr. Bland stated that this application was direct to
the Commission from the Chief Judge without reference to the
Board of Review, pursuant to the rule of December 4, 1931.

Mr. Bland presented no evidence of any other review, the
facts, dispositive, with the recommendation of the Chief Judge
that the application be dismissed and that the complaint be
dismissed.

The Commission was then notified of the above, Mr. Bland
offered the following action, which was suggested by Mr. Bland:

That, the complaint issue charging the sale of
John L. Bland with violation of the Federal Trade
Commission Act.

In an affidavit for the foregoing action, it was stated
that Mr. Bland, defendant, Mr. Bland, is a resident of New York
City, New York.

That was taken from the complaint action. As to this action,
Mr. Bland was then notified in the affirmative and adverse.
The action was then notified in the affirmative. The complaint action
was then notified in the affirmative.

Immediate to the rule of June 15, 1935, New File was referred to Mr. Langstaff, the oldest Commissioner, for his act.

(1) Boston 62 - 473 - The Communist Party's
Registration, et al.

(Continued) With your permission to go, Mr. Tolson, I would like to be relieved upon the telephone with a view of date of leaving, before the deposition is taken, by letter of 21, 1945 at 1:30 p.m.

The report was found by the London Police and the FBI. It was not clear if the file is a copy of the original or not.

Mr. Huggins stated that the witness was requested to return to conduct this hearing on 2/20/68 but he has no obligation.

(3) A letter of opinion of 1936 was received from the Chief Engineer stating that the Ohio State Pharmaceutical Association was offering a plan similar to that followed by the New York Pharmaceutical Association, Inc., et al., who were in file 11-1077 and recommending that an application be accepted in the case of the Association which the Ohio State Pharmaceutical Association charged conspiracy to boycott the goods of defendant here who refuse to cooperate with them in the maintenance of monopoly prices.

The recommendation of the Chief Engineer was approved and it was so ordered.

September 14, 1925.

(5) Letter 1174 - Clayton W. Berry Company.

Memorandum of September 10th was received from the Chief Counsel of Mining, who requested for the respondent, Berry Co. (Berry), will be unable to appear before the Commission on September 15th to argue this case and recommending that final judgment be postponed from September 15th to the 22nd at 2 p.m.

The recommendation of the Chief Counsel was approved and the case postponed from September 15th to September 22nd at 2 p.m., with the direction to the Secretary to notify interested parties by registered mail.

(6) Appeal of Doctor H. W. B. of the Kentucky Division.

In accordance with the Commission's action of July 2, 1925, the Secretary reported his consideration of the appeal of Dr. B. for admission into Professional Grade I to Professional Grade II, and stated that he favored the appeal.

After consideration, it was ordered that the appeal be forwarded to the Personnel Classification Board with the Commission's appeal in the regular course.

(7) Letter of September 10th was received from the Chief

Counsel, William S. Bailey, transmitting appeal to the Personnel Classification Board regarding the suspension of the position of Chief Examiner assigned from P & S Grade 1 to P & S Grade 2.

It was directed by the Commission to the appeal be forwarded to the Board and classification board with the Commission's appeal in the regular course.

(8) Letter of September 10th from Samuel H. Bailey, former

clerk in the Kentucky Division, retired June 1925, who has been generally incapacitated with illness to resume his service, making formal application for reinstatement. The letter was received 10:15 a.m. and for information of the Chief Counsel of Mining, it was a vacancy existed to which Mr. Bailey could be assigned if the Commission decided that his claim for reinstatement was valid.

It was directed that the papers be circulated.

(9) Memorandum of September 11 from the Secretary, regarding the transfer of cases on the Wagoner case of Captain W. L. H. The case was referred to the Chief Counsel for consideration.

(10) The transfer of September 11th was received from the Chief Counsel of Mining, W. S. Bailey, transmitting letter of August 1st from J. L. Cherry, requesting permission to copy the following records of the Kentucky State Division:

2000

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4) Packet 1800 - 11 Aug 1944 - Little, John A., Inc.
An order of June 66 was received from the Chief Counsel
of the Department of Justice, which stipulated certain facts in
relation to the testimony of witnesses heretofore taken before
the War Relocation Authority and during the war.
The file was forwarded July 1944. Following the
above mentioned stipulations of the order, the witnesses
were called by the War Relocation Authority.

Figure 1

[illegible]

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific information required.

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420 2000 4 22

August 20, 1933.

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Remains to arrange on the location of the new plant, which is located near the Murphy Bros. Store, and also on the support of the project. Monday, 1. 1. 1934, when the new plant is to be located. The location of the new plant is to be near the Murphy Bros. Store, and also on the support of the project.

1. 1970-1971, 2. 1972-1973, 3. 1974-1975, 4. 1976-1977, 5. 1978-1979, 6. 1980-1981, 7. 1982-1983, 8. 1984-1985, 9. 1986-1987, 10. 1988-1989, 11. 1990-1991, 12. 1992-1993, 13. 1994-1995, 14. 1996-1997, 15. 1998-1999, 16. 2000-2001, 17. 2002-2003, 18. 2004-2005, 19. 2006-2007, 20. 2008-2009, 21. 2010-2011, 22. 2012-2013, 23. 2014-2015, 24. 2016-2017, 25. 2018-2019, 26. 2020-2021, 27. 2022-2023, 28. 2024-2025, 29. 2026-2027, 30. 2028-2029, 31. 2030-2031, 32. 2032-2033, 33. 2034-2035, 34. 2036-2037, 35. 2038-2039, 36. 2040-2041, 37. 2042-2043, 38. 2044-2045, 39. 2046-2047, 40. 2048-2049, 41. 2050-2051, 42. 2052-2053, 43. 2054-2055, 44. 2056-2057, 45. 2058-2059, 46. 2060-2061, 47. 2062-2063, 48. 2064-2065, 49. 2066-2067, 50. 2068-2069, 51. 2070-2071, 52. 2072-2073, 53. 2074-2075, 54. 2076-2077, 55. 2078-2079, 56. 2080-2081, 57. 2082-2083, 58. 2084-2085, 59. 2086-2087, 60. 2088-2089, 61. 2090-2091, 62. 2092-2093, 63. 2094-2095, 64. 2096-2097, 65. 2098-2099, 66. 2100-2101, 67. 2102-2103, 68. 2104-2105, 69. 2106-2107, 70. 2108-2109, 71. 2110-2111, 72. 2112-2113, 73. 2114-2115, 74. 2116-2117, 75. 2118-2119, 76. 2120-2121, 77. 2122-2123, 78. 2124-2125, 79. 2126-2127, 80. 2128-2129, 81. 2130-2131, 82. 2132-2133, 83. 2134-2135, 84. 2136-2137, 85. 2138-2139, 86. 2140-2141, 87. 2142-2143, 88. 2144-2145, 89. 2146-2147, 90. 2148-2149, 91. 2150-2151, 92. 2152-2153, 93. 2154-2155, 94. 2156-2157, 95. 2158-2159, 96. 2160-2161, 97. 2162-2163, 98. 2164-2165, 99. 2166-2167, 100. 2168-2169, 101. 2170-2171, 102. 2172-2173, 103. 2174-2175, 104. 2176-2177, 105. 2178-2179, 106. 2180-2181, 107. 2182-2183, 108. 2184-2185, 109. 2186-2187, 110. 2188-2189, 111. 2190-2191, 112. 2192-2193, 113. 2194-2195, 114. 2196-2197, 115. 2198-2199, 116. 2200-2201, 117. 2202-2203, 118. 2204-2205, 119. 2206-2207, 120. 2208-2209, 121. 2210-2211, 122. 2212-2213, 123. 2214-2215, 124. 2216-2217, 125. 2218-2219, 126. 2220-2221, 127. 2222-2223, 128. 2224-2225, 129. 2226-2227, 130. 2228-2229, 131. 2230-2231, 132. 2232-2233, 133. 2234-2235, 134. 2236-2237, 135. 2238-2239, 136. 2240-2241, 137. 2242-2243, 138. 2244-2245, 139. 2246-2247, 140. 2248-2249, 141. 2250-2251, 142. 2252-2253, 143. 2254-2255, 144. 2256-2257, 145. 2258-2259, 146. 2260-2261, 147. 2262-2263, 148. 2264-2265, 149. 2266-2267, 150. 2268-2269, 151. 2270-2271, 152. 2272-2273, 153. 2274-2275, 154. 2276-2277, 155. 2278-2279, 156. 2280-2281, 157. 2282-2283, 158. 2284-2285, 159. 2286-2287, 160. 2288-2289, 161. 2290-2291, 162. 2292-2293, 163. 2294-2295, 164. 2296-2297, 165. 2298-2299, 166. 2300-2301, 167. 2302-2303, 168. 2304-2305, 169. 2306-2307, 170. 2308-2309, 171. 2310-2311, 172. 2312-2313, 173. 2314-2315, 174. 2316-2317, 175. 2318-2319, 176. 2320-2321, 177. 2322-2323, 178. 2324-2325, 179. 2326-2327, 180. 2328-2329, 181. 2330-2331, 182. 2332-2333, 183. 2334-2335, 184. 2336-2337, 185. 2338-2339, 186. 2340-2341, 187. 2342-2343, 188. 2344-2345, 189. 2346-2347, 190. 2348-2349, 191. 2350-2351, 192. 2352-2353, 193. 2354-2355, 194. 2356-2357, 195. 2358-2359, 196. 2360-2361, 197. 2362-2363, 198. 2364-2365, 199. 2366-2367, 200. 2368-2369, 201. 2370-2371, 202. 2372-2373, 203. 2374-2375, 204. 2376-2377, 205. 2378-2379, 206. 2380-2381, 207. 2382-2383, 208. 2384-2385, 209. 2386-2387, 210. 2388-2389, 211. 2390-2391, 212. 2392-2393, 213. 2394-2395, 214. 2396-2397, 215. 2398-2399, 216. 2400-2401, 217. 2402-2403, 218. 2404-2405, 219. 2406-2407, 220. 2408-2409, 221. 2410-2411, 222. 2412-2413, 223. 2414-2415, 224. 2416-2417, 225. 2418-2419, 226. 2420-2421, 227. 2422-2423, 228. 2424-2425, 229. 2426-2427, 230. 2428-2429, 231. 2430-2431, 232. 2432-2433, 233. 2434-2435, 234. 2436-2437, 235. 2438-2439, 236. 2440-2441, 237. 2442-2443, 238. 2444-2445, 239. 2446-2447, 240. 2448-2449, 241. 2450-2451, 242. 2452-2453, 243. 2454-2455, 244. 2456-2457, 245. 2458-2459, 246. 2460-2461, 247. 2462-2463, 248. 2464-2465, 249. 2466-2467, 250. 2468-2469, 251. 2470-2471, 252. 2472-2473, 253. 2474-2475, 254. 2476-2477, 255. 2478-2479, 256. 2480-2481, 257. 2482-2483, 258. 2484-2485, 259. 2486-2487, 260. 2488-2489, 261. 2490-2491, 262. 2492-2493, 263. 24

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1. $\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$

1. *Chlorophyll a* (Chl *a*)

Figure 1. Schematic representation of the experimental design. The subjects were divided into two groups: the control group and the experimental group. The control group was divided into two subgroups: the control group and the control group. The experimental group was divided into two subgroups: the experimental group and the experimental group. The control group was divided into two subgroups: the control group and the control group. The experimental group was divided into two subgroups: the experimental group and the experimental group.

$\frac{d}{dt} \left(\frac{1}{2} m v^2 \right) = \frac{d}{dt} \left(\frac{1}{2} m \dot{x}^2 + \frac{1}{2} m \dot{y}^2 + \frac{1}{2} m \dot{z}^2 \right)$

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$\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$

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[illegible]

1. *Chlorophyll a* (Chl *a*)

[illegible]
$$x^2 + y^2 = z^2 \quad x^2 + y^2 = w^2 \quad x^2 + y^2 = v^2 \quad x^2 + y^2 = u^2$$

September 16, 1928.

The Committee presented the following motions and matters for consideration taken by the Commission:

(1) Letter of September 11th from the Department of State transmitting copy of a dispatch dated July 29, 1928 from the American Consul General, Cape Town, South Africa, relating to the sale to South African of publications of American publishers imported by certain licensed importers and requesting that the Department be furnished for transmission to the United States at Cape Town of publications or copies of the same to the Commission for its consideration.

The letter was read and referred to the Secretary for preparation of reply showing copy of the Commission's second report, recommending the same and stated by the Committee and also copies of reports, findings and recommendations to the subject of the inquiry.

(2) Draft of letter to the Bureau of the Library of Congress, certain additional information with respect to collection of material to conduct inquiries in response to pending Senate resolutions requested by the subject Bureau Committee before also representatives of the Commission, dated September 11, 1928 for consideration of appropriate action for the financial year 1929.

The letter was read and after consideration, Mr. J. J. Brown reported the same to the Committee and stated that it was his aim to the effect that in the conduct of inquiries and in the collection of material there, are all phases of the situation every to consider as well as the legal phase.

A objection was offered to the draft of the letter of the Chairman by Mr. J. J. Brown and the letter was accordingly referred to Mr. J. J. Brown for his suggestions and constructive and it was then after consideration by the Commission for approval and for forwarding.

Mr. J. J. Brown called up for consideration, the request made to the Commission of a hearing on September 16, 1928, by representatives of the United Producers' Legislative Association in connection with Senate Resolution 529, adopted February 2, 1928, (Senator Hunt), as above respectfully reported, that another Committee is assigned to check the work of Producer Mr. J. J. Brown and to make inquiry with respect to audit and books to be for done by the association.

The Commission considered the request of the subject Association and after discussion, it was agreed that letter of Mr. J. J. Brown, recorded by Mr. J. J. Brown, (1) pursuant to the request of the Association and in accordance with the same, that another Committee be

February 17, 1975.

assigned by the Chief Examiner to the work, said now there is no one man in the Department connected with the investigation; and (2) in accordance with the further request of the Association (and, I, Chief of the Nevada Bureau of Investigation, would like to believe, State Bureau), is requested to appear before the Jury, also, at a time certain to be arranged by the Secretary during the week of October or week for examination by the Jury, and that the Committee notify the Nevada Bureau of Investigation of the Bureau Bureau Company and the appropriate authorities of the State of Nevada, indeed, also, is advised with the object that the representation of the Committee may be presented if they so desire.

628 2007 6

The following matters of general interest presented to the committee by the heads of the several Divisions were presented by the Director, and action as suggested was taken by the committee.

(2) Decret 1981 - Sistemul de studii.

[illegible]

4. The above information was obtained from the report of the Director of the Bureau of the Census, U.S. Department of Commerce, dated 10/1/50, and is being furnished for your information.

(2) In the case of a child under 18 years of age, the child shall be placed in the custody of a parent or other person who is capable of providing for the child's needs and who is not a person who has been convicted of a crime involving child abuse or neglect.

Figure 1. The effect of the initial concentration of the monomer on the polymerization of α -methylstyrene initiated by BuLi in THF at -78°C . The concentration of the initiator was 1.0×10^{-2} mole/l. The polymerization was terminated by the addition of methanol.

(7) Issuance of copies or extracts relating directly to the further transmittal of the "York County" paper manufactured by the "York County, Pennsylvania, Paper Company" to the Editor of the "York County" paper. The Chief Justice received (1) that the parties agreed, (2) that the notice of such violation will not come out until the result of the appeal is "The People v. ...", and that (3) that if a complaint is issued on that day, it will be announced out of the court and out of the chamber.

$\frac{d}{dt} \left(\frac{\partial L}{\partial \dot{x}} \right) = \frac{\partial L}{\partial x}$

10



September 10, 1943.

Revised, and the recommendation of the Chief
Inspector is approved, the stipulations accepted
and the application for complete is filed.

In consideration for the foregoing action, the following
was offered by Mr. Agent, recorded by Mr. The Agent:

Revised, and the stipulations be referred to
the complete case.

There was taken upon the stipulations. As to this
case, the Agent and the Agent voted in the affirmative and
the Chief and Agent voted in the negative. The Agent still
voted in the affirmative.

There was taken upon the stipulations. As to this
case, the Agent and the Agent voted in the affirmative and
the Chief and Agent voted in the negative. The Agent still
voted in the affirmative.

There was taken upon the stipulations. As to this
case, the Agent and the Agent voted in the affirmative and
the Chief and Agent voted in the negative. The Agent still
voted in the affirmative.

(1) Val 1-2075 - Chief Inspector Bureau of the Chief
Inspector of the Bureau of the Chief Inspector,
Inc.

There was taken upon the stipulations. As to this
case, the Agent and the Agent voted in the affirmative and
the Chief and Agent voted in the negative. The Agent still
voted in the affirmative.

Revised, and the stipulations be referred to
the complete case.

In consideration for the foregoing action, the following
was offered by Mr. Agent, recorded by Mr. The Agent:

Revised, and the stipulations be referred to
the complete case.

There was taken upon the stipulations. As to this
case, the Agent and the Agent voted in the affirmative and
the Chief and Agent voted in the negative. The Agent still
voted in the affirmative.

September 18, 1905.

Note was thereupon taken upon the original motion, as to this matter, Messrs. Van Fleet and Hunt voted in the affirmative and Messrs. Bagert and Thompson voted in the negative. The motion was lost on the vote.

Pursuant to the rule of June 22, 1905, the case was referred to Mr. Thompson, the chief clerk, to report his deciding vote.

(2) Case 1-8788 - *Standard Oil Company, Inc. vs. Standard Oil Company*.

On motion of Mr. Hunt was moved on from the case for transmitting stipulations signed by the proposed respondents and demanding that the stipulations be accepted and the application dismissed.

On the motion, Mr. Hunt and the stipulations were read. In answer, the following motion was offered by Mr. Van Fleet, seconded by Mr. Hunt:

Resolved, that the respondents of the case for transmitting stipulations signed by the proposed respondents and demanding that the stipulations be accepted and the application dismissed.

In substitution for the foregoing motion, the following motion was offered by Mr. Bagert, seconded by Mr. Thompson:

Resolved, that the stipulations be accepted and the case dismissed.

Note was taken upon the substitute motion, as to this motion Messrs. Bagert and Thompson voted in the affirmative and Messrs. Van Fleet and Hunt voted in the negative. The substitute motion was lost on the vote.

Note was thereupon taken upon the original motion, as to this motion, Messrs. Van Fleet and Hunt voted in the affirmative and Messrs. Bagert and Thompson voted in the negative. The motion was lost on the vote.

Pursuant to the rule of June 22, 1905, the case was referred to Mr. Thompson, the chief clerk, to report his deciding vote.

(3) Case 1-8789 - *Standard Oil Company, Inc. vs. Standard Oil Company*.

On motion of Mr. Hunt was moved on from the case for transmitting stipulations signed by the proposed respondents and demanding that the stipulations be accepted and the application dismissed. The motion was seconded by Mr. Thompson and the stipulations were read. In answer, the following motion was offered by Mr. Van Fleet, seconded by Mr. Hunt:

September 15, 1945.

The following was read in the Court: Motion No. 1 of the Plaintiff, to set aside the verdict of the jury, was offered by Mr. [Name], assisted by Mr. [Name].

It was stated that the recommendation of the jury was approved, the stipulation accepted, and that the Court would set aside the verdict of the jury and take jurisdiction for a new trial.

In the stipulation for the foregoing motion, the following was offered by Mr. [Name], assisted by Mr. [Name]:

That, to the stipulation of the Plaintiff, that the Court set aside the verdict of the jury.

There was taken upon the stipulation motion, to the effect that the Plaintiff, to set aside the verdict of the jury, was approved, the stipulation accepted, and that the Court would set aside the verdict of the jury and take jurisdiction for a new trial.

There was taken upon the stipulation motion, to the effect that the Plaintiff, to set aside the verdict of the jury, was approved, the stipulation accepted, and that the Court would set aside the verdict of the jury and take jurisdiction for a new trial.

There was taken upon the stipulation motion, to the effect that the Plaintiff, to set aside the verdict of the jury, was approved, the stipulation accepted, and that the Court would set aside the verdict of the jury and take jurisdiction for a new trial.

(11) Motion No. 1 - To the effect that the Plaintiff, to set aside the verdict of the jury, was approved, the stipulation accepted, and that the Court would set aside the verdict of the jury and take jurisdiction for a new trial.

The stipulation was read and the stipulation was approved, the stipulation accepted, and that the Court would set aside the verdict of the jury and take jurisdiction for a new trial.

It was stated that the recommendation of the jury was approved, the stipulation accepted, and that the Court would set aside the verdict of the jury and take jurisdiction for a new trial.

In the stipulation for the foregoing motion, the following was offered by Mr. [Name], assisted by Mr. [Name]:

That, to the stipulation of the Plaintiff, that the Court set aside the verdict of the jury.

There was taken upon the stipulation motion, to the effect that the Plaintiff, to set aside the verdict of the jury, was approved, the stipulation accepted, and that the Court would set aside the verdict of the jury and take jurisdiction for a new trial.

September 18, 1923.

Vote was thereupon taken upon the original motion. As to this motion Messrs. Van Fleet and Hunt voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The motion was lost on the vote.

Pursuant to the rule of June 29, 1923, the file was referred to Mr. Humphrey, the absent Commissioner, to report his deciding vote.

(12) File 1-3706 - Porter & Dyeon Company vs. Sheffield Silverware Company. (H. Harris).

Memorandum of June 29th was received from the Chief Examiner transmitting stipulation signed by the proposed respondent and recommending that the stipulation be accepted and the application dismissed.

The memorandum was read and the stipulation examined and thereafter, the following motion was offered by Mr. Van Fleet, seconded by Mr. Hunt:

Moved, that the recommendation of the Chief Examiner be approved, the stipulation accepted and the application for complaint dismissed.

In substitution for the foregoing motion, the following motion was offered by Mr. Nugent, seconded by Mr. Thompson:

Moved, that the stipulation be rejected and that complaint issue.

Vote was taken upon the substitute motion. As to this motion, Messrs. Nugent and Thompson voted in the affirmative and Messrs. Van Fleet and Hunt voted in the negative. The substitute motion was lost on the vote.

Vote was thereupon taken upon the original motion. As to this motion, Messrs. Van Fleet and Hunt voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The motion was lost on the vote.

Pursuant to the rule of June 29, 1923, the file was referred to Mr. Humphrey, the absent Commissioner, to report his deciding vote.

(13) File 1-3644 - Durable Pure Silk Fashioned Hosiery, Inc. vs. Irish Linen-Silk Hosiery Company.

Memorandum of August 3rd was received from the Chief Examiner transmitting stipulation signed by the proposed respondent and recommending that the stipulation be accepted and the application dismissed. The Chief Examiner further recommended that the respondent be allowed thirty days in which to adjust its business to conform to the terms of the stipulation.

September 16, 1923.

The committee was made and the subject was referred for
thereafter, the following action was offered by Mr. Van Fleet,
seconded by Mr. Hunt:

Moved, that the recommendation of the Chief
Inspector be approved, the stipulation accepted,
respondent allowed thirty days to submit the
evidence and the application for complaint dismissed.

In substitution for the foregoing motion, the following
motion was offered by Mr. Hunt, seconded by Mr. Van Fleet:

Moved, that the stipulation be rejected and
that complaint issue.

Vote was taken upon the substitute motion. As to this motion
Messrs. Hunt and Van Fleet voted in the affirmative and Messrs.
Van Fleet and Hunt voted in the negative. The substitute motion
was lost on the vote.

Vote was then taken upon the original motion. As to
this motion, Messrs. Van Fleet and Hunt voted in the affirmative
and Messrs. Hunt and Van Fleet voted in the negative. The motion
was lost on the vote.

Referred to the rule of June 15, 1923 the case was referred
to Mr. Murphy, who should consider it and report by meeting,
etc.

1923 (File 1-3447 - Thomas J. Barker, Jr., vs. Miller, Harry, et al.)
Resolution of August 15th was received from the Chief Inspector
transmitting stipulation signed by the respondent and the
respondent, that the stipulation be accepted and the application
dismissed.

The committee was made and the stipulation accepted and
thereafter, the following motion was offered by Mr. Van Fleet,
seconded by Mr. Hunt:

Moved, that the recommendation of the Chief
Inspector be approved, the stipulation accepted and
the application for complaint dismissed.

In substitution for the foregoing motion, the following
motion was offered by Mr. Hunt, seconded by Mr. Van Fleet:

Moved, that the stipulation be rejected and
that complaint issue.

Vote was taken upon the substitute motion. As to this motion
Messrs. Hunt and Van Fleet voted in the affirmative and Messrs.
Van Fleet and Hunt voted in the negative. The substitute motion
was lost on the vote.

September 16, 1933.

Vote was taken on taken upon the original motion. As to this motion, Messrs. Hunt and Hunt voted in the affirmative and Messrs. Hunt and Hunt voted in the negative. The motion was lost on the vote.

Pursuant to the rule of June 20, 1933, the case was referred to Mr. Murphy, the Chief Commissioner, to report his deciding vote.

(15) File 1-3334 - Morris-Hunt's obituary re. Hunter's obituary.

Information of July 1933 was received that the Chief Commissioner had stipulated to the proposed amendment and recommendation that the stipulation be accepted and the application dismissed. The Chief Commissioner further recommended that the proposed amendment be accepted and the application dismissed.

The amendment was read and the stipulation accepted and thereafter, the following motion was offered by Mr. Hunt, seconded by Mr. Hunt:

Moved, that the proposed amendment be accepted, and that the stipulation be accepted, and that the application be dismissed.

In substitution for the foregoing motion, the following motion was offered by Mr. Hunt, seconded by Mr. Hunt:

Moved, that the stipulation be accepted and that the application be dismissed.

Vote was taken upon the proposed motion. As to this motion, Messrs. Hunt and Hunt voted in the affirmative and Messrs. Hunt and Hunt voted in the negative. The motion was lost on the vote.

Vote was taken upon the original motion. As to this motion, Messrs. Hunt and Hunt voted in the affirmative and Messrs. Hunt and Hunt voted in the negative. The motion was lost on the vote.

Pursuant to the rule of June 20, 1933, the case was referred to Mr. Murphy, the Chief Commissioner, to report his deciding vote.

September 16, 1945.

(10) File 1-3875 - J. A. Finn. Company vs. G. Bickert & Co. Information of August 1945 was received from the Board of Review transmitting stipulation signed by the proposed respondent and recommending that the stipulation be accepted and the application dismissed.

The stipulation was read and the stipulation accepted and thereupon, the following motion was offered by Mr. Van Fleet, seconded by Mr. Finn:

Moved, that the recommendation of the Board of Review be approved, the stipulation accepted and the application for complaint dismissed.

In substitution for the foregoing motion, the following motion was offered by Mr. Finn, seconded by Mr. Langston:

Moved, that the stipulation be rejected and that complaint issue.

Vote was taken upon the substitute motion. As to this motion Messrs. Langston and Thompson voted in the affirmative and Messrs. Van Fleet and Finn voted in the negative. The substitute motion was lost on its vote.

Vote was then taken upon the original motion. As to this motion, Messrs. Van Fleet and Thompson voted in the affirmative and Messrs. Langston and Finn voted in the negative. The motion was lost on its vote.

Pursuant to the rules of June 22, 1945, the file was referred to Mr. Thompson, the Board Clerk, to report his finding.

Thereupon, at the hour of 11:45 a.m., the Court adjourned, subject to next session, to be reconvened, 1945, at 10 a.m.

Wm. T. Van Fleet,
Chairman.

Attest:

SEP 16 1945

September 18, 1925.

Thursday - September 17, 1925 - No meeting held.

MEETING OF THE FEDERAL TRADE COMMISSION

Friday - September 18, 1925 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Nugent,
Charles W. Hunt,
Huston Thompson.

Mr. Humphrey absent on vacation.

The minutes of the meeting of September 16, 1925 were read and approved.

The Chairman presented the following letter to the Bureau of the Budget furnishing additional information with respect to the cost of inquiries in response to Senate Resolutions and containing a statement by Messrs. Nugent and Thompson as to the necessity for consideration of economic phases as well as legal phase of the subject matter of the inquiry to determine violations of the anti-trust laws:

"September 18, 1925.

My dear General Lord:

The following is submitted in reply to the questions asked by the committee before whom representatives of the Federal Trade Commission appeared on the morning of September 8, 1925, for the consideration of the Commission's appropriation estimates for the fiscal year 1927.

Question 3 (a) How much will the new provision in the law reduce the cost of work for 1926?

In answer thereto you are advised that the Commission does not know the amount, if any, as the matter depends on the construction by the Attorney General as to the Senate Resolutions now in abeyance, and, in part, on investigations which may be ordered by the next Congress, the Attorney General or by the President.

September 18, 1925.

Question 3-1. How much was estimated as the cost of Flour and Bread Investigation ?

- (a) How much was spent to July 1, 1925 ?
- (b) How much was to be spent in Fiscal Year 1926 ?

The estimated cost of this investigation was \$110,000. During the fiscal year 1924 the expenditures thereon amounted to \$2,800.81, and during the fiscal year 1925 amounted to \$80,803.18, or a total of \$83,603.99 to July 1, 1925.

There is a difference of opinion between members of the Commission as to whether, under the present Appropriation Act, the entire investigation called for by the Resolution can be proceeded with, or only part. Until the opinion of the Attorney General is received, it cannot be determined as to how the investigation will proceed. Nothing has been done on this investigation since July 1, 1925. If it is completed in full, it is estimated that it will cost \$88,000 during the fiscal year 1926, and if the doubtful part is eliminated, it is estimated the cost will be \$23,000.

Question 3-2-4. How much was estimated as the cost of the Electric Power Investigation ?

- (a) How much was spent to July 1, 1925 ?
- (b) How much was to be spent in Fiscal Year 1926 ?

The estimated cost of this investigation was \$48,000, and there was expended thereon prior to July 1, 1925, the sum of \$1,714.06. Since July 1, 1925, the Commission has proceeded to make this investigation as to the first part in regard to allegations of violations of the Anti-Trust Laws by the General Electric Company and has expended thereon a total of \$15,133.81. The estimated cost on this part is \$25,800. The second part, about which there is a difference of opinion between members of the Commission, will be deferred until the Attorney General's opinion is received. It is estimated that if this second part is undertaken that it will cost \$12,000.

Question 3-3. How much was estimated as the cost of Tobacco Investigation ?

- (a) How much was spent to July 1, 1925 ?
- (b) How much was to be spent in Fiscal Year 1926 ?

September 18, 1925.

This investigation was estimated to cost \$12,000. Prior to July 1, 1925, there was expended thereon a total of \$8,752.34. Since July 1, 1925, there has been expended a total of \$1,257.17 and it is estimated that an additional \$2,000. will be spent thereon, making a total estimated cost for the Fiscal Year 1926 of \$4,257.17. This investigation is being proceeded with in its entirety by the Commission's Legal Investigating Division and there is no Economic work connected therewith.

Question 3-5. This question asks for the same information in connection with investigations "which cannot be continued during 1926".

Due to difference of opinion between members of the Commission as to the availability of the appropriation for continuing the work connected with the National Wealth and Debt Investigation during the Fiscal Year 1926, the work thereon was stopped on June 30, 1925, pending receipt of the opinion of the Attorney General in connection therewith. Work has never been started on the investigation of Open Price Associations and Cooperative Organizations for the same reasons.

On the National Wealth and Debt Investigation there was expended prior to July 1, 1925, a total of \$139,346.21. Of this amount, \$1,400.23 was expended during the Fiscal Year 1924 and \$77,922.64 during the Fiscal Year 1925. It was estimated that \$23,000 would be required during the Fiscal Year 1926 to complete the investigation.

If all of the work contemplated by the Resolutions on which work has been started, is not completed, it is estimated that the expense for Printing and Binding the reports will be reduced by \$1,280.

No previous estimate was made to cover the cost for the work connected with the investigation of Open Price Associations and Cooperative Organizations. However, if the Commission proceeds with the work provided by these resolutions, as a result of the Attorney General's opinion, it is estimated that it will cost \$130,000. for the Open Price Associations and \$100,000. for Cooperative Organizations.

For your general information, you are advised that the separate costs of handling investigations is not taken in consideration in connection with the submission of appropriation estimates as it is impossible to tell what investigations the Commission may be called on to take after the estimates are submitted. The estimates are actually based on the salaries of Economic employees, plus an allowance based on past experience for travel and

September 18, 1925.

miscellaneous expenses and the work is gotten out as fast as the conditions and circumstances governing the handling of the work will permit.

Commissioners Nugent and Thompson state it to be their belief that whenever the Senate, by resolution, requests the Commission to make an investigation as to the violation of the anti-trust laws, it is impossible to properly respond to such a request without investigating both the legal and economic aspects of the matter involved.

They assert that the basis of all anti-trust laws is the violation of economic rights of others in forms of restraint of trade or monopolistic growth. To determine the extent of such restraint of trade and monopoly it is necessary first of all to determine the extent, growth, cost and effect of the same. This part of the investigation must necessarily be done by economists and accountants. When such information is obtained, the legal staff can then function and determine whether there is an illegal and unlawful restraint of trade or a monopoly.

It is because of their belief in the inseparability of the economic phase from the legal side of monopoly that Commissioners Nugent and Thompson assert that they cannot be separated in the investigation of violations of anti-trust laws and it would, therefore, not be proper or feasible to reduce the appropriations for such investigations on the ground that there was an economic feature involved.

As to the number of vacancies in the Legal staff of the Commission, you are advised that at the present time there are eleven vacancies, four in the Trial Division and seven in the Investigating Division, - graded as follows:

| | |
|--------------------------|--|
| One Professional Grade 5 | |
| Three " " 4 | |
| Three " " 3 | |
| Four " " 2 | |

By direction of the Commission.

Cordially yours,

(signed) Vernon W. Van Fleet,
Chairman.

General H. M. Lord, Director,
Bureau of the Budget,
Washington, D. C."

The letter was read and ordered forwarded. See file

September 18, 1925.

Mr. Nugent referred to a newspaper release for September 16th reported to have been given out by the Tobacco Growers' Cooperative Association, concerning the investigation by the Commission of the Tobacco Industry under Senate Resolution 324, adopted February 3, 1925 (Senator Ernst) and after discussion the following motion was offered by Mr. Thompson and adopted:

Moved, in view of the statements by Mr. Nugent, that the Secretary seek to obtain a copy of the release referred to and bring it before the Commission and the Commission then decide whether or not it desires to put out an answer.

Formal docket cases appearing on the weekly Conference Calendar for final determination were considered by the Commission and action as indicated was taken:

(1) Docket 1223 - Chicago Retail Lumber Dealers' Association. Consideration of the case was laid over until next Conference Day.

(2) Docket 1253 - Owsesee Manufacturing Company, et al.

This case comes before the Commission for final determination upon the following record: complaint; supplemental report by the Board of Review, dated June 11, 1925, recommending dismissal of the complaint; dissenting opinion of Attorney Haycraft, dated June 13, 1925; order of dismissal. Attorney Brinson represents the Commission. Attorneys Winston, Strawn & Shaw represent the respondents.

After consideration, Mr. Van Fleet, offered the following motion, which was seconded by Mr. Hurt:

Moved, that the case be dismissed on the recommendation of the Board of Review.

In substitution for the foregoing motion, Mr. Nugent offered the following motion, which was seconded by Mr. Thompson:

Moved, that the Chief Counsel be directed to proceed with the trial of the case.

Vote was taken upon the substitute motion. As to this motion Messrs. Nugent and Thompson voted in the affirmative and Messrs. Van Fleet and Hurt voted in the negative. The substitute motion was lost on tie vote.

Vote was thereupon taken upon the original motion. As to this motion Messrs. Van Fleet and Hurt voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The motion was lost on tie vote.

September 16, 1925.

Pursuant to the rule of June 29, 1925, the case was referred to Mr. Humphrey, the absent Commissioner, to report his deciding vote.

(3) Docket 1262 - Larrows Milling Company, et al.

This case comes before the Commission for final determination upon the following record: undated memorandum from the Chief Counsel transmitting the case and recommending that the complaint be dismissed against the Larrows Milling Company and the other parties respondent; complaint; answers; stipulation as to the facts with the Larrows Milling Company. No testimony was taken nor brief filed. Attorney Brownell represents the Commissioner. Attorney Harry J. Garrity represents the respondents.

After consideration, Mr. Van Fleet offered the following motion, which was seconded by Mr. Hunt:

Moved, that the case be dismissed on the recommendation of the Chief Counsel.

In substitution for the foregoing motion, Mr. Nugent offered the following motion, which was seconded by Mr. Thompson:

Moved, that the Chief Counsel be directed to proceed with the trial of the case.

Vote was taken upon the substitute motion. As to this motion Messrs. Nugent and Thompson voted in the affirmative and Messrs. Van Fleet and Hunt voted in the negative. The substitute motion was lost on tie vote.

Vote was thereupon taken upon the original motion. As to this motion Messrs. Van Fleet and Hunt voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The motion was lost on tie vote.

Pursuant to the rule of June 29, 1925, the case was referred to Mr. Humphrey, the absent Commissioner, to report his deciding vote.

(4) Docket 1312 - B. W. Cooke, et al.

This case comes before the Commission for final determination upon the following record: memorandum from the Chief Counsel transmitting the case and recommending that the stipulation be accepted and the findings of facts and order issued as drawn; complaint; stipulation as to the facts; findings as to the facts and order to cease and desist submitted by the Chief Counsel and certified to in memorandum from the Chief Counsel. No answer was filed. No testimony was taken nor briefs filed.

September 18, 1925.

Mr. Nugent called the Commission's attention to certain changes in the findings and order as indicated on marked copy. These changes were approved by the Commission and thereafter, the following motion was offered by Mr. Nugent and adopted by the Commission:

Moved, that an order to cease and desist issue; that the findings and order presented by the Chief Counsel be amended as shown on marked copy and that the findings and order be approved and that the same be served without further action by the Commission.

On motion of Mr. Van Fleet, it was directed that a copy of the complaint, stipulation, findings and order be sent to the Postmaster General with a letter calling attention to the matter and setting out the salient features of the case, including in (1), (2) and (3) the most flagrant matters of which the respondent was found guilty, with a suggestion that the Postoffice Department take action. The Chief Counsel was directed to prepare the letter.

(5) Bucket 1318 - L. Shapiro & Sons.

Consideration of this case laid over and the Secretary instructed to secure certain information from the Trial Attorneys R. O. Brownell - and report to the Commission next Conference.

Mr. Thompson presented the following matters and action as indicated was taken by the Commission:

(1) File 1-2573 - Greasey Corporation, Inc. vs. Rumford

Mr. Thompson presented memorandum of September 16th addressed to the Commission by the Chief Counsel. The Chief Counsel referred to the Commission action of January 14, 1925, directing the preparation of complaint and transmitted memoranda from Messrs. Hoff and DeBruin expressing opinion that the files are lacking in proof to support any complaint.

Mr. Thompson reviewed the record in the case which was originally assigned to him as Commissioner-in-charge and expressed the view that the Commission should proceed with the complaint as heretofore ordered.

On motion of Mr. Van Fleet, it was directed that the entire file be circulated.

(2) Bucket 540 - Royal Baking Powder Company.

Mr. Thompson referred to the action of September 9th in referring to him for report, the memorandum of September 1st from the Chief Counsel concerning the payment of fee to Dr. Russell M. Chittenden for expert testimony as recommended by Trial Attorney Brownell.

September 18, 1923.

After discussion, on motion of Mr. Van Fleet, the Commission authorized the payment of \$200. to Dr. Chittenden for his services heretofore rendered as expert witness.

On motion of Mr. Nugent, seconded by Mr. Thompson, the Chief Counsel was directed to instruct all attorneys on his Staff that they are not to make any arrangements tentative or otherwise, for expert testimony in any case until such time as the matter has been presented to the Commission and has been sanctioned by the Commission.

The following matters of general business forwarded to the Commission by the heads of the several Divisions were presented by the Secretary and action as indicated was taken by the Commission:

(1) Report submitted by the Chief Economist of the work of the Economic Division during August 1923.

The report was received and placed in the Calendar.

(2) Memorandum of September 17th was received from the Assistant Chief Examiner reporting with respect to the Examiners who have been engaged on the Tobacco Industry inquiry, in response to Senate Resolution 329, adopted February 3, 1923 (Senator Ernst). It was directed that the memorandum be circulated.

(3) Docket 1203 - Barnes-Ames Company, et al.

Memorandum of August 28th was received from the Chief Counsel transmitting memorandum of August 7th from Attorney DeBrunner setting forth efforts made to arrange an interview with Mr. Mamolo Angelone, Commercial Attache of the Italian Embassy, to secure information offered by the Embassy in connection with the case, all pursuant to the Commission's direction of July 10, 1923. Attorney DeBrunner reported the failure of Mr. Angelone to keep appointments made for the purpose of securing the information.

After discussion, the record was referred to the Chief Counsel to obtain an expression of opinion in the matter from the Trial Attorney.

Thereupon, at the hour of 11:45 a.m., the Commission adjourned to meet Monday, September 21, 1923, at 10 a.m.

Vernon W. Van Fleet,
Chairman.

Attest:

Stella M. Johnson, Secy.
Secretary

September 21, 1925.

Saturday - September 19, 1925 - No meeting held.

Sunday - September 20, 1925 - No meeting held.

MEETING OF THE FEDERAL TRADE COMMISSION

Monday - September 21, 1925 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Nugent,
Charles W. Hurt,
Huston Thompson.

Mr. Humphrey absent on vacation.

The minutes of the meeting of September 18, 1925 were read and approved.

Chairman Van Fleet submitted the following matters and action as indicated was taken:

(1) Letter of September 18th from the Converters' Association, New York City, requesting that a representative of the Commission attend a meeting in New York City arranged by a Committee of the Cotton Goods Converters, at which meeting it is expected to formulate a definite course of action for the correction of trade abuses.

The letter was read and referred to the Secretary for acknowledgment stating that it was regretted that because of pressure of business at Washington, it would be impossible for any member of the Commission to attend the meeting.

(2) Letter of September 19th was received from the Secretary of Commerce (Herbert Hoover), stating that the Department has no information in its possession regarding alleged foreign combination of American business concerns in violation of the Federal Anti-Trust Laws.

The letter was read and referred to the Export Trade Division

(3) Letter of September 18th from the Brotherhood of Painters, Decorators & Paperhangers (W. F. Bennett, Secretary), Minneapolis, Minnesota, to the President of the United States stating that the Local Union No. 186 had unanimously passed a resolution requesting

September 21, 1935.

the Federal Trade Commission to prosecute the investigation of the Bread Industry, pursuant to Senate Resolution 163, adopted February 16, 1924 (Senator LaFollette). The letter was received by reference from the White House.

The letter was read and referred to the Secretary for acknowledgment stating that the investigation of the Baking Industry in response to Senate Resolution 163 is held in abeyance by the Commission, pending the receipt of an opinion from the Attorney General of the United States as to the legality of conducting the investigation in view of the limitation imposed upon the Commission by the provision of the Appropriation Act effective July 1, 1923. The Secretary was also directed to prepare a letter advising the White House of the reply made and to send a copy of the correspondence to the Attorney General of the United States.

(4) Letter of September 19th from the Treasury Department (R. M. Bates, Deputy Commissioner of Internal Revenue), transmitting letters of September 4th and September 15, 1935 in regard to a shipment of cigars recently purchased by the firm of Frager of Baltimore from The Friedman Company, Baltimore and stating that inasmuch as the bands on the cigars would tend to give the impression that the cigars were manufactured in Key West, when as a matter of fact they were actually manufactured in Pennsylvania, the matter is referred to the Commission for attention.

The correspondence was referred to the Chief Examiner for attention.

(5) Letter of September 19th from the Public Printer (George H. Carter), requesting to be advised of the number of copies of the Official Register of the United States, submitted by the Bureau of Census, desired by the Federal Trade Commission.

The Secretary was directed to obtain one copy of the Official Register for each of the Commissioners, one for the Secretary's Office and one for the Library.

Mr. Nugent referred further to the statement given out to the press by the National Council of Farmers' Cooperative Marketing Association, as discussed by the Commission on September 16, 1935 and presented and read newspaper release given out by the Association for release Wednesday, September 16, 1935. The release had reference to matters discussed at a

September 31, 1923.

hearing before the Commission by representatives of the Tobacco Growers' Cooperative Association in regard to Senate Resolution 329, adopted February 3, 1923 (Senator Brandt), at which time the Association requested the Commission to assign another Examiner to check the work of Examiner Earl S. Haines, etc.

The press release was filed. See file

Mr. Nugent presented the following applications for complaint and action as indicated was taken by the Commission:

- (1) File 1-3800 - Parmatex Company, Inc. vs. Nucolor Manufacturing Company.

Mr. Nugent stated that this application came direct from the Chief Examiner without reference to the Board of Review, pursuant to the rule of December 4, 1923.

Mr. Nugent submitted memorandum of September 21st reviewing the record, concurring in the recommendation of the Chief Examiner and recommending that the application be dismissed.

The memorandum was read and after consideration, on motion of Mr. Nugent, the application for complaint was dismissed by the Commission.

- (2) File 1-3274 - Stone Laminated Slate Company vs. Lehen Company.

Mr. Nugent stated that this application came direct to the Commission from the Chief Examiner, without reference to the Board of Review, pursuant to the rule of December 4, 1923.

Mr. Nugent submitted memorandum of September 21st reviewing the facts and concurring in the recommendation of the Chief Examiner that the application be dismissed.

The memorandum was read and after consideration, on motion of Mr. Nugent, the application for complaint was dismissed by the Commission.

Mr. Hunt submitted the following listed applications for complaint and action as indicated was taken:

- (1) File 1-3303 - National Lacaroni Manufacturers' Association vs. Harovigna Lacaroni Manufacturing Company, et al.

Mr. Hunt submitted memorandum of September 17th reviewing the facts and concurring in the recommendation of the Board of Review for dismissal.

The memorandum was read and after consideration, on motion of Mr. Hunt, the application for complaint was dismissed by the Commission.

September 21, 1925.

- (2) File 1-3457 - Champion Mop Manufacturing Company vs. Steyer Engine & Manufacturing Company.

Mr. Hunt stated that this application came direct to the Commission from the Chief Examiner without reference to the Board of Review, pursuant to the rule of December 4, 1924.

Mr. Hunt presented memorandum of September 17th reviewing the facts and concurring in the recommendation of the Chief Examiner that the application be dismissed.

The memorandum was read and after consideration, on motion of Mr. Hunt, the application for complaint was dismissed by the Commission.

- (3) File 1-3426 - Boston Better Business Commission, Inc. vs. Mary Roberts (S. J. Sackheim & Mary Rae Sackheim).

Mr. Hunt submitted memorandum of September 15th reviewing the facts and concurring in the recommendation of the Board of Review that complaint issue.

The memorandum was read and after consideration, on motion of Mr. Hunt, seconded by Mr. Thompson, the Commission directed that complaint issue charging S. J. Sackheim and Mary Rae Sackheim, doing business as Norman Roberts & Company, with violation of the Federal Trade Commission Act.

The file was referred to the Chief Counsel for preparation of complaint, pursuant to the rule, the same to be served by the Secretary, without further action by the Commission.

- (4) File 1-3408 - F. T. G. vs. Murray Trading Company, Inc.

Mr. Hunt submitted memorandum of September 1st reviewing the record and concurring in the recommendation of the Board of Review that the stipulation be accepted and the application for complaint dismissed.

The memorandum was read and after consideration, Mr. Hunt offered the following motion, which was seconded by Mr. Van Fleet:

Moved, that the recommendation of the Board of Review be approved, the stipulation accepted and the application for complaint dismissed.

In substitution for the foregoing motion, it was moved by Mr. Nugent, seconded by Mr. Thompson, that complaint issue.

Vote was taken upon the substitute motion. As to this motion, Messrs. Nugent and Thompson voted in the affirmative and Messrs. Van Fleet and Hunt voted in the negative. The substitute motion was lost on its vote.

Vote was thereupon taken upon the original motion. As to this motion Messrs. Van Fleet and Hunt voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The motion was lost on its vote.

Pursuant to the rule of June 29, 1925, the file was referred to Mr. Humphrey, the absent Commissioner, to report his deciding

September 21, 1925.

Mr. Thompson presented the following statement from
C. T. Brown:

Washington, D. C.
September 18, 1925.

Mr. Huston Thompson,
Federal Trade Commission,
Washington, D. C.

My dear Mr. Thompson:

The writer who represents the William Brown & Sons, manufacturers of pails, tubs and packages, of Winchendon, Massachusetts, has called upon you at your office two different days, but has had no success in making an appointment.

The object of my visit was to get as much information as I possibly could relative to ways and means of remedying a sick industry, legally.

The writer is going to arrange a meeting of several of the large manufacturers within the near future and is desirous, if possible, of obtaining a speaker from the Commission to be present at this meeting. The meeting will be held outside of Boston. Would it be possible to have you present or someone else connected either directly or indirectly with the Commission, and if so what would be the cost of your honorarium.

Very sincerely,

(signed) C. T. Brown."

The statement was read and the matter was referred to the Secretary to advise Mr. Brown that no member of the Commission would be able to accept the invitation nor was the Commission in a position to designate any member of its staff to attend.

Mr. Thompson presented file 1-3846 - Lester A. Wallis Campa vs. Fairfax Textile Mills, Inc. and stated that this application direct to the Commission from the Chief Examiner, without refer to the Board of Review, pursuant to the rule of December 4, 1924.

Mr. Thompson presented memorandum of September 21st review the facts and concurring in the recommendation of the Chief Exam that the application be dismissed.

The memorandum was read and after consideration, Mr. Thompson offered the following motion, which was seconded by Mr. Van Fleet

September 21, 1925.

Moved, that the recommendation of the Chief Examiner be approved and the application for complaint dismissed.

In substitution for the pending motion, it was moved by Mr. Nugent, seconded by Mr. Hunt, that the Chief Examiner be directed to negotiate for a stipulation under which the respondent will discontinue the use of the word "mills" in its corporate name and advertising.

Vote was taken on the substitute motion. As to this motion Messrs. Nugent and Hunt voted in the affirmative and Messrs. Van Fleet and Thompson voted in the negative. The substitute motion was lost on the vote.

Vote was thereupon taken upon the original motion. As to this motion Messrs. Van Fleet and Thompson voted in the affirmative and Messrs. Nugent and Hunt voted in the negative. The original motion was lost on the vote.

Pursuant to the rule of June 29, 1925 the file was referred to Mr. Humphrey, the absent Commissioner, to report his deciding vote.

At this time Mr. Nugent was excused from the meeting.

PRESENT:

Vernon W. Van Fleet, Chairman,
Charles W. Hunt,
Huston Thompson.

Mr. Nugent absent.

Mr. Humphrey absent on vacation.

The following matter of general business forwarded to the Commission by the heads of the several Divisions were presented by the Secretary and action as indicated was taken:

(1) Docket 1231 - American Association of Advertising Agencies.

Memorandum of September 19th was received from the Chief Counsel, having to do with (1) the pending application of counsel for the Southern Newspaper Publishers' Association for a hearing before the Commission; and (2) action by the Chief Counsel for the issuance of an amended complaint broadening the cause of action and adding the American Newspaper Publishers' Association and the Six Point League as parties respondent.

It was directed that a copy of the papers be delivered to each Commissioner and the matter placed on the Conference Calendar.

September 21, 1925.

(2) Docket 1260 - Wilson Fixture Company, Inc.

Memorandum of September 19th was received from the Chief Counsel transmitting request of counsel for the respondent for a further extension of time to October 13, 1925 for filing brief. The Chief Counsel recommended that the request be denied.

The request was denied by the Commission and the Chief Counsel was directed to prepare and the Secretary to serve appropriate order.

(3) Docket 1260 - Wilson Fixture Company, Inc.

Upon receipt of memorandum of September 18th from the Chief Counsel, the Commission set the case for final argument on Monday, October 5, 1925, at 2 p.m., with direction to the Secretary to notify interested parties by registered mail.

(4) Docket 915 - Cutler-Hammer Manufacturing Company.

Memorandum of September 18th was received from the Chief Counsel recommending that the date of final argument of the case be postponed from September 21st to Wednesday, October 7, 1925, at 2 p.m., on account of the death of Mr. Bottom of the firm of Bottom, Hudnell, Lecher & McManara, who represent the respondent.

The final argument of the case was postponed as recommended by the Chief Counsel and the Secretary was directed to notify interested parties by registered mail.

(5) Docket 1328 - National Cash Register Company.

Memorandum of September 18th was received from the Chief Counsel transmitting request of counsel for the respondent for an extension to and until November 18, 1925 for filing answer. The Chief Counsel recommended that the request be granted.

After consideration, on motion of Mr. Van Fleet, seconded by Mr. Hunt, the recommendation of the Chief Counsel was adopted and respondent granted an extension until November 18, 1925, in which to file answer in view of the pendency of respondent's motion for a hearing before the Board of Review.

As to the foregoing action of the Commission, Messrs. Van Fleet and Hunt voted in the affirmative and Mr. Thompson voted in the negative. Order submitted by the Chief Counsel was approved and entered.

(6) In response to the Commission's direction of September 18th, the Secretary presented copies of various newspapers showing the publication of release on September 16th of statement given out by the Tobacco Growers' Cooperative Association concerning the investigation by the Commission of the Tobacco Industry under Senate Resolution 329, adopted February 3, 1925, (Senator Hoot). The statement was received and filed.

September 21, 1925.

The Commission recessed at 11:30 a.m.

Vernon W. Van Fleet,
Chairman.

Attest

W. H. Thompson
Otis H. Thompson,
Secretary.

REPORT OF MESSRS. MUGENT AND HUNT, A COMMITTEE
TO TRANSACT THE NECESSARY AND URGENT BUSINESS
OF THE COMMISSION DURING THE ABSENCE OF A
QUORUM AND REPORT TO THE COMMISSION.

September 21, 1925 - 1:30 p.m.

PRESENT:

John F. Mugent, Acting Chairman,
Charles W. Hunt.

Mr. Van Fleet absent.

Mr. Thompson absent.

Mr. Humphrey absent on vacation.

Pursuant to arrangement the Committee met to hear argument upon the motion filed by the Chief Counsel for the Federal Trade Commission to amend the amended complaint in Docket 82 - 928 - American Photo-Engravers' Association, et al.

Attorney Burr appeared for the Commission. Attorney John Walsh appeared on behalf of the American Photo-Engravers' Association, et al. Attorneys Phillips, Leibel & Fielding representing the International Photo-Engravers' Union of North American, et al, who were duly served by registered mail with a notice of the time and place of hearing and with a copy of the proposed amended complaint did not appear but filed a brief in opposition to the motion of the Chief Counsel to amend the amended complaint. A copy of the brief was delivered to each Commissioner.

Attorney Burr was heard in support of the motion to amend the amended complaint. Attorney John Walsh was heard in opposition to the motion.

September 31, 1925.

September 22, 1925.

The hearing continued until the hour of 2:30 p.m. and was concluded. At the conclusion of the hearing Attorney Burr was allowed five days from date in which to file memorandum brief in support of his motion and counsel for the respondents were allowed ten days after receipt of copy of Attorney Burr's memorandum brief within which to file reply memorandum brief. Pending receipt of these memorandum briefs, decision on the motion was withheld.

Thereupon, at the hour of 2:30 p.m., the Committee adjourn to meet Wednesday, September 23, 1925, at 10 a.m.

John F. Nugent
John F. Nugent

Charles W. Mum
Charles W. Mum

} Committee

Attest:

Otto B. Johnson
Otto B. Johnson,
Secretary.

As shown by the minutes of September 23, 1925, the foregoing Committee report was that day read to the Commission, ratified and adopted as the action of the Commission.

Vernon W. Van Fleet,
Chairman.

Attest:

Otto B. Johnson
Otto B. Johnson,
Secretary.

September 22, 1925.

MEETING OF THE FEDERAL TRADE COMMISSION

Tuesday - September 22, 1925 - 10:30 a.m.

PRESENT:

John F. Nugent, Acting Chairman,
Charles W. Hunt,
Huston Thompson.

Mr. Van Fleet absent on official business.
Mr. Humphrey absent on vacation.

At the call of the Acting Chairman, the Commission met in Special Session to consider the request of Attorney Busick in charge of Appellate Work in the Chief Counsel's Office for instructions as to whether the Commission would pursue the same policy with respect to the petition of the Thatcher Manufacturing Company, respondent in Docket 738, to the Supreme Court of the United States for writ of certiorari as had been previously ordered under date of September 4, 1925 by the Commission in the Swift & Company case - Docket 453, upon the presentation of a memorandum of August 21, 1925 from Attorney Busick.

Attorney Busick and Attorney Brindley of the Chief Counsel's Staff and Trial Attorney in the Thatcher case were heard and thereafter, the Commission confirmed its order of September 4, 1925, and decided not to oppose the petition in the Thatcher Manufacturing Company case for writ of certiorari, it being the view of the Commission, that it was desirable to have the Supreme Court review Section 7 of the Clayton Act as interpreted by several Circuit Courts of Appeals in the Swift Company case - Docket 453; The Western Meat case - Docket 456 and the Thatcher Manufacturing Company case - Docket 738.

Thereupon, at the hour of 11:15 a.m., the Commission adjourned to meet Wednesday, September 23, 1925, at 10 a.m.

John F. Nugent
John F. Nugent,
Acting Chairman.

Attest:

Huston Thompson
Huston Thompson,
Secretary.

September 23, 1925.

MEETING OF THE FEDERAL TRADE COMMISSION

Wednesday - September 23, 1925 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Nugent,
Charles W. Hunt,
Huston Thompson.

Mr. Humphrey absent on vacation.

The minutes of the meetings of September 21st, including the Committee report and of September 22, 1925 were read and approved.

The Chairman submitted the following matters and action as indicated was taken by the Commission:

(1) Reference slip was received from Senator J. W. Wadsworth transmitting a letter of September 17th from A. L. Bailey, President of the Birkett Mills, Penn (ann, New York, regarding investigation by the Commission of the Baking Industry in response to Senate Resolution 163, adopted February 16, 1924 (Senator LaFollette).

The letter was read and referred to the Secretary with instructions to prepare reply to the Senator and Mr. Bailey advise that the inquiry is held in abeyance in view of the proviso in the Appropriation Act effective July 1, 1925, and pending receipt of opinion from the Attorney General of the United States in the matter.

(2) Letter of September 21st was received from the Department of Agriculture (G. B. Hall, Temporary Chairman of Vocational Com enclosing preliminary announcement of courses to be offered in the graduate school of the Department of Agriculture during the coming year.

The letter was read and referred to the Secretary to bring the matter to the attention of the employees.

Mr. Nugent presented memorandum of September 21st from W. H. Stevens, Assistant Chief Economist, requesting leave of absence without pay for a period of eight months beginning October 1, 1925. The same was approved by the Chief Economist.

After consideration, the Commission granted Mr. Stevens six months leave without pay, effective October 1, 1925.

September 23, 1925.

Mr. Thompson presented file of correspondence from Philip S. Bernard, Attorney-at-law, New York City, complaining of the New York Pharmaceutical Conference, Inc. Mr. Thompson stated that the chief Examiner reports that an application for complaint covering the subject matter of the correspondence had been investigated and would probably be forwarded to the Commission in the near future and suggested that the Secretary reply to Mr. Bernard and state that his correspondence has been presented to the Commission and the Commission is making an inquiry, the results of which will be communicated to him.

It was so ordered by the Commission.

The following matters of general business forwarded to the Commission by the heads of the several Divisions were presented by the Secretary and action as indicated was taken:

(1) Bucket 1031 - Manhattan Shirt Company.

Letter of September 22nd was received from Attorney Charles E. Moore, requesting a postponement of the final argument of the case from September 28th to some other day the following week.

The request was granted by the Commission and the final argument of the case was postponed from September 28th to Friday, October 2, 1925, at 3 p.m., with direction to the Secretary to notify interested parties by registered mail.

(2) Bucket 1213 - Lawlers, Frary & Clark.

Memorandum of September 21st was received from the Chief Counsel transmitting request of counsel for the respondent for an extension of time from September 28th to October 15, 1925, for filing exceptions to the report of the Trial Examiner. The Chief Counsel recommended that the extension be granted and that counsel for the Commission be granted a similar extension.

The recommendation of the Chief Counsel was adopted and the Chief Counsel was directed to prepare and the Secretary to serve appropriate order.

(3) Page proof of pamphlet, entitled, "Trade Practice Submittals, July 6, 1925", as prepared pursuant to the Commission's direction of April 29, 1925, was presented by the Secretary.

It was directed that the pamphlet be circulated.

(4) Memorandum of September 22nd was received from the Chief of the Stereographic Section, approved by the Assistant Secretary, recommending the appointment of three permanent stereographers to fill existing vacancies in the Stereographic Section.

September 23, 1925.

The recommendation was approved by the Commissioner and the Secretary was authorized to employ three stenographers under Civil Service regulations at salaries of \$1320. per annum, G. A. P. Grade II.

(5) The following memorandum was received from the Assistant Secretary:

"September 22, 1925.

MEMORANDUM FOR THE SECRETARY:

The Commission has had an demonstration since last January twenty-four Dictaphone dictating machines, six transcribing machines and one shaver machine. Since the early part of July we have had an demonstration ten Miphone Dictating machines, two transcribing machines and one shaver machine.

These machines have been assigned for the most part to employees of the Legal Staff both trial and investigating and very satisfactory results, as you know, have been obtained both on the Dictaphone and the Miphone. They have been used principally in connection with the preparation of briefs, examinee's reports, complaints, field reports, etc.

The following is a list of the employees who desire to retain the dictating machines for use in connection with their work:

| | | |
|----------|------------|----------|
| McMillan | Sibbett | Doyle |
| Maycraft | Hess | Whiteley |
| Haggerty | Hornibrook | Woodfill |
| Ferkins | Flannery | Sheppard |
| Dugan | Averill | Pinson |
| Brownell | Stites | Helf |
| May | Burr | |

Messrs. Alden, Bennett, Sweet and Cox who gave the machines a trial do not consider that they helped them sufficiently in connection with their work to make the purchase of the machines worth while.

Messrs. McMillan, Maycraft, Dugan, Brownell, Sibbett, Helf, Hess, Flannery, Stites and Doyle gave demonstrations on both the Dictaphone and Miphone machines and all report very satisfactory results from both types of machines. Personally, I believe it is advisable for the Commission to purchase the Dictaphone machines. Their construction calls for only about one-half as many parts as the Miphone machine and it is reasonable to expect that the upkeep cost would be less

September 23, 1925.

with the Dictaphone than with the Ediphone. The cylinders used by the Dictaphone cost the same as those sold of similar construction by the Ediphone Company. The Dictaphone machine is designed to cut ten more threads to the inch than the Ediphone machine thereby increasing the capacity of the cylinder about sixty threads which means more dictation per cylinder. The prices of the dictating machines of both companies, similarly equipped, is \$170. The price of the transcribing machines of both companies is the same - \$153., while the shaving machine of the Dictaphone Company costs \$72.25 against \$85. as charged by the Ediphone Company. Aside from the features mentioned in connection with each type of machine it must not be overlooked that the Commission has had practically nine months use of the Dictaphone machines without cost and this factor should, in my opinion, be given consideration when placing the order for the machines.

It is recommended, that the Commission authorize the purchase from the Dictaphone Company, 20 dictating machines at \$170. each or a total of \$3400; four transcribing machines at \$153. or a total of \$612. and one shaving machine at \$72.25 making a total for all equipment of \$4084.25.

The Dictaphone Company is willing to accept payments on a monthly basis, or in other words it will stretch the payments out over the remainder of the fiscal year to suit the Commission's convenience. However, if cash is paid for the equipment, there would be a discount of 2% allowed amounting approximately to \$81.70 and I would recommend that the payment be made in full and a special allotment be made to cover the cost.

I am enclosing for your information cooperative analysis of stenographers and Dictaphone operators for the period February 2-28, 1925, when test was made.

(signed) C. G. Dugan,
Assistant Secretary.

G.R.
C.E.J."

On the Secretary's recommendation the memorandum was approved and the Secretary authorized and directed to purchase the equipment recommended and to pay cash therefor.

September 23, 1925.

(6) Memoranda of August 26th and September 21st were received from the Chief Economist and the Personnel Officer calling attention to the fact that the temporary appointment of John E. Vestal as Examiner in the Economic Division, expires at the close of business September 25, 1925. The Chief Economist recommended that Mr. Vestal be given a permanent appointment.

On motion of Mr. Van Fleet, Mr. Vestal was given a permanent appointment at the same grade and salary as he now occupies, the same to be effective on September 26, 1925 and upon taking the oath of office and entering on duty.

(7) Memorandum of September 23rd was received from the Personnel Officer with respect to the status of Miss Laura Ruckdaeschel.

The memorandum was read and the Commission directed, pursuant to its action of October 1, 1924, that the necessary steps be taken to correct Miss Ruckdaeschel's status, grade and salary with the necessary oath of office.

(8) File 1-3318 - Central Paint & Shellac Works vs. Twin City Shellac Company.

Memorandum of September 16th was received from the Chief Counsel stating that on September 4, 1925, the Commission directed that complaint issue charging the Twin City Shellac Company, Inc., with violation of the Federal Trade Commission Act and transmitting memorandum of September 16th from Attorney DeBruler asking instructions as to the charges to be set up in the complaint.

It was directed that the file be circulated.

(9) File 1-3668 - Columbia Phonograph Company, Inc. vs. World Talking Machine Company.

On June 15th the file was referred to Messrs. Nugent, Hunt and Van Fleet for examination and report to the Commission after receipt by the Commission of memoranda of June 9th from the Chief Counsel and Attorney DeBruler in regard to the lack of evidence as to interstate commerce.

Notations by the Commissioners were read and thereafter, Mr. Van Fleet offered the following motion, seconded by Mr. Hunt:

Moved, that the application be dismissed on recommendation of the Chief Counsel and Attorney DeBruler.

As to the foregoing motion, Messrs. Van Fleet and Hunt voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The motion was lost on tie vote.

Pursuant to the rule of June 29, 1925, the file was referred to Mr. Humphrey the absent Commissioner to report his deciding vote.

September 23, 1925.

From the Circulating Calendar the Commission considered the following matters and action as indicated was taken:

(1) Bucket 1009 - Illinois Glass Company.

Memorandum of June 25th was received from Trial Attorney Brindley concurred in by the Chief Counsel, reporting that the case stands at issue and is ready for taking of testimony, setting forth the facts and asking instructions as to proceeding with the trial of the case, in view of the opinion of the Commission's attorney, that "I see no chance of bringing this case to a successful conclusion".

The file was circulated July 1, 1925. Notations by the several Commissioners were read and thereafter, Mr. Van Fleet offered the following motion, which was seconded by Mr. Hunt:

Moved, that the case be dismissed in accordance with the recommendation of Trial Attorney Brindley, as concurred in by the Chief Counsel.

In substitution for the foregoing motion, it was moved by Mr. Nugent, seconded by Mr. Thompson, that the Chief Counsel proceed with the trial of the case.

Vote was taken upon the substitute motion. As to this motion, Messrs. Nugent and Thompson voted in the affirmative and Messrs. Van Fleet and Hunt voted in the negative. The substitute motion was lost on the vote.

Vote was thereupon taken upon the original motion. As to this motion Messrs. Van Fleet and Hunt voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The original motion was lost on the vote.

Pursuant to the Rule of June 29, 1925, the case was referred to Mr. Humphrey the absent Commissioner for report.

(2) Memorandum of July 6th was received from the Chief Examiner in regard to the acquisition of the Greelock Company, Farwell Mills, Felsor Manufacturing Company and the Tusapeau Mills by the Lockwood, Green & Company, Inc. The Chief Examiner recommended that the matter be filed without action.

The memorandum was circulated July 10th. Notations by the several Commissioners were read and thereafter, the recommendation of the Chief Examiner was approved and the Commission directed that the matter be filed without action.

(3) Letter of June 18th was received from Attorney James T. Clark of the Chief Counsel's Staff requesting a salary increase.

The letter was circulated June 24th. After consideration, on motion of Mr. Nugent, the request for salary increase was denied at this time.

September 23, 1925.

(4) Letter of September 8th was received from John C. Ballou, former clerk in the Economic Division, retired five years ago because temporarily incapacitated while in the Government Service, making formal application for reinstatement, together with memorandum of September 8th from the Chief Economist stating that a vacancy existed to which Mr. Ballou could be assigned if the Commission considers that his claim for reinstatement has merit. The file was circulated September 14th.

After consideration, on motion of Mr. Nugent, Mr. Ballou was reinstated at a salary of \$1500. per annum, C. A. F. Grade III and assigned to the Economic Division and his appointment to such grade and salary authorized and directed, the same to be effective upon taking the oath of office and entering on duty.

On motion of Mr. Thompson, the Chief Counsel was directed to designate a day certain for the setting down for final argument of the Famous Players-Lasky Corporation case - Docket 836 and report that date promptly to the Commission.

Mr. Van Fleet called up for consideration, the matter of the transfer by the Chief Examiner of attorneys from one office to another without the knowledge or consent of the Commission and suggested that these transfers be made by the Commission and thereafter, offered the following motion, which was seconded by Mr. Hunt:

Moved, that hereafter, the transfers of examiners from one office to another be made upon the order of the Commission and that when the Chief Examiner desires to make a transfer he shall submit a memorandum to the Commission stating the desirability of the transfer and the reasons therefor.

The motion was adopted by the Commission and it was so ordered.

The Commission recessed at 11:45 a.m., and reassembled at 2 p.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Nugent,
Charles W. Hunt,
Huston Thompson.

Mr. Humphrey absent on vacation.

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September 25, 1925.

Pursuant to arrangements made the Commission met to hear final argument in Docket 1127 - Calumet Baking Powder Company. Attorney Whitsley was heard in support of the complaint. Attorney Daniel R. Forbes was heard on behalf of the respondent. The hearing continued until the hour of 4:15 p.m. was concluded and the case taken under advisement.

Thereupon, at the hour of 4:15 p.m., the Commission adjourned to meet Friday, September 25, 1925, at 10 a.m.

Vernon W. Van Fleet,
Chairman.

Attest:

W. B. Johnson
Otis B. Johnson,
Secretary.

Thursday - September 24, 1925 - No meeting held.

MEETING OF THE FEDERAL TRADE COMMISSION

Friday - September 25, 1925 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Nugent,
Charles W. Hunt,

Mr. Thompson absent on official business.
Mr. Humphrey absent on vacation.

The minutes of the meeting of September 23, 1925 were read and approved.

September 25, 1925.

Chairman Van Fleet submitted the following matters and action as indicated was taken by the Commission:

(1) Letter of September 19th from the office of the Alien Property Custodian, Washington, D. C. (L. W. Wiskey), enclosing Circular by McNeal & Company, Chicago, Illinois, soliciting deposits in a German Bank.

The letter was read and referred to the Chief Examiner for preparation of reply.

(2) Telegram of September 24th from M. J. Warner, President, Converters' Association, New York City, referring to his letter of September 16th inviting the Commission to designate some one to attend a meeting of the Association on October 1st. The telegram stated that if agreeable, the Association would be pleased to extend an invitation to Mrs. Cowdery an Examiner of the Commission at the New York Office, who has been working in the industry and who is familiar with the subject of the coming conference.

After discussion, it was ordered, on motion of Mr. Van Fleet, that if an invitation is extended that the New York Office be ordered to direct Examiner Cowdery to attend the Converters' Association meeting and also that a letter be addressed to Mr. Warner advising him that if an invitation is extended, the Commission will authorize Examiner Cowdery to attend.

(3) The Chairman referred (1) to the request of the Tobacco Growers' Cooperative Association as made to the Commission at a hearing on September 14, 1925, that S. F. McLeod of Columbia, South Carolina be invited to make a statement before the Commission in connection with the investigation of the Tobacco Industry under Senate Resolution 329, adopted February 3, 1925 (Senator Frost), and (2) of the Commission's action of September 16, 1925 and letter of September 17, 1925, inviting Mr. McLeod to appear before the Commission in Washington. The Chairman then presented and read the following letter from Mr. McLeod:

"September 22nd, 1925.

Mr. Otis E. Johnson, Secretary,
Federal Trade Commission,
Washington, D. C.

Dear Sir:

I have received your favor of the 17th instant in which you request that I be in Washington, Monday September 28th.

I understood from the attorneys that a representative of the Trade Commission would come to Columbia. It is very difficult for me to leave the

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office at this time as it is the busiest season of the year. In fact, we are getting in daily more cotton than we have ever received at this season of the year and I hope it will be convenient for a representative of the Commission to come to Columbia and hear my statement.

Very truly yours,

(signed) S. F. McLeod."

After discussion, it was directed (1) that the Chief Examiner be called upon to submit a memorandum with respect to the power of the Commission to compel the attendance of witnesses before the Commission at Washington by subpoena pursuant to the Tobacco Investigation under Senate Resolution 329, adopted February 3, 1925 (Senator Grant); (2) that a wire be addressed to the representative of the Tobacco Growers' Cooperative Association (Aaron Sapire, Chicago, Illinois), who requested that Mr. McLeod be invited to appear before the Commission and testify, advising Mr. Sapire of the receipt of Mr. McLeod's letter of September 22nd and make inquiry whether Mr. Sapire or his associates have any further suggestions to make on the subject and with the additional statement that the Commission is desirous of having an open hearing in the matter at Washington; and (3) that the telegram be confirmed by letter to Mr. Sapire, which letter shall quote the statements made by Mr. Sapire to the Commission on September 14, 1925, with respect to the attendance of Mr. McLeod.

(4) Letter of September 23rd from Congressman Allen T. Treadway of Massachusetts, enclosing a letter dated September 22nd addressed to the Congressman by the Weber Brothers Shoe Company, North Adams, Massachusetts, with reference to a shoe last that the Company owns called the "Weber Ball Room".

The letter was read and it was directed that reply be prepared stating in substance that the matter appears to be one over which the Federal Trade Commission has no jurisdiction and one which should be handled by settlement between the parties and to suggest that some information may be secured from the Patent Office as to whether or not the name of the shoe last has been registered.

Formal docket cases appearing on the weekly Conference Calendar for final determination were considered by the Commission and action as indicated was taken:

(1) Docket 1181 - Furniture Manufacturers' Showrooms, Inc. On June 19, 1925, the Commission directed that order to cease and desist issue and directed the Chief Counsel to prepare

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and submit to the Commission for approval as to form, draft of findings as to the facts and order to cease and desist and that in the preparation of the findings as to the facts, the Chief Counsel make a separate finding that respondent interfered with interstate commerce as well as being in interstate commerce itself. It was further directed that the words "said City" appearing in the sixth line of Paragraph One of the report upon the facts by Trial Examiner Sheppard be not used in the findings as to the facts, but that the words "the City of Philadelphia" be used.

The case is before the Commission upon the following record: memorandum of August 28th from the Chief Counsel transmitting the case; findings as to the facts and order to cease and desist submitted by the Chief Counsel with memorandum of August 28, 1925; complaint.

Mr. Nugent suggested that the order submitted by the Chief Counsel be divided into two paragraphs and indicated the proposed division. This was agreed to by the Commission and the matter was referred to Mr. Nugent to instruct the attorney accordingly.

After consideration, the findings as to the facts submitted by the Chief Counsel were approved and the order, as corrected at the suggestion of Mr. Nugent, was approved and it was directed that the same be put in proper form and served without further action by the Commission.

(2) Docket 1152 - Fastery-to-You Furniture Store.

Consideration of this case was laid over until next Conference Day.

(3) Docket 1198 - Lexington Storage Warehouse Company, et al.

On June 12, 1925, the Commission directed that an order to cease and desist issue and that the Chief Counsel prepare and submit to the Commission for approval as to form, draft of findings as to the facts and order to cease and desist.

The case is before the Commission upon the following record: memorandum of August 28th from the Chief Counsel transmitting the case; findings as to the facts and order to cease and desist submitted by the Chief Counsel with memorandum of August 28, 1925; complaint.

After consideration, on motion of Mr. Van Fleet, the findings as to the facts and order to cease and desist submitted by the Chief Counsel were adopted without change and referred to the Secretary for service without further action by the Commission.

(4) Docket 1223 - Chicago Retail Lumber Dealers' Association.
Consideration of this case laid over until next Conference Day.

(5) Docket 1225 - Associated Furniture Manufacturers' Warehouse Company.

On June 12, 1925 the Commission directed that an order to cease and desist issue and that the Chief Counsel prepare and submit to the Commission for approval as to form, draft of findings as to the facts

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and order to cease and desist.

The case is before the Commission upon the following record: memorandum of August 28th from the Chief Counsel submitting the case; findings as to the facts and order to cease and desist submitted by the Chief Counsel with memorandum of August 28, 1925; complaint.

After consideration, in motion of Mr. Van Fleet, the findings as to the facts and order to cease and desist submitted by the Chief Counsel were adopted without change and referred to the Secretary for service without further action by the Commission.

(6) Docket 1243 - Grand Rapids Furniture Manufacturers' Warehouse Association, et al.

On June 19, 1925 the Commission directed that an order to cease and desist issue and that the Chief Counsel prepare and submit to the Commission for approval as to form, draft of findings as to the facts and order to cease and desist and that in the preparation of the findings as to the facts a separate finding that respondent interfered with interstate commerce as well as being in interstate commerce itself be made.

The case is before the Commission upon the following record: memorandum of August 28th from the Chief Counsel transmitting the case; findings as to the facts and order to cease and desist submitted by the Chief Counsel with memorandum of August 28, 1925; complaint.

Mr. Van Fleet suggested certain changes in the findings as to the facts and order to cease and desist as submitted by the Chief Counsel and as indicated on marked copy. The suggested changes were adopted by the Commission and thereafter, the findings as to the facts and order to cease and desist as amended, were approved by the Commission and referred to the Secretary to be put in proper form and thereafter to be served without further action by the Commission.

(7) Docket 1318 - L. Shapiro & Sons.

This case comes before the Commission for final determination upon the following record: memorandum from the Chief Counsel transmitting the case and recommending that the stipulation be accepted and the findings and order adopted; complaint; answer; stipulation as to the facts; findings as to the facts and order to cease and desist submitted by the Chief Counsel. No testimony was taken nor briefs filed. Attorney Brownell represents the Commission. Attorney F. H. Hartogianis represents the respondents. Final argument was heard September 14, 1925.

The Secretary reported in response to the Commission's direction of September 16, 1925 and submitted a memorandum from Trial Attorney Brownell, which was read. Thereafter, it was directed that an order to cease and desist issue.

September 25, 1925.

Mr. Nugent suggested certain changes in the findings as to the facts and order to cease and desist submitted by the Chief Counsel, as shown on marked copy. The suggested changes were adopted by the Commission and thereafter, the findings and order as corrected, were approved and referred to the Secretary to be put in proper form and served without further action by the Commission.

(8) Docket 1251 - American Association of Advertising Agencies.

This case is before the Commission upon the following record: memorandum of September 18th from the Chief Counsel having to do with (1) the pending application of counsel for the Southern Newspaper Publishers' Association for a hearing before the Commission; and (2) motion by the Chief Counsel for the issuance of an amended complaint broadening the cause of action and adding the American Newspaper Publishers' Association and the Six Point League as parties respondent; letter of July 31, 1925 from McRocher & Link, counsel for respondents; letter of July 29, 1925 from Finlay & Campbell, counsel for respondent, Southern Newspaper Publishers' Association; letter of July 31, 1925 from Secretary of the Commission to Finlay & Campbell, replying to their letter of July 29th; remarks from the Chief Counsel as to changes proposed in the complaint; amended complaint.

In the memorandum of September 18, 1925, the Chief Counsel recommended: (1) that the application for hearing of the Southern Newspaper Publishers' Association be granted; (2) that the Chief Counsel be authorized to serve notice of hearing before the Commission of a motion to amend the complaint, with copy of proposed amended complaint, upon the present respondents and upon proposed respondents, the corporate American Newspaper Publishers' Association and the officers of the Six Point League; and (3) that the motion to amend the complaint be heard first and that the more restricted hearing at the instance of the Southern Newspaper Publishers' Association be set at a later hour on the same day.

After consideration, on motion of Mr. Nugent, the recommendations of the Chief Counsel were approved and it was so ordered and the hearing was set down for Friday, October 23, 1925, at 2 p.m.

(9) Docket 1127 - Calumet Baking Powder Company.

Consideration of this case laid over until next Conference Day.

The following matters of general business forwarded to the Commission by the heads of the several Divisions were presented by the Secretary and action as indicated was taken by the Commission:

September 25, 1925.

(1) Docket 835 - Famous Players-Lasky Corporation, et al.

Memorandum of September 24th was received from the Chief Counsel, W. H. Fuller, stating pursuant to the request of the Commission under date of September 23rd, that it would be desirable to have this case set for final argument before the Commission any day most convenient for the Commission during the first week of November.

The memorandum was read and the case was set for final argument on Tuesday, November 10, 1925, at 9:30 a. m., with the direction that the amount of time be allowed the parties would be determined by the Commission on the day of argument. The Secretary was directed to notify interested parties by registered mail.

(2) Docket 848 - Calumet Baking Powder Company.

Upon receipt of memorandum of September 23th from the Chief Counsel, the case was set for final argument before the Commission on Monday, November 9, 1925, at 2 p.m., with direction to the Secretary to notify interested parties by registered mail and order granting respondent to and including October 20, 1925 for filing brief was approved and entered.

(3) Docket 1232 - Arkansas Wholesale Grocers' Association.

Memorandum of September 23rd was received from the Chief Counsel stating that counsel for the respondents have filed an application for a commission to take the deposition of J. T. Farrell, at Little Rock, Arkansas and that the Trial Attorney for the Commission, E. W. Burr, does not care to propound any cross-interrogatories in connection with respondents' interrogation of Mr. Farrell. The Chief Counsel recommended that the application be granted and that the person named to act as Commissioner, namely, Harry M. Myers, at Little Rock, be appointed and further that the respondents' attorneys be notified that the fees will be their charge; and that a day for taking of deposition be inserted in the Commission, the same to be fixed for a date within seven days after favorable action on the Commission's part.

The recommendation of the Chief Counsel was adopted and it was so ordered.

(4) Docket 1211 - Sea Island Thread Company.

Memorandum of September 24th was received from the Chief Counsel stating that the case was set for final argument on September 30, 1925; that the brief was filed by Attorney T. J. Butler and the case thereafter, assigned to Trial Attorney Brownell who is of opinion that there is not sufficient evidence in the record to show whether or not the labels are in fact misleading to the public. The Chief Counsel recommended that the date for final argument be postponed in order that Attorney Brownell may conduct a further investigation.

The recommendation of the Chief Counsel was approved and it was so ordered.

September 25, 1925.

(5) Memorandum of September 2nd from the Chief Examiner in regard to the acquisition of the capital stock of the Naira Linoleum Company by the Congoleum Company, Inc. The Chief Examiner recommended that an application be docketed against the Congoleum-Naira Company, Inc., alleging violation of Section 7 of the Clayton Act. It was directed that the memorandum be circulated.

(6) Memorandum of July 21st from the Chief Examiner in regard to the acquisition of the capital stock of the Pacific Car & Foundry Company by the American Car & Foundry Company. The Chief Examiner recommended that an application for complaint be docketed against the American Car & Foundry Company alleging violation of Section 7 of the Clayton Act. It was directed that the memorandum be circulated.

(7) Memorandum of August 14th was received from the Chief Examiner stating that investigation had been made of the complaint filed by Mrs. Mattie Parham of Royston, Georgia, against the Wilson Seed Company of Tyrone, Pennsylvania, that the failure to send Mrs. Parham her premium was due to a clerical error which had been corrected; and recommending in view of the facts that the matter be filed without action. The recommendation of the Chief Examiner was adopted and it was directed that Mrs. Parham be advised of the outcome of the matter.

(8) Memorandum of August 10th was received from the Chief Examiner reporting that an inquiry had been conducted to determine whether or not the Canfield Oil Company was selling oil marked or branded "100% Pennsylvania Oil", which, as a matter of fact, was not Pennsylvania Oil and which developed the fact that no other grade of oil enters this plant than Pennsylvania Oil. The Chief Examiner recommended that the matter be closed without docketing. The memorandum was read and the recommendations of the Chief Examiner adopted and it was so ordered.

(9) File 1-3442 - F. T. C. vs. Kennecott Copper Corporation. Memorandum of August 21st was received from the Chief Examiner reporting pursuant to the Commission direction of June 13, 1925, in regard to the organization, operation and results of the selling agency, Guggenheim Brothers. The Chief Examiner recommended that the matter be closed without further action. It was directed that the file be circulated.

(10) File 1-3830 - Mahogany Association, Inc. vs. Frank Paxton Lumber Company. This application for complaint came forward direct from the Chief Examiner pursuant to the Commission's direction of March 11, 1925 that certain applications filed by the Mahogany Association, Inc. in the matter of alleged misbranding of "Philippine Mahogany" be expedite by the Chief Examiner and submitted to the Commission without reference to the Board of Review.

September 23, 1925.

The Chief Examiner submitted final report from the Investigating Attorney recommending that complaint issue under the Federal Trade Commission Act against the Frank Paxton Lumber Company. The Chief Examiner concurred in the recommendation for complaint.

After consideration, it was directed that complaint issue and be drafted but not served and that the case be included in the list of Philippine Mahogany cases from which the Chief Counsel has been heretofore instructed to select two or three test cases for trial.

(11) File 1-3373 - F. T. C. vs. Emerson Hardware Company.

This application for complaint came forward direct from the Chief Examiner, pursuant to the Commission's direction of March 11, 1925, that certain applications in the matter of alleged misbranding of "Philippine Mahogany" be expedited by the Chief Examiner and submitted to the Commission without reference to the Board of Review.

The Chief Examiner submitted final report from the Investigating Attorney recommending that complaint issue under the Federal Trade Commission Act against the Emerson Hardware Company charging misleading advertising and misrepresentation in the sale of Philippine lumber. The Chief Examiner concurred in the recommendation for complaint.

After consideration, it was directed, that complaint issue and be drafted but not served and that the case be included in the list of Philippine Mahogany cases from which the Chief Counsel has been heretofore instructed to select two or three test cases for trial.

(12) File 1-3514 - Permatex Company, Inc. vs. Standard Products Company.

Memorandum of August 24th was received from the Chief Examiner reporting the facts surrounding the case and recommending that this application - file 1-3514 be consolidated with file 1-3409 - Permatex Company, Inc. vs. Har-Loc Products Company, Inc.

The recommendation of the Chief Examiner was adopted and it was so ordered.

(13) File 1-3445 - J. Seely Company vs. Portiac Knitting Mills.

Memorandum of June 13th was received from the Chief Examiner calling attention to the request of the respondent that they be allowed until December 31, 1925 in which to comply with the terms of the proposed stipulation. The Chief Examiner asked instructions.

The memorandum was read and after consideration, Mr. Van Fleet offered the following motion, which was seconded by Mr. Hunt:

September 25, 1935.

Moved, that the request of the proposed respondent be granted and that the respondent be allowed until December 31, 1935, in which to comply with the terms of the stipulation and that the file be returned to the Chief Examiner to proceed with the stipulation accordingly.

As to the foregoing motion, Messrs. Van Fleet and Hunt voted in the affirmative and Mr. Nugent voted in the negative and made the following statement:

"I vote 'no' for the reason that I believe that the case should go to complaint which should be issued and tried in the regular course."

(14) File 1-3050 - J. S. Otis Mahogany Company, Inc. vs. Grand Rapids Furniture Manufacturers.

Memorandum of August 19th was received from the Chief Examiner calling attention to the fact that the case was back two years ago and that in the meantime a new set of applications involving the same charge as this case - false and misleading advertising and misrepresentation in connection with the distribution and sale of mahogany lumber and furniture - have been docketed and several complaints issued and recommending that this case be placed on the Suspense Calendar to await the result in the line of so-called mahogany cases.

The recommendation of the Chief Examiner was approved and it was so ordered.

(15) File 1-2629 - Universal Shop vs. Victor Talking Machine Company.

Memorandum of August 29th was received from the Chief Examiner stating that the charge is resale price maintenance and that several dealers have been interviewed but in no instance was it found that such dealers had been removed from the free trade service list by the Victor Company because of their failure to maintain the resale price on Victor products. The Chief Examiner recommended that the application be dismissed.

The recommendation of the Chief Examiner was adopted and it was so ordered.

(16) File 1-2577 - Harris-Wahle Company vs. Altman-Fallerner Silk Company, Inc.

Memorandum of August 29th was received from the Chief Examiner stating that the respondent has discontinued the use of the misleading term "Voyasilk" as applied to a cotton fabric and recommending that the application be dismissed.

The recommendation of the Chief Examiner was adopted and the application for complaint dismissed.

September 25, 1925.

(17) File 1-3231 - Denmark vs. Danish Pride Milk Products Company, et al.

Memorandum of September 17th was received from the Chief Examiner stating that this application was docketed at the instance of the Danish Government; that the respondent has sold its plant, trademarks and good-will to the Fat Milk Company; and that the Fat Milk Company do not contemplate using the "Danish Pride" label in export business and stated that if they resumed use of this label they will first take the matter up with the Federal Trade Commission. The Chief Examiner recommended that the application against the Danish Pride Milk Products Company be dismissed and that no application at present, be docketed against the Fat Milk Company and further that the Danish Government be advised, through the State Department, of the facts in the matter.

The memorandum was read and the recommendations of the Chief Examiner adopted and the application dismissed.

(18) File 1-3920 - Rural New Yorker v. Waterproofing Corporation of America.

Memorandum of September 9th was received from the Chief Examiner setting forth the facts and recommending that this file be consolidated with file 1-3919 - Rural New Yorker vs. Asbestos Products Corporation.

The recommendation of the Chief Examiner was adopted and it was so ordered.

Thereupon, at the hour of 12:15 p.m., the Commission adjourned to meet Monday, September 26, 1925, at 10 a.m.

Vernon E. Van Fleet,
Chairman.

Attest:
[Signature]
Otis A. Johnson,
Secretary.

Saturday - September 26, 1925 - No meeting held.

Sunday - September 27, 1925 - No meeting held.

September 20, 1923.

MEETING OF THE FEDERAL TRADE COMMISSION

Monday - September 20, 1923 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Nugent,
Charles W. Hunt,
William T. Humphrey.

Mr. Thompson absent on official business.

The minutes of the meeting of September 20, 1923 were read and approved.

The Secretary reported that on September 23, 1923, the Commission had received from the President, via the Department of State in regular course, a Presidential Commission dated September 18, 1923, appointing Charles W. Hunt of Iowa, Commissioner to succeed himself for a term of seven years beginning September 20, 1923, "during the pleasure of the President of the United States for the time being, and until the end of the next session of the Senate of the United States and no longer"; and that under this Presidential Commission, Mr. Hunt took the oath of office September 23, 1923.

(1) The Chairman referred to telegram of September 13th and letter of the same date sent to Messrs. Aaron Sapire, Earl J. Davis and W. T. Joyner, representatives of the Tobacco Growers' Cooperative Association, with respect to the letter of September 22nd from E. F. McLeod, Columbia, South Carolina, advising the Commission that it would be difficult for Mr. McLeod to leave his office for a hearing at Washington in connection with Senate Resolution 329, adopted February 3, 1923 (Senator Brant). The Chairman also presented wire of September 26th from Earl J. Davis and a letter of September 26th from Aaron Sapire requesting the Commission to send an investigator to Columbia, South Carolina, to get the testimony of Mr. McLeod. This correspondence was read.

After consideration, the Secretary was directed to address a letter to the representatives of the Tobacco Growers' Cooperative Association advising that the thought of hearing Mr. McLeod was suggested by Mr. Sapire at the hearing before the Commission on September 18, 1923, at which time Mr. Sapire stated, that ".... Mr. McLeod will come to Washington, if desired, and appear before the investigator, or before the Commission itself if it desires to hear him"; and that it appearing that Mr. McLeod having been invited

September 30, 1923.

to attend a hearing at Washington, finds it inconvenient for business reasons to come, the Commission at the request of the Association will send an Examiner to interview Mr. McLeod at Columbia, South Carolina.

The Chief Examiner was called upon, pursuant to the Commission's action of September 16, 1923, to designate an Examiner not heretofore connected with the Tobacco Inquiry to proceed promptly to interview Mr. McLeod and report to the Commission.

(2) Letter of September 24th was received from the Standard X-Ray Company, Chicago, Illinois (V. E. Hama, Treasurer), complaining of the action of the Victor X-Ray Corporation of Chicago in withholding certain types of Coolidge X-Ray Tubes from the Standard Company.

The letter was read and referred to the Chief Examiner for attention.

(3) Letter of September 26th from Senator Irvine L. Lenroot, of Wisconsin, enclosing a letter of September 22nd from the John H. Kaiser Lumber Company, Eau Claire, Wisconsin, relative to the issuance of licenses for the manufacture of a certain patented wire-bound box by the Box Patent Corporation.

The letter was read and referred to the Chief Examiner with instructions to conduct a preliminary investigation and report the facts promptly to the Commission and with the further instruction that a letter be prepared to Senator Lenroot advising him of the action taken. The Chief Examiner was directed to expedite the preliminary investigation.

(4) Letter of September 23rd from the National Retail Dry Goods Association, New York City (Law Hahn, Managing Director), requesting permission to take part in a trade practice submittal for the purpose of determining just what course the Association should recommend to its members with respect to the designation of furniture.

The letter was read and referred to the Secretary for reply advising that the Commission had requested its Chairman to conduct a trade practice submittal with the Furniture Industry with respect to the proper marking of furniture; that a conference would be shortly held in New York City to which the Association would be invited to appear; and with instructions to send a copy of the Association's letter to the Attorney-in-charge of the New York Office with direction to notify the Association of the time and place of the Conference to be conducted by Chairman Van Fleet.

(5) Letter of September 25th from the Department of Justice (William J. Donovan, Assistant to the Attorney General), requesting three copies of complaints, answers, statements of facts, orders, etc., issued by the Commission and that an additional copy of all such documents issued by the Commission since September 1, 1923, be forwarded to the Department of Justice.

The letter was read and referred to the Secretary for compliance.

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Mr. Nugent presented letter of September 26th from Samuel McCune Lindsay, President, The Academy of Political Science, New York City, inviting Dr. Walker to read a paper and make an address before the Academy on "The Function of Government in Collecting & Distributing Business Information". Mr. Nugent stated that Dr. Walker submitted the matter to the Commission for instructions.

The Commission offered no objections to Dr. Walker's participation in the meeting.

Mr. Nugent presented the following listed applications for complaint and action as indicated was taken by the Commission:

- (1) File 1-3734 - Silk Association of America vs. H. Flugelman & Company.

Mr. Nugent submitted memorandum of September 28th reviewing the facts, disagreeing with the recommendation of the Board of Review that the stipulation be accepted and the complaint dismissed and recommended that complaint issue.

The memorandum was read and after consideration, Mr. Nugent moved that complaint issue charging H. Flugelman & Company with violation of the Federal Trade Commission Act. The motion failed for want of a second.

Thereafter, Mr. Van Fleet offered the following motion, which was seconded by Mr. Hunt:

Moved, that the stipulation submitted by the Board of Review be rejected by the Commission and returned to the Board with instructions to obtain another stipulation stating that the words to be used by the respondent in describing the material as cotton be in as conspicuous type and size as the trade name of the respondent.

The foregoing motion was adopted and it was so ordered.

- (2) File 1-2767 - F. T. C. vs. Van Ivan Petroleum Company.

Mr. Nugent submitted memorandum of September 28th reviewing the facts and concurring in the recommendation of the Chief Examiner that the application for complaint be removed from the Suspense Calendar and dismissed.

The memorandum was read and after consideration, on motion of Mr. Nugent, the application for complaint was removed from the Suspense Calendar and dismissed for the reason that the respondent is out of business.

September 28, 1925.

(3) File 1-2849 - Mrs. M. S. Waterman vs. Dr. S. J.

Igen Laboratory (Leroy A. Kling, et al).

Mr. Nugent submitted memorandum of September 28th reviewing the record, concurring in the recommendation of the Board of Review and recommending that complaint issue.

The memorandum was read and after consideration, on motion of Mr. Nugent, seconded by Mr. Van Fleet, the Commission directed that complaint issue charging Leroy A. Kling, et al, with violation of the Federal Trade Commission Act and further that the facts be brought to the attention of the Postmaster General in a letter.

The file was referred to the Chief Counsel for preparation of complaint under the rule, the same to be served by the Secretary without further action by the Commission.

Mr. Humphrey presented letter of September 28th from the Odets Company, New York City (B. H. Harrmann, Vice-President), requesting to be advised of the number of patterns sold by each of the leading manufacturers of paper patterns, such as Butterick Company, Pictorial Review, etc.

The letter was read and referred to the Secretary for preparation of reply furnishing such information as is available from public sources.

The following matters of general business forwarded to the Commission by the heads of the several Divisions were presented by the Secretary and action as indicated was taken:

(1) Appeals to be filed by Messrs. Alvard, Hayercraft, McKillen, and Cole with the Personnel Classification Board for change of allocation from Professional Grade IV to Professional Grade V.

The appeals were approved by the Commission and ordered forwarded in the regular course.

(2) Docket 1187 - Franklin Coal Company.

Upon receipt of memorandum of September 24th from the Chief Counsel, the Commission set the case down for final argument on Monday, November 16, 1925, at 2 p.m., with the direction that the Secretary notify interested parties by registered mail.

(3) Docket 341 - Keeler Brothers & Company, et al.

Memorandum of September 28th was received from Trial Attorney Rowland, approved by the Chief Counsel, transmitting letter of September 2nd from Joseph Leeb, Business Consultant, Portland, Oregon and newspaper clippings in regard to the activities of Frank Keeler in Portland. The memorandum stated that it was clear that Frank Keeler was violating the order to cease and desist dated July 28, 1924 and asked instructions.

It was directed that the memorandum be circulated.

September 28, 1925.

(4) Docket 1309 - Barnes-Ames Company, et al.

Memorandum of September 25th was received from Trial Attorney Flannery, approved by the Chief Counsel, reporting pursuant to the Commission's direction of September 16th, the opinion of the Trial Attorney. Attorney Flannery suggested that if the matter is proceeded with that neither the allegations of the complaint as issued nor as proposed in the suggested amendment allege facts clearly showing that the acts complained of resulted in deception. It was directed that the matter be circulated.

(5) File 1-3868 - F. T. C. vs. Long-Bell Lumber Company.

Memorandum of August 28th was received from the Chief Examiner asking authority to negotiate with the respondent for a stipulation under the rule of March 11, 1925 and also requested authority to investigate and docket applications against other concerns engaged in the sale of yellow pine under the trade name California White Pine.

The memorandum was read and thereafter, Mr. Nugent moved that complaint issue. The motion failed for want of a second.

Thereafter, Mr. Van Fleet offered the following motion, which was seconded by Mr. Hunt:

Moved, that the recommendations of the Chief Examiner be approved and the case returned to the Chief Examiner with authority to negotiate for a stipulation under the rule of March 11, 1925 and report to the Commission and further that the Chief Examiner investigate and docket applications against other concerns engaged in the sale of yellow pine under the trade name California White Pine.

As to the foregoing motion Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Mr. Nugent voted in the negat and made the following statement for the record:

"I vote 'no' against the order of the Commission to negotiate for a stipulation in this case for the reason that I believe complaint should issue in the regular course."

(6) File 1-3878 - Craftex Mills, Inc. vs. Bayon Silk Company of America.

The Chief Examiner submitted final report of the Examining Attorney and asked authority to negotiate for a stipulation under the rule of March 11, 1925.

After consideration, Mr. Nugent moved that complaint issue. The motion failed for want of a second.

Thereafter, Mr. Hunt offered the following motion, which was seconded by Mr. Humphrey:

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Moved, that the case be returned to the Chief Examiner with authority to negotiate for a stipulation under the rule of March 11, 1925 with the direction that in event the respondent fails to stipulate, the case then proceed in the regular course.

As to the foregoing motion Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Mr. Nugent voted in the negative, and made the following statement for the record:

"I vote 'no' against the order of the Commission to negotiate for a stipulation in this case for the reason that I believe complaint should issue in the regular course."

(7) File 1-3971 - Mac-O-Chee Mills Company vs. The Thomas Manufacturing Company.

Memorandum of September 10th was received from the Chief Examiner stating the facts in the case and requesting authority to negotiate with the respondent for a stipulation in accordance with the rule of March 11, 1925.

The memorandum was read and after consideration, Mr. Nugent moved that complaint issue. The motion failed for want of a second.

Thereafter, Mr. Van Fleet offered the following motion, which was seconded by Mr. Hunt, and adopted by the Commission:

Moved, that the case be returned to the Chief Examiner with authority to negotiate for a stipulation under the rule of March 11, 1925 and report to the Commission.

As to the foregoing action of the Commission, Mr. Nugent voted in the negative and made the following statement for the record:

"I vote 'no' against the order of the Commission to negotiate for a stipulation in this case for the reason that I believe complaint should issue in the regular course."

(8) File 1-3922 - New York Twine Mills Company vs. Hoffman-Carr Manufacturing Company.

Memorandum of August 27th was received from the Chief Examiner setting forth the facts in the case and asking authority to negotiate with the respondent for a stipulation under the rule of March 11, 1925.

The memorandum was read and after consideration, Mr. Nugent moved that complaint issue. The motion failed for want of a second.

September 25, 1925.

Thereafter, Mr. Van Fleet offered the following motion which was seconded by Mr. Hunt, and adopted by the Commission:

Moved, that the case be returned to the Chief Examiner with authority to negotiate for a stipulation under the rule of March 11, 1925 and report to the Commission.

As to the foregoing action of the Commission, Mr. Nugent voted in the negative and made the following statement for the record:

"I vote 'no' against the order of the Commission to negotiate for a stipulation in this case for the reason that I believe complaint should issue in the regular course."

(9) File 1-3963 - United Credit Company vs. Robert-Stern Co.
Memorandum of September 4th was received from the Chief Examiner setting forth the facts in the case and asking authority to negotiate with the respondent for a stipulation under the rule of March 11, 1925.

The memorandum was read and after consideration, Mr. Nugent moved that complaint issue. The motion failed for want of a second. Thereafter, Mr. Van Fleet offered the following motion, which was seconded by Mr. Hunt, and adopted by the Commission:

Moved, that the case be returned to the Chief Examiner with authority to negotiate for a stipulation under the rule of March 11, 1925 and report to the Commission.

As to the foregoing action of the Commission, Mr. Nugent voted in the negative and made the following statement for the record:

"I vote 'no' against the order of the Commission to negotiate for a stipulation in this case for the reason that I believe complaint should issue in the regular course."

(10) File 1-3964 - Mac-Egul Textile Mills, Inc. vs. Glassy Knitting Mills and Artus Knitting Mills.

Memorandum of September 4th was received from the Chief Examiner setting forth the facts in the case and asking authority to negotiate with the respondent for a stipulation under the rule of March 11, 1925.

The memorandum was read and after consideration, Mr. Nugent moved that complaint issue. The motion failed for want of a second. Thereafter, Mr. Van Fleet offered the following motion, which was seconded by Mr. Hunt and adopted by the Commission:

September 28, 1925.

Moved, that the case be returned to the Chief Examiner with authority to negotiate for a stipulation under the rule of March 11, 1925 and report to the Commission.

As to the foregoing action of the Commission, Mr. Nugent voted in the negative and made the following statement for the record:

"I vote 'no' against the order of the Commission to negotiate for a stipulation in this case for the reason that I believe complaint should issue in the regular course."

(11) File 1-3796 - Better Bedding Alliance, of America, vs. Colorado Bedding Company.

Memorandum of September 9th was received from the Chief Examiner setting forth the facts in the case and asking authority to negotiate with the respondent for a stipulation under the rule of March 11, 1925.

The memorandum was read and after consideration, Mr. Nugent moved that complaint issue. The motion failed for want of a second.

Thereafter, Mr. Van Fleet offered the following motion, which was seconded by Mr. Hunt and adopted by the Commission:

Moved, that the case be returned to the Chief Examiner with authority to negotiate for a stipulation under the rule of March 11, 1925 and report to the Commission.

As to the foregoing action of the Commission, Mr. Nugent voted in the negative and made the following statement for the record:

"I vote 'no' against the order of the Commission to negotiate for a stipulation in this case for the reason that I believe complaint should issue in the regular course."

(12) File 1-3961 - Davis Paint Company, Inc. vs. Mack Paint Company.

Memorandum of September 9th was received from the Chief Examiner setting forth the facts in the case and asking authority to negotiate with the respondent for a stipulation under the rule of March 11, 1925.

The memorandum was read and after consideration, Mr. Nugent moved that complaint issue. The motion failed for want of a second.

Thereafter, Mr. Van Fleet offered the following motion, which was seconded by Mr. Hunt and adopted by the Commission:

Moved, that the case be returned to the Chief Examiner with authority to negotiate for a stipulation under the rule of March 11, 1925 and report to the Commission.

As to the foregoing action of the Commission, Mr. Nugent voted in the negative and made the following statement for the record:

September 28, 1925.

"I vote 'no' against the order of the Commission to negotiate for a stipulation in this case for the reason that I believe complaint should issue in the regular course."

(13) File 1-2487 - U. S. Civil Service Commission vs. Indiana Civil Service School.

Memorandum of September 3rd was received from the Chief Examiner setting forth the facts in the case and asking authority to negotiate with the respondent for a stipulation under the rule of March 11, 1925.

The memorandum was read and after consideration, Mr. Nugent moved that complaint issue. The motion failed for want of a second.

Thereafter, Mr. Van Fleet offered the following motion, which was seconded by Mr. Hunt and adopted by the Commission:

Moved, that the case be returned to the Chief Examiner with authority to negotiate for a stipulation under the rule of March 11, 1925 and report to the Commission.

As to the foregoing action of the Commission, Mr. Nugent voted in the negative and made the following statement for the record:

"I vote 'no' against the order of the Commission to negotiate for a stipulation in this case for the reason that I believe complaint should issue in the regular course."

(14) File 1-3871 - U. S. Civil Service Commission vs. Federal Civil Service School.

Memorandum of August 13th was received from the Chief Examiner stating that the respondent upon being interviewed agreed at once to change its name to "The Federal Correspondence School, Inc." and recommending that the application be dismissed without securing a stipulation in the regular form.

The memorandum was read and after consideration, Mr. Nugent moved that complaint issue. The motion failed for want of a second.

Thereafter, Mr. Van Fleet offered the following motion, which was seconded by Mr. Hunt and adopted by the Commission:

Moved, that the recommendation of the Chief Examiner be approved and the application for complaint dismissed.

As to the foregoing action of the Commission, Mr. Nugent voted in the negative and made the following statement for the record:

"I vote 'no' against the order of the Commission to dismiss the application for complaint for the reason that I believe complaint should issue in the regular course."

September 28, 1925.

(15) File 1-3433 - Fowles & Hasselbacher Chemical Company vs. Philip H. Gaul & Company.

Memorandum of July 28th was received from the Chief Examiner calling attention to a letter from Dr. W. G. Campbell, Department of Agriculture, that a decree of condemnation was entered on April 24th and a criminal case is now being prepared and recommending that the case be removed from the Suspense Calendar and dismissed.

The recommendation of the Chief Examiner was adopted and the case removed from the Suspense Calendar and dismissed.

(16) File 1-3181 - Smith & Wesson, Inc. vs. Gerate, Treccola & Lameo, Inc.

Memorandum of July 17th was received from the Chief Examiner transmitting copy of the findings and recommendations of the Tariff Commission to the President and recommending that the application be removed from the Suspense Calendar and dismissed.

The memorandum was read and thereafter, on motion of Mr. Van Fleet, the Commission directed that the case remain on the Suspense Calendar until final action by the President.

(17) File 1-2908 - F. T. C. vs. Fruit-Mexia Orange Interests, et

The Chief Examiner submitted report of the Examiner setting forth the facts in the matter and recommending that the application for complaint be dismissed by the Commission.

The recommendation of the Examiner as concurred in by the Chief Examiner was approved and it was ordered that the application for complaint be dismissed.

(18) File 1-3187 - Wallace & Tiernan Company, Inc. vs. Industrial Appliance Company.

Memorandum of August 18th was received from the Chief Examiner setting forth the facts in the case and recommending that the application for complaint be dismissed.

The recommendation of the Chief Examiner was approved and the application for complaint dismissed.

(19) File 1-3796 - Better Bedding Alliance of America vs. Colorado Mattress Manufacturing Company. (Morris Stein and L. Marenberg).

" 1-3789 - Chandler Motor Car Company vs. Fearless Commerce Company, Inc.

" 1-3638 - Gisliger Brothers vs. G. Mire, Inc.

" 1-3558 - Berk Brothers vs. Marie Antoinette Perle Company. (Nat L. Blanton).

In each of the above cases the Chief Examiner submitted stipulations signed by the proposed respondents and in each case recommended that the application be dismissed.

September 28, 1925.
September 30, 1925.

After consideration, the above listed files were returned to the Chief Examiner with request to prepare a memorandum briefly stating the facts in the cases and the facts stipulated for the information of the Commission, in accordance with the action of September 11, 1925.

(20) Booklet 1317 - Rauben Garman, trading as Silkstex Hosiery Mills.

The following orders submitted by the Chief Counsel were approved and entered: (1) that Rob Woodfill, an Examiner of the Commission, be designated to receive testimony, etc., and (2) that the hearing of the complaint begin at New York City, October 12, 1925 at 10 a.m.

Thereupon, at the hour of 12 m., the Commission adjourned to meet Wednesday, September 30, 1925, at 10 a.m.

Vernon W. Van Fleet,
Chairman.

Attest:

Willie E. Humphrey,
Secretary.

Tuesday - September 29, 1925 - No meeting held.

MEETING OF THE FEDERAL TRADE COMMISSION

Wednesday - September 30, 1925 - 10 a.m.

PRESENT:

John F. Rogers, Acting Chairman,
Charles F. Hunt,
Rustie Thompson,
Willie E. Humphrey.

Mr. Van Fleet absent

September 30, 1925.

The minutes of the meeting of September 30, 1925, were read and approved.

Mr. Thompson reported informally with respect to the trade practice submittal which he had conducted at New York City on Friday, September 25, 1925, with respect to misrepresentation as to the length, etc., of mending cotton, and stated that practically all of the industry was present and had agreed upon certain descriptions which were thought to be satisfactory to all parties. Mr. Thompson asked that consideration of his report of the submittal be made a Special Order of business after the regular order on Friday, October 2, 1925. It was so ordered.

Mr. Humphrey presented the following listed applications for complaint and action as indicated was taken by the Commission:

- (1) File 1-3776 - Norman-Roberts Company (Mr. and Mrs. N. J. Sackheim) vs. World Mail Order Company, Inc. (J. M. Meyer).

Mr. Humphrey submitted memorandum of September 30th reviewing the facts, calling attention to the report of the Board of Review transmitting stipulation signed by the proposed respondent and recommending that the stipulation be rewritten.

The memorandum was read and after consideration, on motion of Mr. Humphrey, the case was returned to the Board of Review for revision of the proposed stipulation in accordance with Mr. Humphrey's memorandum of September 30th.

- (2) File 1-3673 - Associated Advertising Clubs of the World vs. Supreme Jewelry Manufacturing Company.

Mr. Humphrey submitted memorandum of September 30th reviewing the facts, calling attention to the stipulation submitted by the Board of Review and recommending that the stipulation be rewritten.

The memorandum was read and after consideration, on motion of Mr. Humphrey, the case was returned to the Board of Review for revision of the proposed stipulation in accordance with Mr. Humphrey's memorandum of September 30th.

- (3) File 1-3765 - Norman-Roberts Company vs. Federal Mail Order Company (Ben Arreger).

Mr. Humphrey presented memorandum of September 30th reviewing the facts, concurring in the recommendation of the Board of Review and recommending that complaint issue.

September 30, 1925.

The memorandum was read and after consideration, on motion of Mr. Humphrey, it was ordered that complaint issue charging the Federal Mail Order Company (Ben Kresger), with violation of the Federal Trade Commission Act.

The file was referred to the Chief Counsel for preparation of complaint with instructions to the Secretary to see that the preparation and service of the complaint is expedited.

(4) File 1-3141 - F. T. C. vs. Roesser Petroleum (W. H. Roesser).

Mr. Humphrey stated that this application came direct to the Commission from the Chief Examiner without reference to the Board of Review pursuant to the rule of December 4, 1924.

Mr. Humphrey submitted memorandum of September 30th reviewing the facts and concurring with the recommendation of the Chief Examiner that the application be removed from the Suspense Calendar and dismissed.

The memorandum was read and after consideration, on motion of Mr. Humphrey, the application was removed from the Suspense Calendar and dismissed.

The following matters of general business forwarded to the Commission by the heads of the several Divisions were presented by the Secretary and action as indicated was taken:

(1) Annual Report of the Personnel Officer for the fiscal year ended June 30, 1925.

The report was received and filed.

(2) Memorandum of September 24th from the Chief Economist transmitting letter of September 24th from Byron F. Parry, resigning his position effective at the close of business October 18, 1925. The Chief Economist recommended that the resignation be accepted.

On motion of Mr. Nugent, seconded by Mr. Thompson, the resignation of Mr. Parry was accepted with regret, effective at the close of business October 18, 1925.

(3) Docket 1033 - International Shoe Company.

Memorandum of September 24th was received from the Chief Counsel transmitting motion filed September 23rd by counsel for the respondent to reconsider and set aside the order of the Commission dated July 29, 1925 and memorandum of September 24th from Trial Attorney Brinkley stating that the motion presented no valid reason for setting aside the order. The Chief Counsel recommended that the motion be overruled.

It was directed that the matter be circulated.

(4) Memorandum of September 24th was received from the Chief Examiner transmitting a petition filed for the issuance of complaint in the matter of the Hip Sing Tong Association vs. On Leung Tong, or

September 30, 1925.

Chinese Merchants' Association. The Chief Examiner recommended that the investigation be not undertaken and the applicants so advised.

It was directed that the matter be circulated.

(5) Memorandum of September 29th was received from the Chief Examiner transmitting letter of September 17th from Robert A. Wade, of Paces, Virginia, addressed to Mr. Haines in regard to the work of Mr. Haines on the Tobacco Investigation, Senate Resolution 328, adopted February 3, 1923 (Senator Ernst). The memorandum stated that Mr. Haines has not seen nor at any time been in touch with Mr. Wade and that no reply has been made to the letter. The Chief Examiner recommended that the letter be placed with the file relating to Mr. Haines' work on this inquiry, which is now before the Commission.

The recommendation of the Chief Examiner was approved and it was so ordered.

(6) Memorandum of August 21st was received from the Chief Examiner reporting that Field Brothers & Gross Company of Auburn, Maine, is selling shoes stamped "Munsen, U. S. Army last" and "U. S. Army Style, Officer's Shoe". The memorandum stated that it is the opinion of the Chief Examiner that such branding is misleading and recommended that an application for complaint be docketed in the name of the Commission against Field Brothers & Gross Company.

The memorandum was read and the recommendation of the Chief Examiner was approved and it was so ordered.

(7) Docket 1326 - Tampa Cigar Company.

Memorandum of September 26th was received from the Chief Counsel transmitting draft of proposed amended complaint and memorandum by Trial Attorney Bearden setting forth the reasons for an amendment to the complaint. The Chief Counsel concurred in the recommendation of the Trial Attorney that the complaint be amended.

The recommendation of the Chief Counsel was approved and the Commission directed that the amended complaint prepared and submitted by the Chief Counsel be approved and issued.

Thereupon, at the hour of 10:45 a.m. the Commission adjourned to meet Friday, October 2, 1925, at 10 a.m.

John F. Nugent,
Acting Chairman.

Attest:

Oliver H. Johnson,
Secretary.

FILE

DIVIDER

October 1, 1925.

MEETING OF THE FEDERAL TRADE COMMISSION

Thursday - October 1, 1925 - 10:15 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Nugent,
Charles W. Hunt,
Husten Thompson,
William T. Humphrey.

At the call of the Chairman, the Commission met in Special Session and the Chairman presented the resignation of W. H. Fuller, Special Attorney (Chief Counsel), of the Commission, dated September 30, 1925.

The resignation was read and thereafter, the following motion was offered by Mr. Van Fleet, seconded by Mr. Thompson and adopted by the Commission:

Moved, that the resignation be accepted as tendered to take effect at the close of day September 30, 1925.

The Commission then considered and discussed with Mr. Fuller, plans for the completion before the Commission of Docket 825 - Famous Players-Lasky Corporation, et al, in which case Mr. Fuller had acted as Trial Attorney and which case Mr. Fuller had completed as of September 30, 1925, except the presentation of final argument before the Commission, which final argument was now set for November 10, 1925.

After consideration, the Commission authorized and directed that Mr. Fuller be employed on a contract basis at his previous salary rate, to-wit: at a rate of \$7500. per annum, for a period of time beginning October 1, 1925 and not extending beyond November 14, 1925, within which time to conclude and complete the above mentioned case before the Commission.

The Secretary was authorized and directed to execute the necessary contract on behalf of the Commission.

Thereupon, at the hour of 10:45 a.m., the Commission adjourned to meet Friday, October 2, 1925, at 10 a.m.

Vernon W. Van Fleet
Vernon W. Van Fleet,
Chairman.

Attest:

Otis M. Johnson
Otis M. Johnson,
Secretary.

October 2, 1925.

MEETING OF THE FEDERAL TRADE COMMISSION

Friday - October 2, 1925 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Magan,
Charles W. Hurt,
Huston Thompson,
William L. Burghart.

The minutes of the meetings of September 30 and October 1, 1925, were read and approved.

The Chairman presented the following matters and action as indicated was taken by the Commission:

(1) Letter of September 16th from The Mitchell Publishing Company, Mitchell, South Dakota, enclosing correspondence from the W. A. Snearff Pen Company with respect to the refusal of the Pen Company to sell unless its resale prices are maintained.

The letter was read and it was directed that the correspondence be considered in connection with the case now pending against the Pen Company with respect to resale price maintenance file 1-362 - Clark O'Connell vs. W. A. Snearff Pen Company.

(2) Letter of September 24th from the Comertiers' Association, New York City, inviting the Commission to have its representatives present at a meeting on October 1st with respect to the efforts of the Association to eradicate the practice of branding dyed cotton goods as "fast color" when in fact they are not, etc.

The Chairman referred to the previous action of the Commission designating Mrs. Verena Goodery, an Examiner of the New York Office to attend the conference and suggested that the letter be filed as no further action was necessary.

It was so ordered.

(3) Letter of September 24th was received from the Farmers' National Council (Benjamin Parsh, Executive Secretary), making inquiry as to what progress has been made on the investigation of the extent to which the meat packers are controlling cotton seed oil mills and grinding in the Southern States, with respect to which the Farmers' National Council made complaint to the Commission. The Chairman also submitted a memorandum of September 29th from the Chief Examiner reporting that this matter (Chicago file 5-831) is the matter of the Farmers' National Council vs. Interstate

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Cotton Seed Crushers' Association, Inc., et al, had not been reached by the Chicago Office for investigation, because of the accumulation of work.

On motion of Mr. Van Fleet, seconded by Mr. Thompson, it was ordered, that the investigation and report on the matter be expedited to the Commission and further that inquiry be made by the Chief Examiner to the Economic Division for available data on the subject.

Personal consent cases appearing on the Weekly Conference Calendar for final determination were considered by the Commission and action was indicated was taken:

- (1) Docket 948 - Section, Gillen Company, et al. (Kansas City Jobbers).

This case is before the Commission for final determination upon the following record: memorandum of August 27, 1925, from the Chief Counsel recommending that this proceeding be dismissed without prejudice, inasmuch as the case was dismissed as to the American Tobacco Company and the same jobbers in Docket 949; order of dismissal complaint.

After consideration, on motion of Mr. Van Fleet, seconded by Mr. Hunt, the recommendation of the Chief Counsel was approved and the complaint dismissed without prejudice.

As to the foregoing action, Messrs. Van Fleet, Hunt and Humphreys voted in the affirmative and Messrs. Nugent and Thompson voted in the negative and asked that their dissent be noted.

The order of dismissal submitted by the Chief Counsel was approved and referred to the Secretary for service.

- (2) Docket 1314 - American Tobacco Company, P. Lorillard Company, Liggett & Myers Tobacco Company and West Virginia Wholesale Grocers' Association.

This case is before the Commission for final determination upon the following record: memorandum of August 27th from the Chief Counsel recommending that inasmuch as the complaint has been dismissed as to the American Tobacco Company, that the complaint be dismissed without prejudice as to the other co-conspirator respondents, the same result apply to the other respondents as applied to the American Tobacco Company; order of dismissal; complaint.

After consideration, Mr. Van Fleet, offered the following motion which was seconded by Mr. Hunt and adopted by the Commission:

Moved, that the recommendation of the Chief Counsel be approved and that the complaint be dismissed without prejudice as to respondents, P. Lorillard Company, Inc., Liggett & Myers Tobacco Company, Inc., and the West

October 2, 1925.

Virginia Wholesale Grocers' Association, its officers, directors and stock-holding members, inasmuch as the complaint was dismissed on June 30, 1925 as to the respondent, American Tobacco Company.

As to the foregoing action of the Commission, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Nugent and Thompson voted in the negative and asked that their dissent be noted.

The order of dismissal submitted by the Chief Counsel was approved and referred to the Secretary for service.

- (3) Docket 987 - Tobacco Products Corporation, et al.
- " 988 - F. Lorillard Company, Inc., et al.
- " 1012 - F. Lorillard Company, Inc., et al.
- " 1033 - Liggett & Myers Tobacco Company, et al.
- " 1034 - Liggett & Myers Tobacco Company, et al.
- " 1035 - Larus & Brother Company, Inc., et al.
- " 1037 - F. Lorillard Company, Inc., et al.
- " 1071 - F. Lorillard Company, Inc., et al.

These cases are before the Commission for final determination upon the following record: memorandum of August 27, 1925 from the Chief Counsel recommending that as the cases against the American Tobacco Company and the same jobbers have been dismissed, that the above numbered dockets be dismissed without prejudice; orders of dismissal; complaints.

After consideration, Mr. Van Fleet offered the following action, which was seconded by Mr. Hunt, and adopted by the Commission:

Resolved, that the recommendation of the Chief Counsel be approved and that the complaints be dismissed without prejudice in the above numbered dockets.

As to the foregoing action of the Commission, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Nugent and Thompson voted in the negative and asked that their dissent be noted.

The order of dismissal submitted by the Chief Counsel, was approved and referred to the Secretary for service.

- (4) Docket 1127 - Calumet Mining Powder Company.

This case came before the Commission for final determination upon the following record: complaint; answer, last amended; report upon the facts by Trial Examiner Merrill; exceptions thereto by counsel for the respondent; counsel for the Commission did not file exceptions; brief by counsel for the Commission and counsel for the respondent; final argument was heard September 30, 1925; Attorney Whitely represents the Commission. Attorney Daniel B. Forbes represents the respondent.

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Mr. Nugent offered the following motion, which was adopted by the Commission and it was so ordered:

Moved, that the Chairman be requested to consult with the Chief Counsel, with respect to the pleading and proof concerning the water glass test in this case and report at the next Conference Day as to the advisability of the policy to be pursued with respect thereto in this particular case and considering also the facts bearing on the subject in another case before the Commission which Trial Attorney Graves is handling, i. e., Docket 1292 - Calumet Mining Powder Company.

(5) Docket 1146 - Harriet Hubbard Ayer, Inc.

On April 3, 1935, the Commission directed that an order to cease and desist issue. On September 4, 1935, the Commission adopted the findings as to the facts submitted by the Chief Counsel, after amendment, and directed the Chief Counsel to prepare an order in conformance, as near as the facts in the case will permit, with previous orders and re-submit the same, together with the findings as amended to the Commission for approval as to form.

The case is now before the Commission for consideration, on the following record: Memorandum of September 11th from the Chief Counsel; findings as to the facts and order to cease and desist submitted by the Chief Counsel with memorandum of September 11, 1935 complaint.

Mr. Nugent indicated a number of proposed changes to the findings as to the facts as shown on marked copy. These changes were agreed to by the Commission.

Mr. Van Fleet called attention to Paragraph Three of the order relating to reports by agents of the respondent, which read as follows:

"(3) Requesting or employing salesman or agents to assist in such policy of maintaining uniform prices by reporting dealers who do not observe the resale prices designated by respondent, or acting on reports so obtained, by refusing or threatening to refuse sales to dealers so reported."

Mr. Van Fleet thereafter, offered the following motion, which was seconded by Mr. Hunt:

Moved, that Paragraph Three of the Chief Counsel's order be stricken out.

The motion was adopted by the Commission and it was so ordered with Messrs. Van Fleet, Hunt and Humphrey voting in the affirmative and Messrs. Nugent and Thompson voting in the negative.

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Mr. Nugent made the following statement for the record in explanation of his vote:

"I vote 'no' on striking out this portion of the order for the reason that in my opinion the prohibition in this Paragraph Three is on all fours with Paragraph Three of the order of the Commission as issued by the Supreme Court in the Packman Case."

Mr. Thompson stated that he joined with Mr. Nugent in the above reasons for voting 'no'.

On motion of Mr. Nugent, the findings as to the facts as amended were approved by the Commission.

Upon motion of Mr. Van Fleet the order as amended was approved by the Commission.

The findings and order as amended and approved were referred to the Secretary to be put in proper form and served without further action by the Commission.

(6) Bocket 1152 - Factory-to-You Furniture Store.

On June 13, 1923 the Commission directed that an order to cease and desist issue and that the Chief Counsel prepare and submit to the Commission for approval as to form, draft of findings as to the facts and order to cease and desist.

The case is now before the Commission for consideration on the following records: memorandum of August 28th from the Chief Counsel transmitting the case; findings as to the facts and order to cease and desist submitted by the Chief Counsel with memorandum of August 28, 1923; complaint.

On motion of Mr. Nugent, seconded by Mr. Van Fleet, it was directed that this case be placed on the Unfinished Business Calendar to await conclusion of the trade practice submitted with the furniture industry, which is being conducted by Chairman Van Fleet and as authorized by the Commission on April 13, 1923.

Mr. Thompson stated for the record, that he was opposed to placing the case on the Unfinished Business Calendar and was in favor of going ahead and issuing an order to cease and desist in this case as it stands, at once, in accordance with the request made by the industry itself at a trade practice submittal held by Mr. Thompson with the furniture people in Chicago, at which time, the industry asked the Commission to go ahead and issue its orders to cease and desist in cases of this kind. Mr. Thompson further stated, that he was in favor of issuing orders in these cases in accordance with his statement made to the Commission at the time of his withdrawal from the trade practice submittal on April 6, 1923.

October 2, 1925.

(7) Docket 1223 - Chicago Retail Lumber Dealers' Association.

This case comes before the Commission for consideration on the following record: complaint; answers; report of the Board of Review, dated July 24, 1925, recommending that the action made by the respondents for dismissal of the complaint be granted; order of dismissal. Attorney Gooden represents the Commission. Attorney Newman, Pappannissen, Stern & Johnson represents the respondents.

After consideration, Mr. Van Fleet offered the following action which was seconded by Mr. Hunt, and adopted by the Commission:

Resolved, that the complaint be dismissed for lack of jurisdiction in accordance with the report and recommendation of the Board of Review.

As to the foregoing action of the Commission, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Nugent and Thompson voted in the negative and asked that their dissent be noted.

The Chief Counsel was directed to prepare and the Secretary to serve order dismissed.

The Commission considered as a Special Order of business, the trade practice submittal held by Mr. Thompson with the Lending Cotton Industry.

Mr. Thompson presented a report covering the submittal held at New York City on September 24, 1925 with proposed statement to be issued by the Commission to the industry and the public including the resolution adopted at the submittal by the industry.

Mr. Thompson's report and statement were read and discussed. Mr. Van Fleet referred to certain language in the statement covering the submittal conducted by him with the Band Instrument Manufacturers to the effect, that the Commission will take cognizance of violations of the resolution of the industry and suggested that similar language be added to the instant statement.

This suggestion was adopted by the Commission and Mr. Thompson suggested the following language to be added to the statement after that portion which shows that the Commission accepts and approves the resolutions of the industry:

"and that the Commission will take cognizance of violations of the norms described in the foregoing resolutions of the industry."

It was so ordered by the Commission.

After further consideration, on motion of Mr. Thompson, seconded by Mr. Van Fleet, the statement covering the submittal including the resolutions by the industry were adopted and approved by the Commission. The statement reads as follows:

October 2, 1925.

"STATEMENT OF THE FEDERAL TRADE COMMISSION
OF TRADE PRACTICE SUBMITTAL OF MANUFACTURERS OF
SPINNING COTTON.

In accordance with the desire expressed by a majority of the manufacturers of spinning cottons, a trade practice submittal was held by Commissioner Huston Thompson, in New York City, on June 23rd and September 25th, 1925, to consider the matter of the labeling or branding of spinning or darning cottons, with the view of eliminating those practices which might be deemed unfair to competitors or misleading to the consumer, particularly with reference to the marking of yardage, ends and plies. Invitations to the conference were issued to all manufacturers in the industry of which the Commission had knowledge. The following concerns were represented:

Clark Thread Company, Newark, New Jersey -
Howard Manufacturing Company, Boston, Massachusetts -
Dexter Yarn Company, Pawtucket, Rhode Island -
Hodgkiss & Cresswell Company, Pawtucket, Rhode Island -
American Thread Company, New York, New York -
The Spool Cotton Company, New York, New York -
Amherst Manufacturing Company, Amherst, Massachusetts -
H. C. Howard's Son & Company, New York, New York -
J. & P. Coats (R. I.), Inc., Pawtucket, Rhode Island -
Collingbourne Mills, Inc., Elgin, Illinois -

These concerns constitute a large majority of the industry and are estimated to produce 80% of the darning cotton manufactured in the United States.

The action taken by the conference resulted in the unanimous adoption of the following resolution, which was likewise unanimously agreed upon as specifying the proper method to be followed by the industry in the branding or labeling of spinning or darning cottons, and that any other method of marking would be unfair to competitors and involve confusion or deception of the consuming public:

"RESOLVED, that in the marketing, labeling or branding of spinning cotton, the following and no other, with reference to the yardage, ends, strands or ply, shall be marked on the package or ball, and in the order stated:

The yardage as it comes off the ball or package;
The number of ends;
The number of plies per end."

The Commission, as a result of this submittal, desires to announce to the trade and public that it receives the action taken by the industry as set forth above and approves the method of branding or labeling of spinning cottons as prescribed in the foregoing resolution.

October 3, 1935.

The Commission further announced that the industry shall have until February 1, 1936, to meet the requirements for marking their product as set forth in the statement given out by the Commission. The Commission will thereafter entertain complaints against members who have failed to conform to the terms of the resolution adopted by the industry and approved by the Commission."

Mr. Thompson reported the request of the Industry for a period of time within which to conform to the Resolutions adopted by it and stated that no definite time had been suggested.

The Commission agreed that a reasonable length of time be allowed for this purpose and left the determination of such time to Mr. Thompson with the suggestion that he make inquiry respecting the views of the industry and that when the matter of time is determined that it be added to the statement which the Commission has approved.

Mr. Thompson suggested that pending applications for complaint in the sewing cotton industry be dismissed in view of the trade practice submittal. Prior to action on the suggestion the Secretary was directed to report a list of pending applications for complaint before the Commission and especially as to whether there are any applications pending against any member of the industry not represented at the submittal.

Mr. Hunt referred to previous recommendations of the Chief Examiner, that existing vacancies in the Chicago Office be filled, and presented the name of James J. Clark for appointment on the Legal Investigating Staff and after informing the Commission with respect to Mr. Clark's qualifications and endorsements offered the following motion, which was seconded by Mr. Van Fleet:

Moved, that Mr. Clark be appointed Examiner to fill an existing vacancy and allocated to Professional Grade II, at the minimum salary thereof, to-wit: \$2400, and assigned to the Chicago Office of the Legal Investigating Division.

The motion was adopted and it was so ordered.

Mr. Hunt also presented the name of John Locke and after informing the Commission with respect to his qualifications and endorsements offered the following motion, which was seconded by Mr. Van Fleet:

October 2, 1925.

Moved, that Mr. Moore be appointed Examiner to fill an existing vacancy and allocated to Professional Grade II, at the minimum salary thereof, to-wit: \$2400. and assigned to the Chicago Office of the Legal Investigating Division.

In substitution for the foregoing motion, Mr. Nugent offered the following motion, which was seconded by Mr. Thompson:

Moved, as a substitute, that the Chief Examiner be requested to notify the Commission in writing of the names of the individuals whom he considers from the records in his office to be best qualified by education, experience, training, etc., to fill the vacancies now existing in the Chicago Office.

Vote was taken upon the substitute motion. As to this motion, Messrs. Nugent and Thompson voted in the affirmative and Messrs. Van Fleet, Hunt and Humphrey voted in the negative. The substitute motion was lost.

Vote was thereupon taken upon the original motion. As to this motion, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The motion carried and it was so ordered.

Mr. Hunt then referred to the appointment and service of Mrs. Cora Cowdery, an Examiner at the New York Office and expressed the view that in view of Mrs. Cowdery's record, she should have the same classification and salary as other employees doing like work at the New York Office.

Thereafter, Mr. Hunt offered the following motion, which was seconded by Mr. Van Fleet:

Moved, that Mrs. Cowdery be appointed Examiner in the Commission and allocated to Professional Grade II at the initial salary thereof, to-wit: \$2400. and assigned to the New York Office of the Legal Investigating Division.

As to the foregoing motion, Messrs. Van Fleet, Hunt, Humphrey and Nugent voted in the affirmative and Mr. Thompson voted in the negative.

Mr. Thompson made the following statement for the record:

"I vote 'no' because this party is not a lawyer and in my opinion, appointments to legal investigating work should be limited to persons who have legal training and are members of the bar."

October 2, 1925.

The following matters of general business forwarded to the Commission by the heads of the several Divisions were presented by the Secretary and action as indicated was taken:

- (1) Pocket 1257 - South Jersey Wholesale Confectioners' Association of Trenton, N. J., et al.

Upon receipt of memorandum of September 30th from the Chief Counsel, the Commission set the case for final argument on Wednesday, November 18, 1925, at 2 p.m., with the direction to the Secretary to notify interested parties by registered mail.

- (2) Pocket 1193 - Ostermer & Company, Inc., et al.

Upon receipt of memorandum of September 30th from the Chief Counsel, the Commission set the case for final argument on Monday, November 23, 1925 at 3 p.m., with the direction that interested parties be notified thereof by registered mail.

- (3) Pocket 1344 - Centennial Mill Company, et al.

Memorandum of September 28th was received from the Chief Counsel transmitting request of counsel for the Hawaiian respondents for an extension of time to and including November 2, 1925 in which to file answer because of the additional time it takes for mail to reach the respondents in Honolulu and recommending that the request be granted.

The request was granted by the Commission and the respondents located in Hawaii granted until November 2, 1925 for filing answer, and order to this effect approved and entered.

- (4) Pocket 1340 - Gimbel Brothers, Inc.

Memorandum of September 28th was received from the Chief Counsel transmitting request of counsel for the respondent for an extension of time for filing answer. The Chief Counsel recommended in view of the fact that counsel for the respondent is making application that the case be heard by the Board of Review, that the time for filing answer be extended until a further order of the Commission.

The recommendation of the Chief Counsel was approved and the Chief Counsel was directed to prepare and the Secretary to serve appropriate order.

- (5) Pocket 1342 - Stern Brothers, Inc.

Memorandum of September 28th was received from the Chief Counsel transmitting request of counsel for the respondent for an extension of thirty days from October 3, 1925 for filing answer and recommending that the request be granted.

The request was granted by the Commission and the Chief Counsel directed to prepare and the Secretary to serve appropriate order.

October 2, 1935.

(6) Docket 1328 - The National Cash Register Company.

Notion filed September 16, 1935 by counsel for the respondent, for preliminary hearing to show cause why the complaint herein should not have been issued or should issue, as provided by the rules of the Federal Trade Commission adopted March 17, 1925 and that pending such hearing and the determination thereon, the complaint heretofore filed be withdrawn, or, in the alternative, that action thereon be suspended.

The notion was returned to the Chief Counsel for recommendation in writing.

(7) Docket 1329 - Progress Paint Manufacturing Company, et al.

The following orders submitted by the Chief Counsel were approved and entered: (1) that John W. Addison, an Examiner of the Commission, be designated to receive testimony, etc., and (2) that the hearing of the complaint begin at Louisville, Kentucky, October 20, 1935, at 10 a.m.

(8) Docket 1336 - Minneapolis Union Mills Company, Inc.

The following orders submitted by the Chief Counsel were approved and entered: (1) that John W. Bennett, an Examiner of the Commission, be designated to receive testimony, etc., and (2) that the hearing of the complaint begin at Minneapolis, Minnesota, October 6, 1935, at 10 a.m.

(9) Docket 1334 - Corasa Cigar Company.

The following orders submitted by the Chief Counsel were approved and entered: (1) that John W. Bennett, an Examiner of the Commission, be designated to receive testimony, etc., and (2) that the hearing of the complaint begin at Chicago, Illinois, October 19, 1935, at 10 a.m.

(10) Memorandum of October 1st from the Chief Economist recommending the following salary increases:

T. W. Mitchell, P IV - \$4200. promotion to P IV \$4600. -
 J. K. Arnold, P IV - \$4600. promotion to P IV \$4800. -
 Carl S. Haines, P III - \$3300. reclassification to P IV \$3600. -
 J. S. Riggs, P II - \$2700 reclassification to P III \$3000. -
 G. W. Harriott, P II - \$2400. promotion to P II \$2600. -

The memorandum was read and at the suggestion of the Chairman the matter was referred back to the Chief Economist to submit a statement covering proposed changes in duties of Messrs. Haines and Riggs.

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The Commission recessed at 12:15 p.m., and reassembled at 2 p.m.

PRESENT:

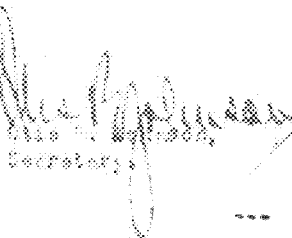
Vernon W. Van Fleet, Chairman,
John F. Ingent,
Charles E. Hunt,
Houston Thompson,
William E. Humphrey.

Pursuant to arrangement the Commission met to hear final argument in Docket 1051 - Manhattan Shirt Company. Attorney Cox was heard in support of the complaint. Attorneys Charles E. Geers, Ira Schuch and H. W. James were heard on behalf of the respondent. The hearing, continued until the hour of 3:15 p.m., was concluded and the case taken under advisement.

Thereupon, at the hour of 3:15 p.m., the Commission adjourned to meet Monday, October 5, 1925 at 10 a.m.

Vernon W. Van Fleet,
Chairman.

Attests:


John F. Ingent,
Secretary.

Saturday - October 3, 1925 - No meeting held.

Sunday - October 4, 1925 - No meeting held.

October 3, 1925.

MEETING OF THE FEDERAL TRADE COMMISSION

Monday - October 3, 1925 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Nugent,
Charles W. Hunt,
Euston Thompson,
William E. Humphrey.

The minutes of the meeting of October 2, 1925 were read and approved.

Mr. Van Fleet submitted the following listed applications for complaint and action as indicated was taken:

- (1) File 1-3467 - Bernard Rice's Sons, Inc. vs. Duinelland Silverplate Company.

Mr. Van Fleet stated that this application came direct to the Commission from the Chief Examiner without reference to the Board of Review pursuant to the rule of December 4, 1924.

Mr. Van Fleet presented memorandum of August 15th reviewing the facts and concurring in the recommendation of the Chief Examiner that the application be dismissed.

The memorandum was read and after consideration, on motion of Mr. Van Fleet, the application for complaint was dismissed by the Commission.

- (2) File 1-3461 - Unfair Competition Bureau of the Paint & Varnish Industries vs. Bell Varnish Company.

Mr. Van Fleet stated that this application came direct to the Commission from the Chief Examiner without reference to the Board of Review pursuant to the rule of December 4, 1924.

Mr. Van Fleet presented memorandum of July 8th reviewing the facts and concurring in the recommendation of the Chief Examiner that the application be dismissed.

The memorandum was read and after consideration, on motion of Mr. Van Fleet, the application for complaint was dismissed by the Commission.

October 5, 1935.

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(3) File 1-4265 - Shupe Brick Company vs. Cyrus S. Wert.
Mr. Van Fleet stated that this application came direct to the Commission from the Chief Examiner without reference to the Board of Review pursuant to the rule of December 4, 1934.

Mr. Van Fleet submitted memorandum of July 27th reviewing the facts and concurring in the recommendation of the Chief Examiner that the application be dismissed, in view of the fact that the record shows that the charges against the respondent of misleading statements and misrepresentations are without merit, and that in view of the activity of the applicant in bringing infringement suits that no application be docketed against the applicant.

The memorandum was read and after consideration, Mr. Van Fleet offered the following motion, which was adopted by the Commission:

Moved, that no application for complaint be docketed against the applicant in this case and further, that the application for complaint against the respondent be dismissed.

Mr. Nugent presented the following listed applications for complaint and action as indicated was taken by the Commission:

- (1) File 1-2797 - Better Business Bureau, Inc. vs. Metcalfe-Hand Printing Company. (C. C. Metcalfe & S. W. Hand)

Mr. Nugent submitted memorandum of October 5th reviewing the facts, disagreeing with the recommendation of the Board of Review, that the stipulation be accepted and the application dismissed and recommending that complaint issue.

The memorandum was read and after consideration, Mr. Nugent offered the following motion, which was seconded by Mr. Thompson:

Moved, that the stipulation transmitted by the Board of Review be rejected and that complaint issue.

In substitution for the foregoing motion, the following motion was offered by Mr. Van Fleet, seconded by Mr. Humphrey:

Moved, that the stipulation be accepted and the application for complaint dismissed.

Vote was taken upon the substitute motion. As to this motion, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The substitute motion carried and it was so ordered. Messrs. Nugent and Thompson asked that their dissent be noted.

October 5, 1925.

- (2) File 1-2574 - The Hotopp Varrish Company vs. Gold Seal Shells Company.

Mr. Nugent stated that this application came direct to the Commission from the Chief Examiner without reference to the Board of Review pursuant to the rule of December 4, 1924.

Mr. Nugent submitted memorandum of October 3th reviewing the facts and concurring in the recommendation of the Chief Examiner that the application be dismissed.

The memorandum was read and after consideration, on motion of Mr. Nugent, the application for complaint was dismissed.

Mr. Hunt presented the following listed applications for complaint and action as indicated was taken by the Commission:

- (1) File 1-2700 - Central Railway Signal Company vs. National Fireworks Company, et al.

Mr. Hunt stated that this application came direct to the Commission from the Chief Examiner without reference to the Board of Review, pursuant to the rule of December 4, 1924.

Mr. Hunt submitted memorandum of October 3, 1925, reviewing the facts and concurring in the recommendation of the Chief Examiner that the application for complaint be dismissed.

The memorandum was read and after consideration, Mr. Hunt offered the following motion, which was seconded by Mr. Van Fleet:

Moved, that the recommendation of the Chief Examiner be approved and the application for complaint dismissed.

As to the foregoing motion, Messrs. Van Fleet, Hunt, Thompson and Humphrey voted in the affirmative and Mr. Nugent voted in the negative.

Mr. Nugent made the following statement for the record:

"I vote 'no' because from Mr. Hunt's statement in my opinion, the record plainly discloses a violation of the Clayton Act in the acquisition of capital stock of a competitor engaged in part at least in the same line of business as the respondent."

- (3) File 1-3574 - Marion Tool Works, Inc. vs. Reading Saddle & Manufacturing Company.

Mr. Hunt presented memorandum of September 30th reviewing the facts and concurring in the recommendation of the Board of Review, that

file 1-3557 - Clipper Tool Company, Inc. vs. Marion Tool Works, Inc. -

file 1-3574 - Marion Tool Works, Inc. vs. Reading Saddle & Manufacturing Company -

file 1-3575 - Marion Tool Works, Inc. vs. Wrightville Hardware Company -

October 8, 1925.

file 1-3678 - Marion Tool Works, Inc. vs. Rubinow Edge Tool Works -

file 1-3731 - Marion Tool Works, Inc. vs. Hibbard, Spencer, Bartlett & Company,

be dismissed; and that in file 1-3717 - F. T. C. vs. Franklin Tool Company; file 1-3752 - Marion Tool Works, Inc. vs. Craftsmen Tool Company; and file 1-3229 - Columbian Hardware Company vs. Clipper Tool Company, the respondents be relieved of the obligations of the stipulations executed by them.

The memorandum was read and after discussion, Mr. Hunt offered the following motion, seconded by Mr. Humphrey:

Moved, that in accordance with the recommendations of the Board of Review, applications for complaints in the following cases be dismissed:

file 1-3674 - Marion Tool Works, Inc. vs. Reading Saddle & Manufacturing Company -

file 1-3657 - Clipper Tool Company, Inc. vs. Marion Tool Works, Inc. -

file 1-3675 - Marion Tool Works, Inc. vs. Wrightsville Hardware Company -

file 1-3676 - Marion Tool Works, Inc. vs. Rubinow Edge Tool Works -

file 1-3731 - Marion Tool Works, Inc. vs. Hibbard, Spencer, Bartlett & Company -

and further that the respondents in the following cases, which have heretofore entered into stipulations with the Commission, be relieved of the obligations of the stipulations executed by them:

file 1-3717 - F. T. C. vs. Franklin Tool Company -

file 1-3752 - Marion Tool Works, Inc. vs. Craftsmen Tool Company -

file 1-3229 - Columbian Hardware Company vs. Clipper Tool Company -

After further discussion, Mr. Van Fleet suggested that prior to vote upon the motion, he would like to examine the stipulations heretofore entered into.

It was accordingly directed that the cases be laid over for the examination of the stipulations by Mr. Van Fleet. The file presented by Mr. Hunt, i. e., file 1-3678 - was left in the custody of the Secretary.

October 5, 1923.

(3) File 1-3765 - Confectionery Arbitration System vs.
Helinet Gum Company, Inc.

Mr. Hunt submitted memorandum of September 29th, reviewing the facts and concurring in the recommendation of the Board of Review that the application for complaint be dismissed.

The memorandum was read and after consideration, Mr. Hunt offered the following motion, which was seconded by Mr. Van Fleet:

Moved, that the recommendation of the Board of Review be approved and the application for complaint dismissed.

In substitution for the foregoing motion, it was moved by Mr. Thompson, seconded by Mr. Nugent, that complaint issue.

Vote was taken upon the substitute motion. As to this motion, Messrs. Nugent and Thompson voted in the affirmative and Messrs. Van Fleet, Hunt and Humphrey voted in the negative. The substitute motion was lost.

Vote was thereupon taken upon the original motion. As to this motion, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The motion carried and it was so ordered. Mr. Nugent asked that his dissent be noted.

Mr. Humphrey made the following statement for the record:

"I vote to dismiss this case simply because I think it is too small for the Commission to handle and that there is no public interest in it."

Mr. Thompson made the following statement for the record:

"I vote against the dismissal because I believe the case is against public morals and is an unfair method of competition which has been already condemned by the Commission in a number of cases; and further because there is no sign or indication by the respondent that he desires to or will discontinue the practice."

Mr. Van Fleet made the following statement for the record:

"I vote 'aye' for the reason that I concur in the recommendation of the Board of Review."

October 3, 1925.

Mr. Thompson called attention to an article by the Associated Press in the Washington Post of this date reporting a merger between the General, Ward and Continental Baking Companies. In this connection, Mr. Thompson referred to the pending complaint in Docket 1305 - Continental Baking Corporation and thereafter offered the following motion:

Moved, that the complaint in this case be immediately released.

The motion was seconded by Mr. Nugent.

The Secretary reported that the respondent had not filed answer pending hearing before the Board of Review; that the hearing before the Board of Review had been held on May 14, 1925 and that the report of the Board of Review, together with the transcript of the record of the hearing had been circulating since August 31, 1925.

The Chairman referred to the memorandum presented to the Commission on September 9, 1925, from the Chief Examiner, wherein the following statement was made:

"To date the investigation has not disclosed any evidence of a merger of the General Baking Company or the Ward Baking Company with the Continental Baking Corporation. This phase of the investigation is being closely watched and any rumors of such merger have been and will be investigated immediately."

The Chairman referred to the assurances given the Commission by these Companies that no merger was contemplated and stated that in view of these assurances, he was unwilling to proceed upon newspaper reports and suggested that the Chief Examiner be called upon for immediate report of the facts and stated that if it appeared from the Chief Examiner's report that the merger had been consummated as reported, he would then be willing to proceed vigorously in the matter.

After further discussion, vote was taken upon the motion offered by Mr. Thompson, seconded by Mr. Nugent. As to this motion, Messrs. Nugent and Thompson voted in the affirmative and Messrs. Van Fleet, Hum and Humphrey voted in the negative. The motion was lost.

Mr. Van Fleet, thereupon offered the following motion:

Moved, that this report from the newspapers be referred to the Chief Examiner with instructions to make an immediate investigation and report as soon as possible concerning the truth of the matters in the newspaper article and that the inquiry be expedited.

The motion was adopted and it was so ordered.

October 5, 1935.

Mr. Humphrey submitted the following listed applications for complaint and action as indicated was taken by the Commission:

- (1) File 1-3731 - Marion Tool Works, Inc. vs. Hibbard, Spencer, Bartlett & Company.

Memorandum of October 2nd was submitted by Mr. Humphrey reciting the facts in the case and concurring in the recommendation of the Board of Review for dismissal and stating that if the Commission was to issue an order, it was the opinion of Mr. Humphrey, that the courts would not sustain such action.

This case being one of the cases discussed in Mr. Hunt's memorandum of September 30th in the matter of file 1-3674 - Marion Tool Works, Inc. vs. Reading Saddle & Manufacturing Company, the file was left in the custody of the Secretary to await the examination of the stipulations in certain cases by Mr. Van Fleet.

- (2) File 1-3682 - Klein & Frankfeldt vs. Samuel Kulin.

Mr. Humphrey stated that this application came direct to the Commission from the Chief Examiner without reference to the Board of Review pursuant to the rule of September 4, 1934.

Mr. Humphrey presented memorandum of October 3th reviewing the facts and concurring in the recommendation of the Chief Examiner for dismissal.

The memorandum was read and after consideration, on motion of Mr. Humphrey, the application for complaint was dismissed.

- (3) File 1-3765 - Forman Woolen Company vs. Simon Lieberman.

Mr. Humphrey reported the facts and the recommendation of the Board of Review, that the stipulation be accepted and the case dismissed. Mr. Humphrey suggested certain changes in the stipulation as set forth in a memorandum which he presented and moved, that the case be returned to the Board of Review for revision of the stipulation in accordance with the memorandum.

Mr. Humphrey moved that this be done. The motion was seconded by Mr. Van Fleet.

In substitution for the foregoing motion, Mr. Nugent moved, that complaint issue. The substitute motion failed for want of a second.

Vote was taken upon the original motion by Mr. Humphrey. As to this motion, Messrs. Van Fleet, Hunt, Thompson and Humphrey voted in the affirmative and Mr. Nugent voted in the negative. The motion carried and it was so ordered.

October 5, 1923.

The Secretary presented the following matters and action as indicated was taken by the Commission:

(1) File 1-3698 - F. T. G. vs. Murray Trading Company, Inc.

The Secretary referred to the action of the Commission on September 21, 1923, in referring the case to Mr. Humphrey for deciding vote and presented a memorandum of October 2nd from Mr. Humphrey concurring in the action offered by Mr. Hunt, seconded by Mr. Van Fleet, that the recommendation of the Board of Review be approved, the stipulation accepted and the application for complaint dismissed and so voted.

Mr. Humphrey's vote was recorded and the foregoing described action was adopted and it was so ordered by the Commission, with Messrs. Van Fleet, Hunt and Humphrey voting in the affirmative and Messrs. Nugent and Thompson voting in the negative.

Mr. Nugent made the following statement for the record:

"I vote 'no' and dissent to the action of the Commission in this case, because I believe complaint should issue in the regular course and be tried."

Mr. Thompson stated that he concurred in the statement by Mr. Nugent.

Messrs. Nugent and Thompson asked that their dissent be noted.

(2) File 1-3644 - Durable Pure Silk Fashioned Hosiery, Inc. vs. Irish Linen-Silk Hosiery Company.

The Secretary referred to the action of the Commission on September 16, 1923, in referring the case to Mr. Humphrey for deciding vote and presented memorandum of October 2nd from Mr. Humphrey concurring in the action offered by Mr. Van Fleet and seconded by Mr. Hunt, that the stipulation be accepted, respondent allowed thirty days to adjust its business and the application for complaint dismissed and so voted.

Mr. Humphrey's vote was recorded and the foregoing motion was adopted and it was so ordered by the Commission, with Messrs. Van Fleet, Hunt and Humphrey voting in the affirmative and Messrs. Nugent and Thompson voting in the negative.

Mr. Nugent made the following statement for the record:

"I vote 'no' and dissent to the action of the Commission in this case because I believe complaint should issue in the regular course and be tried."

Mr. Thompson stated that he concurred in the statement by Mr. Nugent.

Messrs. Nugent and Thompson asked that their dissent be noted.

October 3, 1923.

- (3) File 1-3775 - Unfair Competition Bureau of the Paint & Varnish Industries vs. Laseco Company, Ltd.

The Secretary referred to the action of the Commission on September 16, 1923 in referring the case to Mr. Humphrey for deciding vote and presented a memorandum of October 2nd from Mr. Humphrey concurring in the action offered by Mr. Van Fleet, seconded by Mr. Hunt, that the recommendation of the Chief Examiner be approved, the stipulation accepted, the respondent given six months in which to use its labels as revised and the application dismissed and so voted.

Mr. Humphrey's vote was recorded and the foregoing motion was adopted and it was so ordered by the Commission with Messrs. Van Fleet, Hunt and Humphrey voting in the affirmative and Messrs. Nugent and Thompson voting in the negative.

Mr. Nugent made the following statement for the record:

"I vote 'no' and dissent to the action of the Commission in this case, because I believe complaint should issue in the regular course and be tried."

Mr. Thompson stated that he concurred in the statement by Mr. Nugent.

Messrs. Nugent and Thompson asked that their dissent be noted.

- (4) File 1-3723 - Fuji Trading Company (Shinshaku Nagano) vs. Oriental Snow-Yen Company.

The Secretary referred to the action of the Commission on September 16, 1923 in referring the case to Mr. Humphrey for deciding vote and presented a memorandum of October 2nd from Mr. Humphrey concurring in the action offered by Mr. Van Fleet, and seconded by Mr. Hunt, that the recommendation of the Chief Examiner be approved, the stipulation accepted, the respondent allowed sixty days to adjust its business practices and the application for complaint dismissed and so voted.

Mr. Humphrey's vote was recorded and the foregoing motion was adopted and it was so ordered by the Commission, with Messrs. Van Fleet, Hunt and Humphrey voting in the affirmative and Messrs. Nugent and Thompson voting in the negative.

Mr. Nugent made the following statement for the record:

"I vote 'no' and dissent to the action of the Commission in this case, because I believe complaint should issue in the regular course and be tried."

Mr. Thompson stated that he concurred in the statement by Mr. Nugent.

Messrs. Nugent and Thompson asked that their dissent be noted.

October 5, 1925.

(3) File 1-3717 - Y. T. C. vs. Franklin Tool Company.

The Secretary referred to the action of the Commission on September 16, 1925, in referring the case to Mr. Humphrey for deciding vote and presented a memorandum of October 2nd from Mr. Humphrey concurring in the motion offered by Mr. Van Fleet, seconded by Mr. Hunt, that the recommendation of the Chief Examiner be approved, the stipulation accepted and the application for complaint dismissed and so voted.

This case being one of the cases discussed in Mr. Hunt's memorandum of September 30th in the matter of file 1-3674 - Marion Tool Works, Inc. vs. Reading Saddle & Manufacturing Company, the file was referred to Mr. Van Fleet for examination of the stipulation.

(4) File 1-3706 - Porter & Hyson Company vs. Sheffield Silverware Company. (H. Harris)

The Secretary referred to the action of the Commission on September 15, 1925 in referring the case to Mr. Humphrey for deciding vote and presented a memorandum of October 2nd from Mr. Humphrey, concurring in the motion offered by Mr. Van Fleet and seconded by Mr. Hunt, that the recommendation of the Chief Examiner be approved, the stipulation accepted and the application for complaint dismissed and so voted.

Mr. Humphrey's vote was recorded and the foregoing motion was adopted and it was so ordered by the Commission, with Messrs. Van Fleet, Hunt and Humphrey voting in the affirmative and Messrs. Nugent and Thompson voting in the negative.

Mr. Nugent made the following statement for the record:

"I vote 'no' and dissent to the action of the Commission in this case because I believe complaint should issue in the regular course and be tried."

Mr. Thompson stated that he concurred in the statement by Mr. Nugent.

Messrs. Nugent and Thompson asked that their dissent be noted.

(5) File 1-3742 - American Fair Trade League vs. Kuhler-Bayler Company.

The Secretary referred to the action of the Commission on September 14, 1925 in referring the case to Mr. Humphrey for deciding vote and presented a memorandum of October 2nd from Mr. Humphrey concurring in the motion offered by Mr. Hunt and seconded by Mr. Van Fleet, that the stipulation be accepted and the application for complaint dismissed and so voted.

Mr. Humphrey's vote was recorded and the foregoing motion was adopted and it was so ordered by the Commission, with Messrs. Van Fleet, Hunt and Humphrey voting in the affirmative and Messrs. Nugent and Thompson voting in the negative.

Mr. Nugent made the following statement for the record:

October 3, 1925.

"I vote 'no' and dissent to the action of the Commission in this case, because I believe complaint should issue in the regular course and be tried."

Mr. Thompson stated that he concurred in the statement by Mr. Nugent.

Messrs. Nugent and Thompson asked that their dissent be noted.

(6) File 1-3572 - J. A. Finn & Company vs. S. Liebovitz & Sons.

The Secretary referred to the action of the Commission on September 16, 1925, in referring the case to Mr. Humphrey for deciding vote and presented a memorandum of October 2nd from Mr. Humphrey concurring in the action offered by Mr. Van Fleet and seconded by Mr. Hunt, that the recommendation of the Board of Review be approved, the stipulation accepted and the application for complaint dismissed and so voted.

Mr. Humphrey's vote was recorded and the foregoing motion was adopted and it was so ordered by the Commission, with Messrs. Van Fleet, Hunt and Humphrey voting in the affirmative and Messrs. Nugent and Thompson voting in the negative.

Mr. Nugent made the following statement for the record:

"I vote 'no' and dissent to the action of the Commission in this case, because I believe complaint should issue in the regular course and be tried."

Mr. Thompson stated that he concurred in the statement by Mr. Nugent.

Messrs. Nugent and Thompson asked that their dissent be noted.

(7) File 1-3625 - Hostile Hosiery Mills vs. Lunn Guaranteed Hosiery Company.

The Secretary referred to the action of the Commission on September 16, 1925 in referring the case to Mr. Humphrey for deciding vote and presented a memorandum of October 2nd from Mr. Humphrey concurring in the action offered by Mr. Van Fleet, and seconded by Mr. Hunt, that the recommendation of the Chief Examiner be approved, the stipulation accepted and the application for complaint dismissed and so voted.

Mr. Humphrey's vote was recorded and the foregoing motion was adopted and it was so ordered by the Commission, with Messrs. Van Fleet, Hunt and Humphrey voting in the affirmative and Messrs. Nugent and Thompson voting in the negative.

Mr. Nugent made the following statement for the record:

"I vote 'no' and dissent to the action of the Commission in this case, because I believe complaint should issue in the regular course and be tried."

Mr. Thompson stated that he concurred in the statement by Mr. Nugent.

Messrs. Nugent and Thompson asked that their dissent be noted.

October 5, 1925.

(10) File 1-2584 - Harris-Wahle Company vs. Kleuber Brothers & Company.

The Secretary referred to the action of the Commission on September 16, 1925 in referring the case to Mr. Humphrey for deciding vote and presented a memorandum of October 2nd from Mr. Humphrey concurring in the action offered by Mr. Van Fleet and seconded by Mr. Hunt, that the recommendation of the Chief Examiner be approved, the stipulation accepted, respondent allowed sixty days in which to make re-adjustments and the application for complaint dismissed and so voted.

Mr. Humphrey's vote was recorded and the foregoing action was adopted and it was so ordered by the Commission, with Messrs. Van Fleet, Hunt and Humphrey voting in the affirmative and Messrs. Nugent and Thompson voting in the negative.

Mr. Nugent made the following statement for the record:

"I vote 'no' and dissent to the action of the Commission in this case, because I believe complaint should issue in the regular course and be tried."

Mr. Thompson stated that he concurred in the statement by Mr. Nugent. Messrs. Nugent and Thompson asked that their dissent be noted.

(11) File 1-3643 - Turner & Porter, Inc. vs. Golden Peppy Company.

The Secretary referred to the action of the Commission on September 16, 1925, in referring the case to Mr. Humphrey for deciding vote and presented a memorandum of October 2nd from Mr. Humphrey concurring in the action offered by Mr. Van Fleet and seconded by Mr. Hunt, that the recommendation of the Chief Examiner be approved, the stipulation accepted and the application for complaint dismissed and so voted.

Mr. Humphrey's vote was recorded and the foregoing action was adopted and it was so ordered by the Commission, with Messrs. Van Fleet, Hunt and Humphrey voting in the affirmative and Messrs. Nugent and Thompson voting in the negative.

Mr. Nugent made the following statement for the record:

"I vote 'no' and dissent to the action of the Commission in this case, because I believe complaint should issue in the regular course and be tried."

Mr. Thompson stated that he concurred in the statement by Mr. Nugent. Messrs. Nugent and Thompson asked that their dissent be noted.

(12) File 1-3755 - Associated Advertising Clubs of the World vs. Sun-Ray Products Company.

The Secretary referred to the action of the Commission on September 16, 1925 in referring the case to Mr. Humphrey for deciding

October 3, 1925.

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vote and presented a memorandum of October 2nd from Mr. Humphrey concurring in the action offered by Mr. Van Fleet and seconded by Mr. Hunt, that the recommendation of the Chief Examiner be approved, the stipulation accepted and the application for complaint dismissed and so voted.

Mr. Humphrey's vote was recorded and the foregoing action was adopted and it was so ordered by the Commission, with Messrs. Van Fleet, Hunt and Humphrey voting in the affirmative and Messrs. Nugent and Thompson voting in the negative.

Mr. Nugent made the following statement for the record:

"I vote 'no' and dissent to the action of the Commission in this case, because I believe complaint should issue in the regular course and be tried."

Mr. Thompson stated that he concurred in the statement by Mr. Nugent.

Messrs. Nugent and Thompson asked that their dissent be noted.

(13) File 1-3581 - E. L. Eld vs. American Woolen Mills Company.

The Secretary referred to the action of the Commission on September 14, 1925, in referring the case to Mr. Humphrey for deciding vote and presented a memorandum of October 2nd from Mr. Humphrey concurring in the action offered by Mr. Hunt and seconded by Mr. Van Fleet, that the file be referred to the Chief Examiner to be handled by stipulation under the rule and so voted.

Mr. Humphrey's vote was recorded and the foregoing action was adopted and it was so ordered by the Commission.

(14) File 1-3746 - American Fair Trade League vs. Star of Cuba Company.

The Secretary referred to the action of the Commission on September 14, 1925, in referring the case to Mr. Humphrey for deciding vote and presented a memorandum of October 2nd from Mr. Humphrey concurring in the substitute action offered by Mr. Van Fleet, and seconded by Mr. Hunt, that the application for complaint be dismissed and so voted.

Mr. Humphrey's vote was recorded and the foregoing action was adopted and it was so ordered by the Commission, with Messrs. Van Fleet, Hunt and Humphrey voting in the affirmative and Messrs. Nugent and Thompson voting in the negative.

Mr. Nugent made the following statement for the record:

"I vote 'no' and dissent to the action of the Commission in this case, because I believe complaint should issue in the regular course and be tried."

October 5, 1925.

Mr. Thompson stated that he concurred in the statement by Mr. Nugent.
Messrs. Nugent and Thompson asked that their dissent be noted.

(15) File 1-3686 - Columbia Phonograph Company, Inc. vs. World Talking Machine Company.

The Secretary referred to the action of the Commission on September 23, 1925 in referring the case to Mr. Humphrey for deciding vote and presented a memorandum of October 2nd from Mr. Humphrey concurring in the action offered by Mr. Van Fleet and seconded by Mr. Hunt, that the action of the Commission on June 1, 1925, in directing that complaint issue be reconsidered and rescinded and the application be dismissed, on recommendation of the Chief Counsel and Attorney DeBrunner and so voted.

Mr. Humphrey's vote was recorded and the foregoing motion was adopted and it was so ordered by the Commission with Messrs. Van Fleet, Hunt and Humphrey voting in the affirmative and Messrs. Nugent and Thompson voting in the negative.

Mr. Nugent made the following statement for the record:

"I vote 'no' and dissent to the action of the Commission because I believe the complaint should be tried."

Mr. Thompson stated that he concurred in the statement by Mr. Nugent.
Messrs. Nugent and Thompson asked that their dissent be noted.

(16) File 1-3646 - Lester R. Wallis Company, Inc. vs. Fairfax Textile Mills, Inc.

The Secretary referred to the action of the Commission, on September 23, 1925 in referring the case to Mr. Humphrey for deciding vote and presented a memorandum of October 2nd from Mr. Humphrey concurring in the action offered by Mr. Thompson, and seconded by Mr. Van Fleet, that the recommendation of the Chief Examiner be approved and the application for complaint dismissed and so voted.

Mr. Humphrey's vote was recorded and the foregoing motion was adopted and it was so ordered by the Commission, with Messrs. Van Fleet, Thompson and Humphrey voting in the affirmative and Messrs. Nugent and Hunt voting in the negative.

Messrs. Nugent and Hunt asked that their dissent be noted.

(17) Docket 1262 - Larrows Milling Company, et al.

The Secretary referred to the action of the Commission on September 15, 1925 in referring the case to Mr. Humphrey for deciding vote and presented a memorandum of October 2nd from Mr. Humphrey concurring in the action offered by Mr. Van Fleet, seconded by Mr. Hunt, that the case be dismissed on the recommendation of the Chief Counsel and so voted.

October 5, 1935.

Mr. Humphrey's vote was recorded and the foregoing motion was adopted and it was so ordered by the Commission, with Messrs. Van Fleet, Hunt and Humphrey voting in the affirmative and Messrs. Nugent and Thompson voting in the negative.

Messrs. Nugent and Thompson asked that their dissent be noted.

The Chief Counsel was directed to prepare and the Secretary to serve order of dismissal.

(18) Docket 1233 - Owens Manufacturing Company, et al.

The Secretary referred to the action of the Commission on September 18, 1935, in referring the case to Mr. Humphrey for deciding vote and presented a memorandum of October 2nd from Mr. Humphrey concurring in the motion offered by Mr. Van Fleet, and seconded by Mr. Hunt, that the case be dismissed on the recommendation of the Board of Review and so voted.

Mr. Humphrey's vote was recorded and the foregoing motion was adopted and it was so ordered by the Commission, with Messrs. Van Fleet, Hunt and Humphrey voting in the affirmative and Messrs. Nugent and Thompson voting in the negative.

Messrs. Nugent and Thompson asked that their dissent be noted.

The Chief Counsel was directed to prepare and the Secretary to serve order of dismissal.

(19) Docket 1089 - Illinois Glass Company.

The Secretary referred to the action of the Commission on September 23, 1935 in referring the case to Mr. Humphrey for deciding vote and presented a memorandum of October 2nd from Mr. Humphrey concurring in the motion offered by Mr. Van Fleet and seconded by Mr. Hunt, that the case be dismissed in accordance with the recommendation of Trial Attorney Brindley and concurred in by the Chief Counsel and so voted.

Mr. Humphrey's vote was recorded and the foregoing motion was adopted and it was so ordered by the Commission, with Messrs. Van Fleet, Hunt and Humphrey voting in the affirmative and Messrs. Nugent and Thompson voting in the negative.

Messrs. Nugent and Thompson asked that their dissent be noted.

The Chief Counsel was directed to prepare and the Secretary to serve order of dismissal.

The Secretary reported the receipt of information by telephone from the Bureau of the Budget (Mr. Adams), to the effect that the Bureau had reduced its tentative overall allotment of \$27,000, for the fiscal year beginning July 1, 1936, to a total over allotment of \$663,000, distributed as follows:

October 5, 1925.

\$50,000. Salaries of Commissioners -
\$20,000. Lump Sum, of which not more than \$713,180.
may be spent for services (salaries) -
15,000. Printing and Binding -

The Secretary stated that this was a total reduction from the tentative figure by the Bureau of \$112,000. made up as follows:

\$100,000. From the lump sum to be distributed as the Commission sees fit, but with the expectation and suggestion by the Bureau of the Budget that this \$100,000. would be made up by reduction in the Economic Division payroll -
8,000. Reduced travel -
500. Supplies -
200. Communications -
300. Equipment -
2,000. Printing and Binding -

The Commission recalled that its original estimate for the fiscal year beginning July 1, 1926, was \$1,150,000; that upon this estimate, the Bureau of the Budget made a tentative allotment of \$977,000. and a final allotment of \$885,000.

The Commission decided to take no action indicating the method to be followed in apportioning the cut of \$100,000. in the lump sum among the Staff.

The Commission was unanimous in the view, that the final amount of \$885,000. allotted by the Bureau of the Budget was insufficient to conduct its work and would seriously cripple the functions and operations of the Commission in the public interest and requested the Chairman to file a letter of protest with the Bureau of the Budget. The Secretary was directed to prepare the letter.

The following matters of general business forwarded to the Commission by the heads of the several divisions were presented by the Secretary and action as indicated was taken:

(1) Dorset 1124 - P. H. Hanes Knitting Company.

Memorandum of October 1st was received from the Assistant Chief Counsel recommending that the final argument of the case now set for October 21, 1925, be postponed until Wednesday, October 20th, at 2 p.m.

The recommendation of the Assistant Chief Counsel was approved and the Secretary was directed to notify interested parties by registered mail.

October 8, 1925.

(2) Docket 1101 - Onida Community, Ltd.

Memorandum of October 3rd was received from the Assistant Chief Counsel recommending that the final argument of the cases now set for October 28th be heard Wednesday, October 21, 1925, at 2 p.m.

The recommendation of the Assistant Chief Counsel was approved and the Secretary was directed to notify interested parties by registered mail.

(3) Docket 1066 - Jacob Busch.

Docket 1067 - Ontario Silver Company.

Docket 1068 - Samuel I. Bernstein, Inc.

Memorandum of October 3rd was received from the Assistant Chief Counsel stating that in each case the respondent has signed a stipulation, but has reserved the right to make argument and file brief and that it is probable that respondents will waive argument and brief. The memorandum stated that the facts are identical and the respondents represented by the same attorney and recommended that the cases be set down for final argument on Wednesday, November 25, 1925, at 2 p.m.

The recommendation of the Assistant Chief Counsel was approved and the Secretary directed to notify interested parties by registered mail.

The Commission recessed at 12:30 p.m. and reassembled at 2 p.m.

Vernon W. Van Fleet,
Chairman.

Attest:


Secretary.

October 5, 1925.

PRESENT:

John F. Nugent, Acting Chairman,
Charles W. Hunt,
William S. Murphy.

Mr. Van Fleet absent.
Mr. Thompson absent.

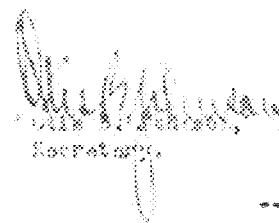
Pursuant to arrangement the Commission met to hear final argument in Packet 1360 - Wilson Fixture Company, Inc. Attorneys Perkins and Whiteley were heard in support of the complaint. Attorney Philip Stein was heard in behalf of the respondent. The hearing continued until the hour of 3:45 p.m., was concluded and the case taken under advisement.

Thereupon, at the hour of 3:45 p.m., the Commission adjourned to meet Wednesday, October 7, 1925, at 10 a.m.



John F. Nugent,
Acting Chairman.

Attest:



William S. Murphy,
Secretary.

Tuesday - October 6, 1925 - No meeting held.

October 7, 1925.

MEETING OF THE FEDERAL TRADE COMMISSION

Wednesday - October 7, 1925 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Lugent,
Charles W. Burr,
Huston Thompson,
William G. Humphrey.

The minutes of the meeting of October 3, 1925, were read and approved.

The Chairman submitted the following matters and action as indicated was taken by the Commission:

(1) Letter of October 6th from L. W. Parker, Director, Anthracite Bureau of Information, Philadelphia, Pennsylvania, referring to statement on page fourteen of the Commission's report on Premium Prices of Anthracite, dated July 6, 1923 and making inquiry with reference to tonnage represented by the statement, etc.

The letter was read and referred to the Chief Economist for preparation of reply to be submitted to the Commission.

(2) Docket 835 - Famous Players-Lasky Corporation, et al. Letter of October 6th from Gilbert M. Montague, New York City, counsel for the respondent, requesting an extension of time from October 16, 1925 to November 10th for filing brief. The Chairman reported conference with Mr. Fuller, Trial Attorney and advised of Mr. Fuller's objection to an extension beyond October 31, 1925.

After consideration, on motion of the Chairman, the Commission granted counsel for all respondents, an extension of time to and including October 31, 1925 for filing briefs, with notice that the date of November 10, 1925, heretofore, set for final argument stands.

(3) With respect to the investigation of the Tobacco Industry being conducted in response to Senate Resolution 324, adopted February 2, 1925 (Senator Cretz), the Chairman presented the following papers:

October 7, 1928.

(1) Telegram -

"Oct. 5, 1928 P.M. 8:38

Columbia, S. C.
H. L. Anderson,
Federal Trade Commission
Washington, D.C.

Informant recites blanket charge as investigated
refuses name of S. A. representative no Georgia leads
intend to corroborate story Hartsville S.C. tomorrow
if possible statement letter value (little value) my
opinion.

Habcock"

(2) Telegram -

"Oct. 6, 1928, 8:19 P.M.,

Hartington, S.C.

H. L. Anderson,
Federal Trade Commission,
Washington, D. C.

Hartsville man fails to substantiate Holand's story
am investigating story Tobacco Companies raised price
eight cents while Coop subscription books were opened
and reverted to old price when subscriptions closed
please wire to morrow morning care McFall hotel,
Hartington, S. C. if my plan to go to Richmond to
Washington is satisfactory.

Habcock."

(3) Stenographic report of statement by Dr. P. F. Cleland,
Columbia, S. C., October 5, 1928, to Examiner Habcock.

After discussion, it was ordered, on motion of Dr. Van Fleet,
(1) that Examiner Habcock proceed to check the work of Examiner
Haines, as directed by the Commission under date of September 16, 1928,
and (2) that the following telegram be dispatched to Messrs. Davis,
Jayner and Capira, representatives of the Tobacco Growers' Cooperative
Association:

October 7, 1925.

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"Our examiner in interview with McLeod reports that he says he had conversation with person regarding matter and that V. E. Sumner, Hartsville, S. C., was present. Sumner interviewed and fails to substantiate McLeod's statement. McLeod refuses to divulge name of party he claims made statements. Can you not persuade him to give the name so we may inquire further."

(4) File 8-1166 - F. T. C. vs. California Packing Corporation. The Chairman referred to the action of June 22, 1925, at which time motions for (1) complaint, and (2) dismissal were lost upon the vote and now case referred to the Chairman to report his vote, and stated that he favored dismissal for the reasons given by the Board of Review and so voted.

Mr. Van Fleet's vote was recorded and it was ordered, that the application for complaint be dismissed, with lessors. Van Fleet, Hunt and Humphrey voting in favor of the motion offered on June 22, 1925, by Mr. Hunt and lessors. Agent and Thompson voting in the negative.

Lessors. Agent and Thompson voted that their dissent be noted.

Mr. Thompson presented the following matters and action as indicated was taken by the Commission:

(1) Trade Practice Submittal on Mending Cotton.

Mr. Thompson reported in response to the Commission's action of October 2, 1925 and stated that after correspondence with the industry, it was suggested that the industry be allowed until February 1, 1926, within which to conform to the method of mending mending cotton as adopted by the industry and that the statement covering the trade practice submittal contain this date of February 1, 1926, within which time to allow the industry to adjust itself to the workings.

In this connection, Mr. Thompson presented a letter from J. B. Clark, representing the industry and suggesting the date of February 1, 1926.

The date was agreeable to the Commission and it was so ordered.

(2) Letter of October 14th from F. T. Brewer, Haddon, Missouri, requesting the return of certain correspondence with the Belaval Separator Company, which was furnished by Mr. Brewer to an investigator of the Commission.

The letter was read and referred to the Chief Examiner for attention and preparation of reply.

October 7, 1925.

Mr. Humphrey presented the following matters and action as indicated was taken by the Commission:

(1) Mr. Humphrey informed the Commission of the request of Attorney Stites for salary increase and reported conference with the former Chief Counsel, Mr. Fuller, who favored an increase. On motion of Mr. Humphrey, Mr. Stites was granted a salary increase from \$8000. to \$8500. effective October 16, 1925.

(2) Letter of June 5th from T. A. Carroll of the Economic Division, making request for transfer to the Law Division. The letter was accompanied by a statement showing Mr. Carroll's service with the Government, education, training, etc.

The request was referred to the Chief Counsel and the Chief Examiner for comment.

The following matters of general business forwarded to the Commission by the heads of the several Divisions were presented by the Secretary and action as indicated was taken by the Commission:

(1) Upon application duly made and supported by physician's certificate, A. F. Camiller of the Economic Staff was granted twenty-two days leave without pay from July 23, 1925, to and including August 13, 1925, because of illness.

(2) Separate memoranda dated September 2, 1925, were received from the Export Trade Division, transmitting files in the following listed export trade complaints as received from the Department of Commerce with request for investigation:

- 1 - Foreign trade complaint of Antonio Alonso of Havana, Cuba and New York City, against the Queen Knitting Mills of Stateville, N. C.
- 2 - Foreign Trade complaint of N. Apargis Film, of Athens, Greece, against the Overseas Products Corporation of New York City.
- 3 - Foreign trade complaint of Fram Fischer & Son, of Munich, Germany, against Dr. Maxim R. Schneller, of Selfridge, N. D.
- 4 - Foreign trade complaint of Guthrie & Company, Ltd., of Penang, Straits Settlement, against Morris Russell & Company, Inc., of New York City.
- 5 - Foreign trade complaint of V. R. & A. C. Johns, of Auckland, New Zealand against the Radio Supply & Service Corporation of New York City.

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- 6 - Foreign trade complaint of Lorie Patalich of Punta Arenas, Chile against the Lurie Products Export Corporation of New York City.
- 7 - Foreign trade complaint of Oliver Brothers, Inc. of New York and Port au Prince, Haiti, against the Hudson Motor Specialties Company of Philadelphia, Pa. and the Fulton Company of Milwaukee, Wisconsin.
- 8 - Foreign trade complaint of Remondino Sa de Parades of Teneriffe, Canary Islands against The American Device Company of New York City.
- 9 - Foreign trade complaint of Paterns Brothers of Cairo, Egypt against the Foreign Business Corporation of New York City.
- 10 - Foreign Trade complaint of the Penang Biograph Company of Penang, Straits Settlement, against the Serial Film Exchange and the American Trading Association, both of New York City.
- 11 - Foreign trade complaint of Bensauer Bank Lindner & Company of Regau, Bavaria, Germany, against Mr. Rosenbaum & Sons of New York City.
- 12 - Foreign trade complaint of Gander, Sieler & Company of Shanghai, China against John B. Williams Export Trade Corporation of New York City.

The Export Trade Division requested authority to proceed with informal inquiry and report to the Commission in the usual course.

The authority was granted and it was so ordered.

(3) Doctat 1233 - Civil Service School, Inc.

Letter of August 15th from the United States Civil Service Commission reporting alleged violation of the Commission's Order to cease and desist in this case. Also reply dated August 15th sent in accordance with action of August 15th advising the United States Civil Service Commission of the decision by the Court of Appeals of the District of Columbia in the Shude Soap case and stating that in view of this decision, a copy of which was enclosed, that until and unless the Supreme Court of the United States shall reverse the decision or Congress shall amend the law, the Federal Trade Commission is powerless to enforce its orders in the District of Columbia. The Secretary stated that this correspondence was presented in accordance with instructions by the Committee under date of August 15th.

October 7, 1925.

The correspondence was read and the Committee's letter of August 18th was confirmed by the Commission and ordered filed.

(4) Memorandum of October 1st from the Chief Examiner transmitting copy of contract used by the Imperial Ice Cream Company, Parkersburg, West Virginia and recommending that an application for complaint be docketed against this company in the name of the Commission - alleging violation of Section 3 of the Clayton Act. The recommendation was approved and it was so ordered.

(5) Report of the Chief Examiner of the work of the Legal Investigating Division for the month of September 1925. The report was received and placed in the Calendar.

(6) Report of the Chief Examiner of formal cases in the name of Trial Examiners October 1, 1925. The report was received and placed in the Calendar.

(7) Packet 1216 - Indiana Quartered Oak Company.
Packet 1213 - Kirschman Hardware Company.
Packet 1205 - Robert Heller Company.

Memorandum of October 6th was received from the Assistant Chief Counsel stating that on September 30, 1925, answers were filed in each of the above listed dockets by Attorney Daniel S. Forbes, attorney for all respondents, that the answers were due June 22, July 2 and July 10, 1925, respectively and recommending that the answers be received and filed.

The recommendation of the Assistant Chief Counsel was approved and orders to this effect approved and entered.

(8) Packet 1245 - Washington Cereal Association, et al.
Packet 1244 - Centennial Mill Company, et al.

Memorandum of October 30th was received from the Assistant Chief Counsel transmitting request of counsel for the respondents to the above dockets for an extension of thirty days from October 2, 1925, for filing answers and recommending that the request be granted.

The request was granted by the Commission and orders to this effect approved and entered.

(9) Packet 1276 - Abrasive Paper & Vliet Manufacturers' Association

Memorandum of October 30th was received from the Assistant Chief Counsel stating that on September 31, 1925, answer was filed by counsel for the respondent, that the time for filing answer was past due and recommending that the answer be received and filed.

The recommendation of the Assistant Chief Counsel was approved and the Chief Counsel directed to prepare appropriate order.

October 7, 1925.

(10) Bucket 1127 - Calumet Baking Powder Company.

Memorandum of October 6th was received from the Chief Counsel, pursuant to the Commission's action of October 2, 1925, transmitting proposed amended complaint to include the so-called "Water-Glass Test". The Chief Counsel recommended that the amended complaint issue.

Chairman Van Fleet reported conference with the Commission's attorney.

After discussion, the following action was offered by Mr. Van Fleet and adopted by the Commission:

Resolved, that the present submission of the case to the Commission be withdrawn and that the matter of the Chief Counsel, together with copy of the proposed amended complaint as recommended by the Chief Counsel, be served upon the respondents and their attorneys, with notice of hearing thereon before the Commission upon a date to be fixed by the Secretary and not later than ten days after service of the notice, with the statement to respondents and their attorneys that they may be heard if they so desire to show cause why the amended complaint should not issue and the taking of further testimony in support of the allegations thereof proceeed.

(11) Box 1128 - National Cash Register Company.

Memorandum of October 3rd was received from the Chief Counsel transmitting a motion of the National Cash Register Company, respondents, requesting a preliminary hearing. The Chief Counsel recommended that the Board of Review hear the respondent in the matter and that Attorneys Sweet and Horton of the Commission's Staff, be present at this hearing and that the Board of Review then report the matter to the Commission. The Chief Counsel made reference to a letter dated December 22, 1923, from F. B. Patterson, President of the respondent company, requesting an opportunity to appear before the Commission and present its views respecting the subject matter under investigation.

The memorandum was read and after discussion, it was ordered, by the Commission, that the request of the respondent be granted and that the respondent be given a hearing before the Board of Review.

As to the foregoing action, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Dugent and Thompson voted in the negative and asked that their dissent be noted.

At the suggestion of Mr. Humphrey, it was directed that the hearing be stenographically reported.

After further discussion, Mr. Thompson offered the following motion:

October 7, 1925.

Moved, that the applicant in this case be permitted to appear in person and by attorney and that the applicant's attorney be permitted to cross examine the witnesses under oath.

Mr. Nugent offered the following amendment to the foregoing motion by Mr. Thompson, by adding these words:

"As well as to introduce testimony and documentary evidence in substantiation of the complaint, and to show if it be necessary in their opinion, that the statements of the respondent before the Board of Review are not in accordance with the facts."

Mr. Thompson accepted the amendment proposed by Mr. Nugent and the amended motion was offered by Mr. Thompson, seconded by Mr. Nugent.

As to this motion, Messrs. Nugent and Thompson voted in the affirmative and Messrs. Van Fleet, Hunt and Humphrey voted in the negative. The motion was lost.

Mr. Humphrey stated, at this time, that he wanted the record to show that these hearings before the Board of Review are open to everyone, and offered the following motion:

Moved, that these hearings, after complaint is issued, before the Board of Review be open to the public and that anyone who desires may attend.

Vote was taken upon the foregoing motion. Messrs. Nugent, Thompson and Humphrey voted in the affirmative and Mr. Van Fleet voted in the negative. Mr. Hunt did not vote. The motion carried. At this time Mr. Thompson offered the following motion:

Moved, that stenographic statement taken before The Board of Review in the Continental Baking Corporation case - Docket 1305 - be made public.

The motion was seconded by Mr. Van Fleet and adopted by the Commission and it was so ordered.

With reference to Mr. Humphrey's motion, that hearings before the Board of Review in formal docket cases be public, Mr. Van Fleet made the following statement for the record:

"I vote 'no' for the reason that if these hearings are public, it is to that extent a violation of the rule not to make public the charges against a respondent until the answer is filed. Further, the hearing before the Board is to determine whether the Commission is to proceed further with the complaint and if the hearing is public and the Board

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and the Commission upon fuller information decide to dismiss the complaint the publicity given is premature and unwarranted and of irreparable damage to the respondent."

(13) Docket 1299 - Heywood-Wakefield Company.

Memorandum of September 26th was received from the Chief Counsel transmitting memorandum submitted to the Commission under date of September 18, 1935, by the respondent, Heywood-Wakefield Company, requesting a preliminary hearing. The Chief Counsel recommended in view of the fact that a formal trial will necessitate considerable expense, and as the respondent is willing to aid in getting all the facts and is also willing to make certain concessions, that preliminary hearing be held before the Board of Review and that Trial Attorney Hall be present at and participate in the hearing.

The recommendation of the Chief Counsel was approved on motion of Mr. Humphrey and it was so ordered.

Mr. Sugert voted 'no' and made the following statement:

"I vote 'no' because it is perfectly apparent that it is impossible for the Commission to come into possession of all the facts merely in an examination of the proposed respondent and such witnesses and evidence as he may desire to introduce."

The Commission recessed at 12 m. and reassembled at 2 p.m.

PRESENT:

Verion W. Van Fleet, Chairman,
John F. Sugert,
Charles W. Gunk,
Eugene Thompson,
William E. Humphrey.

Pursuant to arrangement the Commission met to hear final argument in Docket 915 - Cutler-Hammer Manufacturing Company. Attorney Wooden was heard in support of the complaint. Attorney L. A. Lecher was heard on behalf of the respondent. The hearing continued until the hour of 4:15 was concluded and the case taken under advisement.

October 7, 1925.
October 9, 1925.

Thereupon, at the hour of 4:15 p.m., the Commission adjourned
to meet Friday, October 9, 1925, at 10 a.m.

Vernon W. Van Fleet,
Chairman.

Attest:

W. B. [Signature]
Secretary.

Thursday - October 8, 1925 - No meeting held.

MEETING OF THE COMMISSION, FRIDAY, OCTOBER 9, 1925

Friday - October 9, 1925 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
Jean F. Nugent,
Charles E. Hunt,
Luston Thompson,
William C. Humphrey.

The minutes of the meeting of October 7, 1925, were read,
examined and thereafter approved.

Order 1126 - Raymond-Watfield Company.

The matter of the Commission on this case, under date of
October 7, 1925, was reconsidered and resolved and it was ordered,
on motion of Mr. Nugent, that the question of carrying the respondent
be held in abeyance pending negotiations for a trade practice agreement
and that correspondence be carried on with the Association in this
industry for the purpose of ascertaining whether or not the Association
would be willing to come into a trade practice agreement and if so, that
the matter be reported to the Commission and if the Commission calls a
substantial, the respondent be notified thereof.

October 9, 1925.

Normal docket cases appearing on the weekly Conference Calendar for final determination were considered by the Commission and action as indicated was taken:

(1) Docket 315 - Cutler-Hammer Manufacturing Company.

This case comes before the Commission for final determination upon the following record: amended complaint; answer to amended complaint; testimony; report upon the facts by Trial Examiner Bennett; exceptions thereto by counsel for the Commission; exceptions thereto by counsel for the respondent; brief by counsel for the Commission and counsel for the respondent. Final argument was heard October 7, 1925. Attorney Weeden represents the Commission. Attorney L. A. Lecher represents the respondents.

After consideration, Mr. Thompson offered the following action, which was recorded by Mr. Hunt:

Moved, that the complaint be dismissed.

As to the foregoing motion, Messrs. Van Fleet, Nugent, Hunt and Thompson voted in the affirmative and Mr. Humphrey voted in the negative. The motion carried and it was so ordered.

The Chief Counsel was directed to prepare and the Secretary to serve order of dismissal without further action by the Commission.

Mr. Humphrey asked that his dissent be noted.

Mr. Thompson made the following statement for the record:

"I move dismissal and vote for dismissal in this case on the ground that I do not think there is sufficient monopolistic control in the market shown in respect to this respondent; nor is there a sufficient lessening of competition."

Mr. Humphrey stated for the record, that he would file a memorandum of dissent on the ground, that he believed the contract of the respondent violated Section 3 of the Clayton Act.

(2) Docket 1260 - Misco Fixture Company, Inc.

This case comes before the Commission for final determination upon the following record: complaint; answer; testimony; report upon the facts by Trial Examiner Averill; exceptions thereto by counsel for the respondent; counsel for the Commission did not file exceptions; brief by counsel for the Commission and counsel for the respondent. Final argument was heard October 3, 1925. Attorneys Perkins and Whitely represent the Commission. Attorneys Philip Stain and Henry Solomon represent the respondents.

After consideration, on motion of Mr. Nugent, it was ordered, that an order to cease and desist issue and that the Chief Counsel be directed to prepare and submit to the Commission for approval as to form, draft of findings as to the facts and order to cease and desist.

October 9, 1925.

(3) Docket 1251 - Manhattan Shirt Company.

This case comes before the Commission for final determination upon the following record: complaint; answer; testimony; report upon the facts by Trial Examiner Addison; exceptions thereto by counsel for the respondent; brief by counsel for the Commission. No brief was filed by counsel for the respondent. Counsel for the Commission did not file exceptions to the report of the Trial Examiner. Final argument heard October 2, 1925. Attorney Cox represents the Commission. Attorneys Feiner, Hanes & Skutch represent the respondent.

After consideration, on motion of Mr. Van Fleet, seconded by Mr. Hunt, the complaint was dismissed by the Commission.

The Chief Counsel was directed to prepare and the Secretary to serve order of dismissal.

(4) Docket 1278 - Rosechuan & Solomon Company.

This case comes before the Commission for final determination upon the following record: memorandum of August 29th from the Chief Counsel transmitting the case; complaint; answer; stipulation as to the facts; findings as to the facts and order to cease and desist submitted by the Chief Counsel with memorandum of August 28, 1925. Attorney Sweet represents the Commission. Respondent has no attorney of record.

Mr. Humphrey took no part in the reconsideration of the case for the reason that he was not familiar with the record.

The stipulation, findings as to the facts and order to cease and desist were discussed by the Commission and particularly by Mr. Nugent, with special reference to the decision in the Bon-O-Lac case - Docket 924. Mr. Nugent stated that he dissented to certain portions of the findings and order for the reasons given in his written dissent in the Bon-O-Lac case.

Mr. Hunt offered the following motion:

Moved, that the findings and order as submitted be approved and issued.

The motion failed for want of a second.
The case was left on the calendar.

(5) Docket 1294 - Plateless Engraving Company.

This case comes before the Commission for final determination upon the following record: On April 22, 1925, the Commission referred this case back to the Board of Review for negotiations with the respondent to ascertain whether or not the case cannot be handled by stipulation and report to the Commission. Messrs. Nugent and Caspary dissented to this action and asked that their dissent be noted on the correspondence.

The case is before the Commission upon the following record: complaint; answer; stipulation; report of the Board of Review, dated August 7, 1925, recommending that the stipulation be accepted and approved by the Commission and that the complaint be dismissed upon

October 9, 1925.

satisfactory proof that the stipulation has been fully complied with. Attorney Doyle represents the Commissioner. Respondent has no attorney of record.

Mr. Van Fleet offered the following motion:

Moved, that the stipulation be accepted and the matter again submitted to the Commission when the respondent shall have complied with the stipulation at the end of the sixty day period allowed; and that if the respondent complies with the stipulation, that the case be then submitted to the Commission for dismissal.

As to the foregoing motion, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The motion carried and it was so ordered. Mr. Nugent made the following statement for the record:

"I vote 'no' for the reason that I think the complaint outstanding should be tried and instructions given to the Chief Counsel to that effect."

Mr. Thompson made the following statement for the record:

"I vote 'no' for the reason, that I believe that good faith was not shown in this case by the respondent for the reason that the respondent did not change its practices after the trade practice submittal was held and statement covering it given to the public by the Commission."

Mr. Van Fleet made the following statement for the record:

"I vote 'aye' for the reason that the Board of Review reports that it is impressed throughout the negotiations with the good faith of the respondent and with the desire of the respondent to comply with the terms of the law in every respect and the Board of Review accordingly recommended that the stipulation be accepted; and for the further reason that if the respondent complies with all the requirements of the stipulation, that the same object will be accomplished as if the complaint was tried, evidence taken and all the expenses incurred by the Commissioner and the respondent in doing so."

October 9, 1935.

The Chairman submitted the following matters and action as indicated was taken by the Commission:

(1) Pocket 321 - Gudany Packing Company.

Letter of October 8th was received from Gilbert B. Montague, counsel for the respondent, requesting permission to file brief, on behalf of the respondent at or immediately before the argument, now set for October 30, 1935.

On motion of Mr. Van Fleet, the request was granted and the Chief Counsel directed to prepare and the Secretary to serve appropriate order.

(2) Separate memoranda dated July 3, 1935, were received from the Export Trade Division transmitting files in the following listed export trade complaints, as received from the Department of Commerce, with request for investigation:

- 1 - Foreign trade complaint of Guthrie & Company, Inc., of Peabody, S.S. against Paul M. Harris & Company of New York City
- 2 - Foreign trade complaint of Hagons Panigren of Lund, Sweden, against the John G. Patton Company of New York City.

The Export Trade Division requested authority to proceed with informal inquiry and report to the Commission in the usual course. The authority was granted and it was so ordered.

(3) Letter of October 8th was received from S. A. Savage, President of the Viscose Company, New York City, transmitting a letter of October 8th from the National Association of Hosiery & Underwear Manufacturers, with respect to the hesitancy of the Association to adopt the term "Rayon" to designate artificial silk, in view of certain rulings by the Federal Trade Commission. Mr. Savage made inquiry (1) whether or not the Commission would adopt the term "Rayon" for artificial silk, or if not (2) that the Commission adopt and recognize the term "Rayon" as well as "Artificial Silk" and change its rulings accordingly.

The letter was read and after discussion, on motion of the Chairman was referred to the Chief Counsel to prepare a memorandum and a reply to be submitted to the Commission, the Chief Counsel being advised that the Commission has no objection to the suggestion offered by the Viscose Company, but desires the views of the Chief Counsel thereon.

(4) Letter to the Bureau of the Budget expressing the Commission's protest to the action of the Budget Bureau in making a final allocation of \$855,000. to the Commission for the fiscal year beginning July 1, 1936.

The letter was read and ordered forwarded. See file

October 9, 1925.

(3) Memorandum from the Export Trade Division transmitting papers filed under the Export Trade Act with the Commission by the American Brake Beam Manufacturers' Association with the recommendation that the papers be filed in the usual course and publicity statement issued.

At the suggestion of Mr. Nugent, the papers were ordered circulated and were referred to Mr. Nugent.

The following matters of general business forwarded to the Commission by the heads of the several Divisions were presented by the Secretary and action as indicated was taken:

(1) In connection with the investigation of the Tobacco Industry under Senate Resolution 732, adopted February 3, 1925, (Senator Grant), the Secretary presented the following wire from Aaron Sapiro, attorney for the Tobacco Growers' Cooperative Association, in response to the Commission's wire of October 7, 1925:

"1925 Oct 8 P.M. 7:48

Chicago, Ill.

Otis B. Johnson, Secretary,
Federal Trade Commission,
Washington, D. C.

Have asked Mr. Joyner to go to Washington to see you this. He has passenger list of Majestic which shows that McLeod had two roommates Sumner and Passett the latter being in the employ of the Big Tobacco Company. Mr. Joyner will see you this. Thanks for your wire.

Aaron Sapiro."

The wire was read and on motion of Mr. Van Fleet, the Chief Clerk was directed to ascertain the whereabouts of the Mr. Passett referred to in the wire and get in touch with him by telegram, if possible, stating to him the substance of what Mr. McLeod is reported to have stated that Mr. Passett said and to ask Mr. Passett to give his version of the affair.

(2) Letter of October 8th from Examiner Byron F. Barry, referring to the acceptance of his resignation effective October 15, 1925 and making request in view of the labor regulations that his resignation be now accepted at the close of business October 9, 1925.

October 9, 1933.

The letter was read and the Secretary reported with respect to the leave regulations and thereafter, on motion of Mr. Van Fleet, it was directed that Mr. Perry be given leave sufficient to make his resignation effective October 17, 1933, that is, that Mr. Perry be given the thirty days annual leave for the calendar year.

(3) Memorandum of August 28th was received from August Grace, stenographer in the Administrative Division, transmitting appeal to the Personnel Classification Board for change of allocation from C.A.F. Grade II to C.A.F. Grade IV.

The appeal was approved by the Commission and ordered forwarded in the regular course.

(4) Pocket 1276 - Robert H. Lease Company, Inc.

The following orders submitted by the Chief Counsel were approved and entered: (1) that Web Woodfill, an Examiner of the Commission, be designated to receive testimony, etc., and (2) that the hearing of the complaint begin at New York City, October 16, 1933, at 10 a.m.

Thereupon, at the hour of 12:15 p.m., the Commission adjourned to meet Monday, October 16, 1933, at 10 a.m.

Vernon W. Van Fleet,
Chairman.

Attest:


Secretary.

Saturday - October 10, 1933 - No meeting held.

Sunday - October 11, 1933 - No meeting held.

October 12, 1923.

MEETING OF THE FEDERAL TRADE COMMISSION

Monday - October 15, 1923 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
 John F. Nugent,
 Charles W. Hunt,
 William L. Humphrey,
 Mr. Thompson absent.

The minutes of the meeting of October 9, 1923, were read and approved.

The Chairman presented the following matters and action as indicated was taken by the Commission:

- (1) File 1-3114 - Philip J. Dinoflick vs. B. F. Schrafft & Sons Corporation.

Mr. Van Fleet submitted memorandum of August 14, 1923, reviewing the facts and agreeing with the recommendation of the Board of Review, that the application be dismissed.

On motion of Mr. Van Fleet, seconded by Mr. Hunt, it was ordered, that the application be dismissed.

Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Mr. Nugent voted in the negative and asked that his dissent be noted.

- (2) Memorandum of July 3rd from the Export Trade Division transmitting file of papers in the matter of foreign trade complaint of W. B. Grace & Company (Peruvian Branch) vs. Interam S. Company and Harry Kelly, Jr., Ltd., of New York City. The Export Trade Division reported the receipt of the papers from the complainant's New York Office with request for inquiry and recommended that informal inquiry be made and the facts brought to the attention of the Commission.

On motion of the Chairman, it was so ordered.

- (3) Letter of October 2nd from Senator Frederick H. Gillett, of Massachusetts, requesting information with respect to the work of the Commission in connection with a resolution of the Senate (S.R. 323, adopted February 3, 1923), with respect to an investigation of the General Electric Company.

The Chairman submitted draft of reply which was read and ordered forwarded. See file

October 12, 1933.

(4) Letter of October 6th from the Department of Justice, (William J. Donovan, Assistant to the Attorney General), stating that in June 1933, the Department at the request of the Commissioner, filed a petition for writ of mandamus in the United States District Court for the Eastern District of Pennsylvania against the Bethlehem Steel Corporation to compel that Company to render monthly cost of production to the Commission and that further action in the matter was deferred awaiting the outcome of injunction proceedings in the Supreme Court of the District of Columbia.

The letter requested to be advised whether there is need for continuing the case on the docket.

The Secretary was directed to reply advising of the status of the Claire Furman case in the Supreme Court and to suggest that the case referred to by the Department of Justice be retained on the docket until final decision of the Supreme Court case.

(5) Docket 1303 - Continental Baking Corporation.

Letter of October 6th from the Department of Justice (William J. Donovan, Assistant to the Attorney General), relative to alleged baking combination, as follows:

October 6, 1933.

"Honorable Vernon W. Van Fleet,
Chairman, Federal Trade Commission,
Washington, D. C.

Dear Mr. Chairman:

Alleged Baking Combination

The Department has a very satisfactory record of the organization and history of the several baking companies down to February 1925. In that month the Department suspended its investigation in order to avoid duplicating the work being done by the Trade Commission. The material gathered by the Department was turned over to the Commission.

It is information in that since then the Continental Baking Corporation has acquired a number of bakeries, particularly in the Northwest. Officers of the Company advise that full information concerning these acquisitions including a list of the bakers served by each bakery so acquired has been furnished the Commission. The Department would greatly appreciate receiving that information from the Commission. If consistent with your practice."

The letter was read and it was directed that the Continental Baking Corporation be informed of the request from the Department of Justice and inquiry made under the rule as to whether the Corporation had objection to compliance with the request and if not that the request be granted.

October 12, 1925.

As to the foregoing action, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Mr. Nugent voted in the negative and asked that his dissent be noted for reasons heretofore given in the record and stated, as follows:

"I do not believe the Continental Baking Corporation should be consulted in the matter but that the information in the possession of the Commission should be transmitted forthwith to the Department of Justice."

(6) Memorandum of October 10th was received from the Chief Examiner reporting in response to the Commission's direction of October 5, 1925, the results of an inquiry made by agents of the Commission to ascertain the facts with respect to a newspaper report of merger of the General Baking Company, Ward Baking Corporation and the Continental Baking Corporation, et al. The Chief Examiner set forth the results of the inquiry and concluded with the following statement:

"It appears from the information secured in connection with this reported merger that the newspaper reports were not well founded. So far the only thing that has transpired has been an offer by an individual, William B. Ward, to purchase capital stock of the General Baking Company, as heretofore set out, and the organization of a company to take over that stock in event the deal is consummated, which seems quite probable according to present indications. Mr. Ward, the prime mover, has stated that this new company is to act as a holding company, but so far nothing has been done toward acquiring the stock of any other company or in any way bringing any other company under his control."

"In view of these facts, there appears to be nothing further requiring the attention or action of the Commission at this time. It is recommended, however, that this matter be held open for any further developments in which the companies involved in this matter may be concerned."

The report was read and it was directed, on motion of Mr. Nugent, that copies of the report be delivered to each Commissioner.

Mr. Nugent referred to the Commission's action of October 5th and returned to the Commission papers received from the American Brake Shoe Manufacturers' Export Association in connection with its organization under the Export Trade Act. Mr. Nugent reported his

October 12, 1923.

examination of the papers and stated that he saw no objection to their receipt and filing in the regular course. These papers were presented by Mr. Van Fleet on October 11th, who reported his examination thereof and expressed opinion that the papers should be received and filed. Messrs. Hunt and Humphrey were of opinion, in view of the statements of Messrs. Van Fleet and Ogden, that it would be unnecessary for them to examine the papers and stated that they had no objection to the receipt and filing of same.

It was accordingly, directed by the Commission, that the papers be received and filed in the usual course and publicity statement issued and further that the Secretary be instructed to bring the papers to the attention of Mr. Thompson and that if he had objection to this action, the same could be noted.

The following matters of general business forwarded to the Commission by the Heads of the several Divisions were presented by the Secretary and action as indicated was taken by the Commission:

(1) Postet 1231 - American Association of Advertising Agencies.

Letter of October 11th was received from Clark Leharcker, attorney for certain of the respondents, requesting that the hearing in this case set for October 23, 1923, upon notice of the Chief Counsel for the Commission, to amend the complaint and also for a hearing to dismiss on jurisdictional ground filed by counsel for the Southern Newspaper Publishers' Association, be postponed for reasons stated in the letter until Monday, November 12, 1923.

The letter was read and referred to the Chief Counsel to report at the earliest possible moment.

At this time Mr. Thompson entered the meeting.

PRESENT:

Warren H. Van Fleet, Chairman,
John F. Ogden,
Charles W. Hunt,
Huston Thompson,
William E. Humphrey.

(2) Postet 1232 - American Specialty Company, et al.

Letter of September 17, 1923 from the Postoffice Department (Elihu S. Simons, Chief Inspector), reporting complaints to the

October 12, 1925.

Department of alleged use of the mails for fraudulent purposes and requesting to be advised of the results of the hearing which was set for September 2, 1925 in this case.

The Secretary also presented draft of reply prepared by Attorney Howland which was read and after amendment approved and ordered forwarded.

At this time the Chairman informed Mr. Thompson with respect to the action taken in connection with the papers filed by the American Brake Shoe Manufacturers' Association. Mr. Thompson stated that he would look at the papers.

Mr. Thompson then presented file 1-3582 - Frank J. Denton & Company vs. Turner & Wallis, with memorandum reviewing the facts and recommending dismissal of the application.

On motion of Mr. Thompson, the application for complaint was dismissed by the Commission.

Further matters were presented by the Secretary as follows:

(3) Report of summary of allotments, expenditures and liabilities to the end of September 1925.

The report was received and copies placed in the calendars.

(4) Report of the work of the Board of Review for month ending September 30, 1925.

The report was received and placed in the calendars.

(5) Case 1281 - Thomas I. Pows Lumber Company.

The following orders submitted by the Chief Counsel were approved and entered: (1) that William F. Pison, an Examiner of the Commission, be designated to receive testimony, etc., and (2) that the hearing of the complaint begin at New York City on Wednesday, October 14, 1925, at 10 a.m.

The Commission recessed at 11:15 a.m.

Theron W. Van Fleet,
Chairman.

Attest:

Secretary.

October 13, 1935.

REPORT OF J. J. AUGUST AND HUNT, A COMMITTEE
ON TRAVEL AND THE TRAVEL AND TOURIST BUSINESS
OF THE COMMISSION DURING THE MONTH OF A
QUORUM, AND REPORT TO THE COMMISSION.

October 12, 1935 - 2 p.m.

PRESENT:

John F. August, Acting Chairman,
Charles W. Hunt.

Mr. Van Fleet absent.
Mr. Thompson absent.
Mr. Humphrey absent.

Pursuant to arrangement the Committee met to hear final
argument in Packet 1292 - Permutit Company. Attorney Brownell
was heard in support of the complaint. Attorney Kennedy was
heard on behalf of the respondent. The hearing continued until
the hour of 3:30 p.m., was concluded and the case taken under
advisement.

Thereupon, at the hour of 3:30 p.m., the Committee adjourned
to meet Wednesday, October 16, 1935, at 10 a.m.

J. F. August
John F. August

Charles W. Hunt
Charles W. Hunt

Committee.

Attest:

Miss G. J. ...
Secretary.

As shown by the minutes of October 14, 1935, the foregoing
Committee report was last day read to the Commission, ratified and
adopted as the action of the Commission.

Attest:

Miss G. J. ...
Secretary.

Thomas W. Van Fleet,
Chairman.

October 14, 1935.

Tuesday - October 13, 1935 - No meeting held.

MATTERS OF THE FORMAL BOARD COMMISSION

Wednesday - October 14, 1935 - 10 a.m.

PRESENT:

John F. Vogelst, Acting Chairman,
 Charles W. Hunt,
 William G. Humphrey.

Mr. Van Fleet absent.
 Mr. Thompson absent.

The minutes of the meeting and Committee report of October 12, 1935 were read and approved.

Mr. Humphrey presented File 1-7385 - Stone Laminated Glass Company vs. W. F. Kaiser Manufacturing Company and stated that the application came direct to the Commission from the Chief Examiner without reference to the Board of Review pursuant to the rule of December 4, 1934.

Mr. Humphrey recited the facts in the case and stated that he concurred in the recommendation of the Chief Examiner for dismissal.

After consideration, on motion of Mr. Humphrey, the application for complaint was dismissed.

The following matters of general business forwarded to the Commission by the Bureau of the General Division were presented by the Secretary and action as indicated was taken by the Commission:

(1) Docket 12-5 - J. T. Hart Company.

Memorandum of October 13th was received from the Assistant Chief Counsel transmitting request of counsel for the respondent for an extension of ten days from October 12, 1935 in order to file exceptions to the report of the Trial Examiner and recommended that the request be granted.

The request was granted by the Commission and the Chief Counsel was directed to prepare and the Secretary to serve appropriate order.

October 14, 1925.

(2) Docket 964 - Standard Oil Company of New Jersey.

Upon receipt of memorandum of October 8th from the Assistant Chief Counsel, the Commission set the case for final argument before the Commission on Wednesday, December 2, 1925 at 2 p.m., with direction to the Secretary to notify interested parties by registered mail.

(3) Docket 991 - Iowa-Minnesota-Wisconsin Wholesale Grocers' Association, et al.

Memorandum of October 8th was received from the Assistant Chief Counsel stating that the case was set for final argument on December 2, at 2 p.m., that five different firms of attorneys represent the various respondents in this case and transmitting letter of October 8th from Attorneys Leinsep, Morrow, Fox & Moore, counsel for respondent, Post Brothers, requesting to be advised of the assignment of time at the argument. The Assistant Chief Counsel recommended that counsel for the respondents be allowed two hours collectively, the time to be divided by the five attorneys and that counsel for the Commission be allowed one hour and forty-five minutes and the time for argument be advanced to one o'clock.

The recommendation of the Assistant Chief Counsel was approved, except that the hearing begin at 1:15 p.m., and it was so ordered by the Commission.

(4) Docket 1186 - Good-Grape Company.

Memorandum of October 10th was received from the Assistant Chief Counsel transmitting motion filed by respondent to allow its attorneys to see the reports of the investigators and recommending, in view of the fact, that the matters preliminary to the issuance of complaint have always been held confidential, that the motion be denied.

The memorandum was read and after consideration, on motion of Mr. Ingham, seconded by Mr. Humphrey, the motion was denied by the Commission and order to this effect approved and entered.

(5) Docket 1186 - Good-Grape Company.

Upon receipt of memorandum of October 10th from the Assistant Chief Counsel, the Commission postponed the final argument of the case from November 4th as now set to Monday, December 14, 1925, at 2 p.m., with the direction that interested parties be notified thereof by registered mail by the Secretary.

At this time Mr. Thompson entered the meeting.

PRESENT:

John F. Ingham, Acting Chairman,
Charles E. Ingham,
Eugene Thompson,
William G. Humphrey.

Mr. Van Fleet absent.

October 14, 1935.

(5) Packet 868 - Calumet Mining Powder Company.

Memorandum of October 10th was received from the Assistant Chief Counsel transmitting request of counsel for the respondent for an extension of time until October 30, 1935 for filing brief, and recommending that the request be granted.

The request was granted by the Commission and the Chief Counsel directed to prepare and the Secretary to serve appropriate order.

(6) Packet 1231 - American Association of Advertising Agencies.

Memorandum of October 14th was received from the Assistant Chief Counsel transmitting request of counsel for all the respondents for a postponement of the hearing on the proposed amended complaint from October 23rd to November 23, at 1 p.m., and recommended that the postponement be allowed.

The recommendation of the Assistant Chief Counsel was approved and the Secretary was directed to notify interested parties of the postponement.

(7) Packet 378 - Crown of Wheat Company.

Memorandum of October 14th was received from the Chief of the Packet Section stating that considerable time and expense would be saved by certifying to the United States Circuit Court of Appeals for the Ninth Circuit two volumes of original exhibits; that counsel for the Commission would experience no inconvenience and saving authority for the certification of the exhibits.

After consideration, the Commission directed that the two volumes of original exhibits be certified to the United States Circuit Court of Appeals for the Ninth Circuit with the understanding that arrangement be made with the Court to return the originals and substitute photostat copies after the case is decided by the Court.

(8) Memorandum of October 10th was received from the Chief Economist transmitting, pursuant to the Commission's direction of October 2nd, draft of a letter to L. W. Barker, Director, Antitrust Bureau of Information, Philadelphia, Pennsylvania, regarding the report of the Commission on Premium Prices of Antiracite in response to letter of October 2, 1935.

It was directed that the letter be circulated.

(9) Report by the Chief Economist of the work of the Economic Division for the month of September 1935.

The report was received and placed in the Calendar.

(10) Memorandum of October 2nd was received from the Secretary showing the condition of the Suspense Calendar on October 1, 1935.

The report was referred to the Chief Examiner for attention and for the submission of any cases now ready for Commission action.

October 14, 1935.

(5) Ticket 666 - Calumet Mining Powder Company.

Memorandum of October 13th was received from the Assistant Chief Counsel transmitting request of counsel for the respondent for an extension of time until October 30, 1935 for filing brief, and recommending that the request be granted.

The request was granted by the Commission and the Chief Counsel directed to prepare and the Secretary to serve appropriate order.

(6) Report 1281 - American Association of Advertising Agencies.

Memorandum of October 14th was received from the Assistant Chief Counsel transmitting request of counsel for all the respondents for a postponement of the hearing on the proposed amended complaint from October 22nd to November 22, at 1 p.m., and recommended that the postponement be allowed.

The recommendation of the Assistant Chief Counsel was approved and the Secretary was directed to notify interested parties of the postponement.

(7) Ticket 476 - Crown of Wheat Company.

Memorandum of October 14th was received from the Chief of the Ticket Section stating that considerable time and expense would be saved by certifying to the United States Circuit Court of Appeals for the Eighth Circuit two volumes of original exhibits; that counsel for the Commission would experience no inconvenience and saving authority for the certification of the exhibits.

After consideration, the Commission directed that the two volumes of original exhibits be certified to the United States Circuit Court of Appeals for the Eighth Circuit with the order advising that arrangement be made with the Court to return the originals and authentic photostat copies after the case is decided by the Court.

(8) Memorandum of October 13th was received from the Chief Economist transmitting, pursuant to the Commission's direction of October 7th, draft of a letter to G. W. Parker, Director, Antarctic Bureau of Information, Philadelphia, Pennsylvania, regarding the report of the Commission on Premium Prices of Antarctica in response to letter of October 6, 1935.

It was directed that the letter be circulated.

(9) Report by the Chief Economist of the work of the Economic Division for the month of September 1935.

The report was received and placed in the Calendar.

(10) Memorandum of October 13th was received from the Secretary showing the condition of the Suspense Calendar on October 1, 1935.

The report was referred to the Chief Examiner for attention and for the submission of any cases now ready for Commission action.

October 14, 1925.

(11) Memorandum of October 6th was received from the Board of Review requesting (1) a re-arrangement of the offices of certain members of the Board; and (2) that an additional stenographer be assigned to the Board. The memorandum stated that the work of the Board could be expedited if the members of the Board could be in adjoining rooms and if an additional room for use as a Board room could be obtained.

Upon motion of Mr. Sugent, the request of the Board of Review with respect to the services of an additional stenographer was approved and the Secretary was authorized and directed to secure a suitable stenographer from the Civil Service roll; and further that the request of the Board with respect to the arrangement of rooms be granted with the understanding that the Secretary would provide an outside room for Attorney Staff.

Mr. Thompson presented the following matters and action as indicated was taken:

(1) Letter of October 6th from H. L. Rushing, Washington, D. C. filing complaint against the Greer Chemical Company alleging violation of the Federal Trade Commission Act.

The letter was read and referred to the Chief Examiner for attention.

(2) Letter of October 12th from W. S. Wright, Washington, D. C. making inquiry whether any proceedings have been instituted before the Commission against the American Type Foundry Company and if so, the disposition of the matter.

The letter was read and referred to the Chief Examiner for report.

The Commission recessed at 10:45 a. m. and reassembled at 2 p. m.

PRESENT:

John F. Sugent, Acting Chairman,
Charles H. West,
Walter Thompson,
William L. Humphrey.

Mr. Van Fleet absent.

Pursuant to arrangements the Commission met to hear final argument in Docket 1174 - Clayton F. Curvey Company. Attorneys Scribner and Batcock were heard in support of the complaint.

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11374

Attorney Guy L. Peters was heard on behalf of the respondents.
The hearing continued until the hour of 4:15 p.m., was concluded
and the case taken under advisement.

Thereupon, at the hour of 4:15 p.m., the Commission
adjourned to meet Friday, October 16, 1923 at 10 a.m.

J. Y. Nugent
John Y. Nugent,
Acting Chairman.

Attest:

G. S. Johnson
G. S. Johnson,
Secretary.

Thursday - October 15, 1923 - No meeting held.

MEETING OF THE FEDERAL TRADE COMMISSION

Friday - October 16, 1923 - 10 a.m.

PRESENT:

Vernon E. Van Fleet, Chairman,
John T. Nugent,
Charles W. Hunt,
Hester Thompson,
William S. Humphrey.

The minutes of the meeting of October 14, 1923, were read
and approved.

Formal docket cases appearing on the weekly Conference
calendar for final determination were considered by the Commission
and action as indicated was taken.

October 14, 1925
October 14, 1925

Attorney Guy D. Peters was heard on behalf of the respondents. The hearing continued until the hour of 4:15 p.m., was concluded and the case taken under advisement.

Thereupon, at the hour of 4:15 p.m., the Commission adjourned to meet Friday, October 15, 1925 at 10 a.m.

J. F. Nugent
John F. Nugent,
Acting Chairman.

Attest:

Oliver H. Johnson
Oliver H. Johnson,
Secretary.

Thursday - October 15, 1925 - No meeting held.

MEETING OF THE FEDERAL TRADE COMMISSION

Friday - October 16, 1925 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Nugent,
Charles W. Hunt,
Huston Thompson,
William L. Sampson.

The minutes of the meeting of October 14, 1925, were read and approved.

Several Market Cases appearing on the weekly Conference Calendar for final determination were considered by the Commission and action as indicated was taken.

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1 (1)

(1) Packet 82 - USA - American Photo-Engravers' Association.

On September 21st the Commission heard argument upon the motion of the Chief Counsel to amend the amended complaint. Counsel for the Commission was allowed five days from the date of the argument in which to file memoranda in support of the motion. Counsel for the respondents were granted ten days from receipt of memorandum by counsel for the Commission in which to file memorandum.

The case is before the Commission on the following record: motion by the Chief Counsel to amend the amended complaint; amendments proposed by the Chief Counsel to the amended complaint; amended complaint; notice of opposition to motion to amend complaint filed by Attorneys Phillips, Leihell & Fielding; memorandum in support of the motion to amend the amended complaint filed by Attorney Burr; motion by Attorneys Walsh & Spiess in opposition to the motion to amend the amended complaint; memorandum in opposition to the motion filed by Attorney Walsh & Spiess and Attorneys Phillips, Leihell & Fielding. Attorney Burr represents the Commission. Attorneys Walsh & Spiess represent the American Photo-Engravers' Association, et al and Attorneys Phillips, Leihell & Fielding represent the International Photo-Engravers' Union, et al.

It was ordered, after discussion, that the motion of the Chief Counsel be and the same is hereby granted and the amended complaint submitted by the Chief Counsel was approved and ordered issued and served.

(2) Packet 1174 - Clayton K. Scurvy Company.

Laid over for further consideration on next Conference Day.

(3) Packet 1223 - Permutit Company.

This case came before the Commission for final determination upon the following record: complaint; answer; testimony; report upon the facts by Trial Examiner Goodfill; exceptions thereto by counsel for the respondent; counsel for the Commission did not file exceptions; brief by counsel for the Commission and counsel for the respondent; final argument was heard October 12, 1935. Attorney Brownell represents the Commission. Attorney James Q. Rice represents the respondent.

After consideration, on motion of Mr. Thompson, seconded by Mr. Tipton, it was ordered that the complaint be and the same is hereby dismissed.

The Chief Counsel was directed to prepare and the Secretary to serve order of dismissal.

(4) Packet 1272 - Goodenough & Solomon Company.

This case came before the Commission for final determination upon the following record: memorandum of August 23, 1935, from the Chief Counsel transmitting the case; complaint; answer; stipulation as to the facts; findings as to the facts and order to amend and assist submitted by the Chief Counsel with recommendation of August 25th. No testimony was taken nor briefs filed. Attorney Goodenough represents the Commission. Respondent has no attorney of record.

After consideration, Mr. Good offered the following motion, which was seconded by Mr. Van Fleet:

October 15, 1925.

Moved, that the stipulation be accepted, an order to cease and desist issue and the findings and order submitted by the Chief Counsel be approved and served without further action by the Commission.

Mr. Humphrey took no part in the discussion or vote on this case at this time for the reason that he was not familiar with the record.

As to the foregoing motion by Mr. Hunt, Messrs. Van Fleet and Hunt voted in the affirmative and Messrs. Tugant and Thompson voted in the negative. The motion was lost on the vote and the matter referred to Mr. Humphrey for deciding vote.

(5) Docket 1307 - Ohio Shellac Company.

This case came before the Commission for final determination upon the following record: memorandum of September 24th from the Chief Counsel transmitting the case; complaint; answers; stipulation as to the facts; findings as to the facts submitted by the Chief Counsel with memorandum of September 3, 1925. No testimony was taken nor briefs filed.

After consideration, the Chief Counsel was directed to report immediately as to the relevancy of the Third Paragraph of the order to cease and desist submitted by the Chief Counsel with memorandum of September 3, 1925.

The Chairman submitted the following matters and action as indicated was taken by the Commission:

(1) Letter of October 13th was received from the Treasury Department (D. H. Blair, Commissioner of Internal Revenue), transmitting report of a representative of that Bureau in regard to certain practices by the Virginia Carolina Chemical Company of New Jersey, Richmond, Virginia, which appeared to be unfair.

The letter was read and referred to the Chief Examiner for preliminary investigation and report.

(2) Letter of October 12th was received from the Unfair Competition Bureau of the Paint & Varnish Industries (L. Q. MacDonald), Washington, D. C., transmitting correspondence from the Purchasing Agent Company, New York City, to the president in regard to the constructive work of the Commission.

The correspondence was read and filed.

(3) Letter of October 13th was received from H. H. Russell, Chicago, Illinois, in regard to the wood casing industry.

The letter was read and ordered circulated after acknowledgment by the Secretary.

October 18, 1925.

Pursuant to the Commission's action of August 31st, Mr. Nugent presented file in the matter of Sheffield Steel Mills, a trade name used by the Kansas City Selt & Nut Company of Kansas City, Missouri, and reported his examination of the record and stated that he concurred in the recommendation of the Chief Examiner and moved that the recommendation of the Chief Examiner be approved and that the matter be closed insofar as the Commission is concerned and the British Embassy be advised through the proper channels of the pertinent facts in the case.

It was so ordered by the Commission.

Mr. Humphrey took up with the Commission, the conditions of the legal work on the Pacific Coast both in the Chief Examiner's office and the Chief Counsel's Office and stated that from personal contact following his visit to the Coast this summer and from an examination of the records at the San Francisco Office and conference with the Chief Examiner, he was of opinion that it was in the interest of economic administration that the Commission establish an office at Seattle, Washington, with a competent man in charge. Mr. Humphrey submitted memorandum of October 10, 1925 from the Chief Examiner approving the establishing of a branch office at Seattle and also submitted statistical statement of the work on the Pacific Coast.

Mr. Humphrey then informed the Commission of the qualifications and experience of Willie DeBruler of Seattle, Washington and thereupon offered the following motion:

Moved, that Willie DeBruler be appointed as Attorney-Examiner and allocated to Professional Grade V at the minimum salary of \$3200., and designated Attorney-in-charge of the Pacific Coast work with headquarters at Seattle, Washington.

Mr. Nugent suggested that the Commission first consider the question of establishing a branch office at Seattle.

Thereupon, Mr. Humphrey offered the following motion, which was seconded by Mr. Dent:

Moved, that a branch office be established at Seattle, Washington.

Mr. Thompson stated that the Chief Examiner had discussed with him the desirability of establishing a branch office at Kansas City, Missouri and asked that the decision on the Seattle office be postponed until he had an opportunity to talk with the Chief Examiner.

It was thereupon, ordered by the Commission, on motion of Mr. Jan. Thust, that Mr. Humphrey's motion for the establishment of a branch office and the appointment of Mr. DeBruler be made a Special Order of business after the regular order of business on Monday, October 19, 1925, in order to give Mr. Thompson an opportunity to talk with the Chief Examiner.

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October 19, 1933

The Secretary presented a wire from Attorney Coker of the Chicago Office requesting authority to employ a temporary stenographer for one month.

The authority was granted and the Secretary was authorized to employ a temporary stenographer from the Civil Service Register for one month at the minimum salary of C. A. F. Grade II, \$1300.

Thereupon, at the hour of 12 m., the Commission adjourned to meet Monday, October 19, 1933, at 10 a.m.

Vernon W. Van Fleet
Vernon W. Van Fleet,
Chairman.

Attest

Olis M. Johnson
Olis M. Johnson,
Secretary.

Tuesday - October 17, 1933 - No meeting held.

Wednesday - October 18, 1933 - No meeting held.

MEETING OF THE FEDERAL PUBLIC COMMISSION

Monday - October 19, 1933 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Tager,
Charles W. Hunt,
Huston Thompson,
William G. Humphrey.

The minutes of the meeting of October 16, 1933, were read and approved.

October 19, 1925.

Mr. Van Fleet presented the following listed applications for complaint and action as indicated was taken:

(1) File 1-3639 - Apex Electric Specialty Company vs. Philmore Manufacturing Company.

Mr. Van Fleet submitted memorandum of August 22nd reviewing the facts and concurring in the recommendation of the Board of Review that the application for complaint be dismissed.

The memorandum was read and after consideration, on motion of Mr. Van Fleet, the application for complaint was dismissed by the Commission.

(2) File 1-3713 - Middleton Silver Company vs. Gady & Olmstead Jewelry Company.

Mr. Van Fleet submitted memorandum of August 23rd reviewing the case and concurring in the recommendation of the majority of the Board of Review that the application for complaint be dismissed.

The memorandum was read and after consideration, Mr. Van Fleet offered the following motion:

Moved, that the application for complaint be dismissed for the stated reason that the respondent has abandoned the practice complained of.

In substitution for the foregoing motion, it was moved by Mr. Thompson, seconded by Mr. Nugent, that complaint issue.

Vote was taken upon the substitute motion. As to this motion Messrs. Nugent and Thompson voted in the affirmative and Messrs. Van Fleet, Gant and Humphrey voted in the negative. The substitute motion was lost.

Vote was thereupon taken upon the original motion. As to this motion, Messrs. Van Fleet, Gant and Humphrey voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The motion carried and it was so ordered.

Messrs. Nugent and Thompson asked that their dissent be noted.

(3) File 1-3681 - Associated Advertising Clubs of the World vs. Buckley-Sewall Company.

Mr. Van Fleet stated that this application came direct to the Commission from the Chief Examiner without reference to the Board of Review pursuant to the rule of December 3, 1924.

Mr. Van Fleet submitted memorandum of July 10th reciting the facts and disagreeing with the recommendation of the Chief Examiner that the application be dismissed and recommending that the application be placed on the Suspense Calendar pending the conclusion of the trade practice submittal with the furniture industry.

The memorandum was read and after consideration, on motion of Mr. Van Fleet, it was ordered, that the case be placed on the Suspense Calendar pending conclusion of the trade practice submittal with the furniture industry being conducted by Mr. Van Fleet and that the

October 19, 1934.

Secretary be instructed to notify Attorney Clark of the New York Office to notify the respondent of the time and place of the trade practice submittal conference, to be held in New York City.

Mr. Nugent presented the following listed applications for complaint and action as indicated was taken:

- (1) File 1-3753 - East Liverpool Pottery Company vs. East Liverpool China Company. (C. Talton Tucker).

Mr. Nugent submitted memorandum of October 19th reviewing the facts and concurring in the recommendation of the Board of Review that the application for complaint be dismissed.

The memorandum was read and after consideration, on motion of Mr. Nugent, the application for complaint was dismissed by the Commission.

- (2) File 1-3703 - Fischer Printing Company vs. F. B. Webster Company, Inc.

Mr. Nugent stated that this application came direct to the Commission from the Chief Examiner without reference to the Board of Review pursuant to the rule of December 4, 1934.

Mr. Nugent submitted memorandum of October 19th reviewing the facts and concurring in the recommendation of the Chief Examiner that the application for complaint be dismissed.

After consideration, on motion of Mr. Nugent, the application for complaint was dismissed by the Commission.

Mr. Hunt presented the following listed applications for complaint and action as indicated was taken:

- (1) File 1-3283 - Stone Laminated Glass Company vs. AdHenry Pittsburgh Manufacturing Company, Inc.

Mr. Hunt stated that this application came direct to the Commission from the Chief Examiner without reference to the Board of Review pursuant to the rule of December 4, 1934.

Mr. Hunt submitted memorandum of October 17th reviewing the facts and concurring in the recommendation of the Chief Examiner that the application be dismissed.

The memorandum was read and after consideration, on motion of Mr. Hunt, the application for complaint was dismissed by the Commission.

- (2) File 1-3655 - F. F. G. vs. Arndy Farms Milling Company.

Mr. Hunt stated that this application came direct to the Commission from the Chief Examiner without reference to the Board of Review pursuant to the rule of December 4, 1934.

October 19, 1935.

Mr. Hunt submitted memorandum of October 17th reviewing the facts and concurring in the recommendation of the Chief Examiner that the application be dismissed.

The memorandum was read and after consideration, on motion of Mr. Hunt, the application for complaint was dismissed by the Commission.

(2) File 1-3843 - Henry-Gale Company vs. C. F. Blake Tea & Coffee Company.

Mr. Hunt presented memorandum of October 17th reviewing the facts, concurring in the recommendation of the majority opinion of the Board of Review and recommending that the application be dismissed.

The memorandum was read and thereafter, Mr. Hunt offered the following motion:

Moved, in accordance with the recommendation of the majority opinion of the Board of Review, that the case be dismissed.

In substitution for the foregoing motion, Mr. Humphrey offered the following motion:

Moved, that the case be referred back to the Board of Review with instructions to the Chief Examiner to make such further inquiry as the Board of Review may require to get the facts as to any disputed points in the case.

In substitution for all preceding motions, Mr. Nugent offered the following substitute motion, which was seconded by Mr. Thompson:

Moved, that complaint issue.

Vote was taken upon the substitute motion offered by Mr. Nugent. As to this motion Messrs. Nugent and Thompson voted in the affirmative and Messrs. Van Fleet, Hunt and Humphrey voted in the negative. The substitute motion was lost.

Vote was thereupon taken upon the substitute motion offered by Mr. Humphrey to refer the case back to the Board of Review. As to this motion Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The substitute motion carried and it was so ordered.

Mr. Humphrey presented the following listed applications for complaint and action as indicated was taken:

(1) File 1-3843 - Stone Laminated Slate Company vs. Star-Rite Roofing Manufacturing Company.

Mr. Humphrey stated that this application came direct to the Commission from the Chief Examiner without reference to the Board of

October 19, 1925.

Review pursuant to the rule of December 4, 1924.

Mr. Humphrey recited the facts in the case and stated that he concurred in the recommendation of the Chief Examiner that the application for complaint be dismissed.

After consideration, on motion of Mr. Humphrey, the application for complaint was dismissed by the Commission.

(2) File 1-3480 - Measure Graph Company vs. Simplex
Computing Measure Company, et al.

Mr. Humphrey stated that this application came direct to the Commission from the Chief Examiner without reference to the Board of Review pursuant to the rule of December 4, 1924.

Mr. Humphrey submitted a memorandum of October 19th reviewing the facts and concurring in the recommendation of the Chief Examiner that the application for complaint be dismissed.

The memorandum was read and after consideration, on motion of Mr. Humphrey, the application for complaint was dismissed by the Commission.

The Chairman submitted the following matters and action as indicated was taken by the Commission:

(1) Letter of October 7th from the Assistant Director, Bureau of Foreign & Domestic Commerce, Department of Commerce, Washington, D. C., requesting a copy of the report upon the facts by the Trial Examiner in Docket 835 - Famous Players-Lasky Corporation, et al.

The letter was referred to the Secretary with instructions to advise the writer that the Examiner's report represents the views of the Examiner but not the Commission and is tentative and not final and for that reason is held confidential and no copies are given out by the Commission, except to attorneys for parties of interest; but that a copy of the findings by the Commission, if any are issued will be forwarded.

(2) Letter of September 4th from the Department of Health, New York City (Frank J. Donaghy, Commissioner), requesting access to certain documents and exhibits contained in Part VII of the Commissioner's investigation relating to the Meat Packing Industry and stating that Frederick M. Durr, a representative of the Health Department would present the letter.

The Chairman reported conference with the representative of the writer named in the letter, who requested certain information which was not reproduced nor referred to in the public hearings in the Meat Packing investigation and which information was therefore not of public character and could not be furnished.

The letter was ordered filed.

October 19, 1925.

(3) Letter of October 12th was received from Webb L. Vorys of Vorys, Sater, Seymour & Pease, Columbus, Ohio, counsel for respondent in file 1-2372 - United Woollen Mills Company, Inc. vs. United Woollen Mills Company, Inc., suggesting that all competitors of the Company be likewise required to drop the use of the word "mills" from their names.

The letter was referred to the Chief Examiner for memorandum opinion.

(4) The Chairman informed the Commission of the receipt of a telephone message this morning from the office of William J. Donovan (Assistant to the Attorney General), making further inquiry with respect to the data asked for by the Department in its letter of October 9, 1925, concerning the alleged baking combination.

The Secretary presented draft of a letter to the Continental Baking Corporation in accordance with the Commission's action of October 12, 1925 and Mr. Nugent raised the question of whether the Commission did not intend to direct that the Department of Justice be advised to make inquiry of the Continental Baking Corporation for access to the material in the Commission's files, rather than for the Commission to address the Corporation direct.

After discussion, it was agreed that the Chairman would take up with the Department of Justice, the matter with a view of ascertaining with more certainty just what data the Department desired.

The letter to the Corporation was left in the custody of the Secretary.

Mr. Humphrey called up for consideration, the question of the establishment of a branch office of the Chief Examiner's Office at Seattle, Washington and the appointment of an Attorney-in-charge, as set forth in a motion offered by Mr. Humphrey on October 16, 1925 and which matter was made a Special Order of business for today.

Mr. Thompson reported conference with the Chief Examiner with respect to the establishment of a branch office at Kansas City, Missouri or New Orleans, Louisiana.

After discussion, Mr. Humphrey asked that vote be taken upon the motion offered by him and seconded by Mr. Hunt, on October 16, 1925, which motion reads as follows:

Moved, that a branch office be established at Seattle, Washington.

In substitution for the foregoing motion, Mr. Nugent offered the following motion:

Moved, that this matter be placed on the Unfinished Business Calendar until after the Commission is made aware

October 19, 1925.

of the appropriations which will be allowed for the next year as it is a matter of common knowledge that the appropriation for last year was not sufficient to permit the Commission to transact its business and that for a period of three months travel was discontinued.

Mr. Van Fleet made the following statement for the record:

"I will vote 'no' on the substitute motion for the reason that I believe the saving in travel from Washington to the Pacific Coast will more than cover all expenses incident to the establishment of a branch office at Seattle, and the salary of the man-in-charge there."

Vote was taken upon the foregoing substitute motion as offered by Mr. Nugent. As to this motion Messrs. Nugent and Thompson voted in the affirmative and Messrs. Van Fleet, Hunt and Humphrey voted in the negative. The substitute motion was lost.

Mr. Nugent thereupon offered the following substitute motion, which was seconded by Mr. Thompson:

"I move to amend the preceding motion by striking out the word 'Seattle' and inserting in lieu thereof the words 'New Orleans' for the reason that according to the statements of the Chief Examiner as related to the Commission by Mr. Thompson, the establishment of a branch office at Seattle is not to be compared in importance, either to the Commission or the public, with the establishment of an office at New Orleans or New York City and for the further reason the Commission has now branch offices at New York City, Chicago and San Francisco and has not a single office in any of the Southern States."

Vote was taken upon the foregoing amendment. As to this motion, Messrs. Nugent and Thompson voted in the affirmative and Messrs. Van Fleet, Hunt and Humphrey voted in the negative. The amendment was lost.

Vote was thereupon taken upon the original motion by Mr. Humphrey to establish a branch office of the Chief Examiner's Office at Seattle, Washington. As to this motion Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The motion carried and it was so ordered.

Mr. Humphrey thereupon offered the following motion, which was seconded by Mr. Van Fleet:

October 19, 1928.

Moved, the appointment of Ellis DeBruler as Attorney-Examiner in the Commission and his allocation to Professional Grade V, at the minimum salary thereof, to-wit: \$5200. and that Mr. DeBruler be designated Attorney in-charge of the work of the Chief Examiner's office of the Pacific Coast with headquarters at Seattle, Washington.

Mr. Nugent thereupon offered the following substitute motion, which was seconded by Mr. Thompson:

Moved, that the Chief Examiner be directed to recommend to the Commission, the name of a competent qualified attorney and examiner now in the service of the Commission to be placed in charge of the work at Seattle.

Vote was taken upon the foregoing substitute motion. As to this motion Messrs. Nugent and Thompson voted in the affirmative and Messrs. Van Fleet, Hunt and Humphrey voted in the negative. The substitute motion was lost.

Vote was thereupon taken upon the original motion by Mr. Humphrey for the appointment of Mr. DeBruler. As to this motion Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The motion carried and it was so ordered.

Mr. Nugent made the following statement for the record:

"I vote 'no' and dissent from the action of the Commission. It is altogether unfair and utterly unjust and destructive of the morale of the Investigating Division of the Commission to take an outside man, a total stranger to the Commission and its work and appoint him to this important position over the heads of competent, qualified examiners who have given long, efficient and faithful service to the Commission."

Mr. Thompson stated for the record that he joined with Mr. Nugent in the foregoing statement.

Mr. Van Fleet thereupon offered the following motion, which was seconded by Mr. Humphrey:

Moved, that the correspondence and letters of recommendation concerning Mr. DeBruler be made a part of the record and also the statements presented by Mr. Humphrey from the Chief Examiner.

The motion was adopted and it was so ordered. The correspondence, letters of recommendation, etc., follow:

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October 19, 1925.

"CONDITIONS ON THE COAST"

It is apparent from our records that conditions on the Pacific Coast are such that a division similar to that existing in New York and Chicago should be created with an attorney-in-charge. As showing the rapid increase of the business on the Pacific Coast, the report from the San Francisco Office shows that on January 1, 1925, there were 21 cases pending in that office. On August 7, of the same year, there were 126 cases. In other words, the docket had considerably more than doubled in the first six months of 1925.

DISTRIBUTION OF CASES

Of the last 100 cases, 43 may be designated as California cases; that is, either the respondent or one of the principal ones, is a California concern.

Classifying the same way, there are 23 Washington cases, 10 Oregon cases, or 44 in Washington and Oregon combined. Few of the 16 remaining cases are in Utah. The others are scattered in various places - one of them in the Philippine Islands.

NECESSITY FOR OFFICE AT SEATTLE

It appears from the above figures, that the amount of business arising in California, in Washington and Oregon combined, is approximately equal. The cases in Utah would be equally convenient to an office in Seattle or San Francisco.

It takes 34 hours by the fastest trains to go from Seattle to San Francisco. It takes approximately five days to go from Washington City to either San Francisco or Seattle. It is apparent from the foregoing facts that it would be greatly to the convenience of the public to have an office established at Seattle, as well as to continue one at San Francisco. I believe that it will not only be a great convenience to the public and expedite greatly the business of the Commission, but I think by establishing this additional office at Seattle, that it will be a saving in the cost to the Commission in prosecuting its Pacific Coast business."

October 19, 1925.

"October 10, 1925.

MEMORANDUM FOR COMMISSIONER F. H. MURPHY

Branch Office at Seattle

In response to your request of today, I am glad to put in writing the substance of what I said to you yesterday on this subject. I am a thorough believer, within reasonable limits, in the plan of administration through branch offices. This plan has worked well and has justified itself by long experience in all the essentials of good administration.

The figures which you have collected are convincing but so far as the writer is concerned, they are not needed to demonstrate that the Pacific Coast has always worked under a very great handicap arising chiefly out of the long distances which had to be travelled, resulting in high cost per case and long delays. Our efforts to counteract this by giving the men a long list of cases and keeping them in the field until they made a "clean-up" on each trip were not entirely successful because while they were working at one side of the country, the cases were being accumulated and delayed at the other. There seems to be no possibility of doubt that the establishment of an office at Seattle, taking over about half of the work done by the San Francisco Office would result in speeding up the cases while at the same time cutting down the cost per case. It would also have the advantage of affording the people of the Pacific Northwest convenient access to one of the Commission's offices, which is one of the most substantial advantages which a branch office plan affords.

Respectfully,

(signed) Willard F. Hudson,
"Chief Examiner."

"October 10, 1925.

Mr. Willard F. Hudson,
Federal Trade Commission.

My dear Mr. Hudson:

I am sending you herewith a memorandum which speaks for itself, with reference to the matter that I have under consideration, of asking the Commission to open an office at

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, October 13, 1925.

Seattle, Washington.

I should appreciate it very much if you would give me your views as to this proposition.

Sincerely yours,

"SG/A "

"707 Flatiron Building,
San Francisco, Calif.
August 7, 1925.

Hon. William C. Humphrey,
Covner Hotel,
Seattle, Washington.

Dear Mr. Humphrey:

Thank you for your cordial letter of July 31st.

In compliance with your request, I am inclosing a copy of our report for the month just ended. To a great extent this report speaks for itself, when the fact is considered that the full time of only one man can be devoted to actual investigation, a considerable portion of my own time being occupied by supervisory and routine matters connected with the office, interviewing callers, conducting correspondence, etc. But our pocket is really much heavier than the mere number of cases would indicate, because many of them are such as to require extensive investigation embracing a wide territory. I refer to the following as specific examples of this type of case:

- 1-2525, Alleged price fixing and kindred activities, on the part of the West Coast Oil and Gas Manufacturers' Association.
- 1-2592, Alleged price agreements between the Standard Oil Company of California, and other large oil companies supplying fuel oil to the Navy.
- 1-2817, Alleged price fixing and interference with the supplies of competitors on the part of the Washington Automotive Trade Association and its various local branches throughout the State of Washington.

October 19, 1925.

SF 58, Alleged violation of Section Seven of the Clayton Act by the Standard Oil Company of California.

SF 139, Alleged price fixing and interference with competitors' supplies on the part of the Retail Gasoline Sellers' Association of Portland.

SF 145, Alleged misrepresentation and false statements of various kinds and violation of an Order of the Commission directed against interference with competitors' contracts, on the part of the U. S. Hoffman Machinery Corporation.

SF 149, Alleged price fixing and similar activities on the part of the jobbers of ammunition on the Pacific Coast.

SF 186, Alleged interference with supplies of independent grocers by means of threats and boycotts on the part of the Western Chain Stores Association.

Since our July report was filed we have received two new assignments, one being the Commission's direction to ascertain whether the tobacco jobbers of Oregon are still engaged in the practices charged in Docket 1032, one of the cases in which the American Tobacco Company was involved. The other new assignment requires work in Fresno.

Mr. Sadler is at present in Salt Lake City and from there will proceed to Pocatello and Boise, Idaho, Baker and Portland, Oregon and thence to Seattle and Spokane. He has enough work assigned to him to keep him on the road three or four months, at least. Meanwhile, I am left to cover all the rest of the territory and take care of the office as well. There is so much work pending right now in San Francisco and the East Bay cities alone that one man could do little more than make a good start on it in six months' time. There is also quite an accumulation in Los Angeles, and new work will, of course, be coming in all the time over the whole Coast territory. If it should become necessary for me to leave San Francisco, to follow up some investigation, before Mr. Sadler returns, Mr. Stevens would be the only one here. That has happened on numerous occasions in the past, and with business men frequently telephoning for information and calling to discuss various problems, or to file applications for complaints, I believe you will agree that it is not good administration.

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October 19, 1935.

There is another angle to be considered. The nature of some of our cases now pending is such that if any effective action is to be taken at all it should be taken promptly, yet, we cannot make prompt investigations. Moreover, in some of our cases local applicants are pressing for action, which we are utterly unable to give them.

To give you an idea of the rapid increase in our work in the past six months I need only state that on January 1, 1935, there were twenty-one cases pending, and that since then one hundred and five assignments have been received and seventy-eight have been disposed of by Mr. Giedler and myself, leaving forty-eight pending at present. We have done everything possible to keep abreast of our work, but in spite of our efforts we have fallen far behind, and the backlog has more than doubled since the first of the year. It seems logical and reasonable, therefore, that the force should also be doubled. Nothing less than two additional men will enable this office to function as it should, and to conduct the Commission's business in this important territory efficiently and expeditiously. Mr. Hudson supports me in this, and I understand that he has submitted a recommendation to the Commission accordingly.

You may be sure that we all appreciate the interest you have taken in this office.

With kindest regards, I am

Very respectfully,

(signed) C. V. Weikert,
Attorney-in-charge,
Pacific Coast Office."

GVW:m
Incl.

"MONTHLY REPORT OF THE PACIFIC COAST OFFICE
JULY 1935.
(Month closed on 27th)

COMMISSION APPLICATIONS REGULARLY ASSIGNED

| | | |
|--------|---|---|
| 1-2949 | Harry A. Preston
v.
Oregon Woolen Mills
et al. | Rec'd April 14, 1934.
Held in suspense in conference with Chief Examiner's letter of October 10, 1934. |
|--------|---|---|

October 19, 1925.

| | | |
|--------|---|--|
| 1-3119 | Federal Trade Commission
v.
Pacific Guano & Fertilizer
Company. | Rec'd April 26, 1925.
No work in July. |
| 1-3525 | Hinsley Lumber Company
v.
West Coast Single Manu-
facturers' Ass'n. | Rec'd Dec. 22, 1924.
No work in July. |
| 1-3597 | Navy Department
v.
Standard Oil Co., et al. | Rec'd Aug. 23, 1924.
No work in July. |
| 1-3617 | Kelly Tire Company
v.
Washington Automotive
Trade Ass'n. | Rec'd March 5, 1925.
No work in July. |
| 1-3646 | Pasco Consumers' Club
v.
California Retail Fuel Deal-
ers Ass'n., et al. | Rec'd April 20, 1925.
Assigned to Mr. Sadler.
Investigation in progress. |
| 1-3648 | Pasco Consumers' Club
v.
Oregon Coal Dealers
Credit Ass'n. | Rec'd April 24, 1925.
Assigned to Mr. S. Her.
Investigation in progress. |
| 1-3939 | Fulghum & Company
v.
Hess-Hester Paint Co. | Rec'd July 24, 1925.
No work in July. |

| | |
|---------------------------|---|
| Pending at close of June: | 7 |
| 1-2949, 1-3119, 1-3525, | |
| 1-3597, 1-3617, 1-3646, | |
| 1-3648, | |

| | |
|-------------------|---|
| Received in July: | 1 |
| 1-3522, | |
| Total | 8 |

| | |
|----------------------|---|
| Disposed of in July: | 0 |
|----------------------|---|

| | |
|---------------------------|---|
| Pending at close of July: | 8 |
| 1-2949, 1-3119, 1-3525, | |
| 1-3597, 1-3617, 1-3646, | |
| 1-3648, 1-3939. | |

October 19, 1933.

SUPPLEMENTARY INVESTIGATIONS

| | | |
|--------|--|---|
| 1-3332 | Federal Trade Commission
v.
Carpenter's Incubator
Corp'n. | Rec'd March 14, 1933.
No work in July. |
| 1-3440 | Rice Grocery Company
v.
Diamond Match Company | Rec'd April 27, 1933.
No work in July. |
| 1-3550 | William H. Grever
v.
Continental Rubber Works | Rec'd Feb. 11, 1933.
Assigned to Mr. Sadler,
No work in July. |
| 1-3712 | Hobbs & Sutphen
v.
Reinhold & Newman | Rec'd July 1, 1933.
No work in July. |
| 1-3842 | Carbon Products Company
v.
National Carbon Company, Inc. | Rec'd July 13, 1933.
No work in July. |

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|--|---|
| Pending at close of June: | 3 |
| 1-3332, 1-3440, 1-3550. | |
| Received in July: | 2 |
| 1-3712, 1-3842. | |
| Total | 5 |
| Disposed of in July: | 2 |
| Pending at close of July: | 3 |
| 1-3332, 1-3440, 1-3550,
1-3712, 1-3842. | |

GRAND JUROR'S APPLICATIONS

| | | |
|-------|--|--|
| SF 63 | Federal Trade Commission
v.
Standard Oil Company of
California. | Rec'd March 3, 1933.
No work in July. |
| SF 71 | Federal Trade Commission
v.
Sperry Flour Company | Rec'd July 20, 1933.
No work in July. |

October 19, 1925.

| | | |
|--------|--|--|
| SF 102 | Federal Trade Commission
v.
California Packing Corporation. | Rec'd March 23, 1925.
No work in July. |
| SF 122 | Levie F. Snow & Company
v.
Southern Cotton Oil Trading Co., et al. | Rec'd Aug. 28, 1924.
Investigation 35% completed. |
| SF 123 | Pacific Coast Glass Company
v.
A. G. Kramlich, et al. | Rec'd Nov. 28, 1924.
Investigation in progress. |
| SF 135 | Institute of Margarine
Mfgs.
v.
Ada County Pomona Grange,
Meridian, Idaho. | Rec'd Jan. 10, 1925.
Assigned to Mr. Sadler.
No work in July. |
| SF 136 | Northwest Newspaper Ass'n.
v.
Western Newspaper Ass'n. | Rec'd Jan. 28, 1925.
No work in July. |
| SF 132 | Federal Trade Commission
v.
Retail Gasoline Sellers
Ass'n. of Portland, Ore. | Rec'd Feb. 17, 1925.
No work in July. |
| SF 142 | California-Oregon Paper
Mills
v.
"The Paper Trust" | Rec'd March 2, 1925.
No work in July. |
| SF 144 | J. C. Seyler
v.
S. Abrashere & Company | Rec'd March 3, 1925.
Assigned to Mr. Sadler.
Report mailed July 7th.
Completed. |
| SF 145 | West Coast Freezing
Machine Company
v.
U. S. Pacific Cannery
Corporation. | Rec'd March 17, 1925.
No work in July. |
| SF 148 | Orwell Logan
v.
West Western Paper Co. | Rec'd March 24, 1925.
No work in July. |

October 19, 1925.

| | | |
|--------|---|---|
| SP 149 | Federal Trade Commission
v.
Pacific Coast Jobbers of
ammunition. | Rec'd March 21, 1925.
No work in July. |
| SP 150 | Industrial Chemical Co.
v.
Globe Air Products Co. | Rec'd March 27, 1925.
No work in July. |
| SP 170 | Federal Trade Commission
v.
Herson Hardware Company. | Rec'd April 7, 1925.
No work in July. |
| SP 171 | Federal Trade Commission
v.
Kissel-Keggsch Company. | Rec'd April 7, 1925.
No work in July. |
| SP 172 | Federal Trade Commission
v.
Krich-Harrison Company. | Rec'd April 7, 1925.
No work in July. |
| SP 173 | Federal Trade Commission
v.
B. A. Johnson & Son. | Rec'd April 7, 1925.
No work in July. |
| SP 180 | Federal Trade Commission
v.
J. J. Matthews Hardware Co. | Rec'd April 13, 1925.
No work in July. |
| SP 181 | Federal Trade Commission
v.
Atlas-Roll & Company. | Rec'd April 13, 1925.
No work in July. |
| SP 182 | Federal Trade Commission
v.
Treadwell Manufacturing Co. | Rec'd April 17, 1925.
No work in July. |
| SP 184 | Federal Trade Commission
v.
The Wheeler-Wagood Co. | Rec'd April 17, 1925.
No work in July. |
| SP 185 | G. L. Brooke
v.
Montgomery Ward & Co. | Rec'd April 24, 1925.
No work in July. |
| SP 188 | Independent Grocers' Ass'n.
v.
Western Food Stores Ass'n.
et al. | Rec'd April 27, 1925.
No work in July. |

October 19, 1925.

| | | |
|--------|--|---|
| SP 190 | United States Civil Service Commission
v.
Interstate Civil Service School. | Rec'd May 26, 1925.
No work in July. |
| SP 191 | L. Lewis
v.
William Payne | Rec'd June 9, 1925.
No work in July. |
| SP 192 | J. W. Gears
v.
Underwood Typewriter Company. | Rec'd June 11, 1925.
No work in July. |
| SP 193 | Federal Trade Commission
v.
Automotive Equipment Ass'n. | Rec'd June 13, 1925.
No work in July. |
| SP 194 | A. L. Greene
v.
See 2 above | Rec'd June 23, 1925.
Assigned to Mr. Butler.
Report mailed July 17th.
Completed. |
| SP 195 | A. L. Greene
v.
Rosen Paint Co., Inc. | Rec'd June 25, 1925.
No work in July. |
| SP 196 | A. L. Greene
v.
Rosen Paint Co. | Rec'd June 25, 1925.
No work in July. |
| SP 197 | Garbin B. Co. Company
v.
Gel Trug Company | Rec'd July 6, 1925.
No work in July. |
| SP 198 | West Battery Company
v.
Ford Motor Company | Rec'd July 11, 1925.
Assigned to Mr. Butler.
No work in July. |
| SP 199 | California Farm Bureau Federation
v.
Sperry Flour Company, et al. | Rec'd July 20, 1925.
No work in July. |

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October 13, 1935.

| | |
|---------------------------|----|
| Pending at close of June: | 20 |
| SF 88, SF 102, SF 122, | |
| SF 129, SF 135, SF 136, | |
| SF 139, SF 143, SF 144, | |
| SF 145, SF 148, SF 149, | |
| SF 150, SF 170, SF 171, | |
| SF 173, SF 175, SF 180, | |
| SF 181, SF 183, SF 184, | |
| SF 185, SF 186, SF 190, | |
| SF 191, SF 192, SF 193, | |
| SF 194, SF 195, SF 196. | |

| | |
|------------------------|---|
| Received in July: | 4 |
| SF 71, SF 127, SF 128, | |
| SF 199. | |

| | |
|-------|----|
| Total | 24 |
|-------|----|

| | |
|----------------------|---|
| Disposed of in July: | 2 |
| SF 144, SF 194. | |

| | |
|---------------------------|----|
| Pending at close of July: | 32 |
| SF 88, SF 71, SF 102, | |
| SF 123, SF 129, SF 135, | |
| SF 136, SF 139, SF 143, | |
| SF 145, SF 148, SF 149, | |
| SF 150, SF 170, SF 171, | |
| SF 173, SF 175, SF 180, | |
| SF 181, SF 183, SF 184, | |
| SF 185, SF 186, SF 190, | |
| SF 191, SF 192, SF 193, | |
| SF 195, SF 196, SF 197, | |
| SF 198, SF 199, | |

FORMAL ASSIGNMENTS

D 1023 Charles Tager, et al

Rec'd Nov. 2, 1934.
Assigned to Mr. Sadler.
No work in July.

| | |
|---------------------------|---|
| Pending at close of June: | 1 |
| D 1023. | |

| | |
|-------------------|---|
| Received in July: | 0 |
|-------------------|---|

| | |
|-------|---|
| Total | 1 |
|-------|---|

| | |
|----------------------|---|
| Disposed of in July: | 0 |
|----------------------|---|

| | |
|---------------------------|---|
| Pending at close of July: | 1 |
|---------------------------|---|

October 12, 1935.

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SUMMARY

| | Comm.
Appl. | Suppl.
Inv. | Branch
Appl. | Normal
Inv. | Totals |
|----------------------------|----------------|----------------|-----------------|----------------|--------|
| Pending alone
of Jones: | 7 | 3 | 30 | 1 | 41 |
| Received: | 1 | 2 | 4 | 0 | 7 |
| Disposed of: | 0 | 0 | 2 | 0 | 0 |
| Pending alone
of Kelly: | 6 | 1 | 33 | 1 | 41 |

Overtime: 1 hour, 30 min.

Respectfully submitted,

(Signed) G. V. Galtieri,
Attorney-in-Charge,
Post Office Office.

7/11a"

"LIST OF 102 cases assigned to San Francisco Office.

- 0-2003 vs. Citrus Soap Company,
San Diego, Calif.
- 0-2010 vs. Douglas Fir Excavation & Export Company,
San Francisco, Calif.
- 0-2014 vs. California Pacific Packing Company,
San Francisco, Calif.
- 0-2101 vs. Spotted Tail Mills,
Salt Lake City, Utah.
- 0-2110 vs. Central Ice & Storage Company,
Portland, Oregon.
- 0-2115 vs. Bentzer & Bentzer Company,
San Francisco, Calif.
- 0-2120 vs. Associated Oil Company,
San Francisco, Calif.

October 19, 1923.

- 0-2126 vs. Missoula Chamber of Commerce,
Missoula, Montana.
Joyce-Fruitt Company,
Portales, New Mexico.
- 0-2148 vs. Portland Typothetae,
Portland, Oregon.
- 0-2188 vs. Hot Point Electric Heating Company,
Ontario, Calif.
- 1-2172 vs. Jensen & Von Herberg,
Seattle, Wash.
- 1-2291 vs. C. B. Higgins Manufacturing Company,
Berkeley, Calif.
- 1-2297 vs. Kildall Fish Company,
Seattle, Wash.
- 1-2304 vs. Greer & Culver,
San Francisco, Calif.
- 1-2308 vs. Sun Oil Company,
Huntington Beach, Calif.
- 1-2343 vs. Portland Coffee Company,
Portland, Oregon.
- 1-2344 vs. Capitol Coffee Company,
Portland, Oregon.
- 1-2345 vs. Northwest Importing Company,
Portland, Oregon.
- 1-2346 vs. Boyd Tea Company,
Portland, Oregon.
- 1-2347 vs. Palace Coffee & Produce Company,
Portland, Oregon.
- 1-2433 vs. Harry Hoefler Candy Company,
San Francisco, Calif.
- 1-2434 vs. United Fruit Distributors,
Los Angeles, Calif.
- 1-2441 vs. Trick & Murray, Inc.,
Seattle, Wash.

October 19, 1935.

- 1-2113 vs. Blackbur; Producer Company,
Bentley, Tenn.
- 1-2114 vs. Lowman & Sanford Company,
Bentley, Tenn.
- 1-2115 vs. Pioneer Nursery & Printing Company,
Bentley, Tenn.
- 1-2117 vs. Commercial Company,
Bentley, Tenn.
- 1-2118 vs. Shaw & Gordon Company,
Bentley, Tenn.
- 1-2119 vs. Lucas Printing Company,
Bentley, Tenn.
- 1-2120 vs. John L. Graham & Company,
Bentley, Tenn.
- 1-2121 vs. Graham, J. Company,
Bentley, Tenn.
- 1-2122 vs. Irwin-Graham Company,
Bentley, Tenn.
- 1-2123 vs. Allen & Producers,
Bentley, Tenn.
- 1-2124 vs. Allen Stationery & Printing Company,
Bentley, Tenn.
- 1-2125 vs. Pacific Stationery & Printing Company,
Bentley, Tenn.
- 1-2126 vs. L. R. Products Company,
Bentley, Tenn.
- 1-2127 vs. L. R. Sales Corporation,
Bentley, Tenn.
- 1-2128 vs. National Chemical Company of Calif.,
Los Angeles, Calif.
- 1-2129 vs. West Coast Company,
Bentley, Tenn.
- 1-2130 vs. Lewis & Clark Company,
Bentley, Tenn.

October 13, 1935.

- 1-2345 vs. Weston Fire & Rubber Company,
San Francisco, Calif.
- 1-2346 vs. Alameda Coal Dealers,
Alameda, Calif.
- 1-2347 vs. Los Angeles Paint, Oil & Varnish Club,
Los Angeles, Calif.
- 1-2348 vs. Sterling Paint Company,
Portland, Oregon.
- 1-2349 vs. Traien's California Products, Inc.,
Pasadena, Calif.
- 1-2350 vs. Jenkins Knitting Company, Inc.,
Provo, Utah.
- 1-2351 vs. Weaver's Woolen Mills,
Salt Lake City, Utah.
- 1-2352 vs. Broadway Knitting Company,
Salt Lake City, Utah.
- 1-2353 vs. Salt Lake Cooperative Woolen Mills,
Salt Lake City, Utah.
- 1-2354 vs. Murray Knitting Company,
Murray, Utah.
- 1-2355 vs. Lynch, Brown & Company, et al,
Portland, Oregon.
- 1-2356 vs. American Tobacco Company of the Pacific Coast, Inc.,
San Francisco, Calif.
H. Rosenstein,
San Francisco, Calif.
John Bellman Company,
San Francisco, Calif.
Conference of Wholesale Tobacco Dealers,
Portland, Oregon.
Wholesale Tobacco Dealers' Conference,
San Francisco, Calif.
American Tobacco Company, Inc.,
New York City.
F. Lorillard Company, Inc.,
New York City.
Billett & Sons Tobacco Company,
New York City.
- 1-2357 vs. Weaver's Woolen Mills Company,
Salt Lake City, Utah.

October 19, 1935.

- 1-4728 vs. Utopian Goods Company,
Seattle, Wash.
- 1-2508 vs. Hine Grain & Milling Company,
Los Angeles, Calif.
- 1-2150 vs. Hille Brothers,
San Francisco, Calif.
- 1-2507 vs. Hink Tool & Mill,
Salt Lake City, Utah.
- 1-4724 vs. Consolidated Tool & Mill Company,
Salt Lake City, Utah.
- 1-2530 vs. Francisco Products Company, et al,
Oakland, Calif.
- 1-4734 vs. Crescent Manufacturing Company,
Seattle, Washington.
- 1-2515 vs. Oregon Woolen & Hosiery Co's., et al,
Portland, Oregon.
- 1-4732 vs. Potato Assignment Operators,
Potato Commission Company,
Minneapolis, Minn.
Albert Miller & Company,
Chicago, Ill.
Gay-Lockwood & Company,
San Francisco, Calif.
- 1-4744 vs. Washington Creamery Operators,
Seattle, Wash.
- 1-4733 vs. Carl & Richard Hultschie, Company,
Lafayette, Ark.
Carpenter Paper Company,
Salt Lake City, Utah.
C. A. Dixon & Company,
Salt Lake City, Utah.
Edwards Paper & Sheet Supply Company,
Salt Lake City, Utah.
Eastern Newspaper Union,
Salt Lake City, Utah.
Fletcher Paper Company,
Salt Lake City, Utah.
Hellerbach Paper Company,
Salt Lake City, Utah.

October 19, 1935.

1-3971 re. (unclassified)

Seattle Paper Company,
Seattle, Wash.
Paper Bag Co. Company,
Seattle, Wash.
Seattle Paper Supply Company,
Seattle, Wash.

1-3981 re. Steel Mill & Foundry Supply Company, et al,
San Francisco, Calif.

1-3982 re. International Distribution Company,
San Francisco, Calif.

1-3983 re. Pacific Coast Portland Cement Company,
San Francisco, Calif.

1-3984 re. San Francisco Millers' Association,
Seattle, Wash.
San Francisco Millers' Association,
Seattle, Wash.
Seattle Millers' Association,
Seattle, Wash.

1-3985 re. United States of America, Seattle,
Seattle, Wash.

1-3986 re. J. J. Reed Company,
Seattle, Wash.

1-3987 re. The United States Mill,
Seattle, Wash.

1-3988 re. Seattle & Tacoma Industrial Company,
Seattle, Wash.
Seattle & Tacoma Industrial Company,
Seattle, Wash.

1-3989 re. The United States Mill,
Seattle, Wash.

1-3990 re. The United States Mill,
Seattle, Wash.

1-3991 re. The United States Mill,
Seattle, Wash.

1-3992 re. The United States Mill,
Seattle, Wash.

October 19, 1935.

- 1-3525 vs. East Coast Single Landfillers' Ass'n.,
Seattle, Wash.
- 1-3526 vs. Standard Oil Company,
San Francisco, Calif.
- 1-3527 vs. United Sales Company, Inc., et al.,
San Francisco, Calif.
- 1-3528 vs. Regis Cartons,
San Francisco, Calif.
- 1-3529 vs. Golden Valley Company,
College, Calif.
- 1-3530 vs. Ellis Landfilling and Land Corporation,
Seattle, Wash.
- 1-3531 vs. East Coast & West Coast Company,
Portland, Oregon.
- 1-3532 vs. Greenlight Landfilling Company,
Portland, Oregon.
- 1-3533 vs. National Automotive Trade Association,
Seattle, Wash.
- 1-3534 vs. National Automobile Dealers' Association,
Yuma, Wash.
- 1-3535 vs. Pacific Northwest Import Company,
Los Angeles, Calif.
- 1-3536 vs. American National Company,
San Francisco, Calif.
- 1-3537 vs. General Landfilling Company,
Los Angeles, Calif.
- 1-3538 vs. California Retail and Wholesale Association,
San Francisco, Calif.
National Automobile Dealers' Association,
Seattle, Wash.
Local Operators of Motor Vehicle Washing,
Salt Lake City, Utah.
- 1-3539 vs. Oregon and Western Fruit Association,
Portland, Oregon.
- 1-3540 vs. White Brothers,
San Francisco, Calif.

• • • • •

[illegible]

October 14, 1935.

City Attorney of the City of Seattle a portion of
the year 1934-1935, filling out the unexpired term of the
one who resigned.

City Attorney of the City of Seattle from November,
continuously.

Commissioner of Immigration, Port of Seattle, from
September 1, 1933 to November 10, 1933.

Head and position of City Attorney to accept position
as Commissioner of Immigration.

Special Assistant to the Attorney General of the United
States in addition work from May 1933 to August 1, 1933.

In addition to his position as public official, he has
also had some experience in the private practice of law."

"WITNESSED AND SIGNED

Law Clerk

William L. Sawyer,
Commissioner.

October 14, 1935.

Wm. L. Sawyer,
City Attorney, Port of Seattle,
Seattle, Washington.

My dear Sir:

I have been contemplating establishing a branch
office in Seattle. If we do, we need to place in charge
of it a person of integrity, a fine lawyer and of good
executive ability.

I should appreciate it if you will give me your
confidential opinion of the qualifications of Mr. Wm.
Sawyer to fill such position.

Sincerely, yours,

Respectfully,
Wm. L. Sawyer.

Wm. L. Sawyer, Commissioner,
Port of Seattle, Seattle, Wash., D.C.

My dear Sir:

I am very glad to hear that I can, without any special
reservation, be considered for this position for
several years. Since this is a matter of some importance and I have

October 19, 1925.

found a single word against his integrity or capacity. Later, for a number of years, he was Commissioner of Immigration here, and his record, I think, was one of the very best in the United States. For about two years, last past, he has been special assistant in the Department of Justice assigned to anti-trust work. His experience here, should be very valuable in the work which he would be called upon to do if selected by your commission.

I have known him for many years here and in addition to the above qualifications he is a gentleman and an exemplary and patriotic citizen. Through my appointment of him from here, it gives me great pleasure to have this opportunity of attesting to the goodness of this most modest, unassuming, but so reliable and dependable gentleman.

Very truly yours,

JTH:200

Wagwell J. S. Donald."

RECEIVED COPY OF THE OFFICE OF IMMIGRATION
AND NATURALIZATION

Judge's Chamber.

Seattle

September

Twenty-three

1925

Mr. William H. Campbell,
Federal Trade Commissioner,
Washington, D. C.

My dear Mr. Campbell:

I beg to acknowledge receipt of your letter of September 15, relative to the Commission investigating a branch office in Seattle, and regarding the appointment of the qualifications of Mr. Ellis Reddick to fill such position.

In reply thereto I will say, as most of the people of this community would say, that no better selection than that of Mr. Reddick could be made for the position. He has held very important positions, that of City Attorney, Commissioner of Immigration and

October 19, 1925.

Special Assistant in the Department of Justice --
and I have heard nothing but commendation of his
work. He is a good lawyer, of energetic and
industrious disposition and of unquestionable
integrity.

Sincerely yours,

(signed) Calvin R. Hall."

CRH/CRH

"SUPREME COURT OF THE STATE OF WASHINGTON
FOR THE COUNTY OF KING

Judge's Chambers.

Seattle

September
Twenty-three
1925.

Hon. E. L. Humphrey,
Federal Trade Commission,
Washington, D. C.

My dear Mr. Humphrey:

I have known Mr. Ellis H. Traier during his
entire residence in Seattle and can frankly and
truthfully say that he is a man of unquestioned
integrity, of high standing in this community, an
excellent lawyer and a man of all-around capacity
and ability.

He was for some years City Attorney and
discharged his duties there with intelligence and
efficiency. He was also for a period Commissioner
of Immigration and left a record there excellent
and creditable. Of late, as a special assistant
in the Department of Justice, he has discharged
his duties with efficiency and ability.

I am satisfied that he would render satisfactory
and competent service in such a position as the Commission
might establish in Seattle. He would be respected by
the community and would bring to the service large
experience and sound judgment.

Sincerely yours,

(signed) Everett Smith."

ES/ES

October 19, 1935.

"DEPARTMENT OF JUSTICE"

WESTERN ANTI-TRUST DIVISION

240 Montgomery Street,

San Francisco, Calif.

Sept. 24, 1935.

Mr. Wm. J. Humphrey,
Federal Trade Commissioner,
Washington, D. C.

Dear Mr. Humphrey:-

I have your letter of September 18, 1935, advising me that the Commission contemplates establishing an office in Seattle, Washington, and requesting my confidential opinion as to the qualifications of Mr. Ellis DeBruiler for a position in charge of this office.

In reply, I wish to say that Mr. DeBruiler, as Special Assistant to the Attorney General and as my assistant in the Western Anti-Trust Section, has handled some very important anti-trust matters in and about the State of Washington and Oregon, in the last two or three years. In connection with this work, I have often seen Mr. DeBruiler and have had a chance to observe his personal and official qualifications. Personally, Mr. DeBruiler is a gentleman of the highest integrity. Anything which he happened to take up would be handled with the very best interests of the Government at heart. He is an able lawyer of a great many years' experience and I do not believe that the Commission could find a better man than Mr. DeBruiler for the position contemplated.

Mr. DeBruiler has held many positions of trust in Seattle, where it was necessary to direct the work of many employees and to conduct important cases and investigations. I have been advised by others who knew Mr. DeBruiler that he has handled these matters creditably and well. Therefore, from my own observation and from the information which I have been able to obtain, I believe that Mr. DeBruiler is a man of considerable executive ability and that he will give satisfaction in any position in which you desire to place him.

In the handling of anti-trust matters for this office, I wish to say that I could trust him to work independently and know that he would be faithful to his trust. I have had many discussions with him on legal matters, in connection with the trust work and feel that he is very well

October 19, 1905.

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qualified, on a large scale, to handle this work. I, therefore, cheerfully and without qualification desire to recommend that Mr. DeRuler be put in charge of any branch office of the Commission in Seattle if it is established.

With kindest regards and best wishes, I am,

Yours faithfully,

(signed) Henry Anderson Miller,

McGuire

Op'l. Asst. to the Atty. General."

"DEPT. OF JUSTICE"

OFFICE OF THE ATTORNEY GENERAL

for the

Western District of Washington

Seattle

Sept. 28, 1905.

Hon. W. C. Humphrey,
Federal Trade Commission,
Washington, D. C.

My dear Mr. Humphrey:

I am writing you under date of September 19, 1905, stating that the Federal Trade Commission contemplated establishing a branch office in Seattle, and that it desired to place in charge a man of highest ability, a fine lawyer and of good executive ability. You asked if I would give you my opinion of the qualifications of Mr. DeRuler to fill such a position.

I have known Mr. DeRuler for more than twenty years and have seen him in his private and official capacity. I have had occasion to become fully acquainted with him and his services rendered in several public positions in this city and district. A number of years ago I served as a member of the City Council of Seattle and Mr. DeRuler served for several years at that time as City Attorney. After that he was Commissioner of Immigration for this District for several years and for two years has acted as the San Special Assistant to the Department of Justice engaged in anti-trust work, during which time I have been in very close touch with him.

October 19, 1935.

I know of no one of higher integrity than Mr. DeBrouer. He is an excellent lawyer both by reason of his education and past training and diligence. Mr. DeBrouer is also, in my opinion, a man of splendid executive ability.

It seems to me that the experience he has had as City Attorney and as Commissioner of Immigration and particularly as Assistant in the Department of Justice are as him well qualified for the position and work connected therewith which you have in mind. I am sure the appointment of Mr. DeBrouer to the position above referred to will meet not only with the entire satisfaction of the best people of this community but will bring to your commission a great deal of comfort because of the manner in which he will conduct the affairs of that Office. I am very happy indeed to go on record as above.

Very truly yours,

(Signed) Thom. P. Leavelle,
United States Attorney.

TPR:101

RECEIVED OCTOBER 20 1935
U.S. DEPT. OF JUSTICE

Justice Chambers.

Seattle
September 26, 1935.

Hon. H. L. Humphrey,
c/o Federal Trade Commission,
Washington, D. C.

Dear Mr. Humphrey:

I am informed that the Federal Trade Commission contemplates establishing a branch office in the City of Seattle, and if so would like to suggest the name of Mr. Ellis DeBrouer of this city to take charge of the office.

I have known Mr. DeBrouer for over twenty-five years, during three years of which time he was my assistant during my incumbency in the office of Corporation Counsel in this city. He has practiced law here since I have been on the bench - a period of more than twenty years. I consider him a man of the

October 18, 1935.

13

Highest integrity, a fine lawyer and of good executive ability. I know of no one whom I could suggest who could fill the position with more satisfaction than Mr. DeBruin.

I sincerely hope that you will give him the due consideration in selecting a man for the position.

Very sincerely yours,

RG:SM

(signed) Oswald Gilliam."

Mr. Thompson thereupon made the following statement for the record:

"I object and want the record to show my objection to the assignment of Mr. DeBruin's office in connection with other private offices."

Mr. Nugent stated for the record as follows:

"I dissent to the action of the majority of the Commission in connection with the establishment of the branch office and the appointment of Mr. DeBruin."

The Commission recessed at 12:15 p.m., and reconvened at 1 p.m.

PLS 272)

Harmon S. Van Fleet, Chairman,

John F. Nugent,

Charles W. Hunt,

Walter Thompson,

Mr. Humphrey Stewart.

Desiring to arrange with the Commission not to hear final argument in *Barth's 1818 - East Hill Cemetery Case*, Attorney General was heard in support of the complaint. Attorneys Edward E. Barry and Ralph Humphrey were heard on behalf of the respondents. Attorney Aron P. Lewis was heard on behalf of the National Association of Cemetery & Undertaker Associations, amicus curiae. The hearing continued until the hour of 4:15 p.m., was concluded and the case taken under advisement.

October 19, 1905.
October 20, 1905.

Thereupon, at the hour of 4:15 p.m., the Commission adjourned to meet Wednesday, October 21, 1905, at 10 a.m.

Vernon W. Van Fleet,
Chairman.

Attent

Otis F. Johnson,
Secretary.

MEETING OF THE SPECIAL BUDGET COMMISSION

Tuesday - October 20, 1905 - 11 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
John W. Rogers,
Charles W. Hunt,
Ruston Thompson,
Mr. Humphrey Abbott.

At the call of the Chairman, the Commission met in Special session and conferred with Major Robert Stone, representative of the Bureau of the Budget, at his request with respect to the estimates and appropriations for the fiscal year beginning July 1, 1906.

Mr. Stone referred to the Budget's final allocation of \$225,000, with respect to which the Commission was notified on October 7, 1905, and to the Commission's protest to this allocation as set out in its letter of recent date and suggested as a compromise that if the Commission agreed with him that he would recommend to the Director of the Bureau of the Budget that the Commission be allocated the sum of \$225,000 for the fiscal year beginning July 1, 1906.

Mr. Stone later suggested \$225,000 as a compromise figure.

After full discussion, the Commission adhered to its action of August 14, 1905, in accepting the Budget Bureau's tentative allotment of \$225,000.

October 20, 1925.
October 21, 1925.

Thereupon, at the hour of 11:45 a.m., the Commission adjourned to meet Wednesday, October 21, 1925, at 10 a.m.

Vernon E. Van Fleet,
Chairman.

Attest:

W. H. H. H.
Secretary.

MINUTES OF THE FEDERAL TRADE COMMISSION

Wednesday - October 21, 1925 - 10 a.m.

PRESENT:

Vernon E. Van Fleet, Chairman,
John W. Lusk, Jr.,
Charles W. Lusk,
Mr. Thompson, Clerk.
Mr. Hargrave, Clerk.

The minutes of the meeting of October 19 and 20, 1925, were read and approved.

The Chair presented the following matters and action as indicated was taken by the Commission:

(1) Matter No. 1 - Rogers Playhouse-Library Corporation, et al.
Letter of October 19th was received from Gilbert L. Rogers, counsel for the respondents, referring to the final argument of the case set for October 18, 1925 and respectfully, because of the size of the record and the decision asked that the respondents be allowed four hours time for oral argument.

The letter was read and referred to the Secretary to reply that the Commission had already agreed to allow more time than the usual time for argument in this case and that when the matter comes up for argument, the definite number of hours will be settled.

October 31, 1935.

(2) Mr. Van Fleet referred to the letter of October 5, 1935, from the Department of Justice requesting data furnished the Commission by the Continental Baking Corporation and to the Commission's action of October 10, 1935, requesting the Chairman to confer with the Department of Justice and reported as follows:

"I report that I talked with the Attorney General's Office in regard to the Baking Investigation and as they had previously told me they had a communication from the Continental Baking Corporation saying that the Department of Justice could have anything the Commission had, and inasmuch as that had been done I suggested that the Department get in touch with the Corporation and communicate with the Commission. This was done and today I received a telegram from the Corporation, as follows:

'1935 Oct 30 AM 11 26

New York N Y

Vernon E. Van Fleet,
Chairman,
Federal Trade Commission,
Washington, D. C.

Please release to Attorney General our
report to your Chief Examiner

George C. Warner
Chairman, Continental Baking Corp."

Mr. Van Fleet thereupon noted that the data in question, to-wit: (1) the stenographic report of the hearing of the Continental Baking Corporation before the Board of Review on May 14, 1935; (2) report of the Chief Examiner dated September 4, 1935, with respect to information disclosed by investigation of the contemplated mergers of the Continental Baking Corporation, the General Baking Company and the Ward Baking Company; and (3) a report dated October 10, 1935, from the Chief Examiner with respect to reported merger of the General Baking Company, Ward Baking Corporation, Continental Baking Corporation, et al, as reported in the newspapers under date of October 4, 1935, be given to the Department of Justice and that access be granted in the office of the Commission to agents of the Department of Justice to the records in fact 1905 - Continental Baking Corporation.

The motion was adopted by the Commission and it was so ordered.

October 21, 1935.

The following matters of general business forwarded to the Commission by the heads of the several Divisions were presented by the Secretary and action as indicated was taken:

(1) Budget.

The Secretary reported the receipt of a telephone message this morning from Major Robert Mena, representative of the Bureau of the Budget, advising the Commission that the Director of the Bureau of the Budget had made a final allocation to the Commission of the overall sum of \$386,500. for the fiscal year beginning July 1, 1936, and further that Major Mena had reported that the Commission instruct its Budget Officer to come to the Bureau of the Budget and indicate the reductions to be made in the tentative allotment of \$397,000. to make it accord with the final allocation of \$386,500.

It was decided that because of the unsettled state of things, the Commission not knowing whether it will be compelled to go along with the President's Resolutions or not, that the Commission cannot tell what it will have to do and is not in a position, nor has information upon which to make any change in the tentative allocation of \$397,000. The Secretary was directed to notify the Bureau of the Budget accordingly.

(2) Report from the Chief Counsel of the Federal Trade Commission before the Commission as of October 1, 1935.

The report was received and placed in the calendar.

(3) Report from the Chief Counsel of the Division of Federal Applications for Complaint which have been pending before the Legal Investigating Division for more than six months.

The report was received and placed in the calendar.

(4) Budget 1936 - Waterman & Company, Inc.

Upon receipt of memorandum of October 18th from the Assistant Chief Counsel, the Commission set the case for final argument before the Commission on Wednesday, November 3, 1935, at 2 p.m., instead of November 23, 1935, as now set. The Secretary was directed to notify interested parties by registered mail.

(5) Budget 1936 - Apex Rope Company.

A memorandum of October 18th was received from the Assistant Chief Counsel, transiting correspondence and clippings from Gilbert W. Montague, New York City, calling attention to the alleged violations of the Commission's order dated October 26, 1933, stating that the respondent is evidently not acting in good faith in trying to comply with the Commission's order and recommending that the matter be referred to Attorney Quinn and that appropriate action be taken to compel respondent to comply with the Commission's order.

The recommendation of the Assistant Chief Counsel was approved and it was so ordered by the Commission.

October 21, 1925.

(6) Packet 1266 - Hardwell Brothers.

Memorandum of October 19th was received from the Assistant Chief Counsel transmitting exceptions filed to the Examiner's report on October 17, 1925, stating that because of misapprehension on the part of counsel for the respondent, the exceptions were filed fifteen days after the receipt of the report of the Trial Examiner, instead of ten days and recommending that the exceptions be received and filed.

The recommendation of the Assistant Chief Counsel was approved and the exceptions were received and filed. Order to this effect was approved and entered.

(7) Packet 1262 - W. V. Cooke, et al.

Memorandum of October 19th was received from the Assistant Chief Counsel transmitting request of counsel for the respondent for an extension of time until October 31, 1925, in order to comply with the Commissioner's order, dated September 21, 1925, on the ground that the respondent, W. V. Cooke, is absent on an extended trip and recommending that the request be granted.

The request was granted and the Chief Counsel directed to prepare and the Secretary to serve appropriate order.

- (8) Packet 1261 - James J. Rowe Lumber Company.
- Packet 1264 - Indiana Quartermen Oak Company.
- Packet 1267 - Pacific Northwest Import Company.
- Packet 1263 - Circumlocution Hardware Company.
- Packet 1264 - Hancock Lumber Company.
- Packet 1265 - Robert Pelier Company.
- Packet 1266 - Jones Hardware Company.

Memorandum of October 17th was received from the Assistant Chief Counsel transmitting answers filed in each of the above named hearings by H. Brewster Landon, counsel for the Intervenor, Government of the Philippine Islands and petitioning the Commission to dismiss these proceedings. The Assistant Chief Counsel recommended that the petition to dismiss be denied with leave to the Intervenor to bring forward its petition when the cases are presented to the Commission on the merits.

The recommendation was approved and orders to this effect approved and entered.

(9) Packet 1275 - Aluminum Company of America.

Memoranda of October 16th and October 18th were received from the Assistant Chief Counsel and the Chief Economist respectively, in regard to the detail of an accountant to the Chief Counsel's office to assist in this case. The Chief Economist stated that the Records Division could furnish an accountant and recommended the assignment of Walter Nelson.

The recommendation was approved and the records were assigned Walter Nelson to assist in this case in the Chief Counsel's Office and directed that the expense incident to the detail be borne by the Assistant to the Chief Counsel's Office.

October 31, 1925.

(10) Recket 188 - Swift & Company.

Memorandum of October 18th was received from Attorney Walsh transmitting correspondence with Solicitor General William D. Mitchell in regard to the statement to be filed by the Commission in connection with the petition by Swift & Company for writ of certiorari. The memorandum called attention to the order of the Commission directing, in event that petition for certiorari was filed in the Thatcher Manufacturing case - Recket 188 and the Swift case, to file brief reply thereto setting up the facts and stating that inasmuch as there was a conflict in those decisions and the decision in the Western Heat case - Recket 446, the Commission would not approve the issuance of a writ. The memorandum stated that Solicitor General Mitchell proposes to file a statement which is a practical concurrence in the application for a writ and asked instructions.

The papers were referred to Mr. Nugent with request for examination and report.

(11) Application of Mrs. Lavinia P. Farnsworth, approved by the Chief Clerk, for leave without pay from October 21st to November 10, 1925.

The leave without pay was granted by the Commission.

(12) Letter of October 18th from Mrs. Mollie G. Begley, stenographer in the Administrative Division, requesting six months leave without pay beginning November 1, 1925, by reason of illness in her family.

The leave was granted by the Commission and the Secretary was authorized to employ a temporary stenographer from the Civil Service rolls, at a salary of \$1300. per annum, for a period of six months beginning November 1, 1925, to take Mrs. Begley's place while on leave without pay.

(13) Letter of October 18th from Frank G. Weatherstone, stenographer in the Administrative Division, requesting fifteen days leave without pay from October 21st to November 1, 1925.

The leave was granted by the Commission.

(14) Memorandum of October 18th was received from the Chief Clerk recommending that Joseph A. Klein be transferred from the New York Office to the Chicago Office and that Joseph A. Klein be transferred from the Chicago Office to the New York Office. The Chief Clerk stated that these transfers were approved by the corresponding charge of the New York and Chicago Offices.

The recommendation of the Chief Clerk was approved and it was so ordered by the Commission.

October 31, 1925.

(15) Memorandum of October 17th was received from the Chief Examiner transmitting letter of September 30, 1925, from H. G. Hancock, an examiner at the Chicago Office, resigning his position effective at the close of business October 25, 1925. The Chief Examiner recommended that the resignation be accepted. The resignation was accepted by the Commission.

(16) Memorandum of October 18th was received from the Chief Examiner transmitting letter of October 7, 1925, from Robert Taylor, an Examiner at the Chicago Office, resigning his position effective at the close of business October 26, 1925. The Chief Examiner recommended that the resignation be accepted. The resignation was accepted by the Commission.

(17) File 1-2272 - United Toolenille Company, Inc. vs. United Toolenille Company, Inc.

Memorandum of October 22th was received from the Chief Examiner reporting pursuant to the Commission's direction of October 15th in regard to the suggestion by Seth L. Vorse of the firm of Vorse, Vorse, Raymond & Pease, Columbia, Ohio, counsel for the proposed respondent, United Toolenille Company, Inc., that all competitors of the respondent be required to drop the use of the word "mills" from their names. The Chief Examiner set forth a list of similar cases and stated that the Commission has taken or is now taking corrective action in each case where jurisdiction could be found and recommended that the respondent be so advised and asked to submit the names of any other competitors who are offending in this respect and who fall within the Commission's jurisdiction and that the Commission will give it attention upon receipt of the information, but that his letter states no valid reason against his clients signing the proposed stipulation.

The recommendation of the Chief Examiner was approved and the Chief Examiner directed to prepare a letter in accordance therewith.

(18) Memorandum of October 17th was received from the Chief Examiner transmitting telegram from the Weaver Lumber Company, a trading concern of Chicago, Illinois, complaining of price discrimination and selling below cost by the Hard Lumber Company in the Chicago and Indiana territory. The Chief Examiner stated that there is before the Commission at the present time an application involving the same issue - file 1-2462 - Hancock, et al vs. South Hard Lumber Company, et al and that the Board of Review has recommended (indeed, practically unanimously) in favor of the evidence. The Chief Examiner recommended (1) that the Chief Examiner be directed to keep the issue in investigation of the complaint of the Weaver Lumber Company, and (2) final consideration of file 1-2462 be postponed until the results of this additional inquiry are submitted.

The recommendation of the Chief Examiner was approved and it was so ordered by the Commission.

October 31, 1925.

(19) File 1-2482 - United States Civil Service Commission vs. Civil Service Preparatory School.

A copy of October 14th was received from the Chief Clerk stating that this application was dismissed July 8, 1925, because respondent was not engaged in commerce and also reporting that additional information had been received from the applicant, United States Civil Service Commission, which had been investigated by the Chief Clerk's office and recommended, in view of the fact that the business done in commerce by the respondent was incidental and unconnected, that the file be not reopened.

In motion of Mr. The West, seconded by Mr. Hunt, the reconsideration of the Chief Clerk was approved and it was so ordered, with leave. The West and Hunt voting in the affirmative and Mr. August being negative.

Mr. August made the following statement for the record:

"I vote 'no' for the reason that as the case was dismissed because of lack of interstate commerce and as the supplemental investigation shows that such commerce now exists, I think complaint should issue."

Mr. August asked that his dissent be noted.

There is circulating among the Commission considered the following matters and action as indicated was taken:

(1) File 1-2482 - Associated Advertising Jobs of the World vs. Edell Marie, Inc.

Recommendation of Mr. The West from Executive Stevens, occurred in by the Chief Clerk, stating that the case involves the use of the words "Advertising" and "Philippine Advertising" and recommending that complaint issue charging the respondent with violation of the Federal Trade Commission Act.

The file was circulated June 17, 1925. Motion by the general Commissioners was read and thereafter Mr. The West offered the following motion, which was recorded by Mr. Hunt:

Moved, that this case be placed in the Dispositive order and that the disposition of the so-called "Advertising" business be left to the file in this case be made available to the Commission's attorney in trying the Philippine Advertising case.

As to the foregoing motion, Messrs. The West and Hunt voted in the affirmative and Mr. August voted in the negative and made the following statement for the record:

October 31, 1926.

"I think complaint should issue as this is a case of the same character as a number of others in which complaint has issued and that this defense of the proposed respondent that the trade is not deceived is not good under the decision of the Supreme Court in the United Hosiery Company case and I therefore think complaint should issue."

(2) Memorandum of August 17th from the Chief Counsel transmitting letter prepared in reply to letter of August 11th from the Whaley-Paton Service, Washington, D. C., referring to a complaint of their client, Pacific Pipe & Supply Company, Los Angeles, California, to the effect that certain steel mills with which they were dealing were not observing the Pittsburgh Pipe decree and were also engaged in other unfair practices.

The file was circulated August 19th but has not been considered by any member of the Commission.

The Secretary presented letter of October 13th from the Whaley-Paton Service, Washington, D. C., requesting the return of the papers submitted with their letter of August 8, 1926.

The matter was removed from circulation and referred to Mr. Ingersoll at his request for examination and report.

The Commission recessed at 11:30 a.m. and reassembled at 2 p.m.

PRESENT:

Verdon H. Chaflin, Chairman,
John F. Ingersoll,
Charles F. Hunt.

Mr. Thompson absent.
Mr. Humphrey absent.

Forward to arrangements made the Commission met to hear final argument in United Pipe & Supply Company, Ltd. Attorney George Lee Ward in support of the complaint. Attorney Gilbert L. Corbridge was heard on behalf of the respondent. The hearing, continued until the hour of 4 p.m., was concluded and the case taken under advisement.

October 21, 1925.

October 23, 1925.

Whereupon, at the hour of 4 p.m., the Commission adjourned to meet Friday, October 23, 1925, at 10 a.m.

Vernon E. Van Fleet,
Chairman.

Attest:

W. B. Johnson
Secretary

Thursday - October 22, 1925 - No meeting held.

NOTICE OF THE 22ND. NOVEMBER 1925

Friday - October 23, 1925 - 10 a.m.

PRESENT:

Vernon E. Van Fleet, Chairman,
John W. Cugent,
Charles W. Hunt,
Austin Campbell.

Mr. Campbell absent.

The minutes of the meeting of October 21, 1925, were read and approved.

Several Societ cases appearing on the weekly conference calendar for final determination were considered by the Commission and action as indicated was taken:

(1) Societ 1923 - G. B. & Company.

On September 11, 1925 the Commission denied respondent's motion to dismiss except insofar as the motion related to the change of adding water to oats as alleged in Paragraph Two of the complaint and directed that the Chief Counsel prepare and submit to the Commission for approval as to form, draft of findings and order in accordance with the facts as developed in the case.

October 22, 1925.

Pursuant to the Commissioner's action, the case is before the Commission on the following record: denunciation of September 22nd from the Chief Counsel; order denying notice of respondent to discontinue; findings as to the facts and order to cease and desist submitted by the Chief Counsel with verbatim of September 22, 1925; complaint.

Mr. Tugent suggested certain amendments to the findings as to the facts, which amendments were approved by the Commission.

After consideration, it was ordered, that an order to cease and desist issue and that the findings as to the facts as amended and the order to cease and desist as submitted, be approved and issued and served without further action by the Commission.

Upon motion of Mr. Van Fleet, it was also directed that the Chief Counsel review the Grain Cases which have come before the Commission and which involve the inspection of grain insafers as they relate to the selection, appointment and payment of grain inspectors with a view to submitting to Congress a recommendation that the law on the subject be changed, provided the facts in the cases before the Commission warrant such action.

(2) Packet 1192 - Charles Connors, Ltd.
Laid over for further consideration on next Conference Day.

At this time Mr. Hunt was excused from the meeting.

PRESENT:

Vernon W. Van Fleet, Chairman,
John T. Tugent,
Austin Thompson.

Mr. Hunt absent.
Mr. Tugent absent.

(3) Packet 1194 - Clayton V. Curry Company.

This case comes before the Commission for final determination upon the following record: amended complaint; answer; testimony; report upon the facts by Will Alexander Sheppard; exceptions thereto by counsel for the respondent; counsel for the Commission did not file exceptions; brief by counsel for the Commission and counsel for the respondent; final argument was heard October 14, 1925. Attorney Nordbrook represents the Commission. Attorneys Curry, Johnston & Peters represent the respondent.

October 23, 1925.

After consideration, on motion of Mr. Van Fleet, seconded by Mr. Rupert, the Commission directed that an order to cease and desist issue and that the Chief Counsel prepare and submit to the Commission for approval as to form, draft of findings as to the facts and order to cease and desist.

(4) Docket 1331 - J. R. Speal, et al.

This case comes before the Commission for final determination upon the following record: memorandum of October 3, 1925 from Trial Attorney Howland, approved by the Chief Counsel, recommending that the complaint either be dismissed without prejudice or that it be held in suspense for another year; complaint; answer; testimony. A report was filed by the Trial Examiner. No briefs were filed. Attorney Howland represents the Commission. Attorneys John Valen and L. A. Spiess represent the respondents.

After consideration, on motion of Mr. Thompson, it was directed that the case be placed on the Suspense Calendar and brought to the attention of the Commission prior to the beginning of the strawberry season next year.

It was also directed that the Chief Counsel instruct the Trial Attorney to prepare a memorandum of the facts in the case for the information of the Department of Agriculture and a letter transmitting the facts with an inquiry as to whether or not the situation is one which could be handled by the Cooperative Marketing Agencies of the Department of Agriculture as well as by the Commission.

At this time Mr. Hunt entered the meeting.

PRESENT:

Verona M. Van Fleet, Chairman,
John P. Rupert,
Charles W. Hunt,
Austin Thompson.

Mr. Hargrave absent.

(5) Docket 1337 - Ohio Shellac Company.

Laid over for further consideration on next Conference Day.

(6) Docket 1103 - Real Silk Hosiery Mills.

This case comes before the Commission for final determination upon the following record: complaint; answer; stipulation as to Paragraphs Three and Five of the complaint; testimony; report upon the facts by Trial Examiner Bennett; exceptions thereto by counsel for the respondent; counsel for the Commission did not file exceptions; brief by counsel for the Commission and counsel for the respondent; counsel for National Association of Hosiery & Underwear Manufacturers

October 23, 1925.

filed brief various surise. Final argument was heard October 19, 1925. Attorney Rowland represents the Commission. Attorneys Perry and Benberger represents the respondent.

It was directed, that the Chief Counsel direct the Trial Attorney to submit a memorandum with respect to the apparent discrepancy between the brief of counsel for the Commission and the stipulation with respect to the charges in Paragraphs Three and Five of the complaint, as to the discontinuance of advertisements by the respondent in periodicals and the continued use of such advertisements by the respondent's witnesses.

The Chairman presented the following matters and action as indicated was taken by the Commission:

(1) Letter of October 20, 1925, from the Department of Justice (William C. Mitchell, Acting Attorney General), as follows:

October 20, 1925.

Honorable Vernon W. Van Fleet,
Chairman, Federal Trade Commission,
Washington, D. C.

Dear Sir:

Will you kindly permit Mr. W. C. Tolson Taylor, Special Agent of the Bureau of Investigation of this Department, to inspect a contract between United Switch & Signal Company, The Bell Switch & Signal Company, General Railway Signal Company and the Federal Signal Company, dated March 20, 1918, and any correspondence and other records relating to this agreement or to the operation of the companies under and in accordance with its provisions?

I am advised that the agreement in question was voluntarily submitted to the Federal Trade Commission on July 10, 1918.

Yours very truly,

(s) William C. Mitchell,
Acting Attorney General.

The letter was read and referred to the Secretary for report.

October 23, 1935.

(2) Letter of October 21st from the "Wall Street News", New York City, with respect to reported resale price maintenance agreements of the Kellogg Company.

The letter was read and referred to the Chief Examiner for attention.

Mr. Thompson presented the following matters and action as indicated was taken by the Commission:

(1) Letter of October 21st from the American Granite Association (Lucien C. Holman, Secretary), Washington, D. C., referring to the Association's letter of August 21st for an opinion concerning the "Code of Ethics" of the Association and requesting reply.

The letter was read and referred to the Secretary to reply suggesting that the Association make specific reference by page number of the portions of the book entitled, "Trade Associations - Their Economic Significance and Legal Status", wherein criticism of the Association's Code of Ethics is said to appear, with the statement that upon receipt of such information, the matter will receive consideration.

(2) Letter of October 21st from "Wadgett & Dravell" Company, Pawtucket, Rhode Island, Cotton Thread Manufacturers, with respect to the Commission's statement of October 13, 1935, concerning Trade Practice Submittal with manufacturers of sewing cotton.

The letter was read and referred to Mr. Thompson for reply it being the understanding of the Commission that any matter need by the manufacturers shall be at the same place on the spool and also the price, the sale and the price.

Mr. Van Fleet presented a motion that the Staff of Trial Examiners be transferred from the Chief Examiner's Division to a Division to be known as Chief of Trial Examiners, together with memorandum in support of the motion. The motion set forth the duties of the position. Mr. Van Fleet presented copies of the motion and memorandum for each Commissioner and stated that he would call the matter up for consideration by the Commission at a later meeting.

The following matters of general business forwarded to the Commission by the heads of the several Divisions were presented by the Secretary and action as indicated was taken:

October 23, 1925.

(1) Packet 1241 - International Publishing Company.

Memorandum of October 21st was received from the Assistant Chief Counsel transmitting memoranda by Attorneys Doyle and Cronen and letter of October 10, 1925, from Attorney James McKee, relating to a question of proper professional conduct on the part of Attorney McKee in connection with this case and referred to pages 255 to 366 of the transcript covering the matter.

It was directed that the matter be circulated.

(2) Packet 1260 - Bardwell Brothers.

Memorandum was received from the Assistant Chief Counsel requesting authority to file a brief in excess of fifty pages.

The request was granted and authority granted to file a brief of approximately sixty pages.

(3) Packet 1266 - Bardwell Brothers.

Upon receipt of memorandum from the Assistant Chief Counsel, the Commission set the case for final argument on Monday, December 28, 1925, at 2 p.m., with direction to the Secretary to notify interested parties by registered mail.

(4) Packet 1252 - Yerrill Manufacturing Company.

Packet 1218 - Chase Company.

Memorandum of October 21st was received from the Assistant Chief Counsel transmitting the result of supplemental investigation in the above cases and recommending that application for complaint be granted against the Kelly Company, Atlanta, Georgia, and the American Manufacturing Company, St. Louis, Missouri, and any other companies which the investigation reveals are engaged in the like practice of giving preference to public institutions in connection with the sale of automobiles.

The recommendation was approved and it was so ordered.

(5) Packet 1261 - Standard Oil Company of New Jersey.

Memorandum of October 21st was received from Attorney Brindley, concerned in by the Assistant Chief Counsel, transmitting telegram of October 21st from Frank Andrews, counsel for the respondent, requesting that final argument of the case be changed from December 2nd to December 10th or 11th and stating that any of the dates would be agreeable to counsel for the Commission.

After consideration, the Secretary was directed to advise counsel for both sides that the Commission in order to conduct its business and to study pending cases cannot hear arguments on Thursdays or Fridays and must adhere to its rule of hearing arguments only on Mondays and Wednesdays and therefore that the argument of the case be now set for December 7, 1925, at 2 p.m. and stand.

October 23, 1935.

(6) Separate memoranda dated October 23, 1935, were received from the Export Trade Division, transmitting files in the following listed Export Trade complaints, as received from the Department of Commerce, with request for investigation:

- (a) Foreign trade complaint of A. B. Lauterbach of London, England against the American Art Association, of New York City.
- (b) Foreign trade complaint of the Adams Importing Company, North Bay, Ontario, Canada, against the K. E. Long Company of New York.
- (c) Foreign trade complaint of Yishwan Latta & Company of Bombay, India against the Western Trading Company of New York City.
- (d) Foreign trade complaint of Petrosianos & P. Lychian, of Athens, Greece, against Goldstein & Company, Inc., New York City.
- (e) Foreign trade complaint of Antonio Cunha & Company of Porto Alegre, Brazil against Lowrey & Simmons, New York City.
- (f) Foreign trade complaint of Alexander van Leeuwen, member of the firm of W. A. Knipscheer, Nijmegen, Holland, against Paul Morris, Inc., New York.
- (g) Foreign trade complaint of Alexander Stille, of Montebello, Bavaria, Germany against Davidoff Dodge, New York City.
- (h) Foreign trade complaint of Eileen Cortese & Company of Padua, Italy, against the Lathrop Lloy Steamship & Commerce Corporation of New York City.
- (i) Foreign trade complaint of A. Walderstrom & Company of Stockholm, Sweden, against Beckman Brothers, Inc., New York City.
- (j) Foreign trade complaint of Heinrich Gehrig & Company of St. Gall, Switzerland, against the East India Corporation, New York City.

The Export Trade Division requested authority to go along with the informal inquiry and report to the Commission in the usual manner. The authority was granted and it was so ordered.

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Therefore, at the hour of 10:15 p.m., the Commission adjourned to meet, Monday, October 26, 1925, at 10 a.m.

Vernon W. Van Fleet,
Chairman.

Witness:

John T. Johnson,
Secretary.

Saturday - October 24, 1925 - no meeting held.

Sunday - October 25, 1925 - no meeting held.

MINUTES OF THE FIDUCIARY CASES COMMISSION

Monday - October 26, 1925 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
John T. Johnson,
Audley B. Hunt,
Huston Thompson.

Mr. Campbell absent.

The minutes of the meeting of October 23, 1925, were read and approved.

The Chairman advised the Commission that Gilbert R. Montague, of counsel for respondent in Docket 835 - Famous Players-Lasky Corporation, et al, was in his office and asked to be heard upon his request for an extension of ten days to and including November 10, 1925, for filing brief on behalf of the respondent, Famous Players-Lasky Corporation, et al. Montague and Mr. Fuller, counsel for the Commission, were heard with respect to Mr. Montague's request and it was agreed among counsel and ordered by the Commission, as follows:

October 20, 1935.

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(1) that counsel for the respondent have to and including November 10, 1935, for filing brief, the chief counsel to prepare and the respondent to serve appropriate order; (2) that a statement of facts with a portion of respondent's brief would be filed on or before November 4, 1935; (3) that reply brief by Mr. Miller, counsel for the Comedian, would be filed on or before November 20, 1935; and (4) that the date of final argument be postponed until Tuesday, November 24, 1935, at 9:30 a.m., the Secretary to notify interested parties by registered mail.

Mr. Page presented the following listed applications for complaint and action as indicated was taken by the Commission:

- (1) File 1-2778 - Glass Industries Plate Company vs. American Sealing Company.

Mr. Page stated that this application came direct to the Commission from the Chief Examiner, without reference to the Board of Review, pursuant to the rules of December 4, 1934.

Mr. Page submitted memorandum of October 20th reviewing the facts and concurring in the recommendation of the Chief Examiner that the application be dismissed.

The memorandum was read and after consideration, expression of Mr. Page, the application for complaint was dismissed by the Commission.

- (2) File 1-2781 - P. T. L. vs. P. L. Harmon Products Company.

Mr. Page submitted memorandum of October 20th reviewing the facts and concurring in the recommendation of the Board of Review that the application be dismissed.

The memorandum was read and after consideration, expression of Mr. Page, the application for complaint was dismissed by the Commission.

Mr. Thompson presented the following listed applications for complaint and action as indicated was taken by the Commission:

- (1) File 1-2807 - P. T. L. vs. American Sealing Company.
Mr. Thompson made the following statement for the record:

"I would like to be relieved of any consideration of action in this case because I have business connections with the family of the proposed respondent and I ask that I be re-assigned to some other Commissioner."

Mr. Thompson was relieved of the case and the Secretary was directed to re-assign the case.

October 26, 1923.

(C) File 1-3740 - India Alkali Works vs. Hercules Alkali Company, Inc.

Mr. Thompson stated that this application came direct to the Commission from the Chief Examiner without reference to the Board of Review, pursuant to the rule of December 4, 1923.

Mr. Thompson submitted memorandum of October 25th reviewing the facts and concurring in the recommendation of the Chief Examiner, that the application for complaint be dismissed.

The memorandum was read and thereafter, on motion of Mr. Thompson, the application was dismissed by the Commission.

(D) File 1-3338 - F. T. O. vs. Owens Bottle Company.

Mr. Thompson stated that this application came direct to the Commission from the Chief Examiner, without reference to the Board of Review, pursuant to the rule of December 4, 1923.

Mr. Thompson recited the facts in the case and stated that he concurred in the recommendation of the Chief Examiner that the application be dismissed.

After consideration, on motion of Mr. Thompson, the application for complaint was dismissed by the Commission.

(E) File 1-3444 - H. Robert Murray vs. Gotham Silk Weaving Company, Inc.

Mr. Thompson recited the facts in the case and stated that he concurred in the recommendation of the Board of Review that complaint issue.

After consideration, on motion of Mr. Thompson, it was ordered that complaint issue charging the Gotham Silk Weaving Company, Inc., with violation of Section 3 of the Federal Trade Commission Act.

The file was referred to the Chief Counsel for preparation of complaint pursuant to the rule, the same to be served by the Secretary without further action by the Commission.

(F) File 1-3442 - Associated Advertising Clubs of the World vs. Always Ready Battery Solution Company, et al.

Mr. Thompson submitted memorandum of October 25th reviewing the facts and concurring in the majority report of the Board of Review, that complaint issue.

The memorandum was read and after consideration, on motion of Mr. Thompson, seconded by Mr. Rupert, the Commission directed that complaint issue, charging the Always Ready Battery Solution Company with violation of Section 3 of the Federal Trade Commission Act.

The file was referred to the Chief Counsel for preparation of complaint, pursuant to the rule, the same to be served by the Secretary without further action by the Commission.

At this time Mr. Thompson was excused from the meeting.

October 26, 1945.

MEMORANDUM:

Mr. W. H. West, Chairman,
John T. Murphy,
Charles W. Hart.

Mr. Thompson absent.
Mr. Murphy absent.

The Chairman exhibited the following motions and action as indicated was taken by the Commission:

(1) Letter of Brother 226 from Robert J. Parker, Clerk of the Third Union, enclosing copy of an application which reads: "I, Robert J. Parker, Washington, D. C., have made for the position of Secretary for the National Trade Commission."

The letter was read and referred to the Secretary for acknowledgment and for filing.

(2) Letter of Brother 241 from the New York State Treasury Department, New York City (Mr. H. Thayer, Secretary), relating to the following statement by the West: "The Pacific Gas Company is entitled to receive \$100,000,000.00 in interest on the bonds of the company, and the company is entitled to receive \$100,000,000.00 in interest on the bonds of the company, and the company is entitled to receive \$100,000,000.00 in interest on the bonds of the company."

The letter was read and referred to the Secretary for preparation of reply.

(3) Letter of Brother 247 from the Rockefeller Radio Group, New York - regarding the Rockefeller Radio Group, which the Group has issued all of its capital with the business world and of the Rockefeller plan to advertise, and all the fact that the Rockefeller are charged with the Rockefeller plan and the percentage of business interest, and before being able to refer to the Rockefeller the policy of the Rockefeller, and the Rockefeller with the request that the Rockefeller disapprove or approve the Rockefeller.

The letter was read and referred to the Secretary, in motion of Mr. W. H. West, the Secretary, who stated that he was sorry that the Rockefeller approved of the plan to charge all the Rockefeller the sum of the Rockefeller. At the percentage of business interest which the Rockefeller should receive.

(4) The following letter from the Department of Justice (William D. French, Assistant to the Attorney General):

October 24, 1928.

October 24, 1928.

Honorable Warren W. Tamm, Chief,
 Division, Federal Trade Commission,
 Washington, D. C.

Dear Mr. Chairman:

In January 1928, the above-named General of the United States declared the arrest of Swift & Company, Arthur A. Murphy, Morris A. Murphy, William A. Murphy and Henry Paulsen, together with the entry of a decree against them for an violation of certain of their trading practices, including such companies and persons from certain acts and practices, including the handling of stockyard stock and the handling of consigned commodities. Pursuant to this understanding, the Government, on February 27, 1928, filed its bill of complaint in the Supreme Court of the District of Columbia against the above-named defendants, and on the same date these defendants filed their respective answers, the stipulation for the proposed decree was filed and said decree, upon consent of the parties, was by the court made and entered. For your reference, I am enclosing a copy of each of these documents.

On April 16, 1928, the California Dry Dock Company moved for leave to intervene, claiming that by the operation of the consent decree they had been deprived of valuable personal rights with one of the parties defendants without due process of law, and after appeal to the Court of Appeals of the District of Columbia from an order by the Supreme Court of the District of Columbia denying their motion, such leave to intervene was finally granted by the latter court on September 17, 1928. The intervenor's petition of the California Dry Dock Company was filed on October 1, 1928, after hearing, a decree was made and entered on July 1, 1928, according to which the operation of the consent decree of February 27, 1928, from the Government the United States has taken an appeal, and this appeal is now pending.

In view of this appeal, the intervenor's petition to the United States, as may be ascertained with the necessity of going to trial upon the issues of fact raised by the Government's original bill of complaint and answers thereto filed February 27, 1928, before we shall be able to effect the restoration of the decree which has been suspended, or procure the entry of a new decree.

In view of the urgency of your decision in the intervention and report which preceded the action by the intervenor, General in deciding this decree originally, I respectfully request that your Commission should make and transmit to us such evidence, if any, as may be available or obtainable, which will tend to substantiate the

October 26, 1925.

allegations in the Government's bill of February 27, 1920.

Very truly yours,

(signed) William L. Parsons,
Assistant to the Attorney
General."

The letter was read and after discussion, on motion of the Chairman, was referred to the Secretary with instructions to send to the Department of Justice copies of the Commission's reports on the Meat Packing Industry and to state that if there is any further information desired by the Department to communicate with the Commission.

The following matters of general business forwarded to the Commission by the heads of the several Divisions were presented by the Secretary and action as indicated was taken by the Commission:

(1) In response to the Commission direction of October 23rd, the Secretary reported with respect to letter of October 20th from the Department of Justice requesting that an agent of the Department be permitted to inspect a contract between the Union Switch & Signal Company, the Bell Switch & Signal Company, General Railway Signal Company and the Federal Signal Company, dated March 16, 1916 and any correspondence and other records relating to this agreement or to the operation of the companies under and in accordance with its provisions.

The Secretary presented the contracts and the file in connection therewith and reported that these contracts were submitted voluntarily to the Commission for the information of the Commission, by the firm of Gravelle & Henderson (file 2241) and copies were also submitted to the Department of Justice, and that in a letter to the Commission, dated October 16, 1916, Messrs. Gravelle & Henderson stated: "that the parties to the agreement have no objection to its being treated as a public document and subject to full inspection and copying."

After consideration, the Commission directed that the request of the Department of Justice in its letter of October 20, 1920, be complied with and the Secretary was instructed to notify the Department accordingly.

(2) Ticket 1186 - Road-Wrap Company.

Memorandum of October 22nd was received from the Assistant Chief Counsel recommending that the time for filing brief by counsel for the

October 26, 1925.

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Commissioner be extended to October 23, 1926, in view of the fact that the misspelling of the brief was delayed.

The recommendation of the Assistant Chief Counsel was approved and order to this effect approved and entered.

(3) Docket 991 - Iowa-Illinois-Minnesota Wholesale Grocers' Association, et al.

Memorandum of October 23rd was received from the Assistant Chief Counsel transmitting request of Dwight Finley, counsel for respondent, Iowa-Illinois-Minnesota Wholesale Grocers' Association, which request was concurred in by all other counsel, for the postponement of the final argument of the case from November 2, 1925, at 1:15 p.m., as now set, on account of the illness of Mr. Finley and recommending that the request be granted and the case postponed until January 4, 1926, at 1:15 p.m.

The recommendation of the Assistant Chief Counsel was approved and the final argument of the case postponed to Wednesday, January 4, 1926, at 1:15 p.m., with direction to the Secretary to notify interested parties by registered mail.

(4) Docket 1186 - International Textile Company.

Memorandum of October 21st was received from the Assistant Chief Counsel transmitting request of counsel for the petitioner and counsel for the respondent for an extension of time for filing briefs until October 21st and November 10, 1925, respectively, and recommending that the requests be granted.

The requests were granted by the Commissioner and order to this effect approved and entered.

(5) Memorandum of October 21st was received from the Assistant Chief Counsel reporting in response to the Commissioner's direction of October 20th with respect to a letter of October 8, 1925, from the Viscose Company, New York City, requesting the Commissioner to approve the use of the word "rayon" to designate artificial silk products. The Assistant Chief Counsel also transmitted draft of a proposed resolution for adoption by the Commission, approving the use of the word "rayon" for artificial silk. In the memorandum, the Assistant Chief Counsel stated: "I feel that the Commission should adopt this resolution, recognizing the term 'rayon' as denoting as fairly and properly designating artificial silk products, the basic and chief ingredient of which is cellulose."

The resolution transmitted by the Assistant Chief Counsel reads as follows:

October 26, 1925.

"ARTIFICIAL. A material has been developed, the basis of which is cellulose, which is extensively used in many trade and industries as a substitute for silk, to which material the term "RAYON" has been applied; and

"RAYON. The said term "RAYON" has been adopted by many different associations of manufacturers as the official and proper designation for artificial silk; and

"TRADE MARK. The Federal Trade Commission in many decisions has consistently held that dealers or other producers made of materials which simulate silk but are not the product of the cocoon of the silk worm should be branded with the word "ARTIFICIAL SILK" or other words which correctly describe the materials composing the article branded; and

"TRADE NAME. The term "RAYON" has been adopted by the trade, and is generally accepted and recognized by the trade and public to mean and indicate artificial silk, or a substitute for silk;

"OFFICIAL DESIGNATION. That the Federal Trade Commission hereby recognizes the term "RAYON" as reading and properly designating the artificial silk products, the basis and chief ingredient of which is cellulose."

The resolution was read and after consideration was approved and adopted by the Commission.

The Commission also approved a letter to the Viscose Company advising of the adoption of the resolution and transmitting a copy of the resolution.

(6) File 1-2013 - Celanese Company vs. Registered Company. Memorandum of October 21st from the Chief Examiner transmitted petition received October 21st from the applicant, Celanese Company, requesting reconsideration of the action of the Commission in disallowing the same under date of June 30, 1924 and requesting a hearing. The Chief Examiner recommended that hearing be granted. It was directed that the matter be circulated.

(7) Letter of October 14th from John F. Brown, employee of the Economic Division, was on leave without pay, requesting a further extension of leave without pay from October 15th to and including November 15, 1925.

The request which was approved by the Chief Examiner was granted by the Commission.

October 26, 1925.

(u) File 1-3376 - T. J. C. vs. "Factories Manufacturers' Association."

Memorandum of October 16th was received from the Board of Review stating that certain copies have been referred to the Commission's Investigator and recommending that the files in the case be transmitted to the Chief Counsel with instructions to prepare proper formal notice and demand and that the same be served upon the Machine-Bulldozing Company; Irons Fire Brick Company and the Pitt River Brick Company.

The recommendation of the Board of Review was approved and the file was accordingly referred to the Chief Counsel to prepare and submit to the Commission the proposed notice and demand.

(v) Memorandum of October 1st from the Chief Economist recommending the following promotions in classification or salary:

| | | |
|----------------|--------------|---------------------------------|
| A. W. Mitchell | (P IV 4200) | promotion to P IV 4400. |
| J. A. Arnold | (P IV 4000) | promotion to P IV 4400. |
| Earl A. Quinn | (P III 3300) | reclassification to P IV 3300. |
| J. A. Biggs | (P II 3200) | reclassification to P III 3300. |
| G. E. Harriott | (P II 3400) | promotion to P II 3600. |

Memorandum of October 31st was also received from the Chief Economist reporting, pursuant to Commission direction of October 2nd, the proposed changes in the duties of Messrs. Quinn and Biggs; and memorandum of October 16th from the Chief Economist recommending the reclassification of R. E. Cavalier from Professional Grade I to Professional Grade II.

It was directed that the memoranda be circulated.

The Commission, held at 11:15 p.m., and recessed at 3 p.m.

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Walter W. Van Fleet, Chairman,
John T. Nugent,
Charles W. Cook,
Robert Thompson.
R. Langley, Agent.

Subject to arrangements with the Commission not to hear oral argument in No. 3376 - Safety Machine Company. Attorney George R. Jackson was heard in support of the applicant. Attorney Gilbert M. Fortney was heard on behalf of the respondent. The

October 26, 1928.

Hearing continued until the hour of 2:15 p.m., was concluded and the case taken under advisement. Attorney for the Commission was allowed five days from date to file reply brief. Copy of same to be served upon the attorney for respondents.

Thereupon, at the hour of 2:15 p.m., the Commission adjourned to meet Wednesday, October 28, 1928, at 10 a.m.

Wm. T. Van Fleet,
Chairman.

Attest:

Miss G. J. Johnson
Miss G. J. Johnson,
Secretary.

Monday - October 29, 1928 - No meeting held.

Meeting on Tuesday, October 30, 1928.

Wednesday - October 31, 1928 - 10 a.m.

PRESENT:

Wm. T. Van Fleet, Chairman,
John F. Nugent,
Charles T. Cook,
Houston Thompson.

Mr. Murphy absent.

The minutes of the meeting of October 26, 1928, were read and approved.

October 26, 1925.

Mr. Thompson referred to the action of October 26, 1925, in granting the Department of Justice, access to the contracts of the Bell Switch & Signal Company, the Bell Switch & Signal Company, General Railway Signal Company and the Federal Signal Company in the files of the Commission and stated that he understood these were the contracts which Commissioner Charles C. Richard of the Interstate Commerce Commission desired to inspect in connection with a case being considered by that Commission.

Mr. Thompson moved that Commissioner Richard be granted the same privilege as granted to the Department of Justice and permitted to inspect and copy the contracts in question. It was so ordered by the Commission.

The Chairman presented the following matters and action as indicated was taken by the Commission:

(1) Letter of October 14th from the Department of the Navy (Charles B. Miller, Secretary), replying to the Commission's letter of September 14th and advising that Commander Stanford W. Hooper, U. S. Navy, will be designated to give testimony in the Commission's radio case - Packet 1113 - General Electric Company, et al, concerning the Navy Department's activities in the development of radio communication.

The letter was read and referred to the Secretary for acknowledgment and to the Chief Counsel and Trial Attorney Smith for their information.

(2) Letter of October 23rd from the Department of Justice (William J. Bennett, Assistant to the Attorney General), referring to the Commission's letter of October 21, 1925, granting the Attorney General access to certain material with respect to the Brown Radio Network, requesting examination of the records in the office of the Commission by an agent of the Department of Justice and requesting copies of the following papers:

- "(a) Letter from Harry C. Dwyer, Chairman of the Board of the Southern Lumber Company to the Commission, dated May 1, 1925. This letter gives statistics as to the Southern Lumber Company and the companies it has acquired.
- (b) Field report of Attorney-Examiner Anderson L. Docket of interview with H. L. Root, Comptroller of Southern Lumber Company. It is dated December 6, 1924.
- (c) Field report of interview, Mr. Docket with Mr. Root, dated February 3, 1925.

October 26, 1933.

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- (d) Field report of interview, Mr. Tackett with Mr. Tipton on October 29, 1934.
- (e) Field report of interview, Mr. Tackett with Messrs. Barker and Campbell, of the Continental Baking Company, on January 27-30, 1935.
- (f) Letter from Mr. Tipton, President, Continental Baking Company to the Commission, dated January 10, 1935.

In the fifth paper listed it is stated that Mr. Campbell promised to supply a list of officers of each company acquired to date. This is attached to the report, and would of course be included in the copy of it.

Mr. Campbell also promised to supply a statement as of January 31, 1935, showing the number of shares of each class of stock of the Continental Baking Corporation issued, with the number of shares issued for stock in subsidiary companies, the number issued for cash and the number issued for services. Our representative was unable to locate this at the Commission office and I should be glad to have a copy of it also.

It is promised in that the Commission had been supplied with lists showing the territories served by each of the companies that went into the Continental Corporation. Our representative was unable to locate these. If they exist, I should be glad to have copies of these also."

The letter was read and it was ordered, on motion of the Chairman, that the request of the Department of Justice be granted and that photostatic copies of the data be furnished. The letter was referred to the Secretary for attention.

(3) Letter to the Director of the Bureau of the Budget transmitting copy of the opinion of the Attorney General of the United States, dated October 24, 1933, with respect to the powers and duties of the Federal Trade Commission in the conduct of investigations under certain Senate resolutions. The letter called attention to the fact that the Attorney General has so construed the law that the restrictions in the Appropriation Act will have practically no effect so far as the investigatory powers of the Commission and the expenditure of money therefor are concerned.

The letter was approved and ordered forwarded. The file

Mr. Tipton presented the following matters and action as indicated was taken by the Commission:

October 28, 1935.

(1) In response to the Commission's action of October 21st, Mr. Nugent reported his examination of memorandum of October 18th from Assistant Chief Counsel Busick advising the Commission of the position taken by the Solicitor General in the matter of the application of Swift & Company for certiorari in Docket 455. Mr. Nugent expressed the view that the suggestion of the Solicitor General that the Commission file a brief statement commenting to the petition for certiorari, should not be followed and offered the following motion:

Moved, that Mr. Busick be instructed to again consult with the Solicitor General and advise him that the Commission is of opinion that its original directive should be followed and that the Commission desire a reply to the petition of Swift & Company to be filed similar to the one filed by the Commission in the Thrasher Manufacturing Company case.

The motion was adopted and it was so ordered.

(2) Mr. Nugent referred to the publication in the news papers of October 21, 1935 of the report of the Chief Justice to the Commission, dated October 16, 1935, in the matter of reported merger of the General Packing Company, Ward Packing Corporation, Continental Packing Corporation, et al.

Mr. Nugent thereupon offered the following motion:

Moved, that the report of the Chief Justice with respect to this merger together with all accompanying papers be made public.

The motion was seconded by Mr. Van Fleet and adopted by the Commission and it was so ordered.

The Secretary was instructed that it was the intent of the Commission to have the report available upon application and not to unnecessarily distribute it as to the eyes of regular publicity obtained to the press.

Mr. Ferguson presented letter of October 19th from the Association of Owners of America, Detroit and Chicago (Richard Coffey, President, Chicago, Illinois, re request to the question of the mergers of "barny firms".

The letter was read and on motion of Mr. McWhippen was referred to the Secretary for acknowledgment and to the Chief Counsel for use in connection with Docket 1908 - Continental Packing Corporation.

October 20, 1935.

The following matters of general business forwarded to the Commission by the heads of the several Divisions were presented by the Secretary and action as indicated was taken:

(1) The Secretary presented subpoenas duces tecum issued by the District Court for the Northern District of Illinois, directed to Mr. William H. Inland, of the Staff and Director, A-1, to appear before a Master in Chancery, in New York City on October 20, 1935, and produce certain papers and records from the files of the Commission for use in connection with the case of United States vs. Standard Oil Company, et al, being prosecuted by the Department of Justice.

The Chairman reported that the matter was brought to his attention in the afternoon of October 17, 1935, by the Secretary and that as no opportunity was presented to bring the matter to the attention of the Commission before Mr. Inland left, that he had instructed Mr. Inland in response to the subpoena and produce the records called for therein and to follow out the Commission's usual policy in such cases, that is, to take the stand at the will of the Court, to claim the confidential nature of the documents and to say that the records are not produced voluntarily but in response to subpoenas and that to await the order of the Court. Mr. Inland was further instructed by the Chairman to arrange for the substitution of photostat copies, if the papers are introduced in evidence, and for the return of the originals to the files of the Department.

The action of the Chairman was confirmed by the Commission and it was so ordered.

The Chairman thereupon offered the following motion:

I moved, that a letter be prepared to the Attorney General of the United States calling attention to the facts in this case and requesting hereafter, when the Attorney General desires execution of this type of that he communicate with the Commission in advance for the reason that the Commission should be informed which request by the Government involves the retention of its employees and also as to the disposition of its files and records.

The motion was adopted and it was so ordered by the Commission.

(2) Opinion of the Attorney General of the United States, dated October 16, 1935, on the powers and duties of the Federal Trade Commission in the conduct of investigations under provisions of the United States Statute. This opinion was rendered in response to the Commission's request of May 5, 1935. The Secretary reported that copies had been made and delivered to each Commissioner.

The opinion was received and filed.

October 28, 1935.

(3) Docket 1189 - Intervenor Stenking Company.

Upon receipt of memorandum of October 22d from the Assistant Chief Counsel, the Commission set the case for final argument on Wednesday, December 16, 1935, at 2 p.m., and directed the Secretary to notify interested parties by registered mail.

(4) Docket 1190 - Various Players-Innery Corporation, et al.

The Secretary referred to the action of October 17, 1935, in postponing the final argument in this case from November 16th until November 21, 1935 and in view of this action asked authority to extend the contract of employment between the Commission and its attorney, William H. Miller, from November 16th to include November 21, 1935.

The Commission directed that the contract be so extended.

(5) Trade Practice Complaint - Laundry Union Industry.

In response to the Commission's direction of October 21, 1935, the Secretary reported his examination of the docket of pending cases and stated that there are no cases pending which relate to this industry.

The report was received and filed.

(6) Applications of Rachel Thomas for annual leave from October 1934 to October 31, 1935, inclusive. The Secretary reported that this application would total thirty days annual leave for the year for Mrs. Thomas, who expects to resign at the termination of the leave and recommended that the request be granted and the leave requested be granted.

It was so ordered by the Commission.

(7) Docket 1191 - J. M. Tougarty, lawyer.

Memorandum of October 25th from the Assistant Chief Counsel transmitting report of Detective, Indiana, Henry J. Hupp, advised for captioned, that Rachel M. Tougarty is sister-in-law of Tougarty for whom requested and all persons participating in the case sent to him as well as to themselves. The Assistant Chief Counsel called attention to the fact that Mr. Tougarty is a former employee of the Commission and conducted the investigation of Complaint 1181 and made a report upon which the action of the Commission was taken in finding the complaint. The Assistant Chief Counsel presented the facts to the Commission for consideration.

It was directed that the matter be circulated.

(8) Docket 1192 - Released Miss Tom Berghardt's application.

Memorandum of October 25th was received from the Assistant Chief Counsel recommending that request for the Commission be granted to set aside the November 21st for filing brief and that counsel for the respondent have to and before November 25, 1935, for filing brief.

October 23, 1925.

The recommendation of the Chief Counsel was approved and order to this effect approved and entered.

(9) Report 1114 - Missouri State Live Stockmen's Association. Upon receipt of recommendation of October 15th from the Assistant Chief Counsel the Association was the case for final approval on Monday, January 12, 1926, at 3 p.m., and directed the Secretary to notify interested parties by registered mail.

(10) Report 1114 - Lehigh Billboards, Inc.

The following orders submitted by the Chief Counsel were approved and entered: (1) that Will L. Highland, as President of the Association be designated to receive testimony, etc., and (2) that the hearing of the complaint begin at New York City on November 1, 1925, at 11 a.m.

The complaint was received at 10 a.m. and transmitted at 2 p.m.

James T. McQuest, Jr.,
Chairman.

Attest

W. J. Sullivan
Secretary.

WITNESSES:

John T. McQuest, Jr., Chairman,
Charles T. McQuest,
James T. McQuest, Jr.,

John T. McQuest, Jr.,
James T. McQuest, Jr.,

The case to which the complaint was referred was the case of the Missouri State Live Stockmen's Association. The case was heard in support of the complaint. Attorney W. J. Sullivan and Attorney T. J. McQuest of the firm of Sullivan, McQuest & Co., New York, were the counsel for the respondent. The hearing continued until the hour of 10:30 p.m., and concluded with the case taken under advisement.

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October 30, 1925.

Thereafter, at the hour of 2:45 p.m., the Commission adjourned to meet Friday, October 30, 1925, at 10 a.m.

J. P. Maguire
John P. Maguire,
Acting Chairman.

Attest:
Charles W. Webb
Secretary.

Thursday - October 23, 1925 - in session held.

READING OF THE FINAL ORDER: CONSIDERED

Friday - October 30, 1925 - 10 a.m.

PRESENT:

John P. Maguire, Chairman,
John P. Maguire,
Charles W. Webb,
Walter S. Thompson,
Mr. Maguire absent.

The minutes of the meeting of October 23, 1925, were read and approved.

Several final cases appearing on the weekly conference calendar for final determination were considered by the Commission and action as indicated was taken:

(1) Pocket 131 - Laskin, Laskin, Company.
Left over for consideration on next conference by amending ex. 12 brief to be filed by counsel for the Commission.

(2) Pocket 132 - United Technology, Inc.
This case comes before the Commission for final determination upon the following record: complaint; answer; preliminary report.

October 30, 1933.

upon the facts by Trial Examiner Madison; exceptions thereto by counsel for the respondent; counsel for the Commission did not file exceptions; brief by counsel for the Commission and counsel for the respondent. Final argument was heard October 31, 1933. Attorney Brown represents the Commission. Attorney Gilbert M. Montague represents the respondent.

Mr. Magent offered the following notice:

Noted, that the complaint in this case be dismissed for the reason that the record shows without contradiction that the unfair practices complained of were abandoned on or about the first of June 1932 and have not since been resumed and that the time of abandonment was but a few months after the decision of the Supreme Court of the United States in the *Reschert Packing Company* case, which settled the law with respect to the maintenance of resale prices by cooperative methods.

The notice was adopted and it was so ordered.

The Chief Counsel was directed to prepare and the Secretary to serve notice of dismissal.

On motion of Mr. Van Fleet, the Chief Counsel was directed to report the reasons why this case was brought to trial and argument under the circumstances of its age and the fact of abandonment immediately following the *Reschert* decision.

Mr. Magent offered the following notice:

Noted, that the Chief Counsel report the matter of cases, particularly price maintenance cases, now under his supervision and in course of preparation of trial, or trial, which are a year or more old; and now ready are proceeding to trial on the preliminary investigation conducted by the Chief Examiner's force, and without any supplemental investigation to ascertain whether or not the unfair methods charged are being followed at the present time or have been followed at the time the case went to trial.

The notice was adopted by the Commission and it was so ordered.

(3) *Packat 1131 - Trial* (Secretary's file).

This case, to be before the Commission for final determination upon the following records: memorandum of October 27th from the Assistant Chief Counsel transmitting memorandum of October 25th from Trial Attorney Reschert, pursuant to his direction of October 23rd with respect to an apparent discrepancy between the brief of counsel for the Commission and the stipulation with respect to the charges.

October 20, 1925.

in Paragraphs Three and Five of the complaint; complaint; answer; stipulation as to Paragraphs Three and Five of the complaint; testimony; report upon the facts by Trial Counsel; exceptions thereto by counsel for the respondent; denied for the Commission did not file exceptions; brief by counsel for the Commission and counsel for the respondent; counsel for the National Association of Bootery & Underwear Manufacturers filed various surias. Attorney Hasland represents the Commission. Attorneys Perry and Hamburger represent the respondent.

After consideration, Mr. Van Fleet offered the following motion:

Moved, that the case be referred to the Chief Counsel with an order to obtain from the respondent a stipulation covering the publication and use of advertisements in the presentation books, and that the case be placed on the Suspense Calendar pending the report from the Chief Counsel as to the stipulation.

The motion was adopted by the Commission with leave. Mr. Van Fleet, object and then voting in the affirmative and Mr. Thompson voting in the negative.

Mr. Van Fleet made the following statement for the record:

"I vote 'no' because as far as the record as reported the respondent is still using the false and misleading advertisements with respect to the control and carrying on of business in Japan, through houses in which owned by their employees."

(4) Request 1133 - P. H. Brown Knitting Company. Held over for further consideration at next conference day.

(5) Request 1134 - John A. Brown Company.

This case comes before the Commission for final determination upon the following record: memorandum of October 19th from the Chief Counsel, transmittal, the record brought; answer, stipulation as to the facts; denial as to the facts and order to read and report submitted by the Chief Counsel with memorandum of October 19th. The testimony was taken and briefs filed. Attorney Brown represents the Commission. Attorneys Langan, Lewis & Perkins represent the respondent.

Mr. Langan suggested certain changes in the language of Paragraph Two of the findings as to the facts as shown on marked copy, which changes were approved and adopted by the Commission.

Mr. Van Fleet referred to Paragraph Three of the order to read and report, which reads as follows:

October 27, 1935.

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"(3) Inviting or requesting its leaders or its agents to report the names of leaders who do not maintain respondent's specified moral principles or who are suspected of not maintaining the same."

Mr. Van Fleet moved that the words "or its agents" as appearing in the foregoing paragraph be stricken. The motion was seconded by Mr. Tamm.

As to the foregoing motion, Messrs. Van Fleet and Tamm voted in the affirmative and Messrs. Clegg and Humphrey voted in the negative. The motion was lost on the vote.

Accordingly, the case was referred to Mr. Humphrey to report his vote upon the foregoing motion.

(4) Docket 131 - Wickwire-Spencer Steel Corporation.

This case comes before the Commission for final determination upon the following record: Memorandum of October 27th from the Chief Counsel transmitting the case and recommending that the complaint be dismissed; complaint; answer; memorandum filed by the respondent on September 29th. In testimony was taken and briefs filed. Attorney Lindsey represents the Commission. Attorney Levinson, Darling & Miller represents the respondent.

Mr. Thompson asked to be excused from the meeting and before leaving asked that the record show that he was against the dismissal of the complaint and desired his vote so recorded.

ROLL CALL:

Marion T. Van Fleet, Chairman,
John T. Clegg,
Charles W. Tamm.

Mr. Thompson absent.
Mr. Humphrey absent.

After consideration, on motion of Mr. Clegg the case was referred back to the Chief Counsel for investigation of all the facts in the case and report to the Commission.

(5) Docket 130 - Ohio Wheelbarrow Company.

This case comes before the Commission for final determination upon the following record: Memorandum of September 19th from the Chief Counsel transmitting the case and memorandum of Attorney Tamm from the Chief Counsel reporting pursuant to the Commission's direction of October 14, 1935, in regard to the relevancy of paragraphs three of the order to answer and assist; complaint; answer; stipulation as to the factual findings as to the facts on order to

October 30, 1935.

opinion and dissent submitted by the Chief Counsel with memorandum of September 25th. His testimony was taken and briefs filed.

After consideration, on motion of Mr. Van Fleet, seconded by Mr. Hunt, the findings and order as submitted by the Chief Counsel were approved as submitted and ordered issued and served without further action by the Commission.

As to the foregoing, action of the Commission, Messrs. Van Fleet, and Hunt voted in the affirmative and Mr. Bugent voted in the negative and dissented for the reason given in his dissent in the Don-Quelan case - Packet 204.

The Chairman submitted the following matters and action as indicated was taken by the Commission:

(1) Letter of October 24th from The Viscose Company (S. A. Devore, President), New York City, expressing the opinion that the adoption by the Commission of the term "Rayon" for artificial silk, will be very satisfactory to all interests. The letter was received and filed.

(2) Letter of October 24th from the Craytex Mills, Inc. (Norman Hiss, President), Philadelphia, Pennsylvania, concerning the action of the Commission upon its official adoption of the term "Rayon" for artificial silk. The letter was received and filed.

(3) Letter of October 24th from Miss Kenneth M. Lawie, clerk in the Chief Counsel's Office, relative to salary increase. The letter was read and ordered filed.

Mr. Bugent presented the following matters and action as indicated was taken by the Commission:

(1) Letter of September 18th from the Staffex Company, Austin, Texas, relative to the trade practice with regard to the manufacture of gold-filled and gold-plated watch cases. The correspondence was read and a motion of Mr. Bugent, was referred to the Chief Examiner with instructions to have the information therein contained brought to the attention of the President and officers of the Watch Case Manufacturers' Association and secure such information as possible from them concerning the matter and bring a report to the attention of the Commission.

October 30, 1935.

(5) In response to the Commission's action of October 21st, Mr. Ingers presented file in the matter of complaint of the Pacific Pipe & Supply Company, Los Angeles, California, that certain mills are not observing the Pittsburgh Plus decree. Mr. Ingers reported his examination of the papers and stated that the file was taken from the circulating calendar on October 21st upon receipt of letter of October 15, 1935, from the Wadley-McCoy Service, representatives of the applicant, requesting that the papers filed by their client be returned.

Mr. Ingers expressed the view that the draft of reply to the applicant as submitted by the Chief Counsel with memorandum of August 17, 1935, should not be sent and offered the following motion:

Resolved, that a reply be made simply advising that the parties complained of in the correspondence are not parties in the Pittsburgh Plus case and are not bound in the order in that case nor in the prohibitions of the order include pipe which is the subject of the present complaint.

The motion was adopted and it was so ordered.

The following matters of general business forwarded to the Commission by the heads of the several divisions were presented by the Secretary and action as indicated was taken:

(1) Manuscript copy (six copies) of draft of report on the Tobacco Industry as prepared by the Chief Examiner's Office (H. L. Anderson), in response to Senate Resolution 339, 68th Congress, Second Session, adopted February 2, 1925 (Reynolds Text), concerning cooperative marketing of tobacco.

The report was received and the Secretary was instructed to deliver a copy to each Commissioner and directed that the matter be carried on the Staff General Business Calendar.

(2) Market 1935 - Corriat Tubular Gear, Inc.

Memorandum of October 21st was received from the Assistant Chief Counsel transmitting letter of October 14th from Messrs. Corriat & Co., Inc., request for the response A, requesting amplification of the Commission's order to cancel and direct together with a draft of reply thereto prepared by the Chief Counsel.

The letter to respondent's attorneys was ready, approved and ordered forwarded.

(3) Notice 1945 - Iowa Inductance, Inc.

Memorandum of October 21st was received from the Assistant Chief Counsel recommending that the time for filing answer in this case be extended until further order of the Commission, pending negotiations looking toward a trade practice agreement.

October 30, 1935.

The recommendation was approved and the Chief Counsel directed to prepare and the Secretary to serve appropriate order.

(4) Pocket 1545 - Jacob Bush.

Pocket 1547 - Golaris Silver Company.

Pocket 1568 - Samuel L. Bernstein, Inc.

Upon receipt of remittance of October 27th from the Assistant Chief Counsel, the Commission postponed the hearing of final argument of the above listed cases from November 28th to Wednesday, January 13, 1936, at 2 p.m., and directed the Secretary to notify interested parties by registered mail.

(5) Remittance of October 27th was received from the Chief Counsel transmitting the request of Miss Selma Berlin, stenographer at the New York Office for sixty-four days leave without pay from October 28th to December 31, 1935, on account of illness and recommending that the request be granted with authority to employ a temporary stenographer to take Miss Berlin's place for the period of her absence.

The Commission granted Miss Berlin the leave without pay requested and authorized the Secretary to employ from the Civil Service Register a temporary stenographer to take Miss Berlin's place for the period of her absence at \$1200. per annum, G. A. V. Grade II.

(6) Letter of October 28th from Mrs. William F. Repley, stenographer in the Administrative Division, requesting that the leave without pay for six months beginning November 1, 1935, granted by the Commission, be cancelled.

The request was granted and the leave cancelled.

(7) Request of Miss Mary A. Lewis, stenographer in the Administrative Division, for leave without pay from October 30, to December 14, 1935.

The leave was granted by the Commission.

J. W. L. Butler, Trial Attorney for the Commission in the matter of Pocket 1545 - Tyrode Pipe-and-Block Corporation, et al, appeared at the request and reported that due to demands of newspaper correspondents, copies of the brief of counsel for the Commission had been practically exhausted.

The Commission recessed at 11:45 a.m. and reconvened at 2 p.m.

October 30, 1903.

RECEIVED:

Thomas W. Van West, Chairman,
John F. Hunt,
Charles W. Hunt,
Gaston Thompson.

Mr. Humphrey absent.

Pursuant to arrangement the Commission met in New
Orleans at 10:00 a.m. - 11:00 a.m. to discuss the
complaint in re-scheduled "Water Glass Test". Attorney Wiley
was heard in support of the motion. Attorney Daniel A. Parker
was heard on behalf of the respondent, in opposition to the
motion. The hearing continued until 1:00 p.m.,
who completed and the case taken under advisement.

Thereafter, at the hour of 2:00 p.m., the Commission adjourned
to meet Monday, November 2, 1903, at 10 a.m.

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Thomas W. Van West,
Chairman.

WITNESSES:

W. H. Sullivan
Secretary.

October 30, 1903 - to meeting held.

Friday - November 2, 1903 - to meeting held.

FILE

DIVIDER

November 2, 1945.

JOURNAL OF THE BOARD OF THE COMMISSION

Monday - November 2, 1945 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
John W. Nugent,
Charles M. Hunt,
Walter Thompson,
William A. Humphrey.

The minutes of the meeting of October 30, 1945, were read and approved.

Mr. Nugent presented file 1-7884 - Morris-Henle Company, et al, vs. G. Lohel, with recommendation of Secretary Van Fleet reviewing the facts and concurring in the recommendation of the Board of Review that the application for complaint be dismissed.

The recommendation was read and after consideration, on motion of Mr. Nugent, the application for complaint was dismissed by the Commission.

Mr. Hunt presented the following applications for complaint and action as indicated was taken by the Commission:

(1) File 1-7887 - John J. Bryan vs. Lafayette Institute, Inc.

Mr. Hunt presented memorandum of October 21st detailing the facts, concurring in the majority report of the Board of Review and recommending that complaint issue.

The memorandum was read and after consideration, on motion of Mr. Hunt, the Commission directed that complaint issue charging the Lafayette Institute, Inc., with violation of the Federal Food and Drug Act.

The file was referred to the Chief Counsel for preparation of complaint pursuant to the rule, the case to be served by the Secretary without further action by the Commission.

On motion of Mr. Van Fleet, the Commission directed that a statement of the information in the file be prepared and transmitted to the Postoffice Department for its information.

November 2, 1925.

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(2) File 1-3987 - F. T. C. vs. Scoville Manufacturing Company.

Mr. Hunt submitted memorandum of October 31st reviewing the facts, concurring in the recommendation of the Board of Review and recommending that the application be dismissed.

The memorandum was read and after consideration, on motion of Mr. Hunt, seconded by Mr. Humphrey, the application was dismissed by the Commission, in accordance with the recommendation of the Board of Review.

As to the foregoing action by the Commission, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Mr. Nugent voted in the negative.

Mr. Nugent asked that his dissent be noted.

Mr. Thompson took no part in the consideration or disposition of the case, for the reason that he has financial interests with members of the family interested in the respondent corporation.

Mr. Thompson presented the following listed applications for complaint and action as indicated was taken by the Commission:

(1) File 1-3728 - Associated Advertising Clubs of the World vs. Pennsylvania Hosiery Mills (Samuel Blattberg and Herman Rixman).

Mr. Thompson recited the facts in the case and disagreed with the recommendation of the Board of Review, that complaint be dismissed and recommended that complaint issue.

After consideration, Mr. Thompson offered the following motion, which was seconded by Mr. Nugent:

Moved, that the stipulation submitted by the Board of Review be rejected and that complaint issue charging the Pennsylvania Hosiery Mills with violation of the Federal Trade Commission Act.

In substitution for the foregoing motion, Mr. Van Fleet offered the following motion, which was seconded by Mr. Hunt:

Moved, that the stipulation be accepted and the application for complaint dismissed.

Vote was taken upon the substitute motion. As to this motion, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The substitute motion carried and it was so ordered.

Messrs. Nugent and Thompson asked that their dissent be noted.

November 2, 1935.

(2) File 1-3635 - Millerich & Bardsby Company vs.
Hilton-Collins Company, Inc.

Mr. Thompson recited the facts in the case and disagreed with the recommendation of the Board of Review that the application be dismissed and recommended that complaint issue.

After consideration, Mr. Thompson offered the following motion, which was seconded by Mr. Nugent:

Moved, that complaint issue charging the Hilton-Collins Company, Inc., with violation of the Federal Trade Commission Act.

In substitution for the foregoing motion, Mr. Van Fleet offered the following motion, which was seconded by Mr. Hunt:

Moved, as a substitute, that the case be dismissed on the recommendation of the Board of Review for the specific stated reasons that there is not sufficient public interest shown and that the case is a private controversy which should be redressed in the Courts.

Vote was taken upon the substitute motion. As to this motion, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The substitute motion carried and it was so ordered.

Messrs. Nugent and Thompson asked that their dissent be noted.

The Chairman presented the following matters and action as indicated was taken by the Commission:

(1) Letter of October 23th from the Civil Service Commission transmitting copy of an Executive Order, signed October 8, 1935, amending certain sub-divisions and paragraphs in Schedule A of the Civil Service Rules.

The letter was referred to the Secretary for attention.

(2) Letter of October 23th from the Department of State, making inquiry whether or not the Commission has any data on the subject of premiums or rebates on sales which could be furnished the American Consul at Vienna, Austria, in connection with the request for data relative to legislation in the United States prohibiting the distribution of premiums or rebates on sales.

The letter was referred to the Secretary for attention with instructions to have a letter prepared furnishing any data in the possession of the Commission of a public nature.

November 3, 1925.

(3) Letter of October 30th from Hale-Halsell Company, Jobbers & Manufacturers of Food Products, McAlester, Oklahoma, addressed to W. H. Fuller of the Federal Trade Commission, complaining of the plus practice on sugar.

The letter was read and referred to the Chief Examiner for attention.

(4) Docket 1231 - American Association of Advertising Agencies, Letter of October 30th from Gilbert H. Montague, New York City, counsel for the applicant in the above proceeding, requesting to be heard at the hearing now scheduled for November 23, 1925, "on the single topic of the public interest which is involved in this proceeding."

The letter was read and referred to the Secretary to advise Mr. Montague that the hearing set for November 23rd was granted at the request of certain parties respondent for argument with respect to the single question of the jurisdiction of the Commission, limited to interstate commerce and that the question of public interest is not before the Commission for argument, at this time, consequently the subject will not be discussed at this hearing.

The following matters of general business forwarded to the Commission by the heads of the several Divisions were presented by the Secretary and action as indicated was taken by the Commission:

(1) File 1-3482 - Bradley Knitting Company vs. Fibre Container Supply Association.

Memorandum of October 27th was received from the Chairman of the Board of Review (1) reporting the request of counsel for certain of the proposed respondents, to reopen the case, which has now passed the Board and is in the hands of a Commissioner, for further negotiations with respect to a stipulation; and (2) asking instructions upon the suggestion of counsel for the respondents that a form of stipulation, satisfactory to the proposed respondents and the Board of Review be submitted to the Commission before being signed by the various respondents, for the approval of the Commission, as a form, with the understanding that the respondents would pledge to affix their signatures to the stipulation after its acceptance by the Commission. With the memorandum, the Board of Review submitted a letter of October 24th from Attorney Eben Freeman, counsel for the Rogers Fibre Company and G. I. Hagburn, counsel for the National Vulcanized Fibre Company.

The memorandum was read and referred to the Chairman and to Mr. Humphrey, at their suggestion for consideration and report back.

November 2, 1925.

(2) Docket 1351 - Rustile Company.

Memorandum of October 29th was received from the Assistant Chief Counsel transmitting a letter from the respondent, Rustile Company, requesting the return of a stipulation which was rejected by the Commission. The Assistant Chief Counsel recommended that the stipulation in question be returned to the respondent.

The recommendation of the Assistant Chief Counsel was approved and the Secretary was authorized and directed to return to the respondent, the stipulation in question.

(3) Docket 1321 - Seaton Knitting Mills.

Memorandum of October 30th was received from the Assistant Chief Counsel stating that the request of counsel for the respondent for an extension of time for filing brief until October 28, 1925, had been referred to Attorney Miller, counsel for the Commission, for approval and that Attorney Miller was away at the time and in the meantime, counsel for the respondent filed their brief on October 21, 1925 and recommending that the brief be received and filed.

The recommendation of the Assistant Chief Counsel was approved and the brief received and filed.

(4) Memorandum of October 31st was received from the Chief Examiner reporting that the Kanawha Woolen Mills of Charleston, West Virginia, sell a wool blanket under the trade-name "Mahoning" and that this blanket contains a large cotton content and differentiates its all wool blanket by using the phrase "Strictly all Wool". The Chief Examiner recommended that an application be docketed in the name of the Commission against the Kanawha Woolen Mills of Charleston, West Virginia, charging misbranding of blankets.

The recommendation of the Chief Examiner was approved and it was so ordered.

(5) Letter of October 24th from W. T. Joyner, Assistant Counsel, Tobacco Growers' Cooperative Association, Raleigh, North Carolina, making inquiry with respect to the testimony of E. B. Sumner, of Hartsville, South Carolina, before the Commission's Examiner, Mr. Babcock, in connection with the investigation being conducted under Senate Resolution 389, adopted February 3, 1925, (Senator Ernst).

The letter was read and draft of reply prepared by Attorney Anderson of the Chief Examiner's Staff in charge of the Tobacco Inquiry was read, approved and ordered forwarded.

(6) Letter of October 30th from Harold F. Flews, of the Economic Division, transmitting his resignation to take effect at 12:30 p.m., November 17, 1925.

The resignation was accepted by the Commission effective at the close of day, November 16, 1925.

November 2, 1923.

(7) Letter of October 21st from Attorney W. E. Clark, in charge of the New York Office, transmitting a letter of October 27th from C. A. Greaser, Executive Assistant of the Fleet Corporation, advising that a charge of \$1.15 per square foot, per annum, has been assessed against the Federal Trade Commission for maintenance of the building in which the Commission's offices at 45 Broadway are located.

The correspondence was referred to the Secretary for attention.

At this time Messrs. Thompson and Humphrey were excused from the meeting.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Nugent,
Charles W. Hunt.

Mr. Thompson absent.

Mr. Humphrey absent.

(8) File 1-3647 - Better Bedding Alliance of America vs. Western Bedding Company. (D. Spivak)

Memorandum of September 29th was received from the Chief Examiner reporting the facts disclosed by the preliminary investigation and requesting authority to handle the case by stipulation under the rule of March 11, 1923 and report to the Commission.

The memorandum was read and thereafter, Mr. Van Fleet offered the following motion, which was seconded by Mr. Hunt:

Moved, that the recommendation of the Chief Examiner be adopted.

As to the foregoing motion, Messrs. Van Fleet and Hunt voted in the affirmative and Mr. Nugent voted in the negative. The motion carried and it was so ordered.

(9) File 1-3648 - Better Bedding Alliance of America vs. Central Mattress Company.

Memorandum of September 30th was received from the Chief Examiner reporting the facts disclosed by the preliminary investigation and requesting authority to handle the case by stipulation under the rule of March 11, 1923 and report to the Commission.

The memorandum was read and thereafter, Mr. Van Fleet offered the following motion, which was seconded by Mr. Hunt:

Moved, that the authority requested by the Chief Examiner be allowed.

November 2, 1925.

As to the foregoing motion, Messrs. Van Fleet and Hunt voted in the affirmative and Mr. Nugent voted in the negative. The motion carried and it was so ordered.

(10) After discussion of the foregoing cases, Mr. Nugent offered the following motion:

Moved, in connection with these cases that a statement of facts be prepared and referred to the Attorney General of the State of Illinois for his information.

The motion was seconded by Mr. Van Fleet and adopted by the Commission.

At this time Mr. Humphrey re-entered the meeting.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Nugent,
Charles W. Hunt,
William I. Humphrey.

Mr. Thompson absent.

(11) File 1-3750 - Callias & Aikman Company vs. Spiegel-May-Sterne Company.

Memorandum of October 3rd was received from the Chief Examiner reporting the facts disclosed by the preliminary investigation and recommending that authority be granted to handle the case by stipulation under the rule of March 11, 1925 and report to the Commission.

The memorandum was read and thereafter, Mr. Van Fleet, offered the following motion, which was seconded by Mr. Humphrey:

Moved, that the authority requested by the Chief Examiner be granted.

As to the foregoing motion, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Mr. Nugent voted in the negative. The motion carried and it was so ordered.

November 2, 1925.

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At this time Mr. Thompson re-entered the meeting.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Nugent,
Charles W. Hunt,
Huston Thompson,
William E. Humphrey.

(12) File 1-3987 - Chicago Association of Candy Dealers vs.
Radel Candy Corporation.

Memorandum of September 25th was received from the Chief Examiner reporting the result of preliminary investigation and recommending that the Chief Examiner be granted authority to negotiate for a stipulation, under the rule and report to the Commission.

After consideration, Mr. Van Fleet offered the following motion, which was seconded by Mr. Hunt:

Moved, that the recommendation of the Chief Examiner be adopted.

As to the foregoing motion, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The motion carried and it was so ordered.

(13) File 1-3974 - Nu-Graps Company vs. Jersey Grapes Company.

Memorandum of September 25th was received from the Chief Examiner reporting the result of preliminary investigation and recommending that authority be granted to negotiate for a stipulation under the rule and report to the Commission.

The memorandum was read and thereafter, Mr. Van Fleet offered the following motion, which was seconded by Mr. Hunt:

Moved, that the recommendation of the Chief Examiner be adopted.

As to the foregoing motion, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The motion carried and it was so ordered.

(14) File 1-3939 - Fulghum & Company vs. Bass-Hunter Paint Company.

Memorandum of September 25th was received from the Chief Examiner reporting the result of preliminary investigation and recommending that authority be granted to negotiate for a stipulation under the rule and report to the Commission.

The memorandum was read and thereafter, Mr. Van Fleet offered the following motion, which was seconded by Mr. Hunt:

November 2, 1925.

Moved, that the recommendation of the Chief Examiner be adopted.

As to the foregoing motion, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The motion carried and it was so ordered.

(15) File 1-3835 - Marion Tool Works, Inc. vs. Setson Manufacturing Company and Shapleigh Hardware Company.

Memorandum of October 5th was received from the Chief Examiner reporting the result of preliminary investigation and recommending, in view of the fact that the Setson Manufacturing Company is now out of business, that authority be granted to negotiate with the Shapleigh Hardware Company for a stipulation under the rule and report to the Commission.

The memorandum was read and thereafter, Mr. Van Fleet offered the following motion, which was seconded by Mr. Hunt:

Moved, that the recommendation of the Chief Examiner be adopted.

As to the foregoing motion, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The motion carried and it was so ordered.

(16) Docket 800 - Brand & Oppenheimer, Inc.

The following orders submitted by the Chief Counsel were approved and entered: (1) that John W. Bennett, an Examiner of the Commission be designated to receive testimony, etc., and (2) that the hearing of the complaint begin at New York City, November 9, 1925, at 10 a.m.

The Commission recessed at 12 m. and re-assembled at 2 p.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Nugent,
Charles W. Hunt.

Mr. Thompson absent.
Mr. Humphrey absent.

November 2, 1925.

The following matters of general business forwarded to the Commission by the heads of the several Divisions were presented by the Secretary and action as indicated was taken by the Commission:

(1) Manuscript copy of the Annual Report for the fiscal year ended June 30, 1925.

It was directed that the report be circulated.

(2) File 1-3632 - Unfair Competition Bureau of the Paint & Varnish Industries vs. Excelsior Paint Works.

Supplemental report was received from the Board of Review, dated August 26th transmitting pursuant to the Commission's action of June 15, 1925, stipulation signed by the proposed respondent, and recommending that the stipulation be accepted and the application for complaint dismissed.

The report of the Board of Review was read and thereafter, Mr. Van Fleet offered the following motion, which was seconded by Mr. Hunt:

Moved, that recommendation of the Board of Review be approved, the stipulation accepted and the application for complaint dismissed.

As to the foregoing motion, Messrs. Van Fleet and Hunt voted in the affirmative and Mr. Nugent voted in the negative.

Mr. Nugent made the following statement for the record:

"I vote 'no' and dissent to the action of the Commission for the reason that I believe complaint should issue."

Mr. Nugent asked that his dissent be noted.

(3) File 1-3945 - Doe-Egul Textile Mills, Inc. vs. Sisters Knitting Company.

Memorandum of October 16th was received from the Chief Examiner transmitting stipulation signed by the proposed respondent and recommending that the stipulation be accepted and the application for complaint dismissed.

The memorandum was read and thereafter, Mr. Van Fleet offered the following motion, which was seconded by Mr. Hunt:

Moved, that the recommendation of the Chief Examiner be approved, the stipulation accepted and the application for complaint dismissed.

As to the foregoing motion, Messrs. Van Fleet and Hunt voted in the affirmative and Mr. Nugent voted in the negative.

November 2, 1925.

Mr. Nugent made the following statement for the record:

"I vote 'no' and dissent to the action of the Commission for the reason that I believe complaint should issue."

Mr. Nugent asked that his dissent be noted.

(4) File 1-3834 - Pure Silk Hosiery Mills, Inc. vs. Helix Hosiery Mills.

Memorandum of October 17th was received from the Chief Examiner transmitting stipulation signed by the proposed respondent and recommending that the stipulation be accepted and the application for complaint dismissed.

The memorandum was read and thereafter, Mr. Van Fleet offered the following motion, which was seconded by Mr. Hunt:

Moved, that the recommendation of the Chief Examiner be approved, the stipulation accepted and the application for complaint dismissed.

As to the foregoing motion, Messrs. Van Fleet and Hunt voted in the affirmative and Mr. Nugent voted in the negative. The motion carried and it was so ordered.

Mr. Nugent made the following statement for the record:

"I vote 'no' and dissent to the action of the Commission for the reason that I believe complaint should issue."

Mr. Nugent asked that his dissent be noted.

(5) File 1-3565 - Bark Brothers vs. LaPerfection Pearl Company.
(Louis E. Josephson)

Memorandum of September 28th was received from the Chief Examiner transmitting stipulation signed by the proposed respondent and recommending that the stipulation be accepted and the application for complaint dismissed.

The memorandum was read and thereafter, Mr. Van Fleet offered the following motion, which was seconded by Mr. Hunt:

Moved, that the recommendation of the Chief Examiner be approved, the stipulation accepted and the application for complaint dismissed.

As to the foregoing motion, Messrs. Van Fleet and Hunt voted in the affirmative and Mr. Nugent voted in the negative. The motion carried and it was so ordered.

Mr. Nugent made the following statement for the record:

November 2, 1925.

"I vote 'no' and dissent to the action of the Commission for the reason that I believe complaint should issue."

Mr. Nugent asked that his dissent be noted.

At this time Mr. Humphrey entered the meeting.

PRESENT:

Vermon W. Van Fleet, Chairman,
John F. Nugent,
Charles W. Hunt,
William S. Humphrey.

Mr. Thompson absent.

(6) File 1-2686 - F. T. C. vs. Columbia Furniture & Fixture Company.

Memorandum of October 8th was received from the Chief Examiner stating that this is one of the so-called Philippine Mahogany cases, reciting the facts and recommending that complaint issue.

The memorandum was read and after consideration, the recommendation of the Chief Examiner was approved and it was ordered that complaint issue charging the Columbia Furniture & Fixture Company with violation of the Federal Trade Commission Act and that such complaint be prepared but not served and that the file be referred to the Chief Counsel for consideration in connection with the trial of test cases in the group of Philippine Mahogany cases.

(7) File 1-2690 - The Mahogany Association, Inc. vs. H. H. Lacy & Company, Inc.

Memorandum of September 22nd was received from the Chief Examiner reciting the facts in the case, stating that the issue involved is that of false and misleading advertising in the sale of furniture and recommending that complaint issue.

The memorandum was read and after consideration, on motion of Mr. Van Fleet, seconded by Mr. Hunt, it was directed that the application be placed on the Suspense Calendar pending the trade practice substantial with the Furniture Industry now being conducted by Chairman Van Fleet.

(8) File 1-2685 - F. T. C. vs. Nicolai-Heppach Company.

Memorandum of September 18th from Investigating Attorney Weikert, concurred in by the Chief Examiner, reciting the result of preliminary investigation and recommending that complaint issue, charging misrepresentation in the sale of lumber and millwork.

November 2, 1935.

The memorandum was read and thereafter, on motion of Mr. Van Fleet, seconded by Mr. Humphrey, the application for complaint was placed on the Suspense Calendar pending determination of the Managony Furniture cases, now in course of trial - Docket 1281 - Thomas L. Pope Lumber Company - Docket 1316 - Indiana Quartered Oak Company; and Docket 1232 - Jones Hardwood Company.

- (9) File 1-3736 - Better Bedding Alliance of America vs. Colorado Mattress Manufacturing Company.
(Morris Stein and H. Nierenberg)

Memorandum of October 3th was received from the Chief Examiner transmitting stipulation signed by the proposed respondent and recommending that the stipulation be accepted and the application for complaint dismissed.

The memorandum was read and thereafter, Mr. Van Fleet offered the following motion, which was seconded by Mr. Humphrey:

Moved, that the recommendation of the Chief Examiner be approved, the stipulation accepted and the application for complaint dismissed.

As to the foregoing motion, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Mr. Nugent voted in the negative. The motion carried and it was so ordered.

Mr. Nugent made the following statement for the record:

"I vote 'no' and dissent to the action of the Commission for the reason that I believe complaint should issue."

Mr. Nugent asked that his dissent be noted.

- (10) File 1-3556 - Berk Brothers vs. Marie Antoinette Perle Company. (Nat L. Blanton).

Memorandum of October 3th was received from the Chief Examiner transmitting stipulation signed by the proposed respondent and recommending that the stipulation be accepted and the application for complaint dismissed.

The memorandum was read and thereafter, Mr. Van Fleet offered the following motion, which was seconded by Mr. Hunt:

Moved, that the recommendation of the Chief Examiner be approved, the stipulation accepted and the application for complaint dismissed.

As to the foregoing motion, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Mr. Nugent voted in the negative. The motion carried and it was so ordered.

November 2, 1925.

Mr. Nugent made the following statement for the record:

"I vote 'no' and dissent to the action of the Commission for the reason that I believe complaint should issue."

Mr. Nugent asked that his dissent be noted.

(11) File 1-3638 - Glisiger Brothers vs. O. Laira, Inc.
Memorandum of September 3rd was received from the Chief Examiner transmitting stipulation signed by the proposed respondent and recommending that the stipulation be accepted and the application for complaint dismissed. The Chief Examiner called attention to the request of the respondent that he be allowed until January 1st in which to dispose of marked stock already on hand and recommending that he be granted ninety days for that purpose.

The memorandum was read and thereafter, Mr. Van Fleet offered the following motion, which was seconded by Mr. Hunt:

Moved, that the recommendation of the Chief Examiner be approved, the stipulation accepted, respondent allowed ninety days to dispose of his marked stock and the application for complaint dismissed.

As to the foregoing motion, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Mr. Nugent voted in the negative. The motion carried and it was so ordered.

Mr. Nugent made the following statement for the record:

"I vote 'no' and dissent to the action of the Commission for the reason that I believe complaint should issue."

Mr. Nugent asked that his dissent be noted.

(12) File 1-3789 - Chandler Motor Car Company vs. Peerless Commerce Company, Inc.

Memorandum of October 31st was received from the Chief Examiner transmitting stipulation signed by the proposed respondent and recommending that the stipulation be accepted and the application for complaint dismissed.

The memorandum was read and thereafter, Mr. Van Fleet offered the following motion, which was seconded by Mr. Hunt:

Moved, that the recommendation of the Chief Examiner be approved, the stipulation accepted and the application for complaint dismissed.

November 2, 1925.

As to the foregoing motion, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Mr. Nugent voted in the negative. The motion carried and it was so ordered.

Mr. Nugent made the following statement for the record:

"I vote 'no' and dissent to the action of the Commission for the reason that I believe complaint should issue."

Mr. Nugent asked that his dissent be noted.

(13) File 1-2827 - Reeseler & Hasselacher Chemical Company vs. Miner-Migar Company.

Memorandum of October 21st was received from the Chief Examiner reporting that on May 6th the Commission authorized the handling of the case by stipulation under the rule and stated that further inquiry developed the fact that the latest edition of the Pharmacopoeia recognizes either methyl or ethyl alcohol, or both, as being proper ingredients to prevent polymerization and in view of this fact, recommended that the order to negotiate for a stipulation be reconsidered and rescinded and the application be dismissed.

The memorandum was read and after consideration, on motion of Mr. Van Fleet, seconded by Mr. Hunt, the recommendation of the Chief Examiner was approved, the direction of the Commission of May 6, 1925, to negotiate for a stipulation was reconsidered and rescinded and the application for complaint was dismissed by the Commission.

(14) File 1-2947 - United States Civil Service Commission vs. Civil Service Correspondence School.

Memorandum of October 14th was received from the Chief Examiner transmitting unsigned stipulation returned by the proposed respondent and calling attention to the request of respondent to be allowed one year in which to use his present supply of literature and advertising matter. The Chief Examiner recommended that respondent be allowed ninety days in which to adjust his business.

The memorandum was read and on motion of Mr. Nugent, it was ordered by the Commission, that the proposed stipulation be rejected and that complaint issue charging the Civil Service Correspondence School with violation of the Federal Trade Commission Act.

The file was referred to the Chief Counsel for preparation of complaint under the rule, the same to be served by the Secretary without further action by the Commission.

November 2, 1925.

(15) File 1-3403 - F. T. C. vs. Radiant Oil Company.

Memorandum of July 20th from Investigating Attorney Norton, concurred in by the Chief Examiner, reporting the facts in the case and recommending, in view of the fact that the Company is no longer engaged in business, that the application be removed from the Suspense Calendar and dismissed by the Commission.

The memorandum was read and thereafter, it was directed by the Commission that the application for complaint be removed from the Suspense Calendar and dismissed by the Commission.

(16) File 1-2739 - F. T. C. vs. Danitza Oil & Gas Development Company, Inc.

Memorandum of July 16th was received from Investigating Attorney Norton, concurred in by the Chief Examiner, calling attention to the fact that the charge is one of operating a fraudulent stock promotion scheme, that the Postoffice Department advised under date of May 9, 1925, that United States Attorneys advised against prosecution and recommended that the case be removed from the Suspense Calendar and dismissed.

It was directed that the file be circulated.

At this time Mr. Thompson entered the meeting.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Sugart,
Charles W. Hunt,
Huston Thompson,
William C. Humphrey.

(17) File 1-2781 - Barbara Hall, et al vs. Consumers' Oil Company

Memorandum of July 16th from Investigating Attorney Norton, concurred in by the Chief Examiner, stating that the charge is the use of false and misleading advertising in the sale of oil stock and recommending in view of the fact that, the Consumers' Oil Company has been acquired by the Interstate Refinerios, Inc., that no stock is now being sold or offered to the public, that the United States Attorneys upon examination of the evidence, advised against prosecution and that the statements used do not appear to constitute false or misleading advertising, that the case be removed from the Suspense Calendar and dismissed.

The memorandum was read and thereafter, the recommendation of the Chief Examiner was approved and the case removed from the Suspense Calendar and dismissed.

November 2, 1925.

(18) Docket 1279 - Rosenbush & Solomon Company.

The Secretary referred to the action of the Commission, on October 16, 1925, in referring the case to Mr. Humphrey for deciding vote and presented memorandum of October 26th from Mr. Humphrey concurring in the action offered by Mr. Hunt, and seconded by Mr. Van Fleet, that the stipulation be accepted, an order to cease and desist issued and the findings and order submitted by the Chief Counsel be approved and served without further action by the Commission, and so voted.

Mr. Humphrey's vote was recorded and the foregoing motion was adopted and it was so ordered by the Commission with Messrs. Van Fleet, Hunt and Humphrey voting in the affirmative and Messrs. Nugent and Thompson voting in the negative.

Messrs. Nugent and Thompson stated that they voted 'no' for the reasons given in the Den-D-las Company case - Docket 224 and requested that their dissent be noted.

(19) Docket 1278 - John B. Stetson Company.

The Secretary referred to the action of the Commission on October 30, 1925, in referring the case to Mr. Humphrey for deciding vote and presented memorandum of October 31st from Mr. Humphrey concurring in the motion offered by Mr. Van Fleet and seconded by Mr. Hunt, that the words "or its agents" as appearing in Paragraph Three of the order to cease and desist, be stricken out and so voted.

Paragraph Three of the order reads as follows:

"(3) Involving or requesting its dealers or its agents to report the names of dealers who do not maintain respondent's specified resale prices or who are suspected of not maintaining the same."

Mr. Humphrey's vote was recorded and after further consideration Mr. Van Fleet, offered the following motion, which was seconded by Mr. Hunt:

Moved, that an order to cease and desist issue and that the findings as to the facts and the order to cease and desist as amended be approved, issued and served without further action by the Commission.

The foregoing motion was adopted and it was so ordered. As shown by the minutes of October 30, 1925, Mr. Nugent suggested certain changes in the language of Paragraph Two of the findings as to the facts, as shown on marked copy, which changes were approved and adopted by the Commission.

Mr. Nugent made the following statement for the record:

November 2, 1925.

"I agree with the majority of the Commission that the findings be approved and the order issued. I desire, however, the minutes to show that I dissent from the refusal of the majority to incorporate in Section 3 of the order, a provision requiring respondents to cease and desist from

'employing salesmen ... to assist in such plan by reporting dealers who do not observe such resale prices,' etc.,

as that language was used by the Supreme Court of the United States in the Beecham case, which was, as is this case, one of resale price maintenance by cooperative methods."

Mr. Thompson stated for the minute record, that he concurred with Mr. Nugent and also limited his dissent to the minutes.

From the Circulating Calendar the Commission considered the following matters and action as indicated was taken by the Commission:

(1) Memorandum of July 21st from the Chief Examiner in the matter of the acquisition of the capital stock of the Pacific Car & Foundry Company by the American Car & Foundry Company, recommending that an application for complaint be docketed against the American Car & Foundry Company, alleging violation of Section 7 of the Clayton Act.

The file was circulated September 23th. Notations by the several Commissioners were read and thereafter, Mr. Van Fleet offered the following action, which was seconded by Mr. Thompson:

Moved, that the papers be docketed as an application for complaint in the name of the Commission against the American Car & Foundry Company.

The motion was adopted and it was so ordered with Haines, Van Fleet, Nugent, Hunt and Thompson voting in the affirmative and Mr. Humphrey not voting.

(2) Letter of October 15th from L. K. Russell, Chicago, Illinois, in regard to the bread baking industry.

The letter was circulated October 16th. It was directed by the Commission, that the letter be filed.

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November 2, 1935.

(3) Memorandum of September 2nd from the Chief Examiner in the matter of the acquisition of the capital stock of the Hairs Linoleum Company by The Congoleum Company, Inc. and recommending that complaint be entered against The Congoleum-Weiss, Inc., alleging violation of Section 7 of the Clayton Act.

The file was circulated September 25th. Notations by the several Commissioners were read and thereafter, it was directed that an application for the issuance of complaint be drafted in the name of the Commission against the Congoleum-Hairs, Inc.

(4) Memorandum of June 27th from the Chief Examiner in regard to proposed consolidation of certain Wire Manufacturing Companies, reporting a visit of Mr. Robbins of the banking concern of Kissell, Kinnicutt & Company, together with representatives of some of the interests involved and recommending, should the Commission desire to express an opinion in this matter, that the firm of Kissell, Kinnicutt & Company be advised that from the facts as presented to it, the Commission is of the opinion that the consolidation as proposed would in all probability violate Section 7 of the Clayton Act.

The file was circulated July 2th. Notations by the several Commissioners were read and thereafter, on motion of Mr. Van Fleet, the Secretary was directed to reply and say that the Commission does not approve of the plan as submitted.

(5) Packet 1203 - Barnes-Ames Company, et al.

Memorandum of September 25th from Trial Attorney Flannery, approved by the Chief Counsel, reporting pursuant to the Commission's direction of September 18th, the opinion of the Trial Attorney. Attorney Flannery suggested that if the matter is proceeded with that neither the allegations of the complaint as issued nor as proposed in the suggested amendment, allege facts clearly showing that the acts complained of resulted in deception.

The file was circulated September 28th. Notations by the several Commissioners were read and thereafter, it was directed that the case be suspended pending the return of the representative of the Italian Government and that the Chief Counsel be instructed to confer with the representative upon his return and report to the Commission.

(6) Memorandum of June 6th from the Chief Counsel transmitting memorandum of June 3rd from Attorney Jordan commenting upon the letter of April 21, 1935, from the Attorney General of the United States with respect to the California Redwood Lumber Manufacturers' Association.

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November 2, 1925.

(3) Memorandum of September 2nd from the Chief Examiner in the matter of the acquisition of the capital stock of the Hain Linoleum Company by The Congoleum Company, Inc. and recommending that complaint be entered against The Congoleum-Hain, Inc., alleging violation of Section 7 of the Clayton Act.

The file was circulated September 25th. Notations by the several Commissioners were read and thereafter, it was directed that an application for the issuance of complaint be docketed in the name of the Commission against the Congoleum-Hain, Inc.

(4) Memorandum of June 27th from the Chief Examiner in regard to proposed consolidation of certain Wire Manufacturing Companies, reporting a visit of Mr. Robbins of the Machine concern of Kinsell, Kinnicutt & Company, together with representatives of some of the interests involved and recommending, should the Commission desire to express an opinion in this matter, that the firm of Kinsell, Kinnicutt & Company be advised that from the facts as presented to it, the Commission is of the opinion that the consolidation as proposed would in all probability violate Section 7 of the Clayton Act.

The file was circulated July 6th. Notations by the several Commissioners were read and thereafter, on motion of Mr. Van Fleet, the Secretary was directed to reply and say that the Commission does not approve of the plan as submitted.

(5) Docket 1203 - Barnes-Ames Company, et al.

Memorandum of September 26th from Trial Attorney Flannery, approved by the Chief Counsel, reporting pursuant to the Commission's direction of September 16th, the opinion of the Trial Attorney. Attorney Flannery suggested that if the matter is proceeded with that neither the allegations of the complaint as issued nor as proposed in the suggested amendment, allege facts clearly showing that the acts complained of resulted in deception.

The file was circulated September 26th. Notations by the several Commissioners were read and thereafter, it was directed that the case be suspended pending the return of the representative of the Italian Government and that the Chief Counsel be instructed to confer with the representative upon his return and report to the Commission.

(6) Memorandum of June 6th from the Chief Counsel transmitting memorandum of June 2nd from Attorney Jordan commenting upon the letter of April 21, 1925, from the Attorney General of the United States with respect to the California Redwood Lumber Manufacturers' Association.

November 3, 1935.

The file was circulated June 24th. Notations by the several Commissioners were read and thereafter, Mr. Nigant offered the following motion, which was seconded by Mr. Van Fleet and adopted by the Commission:

Moved, that the Chief Examiner be directed to institute an informal investigation for the purpose of ascertaining the facts in connection with the Redwood Lumber Industry and report the present situation with special reference to the report of Special Agent A. P. Harris of the Department of Justice and the report of June 3, 1933, from Attorney Weston.

Thereupon, at the hour of 3:15 p.m., the Commission adjourned to meet Wednesday, November 4, 1935, at 10 a.m.

Vernon E. Van Fleet,
Chairman.

Attest:

John A. Johnson
John A. Johnson,
Secretary.

Tuesday - November 3, 1935 - No meeting held.

November 4, 1935.

MEETING OF THE FEDERAL TRADE COMMISSION

Wednesday - November 4, 1935 - 10 a.m.

PRESENT:

Vernon E. Van Fleet, Chairman,
John F. Nugent,
Charles W. Hunt,
Hester Thompson.
Mr. Humphrey absent.

The minutes of the meeting of November 2, 1935, were read and after correction, were approved.

The Chairman submitted the following matters and action as indicated was taken by the Commission:

(1) Letter of November 2nd from the Department of Justice, (William J. Donovan, Assistant to the Attorney General), transmitting five copies of the "Information in Contempt and Petition for Rule to show Cause, filed today at Cincinnati, Ohio, in the case of United States vs. Calvin C. Whiffen, et al, charging the defendants, salesmen for the National Cash Register Company, with violation of the decree entered on February 1, 1916, in the case of United States vs. National Cash Register Company, et al."

On motion of the Chairman, the Secretary was directed to distribute a copy to each Commissioner, except that the Chairman's copy was ordered referred temporarily to the Board of Review for information in connection with Packet 1323 - National Cash Register Company now before the Board of Review for the purpose of affording the respondent a hearing. The Secretary was directed to acknowledge the letter.

(2) Letter of October 28th addressed to the President of the United States by the American Federation of Labor (William Green, President), Washington, D. C., and received by the Commission by reference from the White House. The letter set forth the action of the Federation in its meeting at Atlantic City, New Jersey, October 2-15, 1935, with respect to the reported bread baking merger, i.e., that Congress be petitioned to investigate the formation of the contemplated merger and that in advance of the assembling of Congress, the President protect the public interest by preventing its formation.

The letter was read and ordered acknowledged.

November 4, 1925.

The following matters of general business forwarded to the Commission by the heads of the several Divisions were presented by the Secretary and action as indicated was taken by the Commission:

(1) Letter of October 31st from Rachel Thomas Van Lere, clerk in the Economic Division, G. A. F. Grade III, salary \$1680, requesting her position effective at the close of business October 31, 1925. The resignation was accepted.

(2) Letter of November 2, 1925 from the Department of Justice (William J. Donovan, Assistant to the Attorney General), as follows:

"November 2, 1925.

Honorable Vernon E. Van Fleet,
Chairman, Federal Trade Commission,
Washington, D. C.

Dear Mr. Van Fleet:

In the early part of 1924 certain files of this Department relating to the Aluminum Company of America were transmitted to your Commission for its use in connection with its investigation of that Company.

At the present time this Department is engaged in considering certain matters involving the Aluminum Company of America and reference to the aforesaid files is essential to such inquiry. It is therefore respectfully requested that the files be returned to this Department. In the event that any part of the files in question are essential to the Commission's record, it will be entirely agreeable to this Department if photostatic copies are made and retained by the Commission.

Yours very truly,

(Signed) William J. Donovan,
Assistant to the Attorney
General."

The Secretary reported that the above mentioned Department of Justice files - temporarily designated as Commission File 6-1-8 - had been delivered to J. C. Dunn, representative of the Department of Justice after conference with Attorney Whiteley, the Commission's attorney in the trial of Bucket 1935 - Aluminum Company of America, with the understanding that the files would be available to the Commission's agent at any time for inspection and copying. The Secretary reported Mr. Whiteley's statement that the return of the files would not interfere with nor delay the prosecution of the Commission's case.

The report of the Secretary was received and the letter was ordered filed.

November 4, 1925.

(3) Docket 1209 - Hardvil Brothers.

Memorandum of November 2nd was received from the Assistant Chief Counsel transmitting request of counsel for the respondent for an extension of time for filing brief until December 1, 1925, and recommending that the request be granted.

The request was granted by the Commission and order to this effect approved and entered.

(4) Report of the Chief Examiner of formal cases in the hands of Trial Examiners as of November 1, 1925.

The report was received and placed in the Calendar.

(5) Memorandum of November 3rd was received from the Assistant Chief Counsel recommending that the temporary employment of William H. Montgomery, stenographer C. A. F. II, salary \$1320, be extended for a period of three months, beginning November 7, 1925.

The recommendation was approved and it was so ordered.

(6) File 1-2757 - F. T. C. vs. Pacific Oil Company.

Memorandum of October 21st was received from the Chief Examiner reporting that the Chief Examiner on August 19, 1925, was directed by the Commission to keep the matter of the proposed acquisition of the capital stock of the Ventura Consolidated Oil Fields by the Pacific Oil Company or its subsidiary, the Associated Oil Company, in view and report to the Commission should the proposed acquisition be consummated. The Chief Examiner reported information to the effect that the Companies had dropped the proposition and did not intend to make any such acquisition. The Chief Examiner expressed the view that it does not appear to be necessary to hold this case open any longer and recommended that the application for complaint be dismissed.

The memorandum was read and after consideration, the recommendation of the Chief Examiner was approved and the application for complaint was dismissed.

(7) File 1-2902 - F. T. C. vs. J. C. Higgins Lumber Company.

Memorandum of October 28th by Attorney Welkert, in-charge of the San Francisco Office, concurred in by the Chief Examiner, reporting that the case involves the misbranding of lumber and calling attention to the statement of respondent that no Philippine lumber had been shipped outside of the State of California and recommended because of the lack of interstate commerce that the application be dismissed.

The memorandum was read and thereafter, on motion of Ex. Agent, it was directed that the case go to the Suspense Calendar pending determination of the Mahogany cases in which complaint was issued and now in course of trial Docket 1261 - Thomas S. Fava Lumber Company; Docket 1316 - Indiana Quartered Oak Company; and Docket 1232 - Jones Hardwood Company.

November 4, 1935.

- (6) File 1-3590 - F.T.C. vs. Alms & Keller, Inc.
File 1-3592 - F.T.C. vs. Peering-Hillman & Company.
File 1-3587 - F.T.C. vs. Lawrence A. Company.
File 1-3585 - F.T.C. vs. Titus, Matter & Company.

Memorandum of September 4, 1935, was received from the Chief Examiner reporting, that in response to the Commissioner's action of June 22, 1935, negotiations with the proposed respondents had been conducted with a view to holding a trade practice submittal concerning the use of the word "silklike" and similar words. The Chief Examiner reported a division in the trade as to whether the submittal should be held and recommended that a trade practice submittal be held soon after November 1, 1935. The Chief Examiner also stated that should the Commission become convinced that the foregoing listed applications for complaint should not be proceeded with, that the order to cease and desist in Docket 845 - "Seymour's" should be vacated.

The memorandum was read and the matter discussed without action, the files being left in the custody of the Secretary to be again presented.

(7) Memorandum of October 21st was received from the Chief Examiner reporting, that in accordance with the action of April 13, 1935, a supplemental investigation had been made of the activities of respondent tobacco jobbers, following the Commissioner's action of April 13, 1935, in dismissing complaints in the following cases:

| | |
|---------------|-----------------------------------|
| Docket 812 - | American Tobacco Company, et al - |
| Docket 817 - | " " " " |
| Docket 869 - | " " " " |
| Docket 881 - | " " " " |
| Docket 887 - | " " " " |
| Docket 1012 - | " " " " |
| Docket 1032 - | " " " " |
| Docket 1036 - | " " " " |
| Docket 1070 - | " " " " |
| Docket 1014 - | " " " " |

The Chief Examiner reported that an investigation had been made of the respondent local jobbers in Oregon, Boston, Milwaukee, Chattanooga, Columbus and Cleveland, West Virginia and Eastern Pennsylvania to ascertain whether the practices complained of in the above mentioned formal complaints are being continued so as to warrant the issuance of separate complaints against the jobbers. The Chief Examiner submitted the report of Attorney-Examiner Hays and advised that the work had been completed and the conclusion reached by Attorney Hays and concurred in by the Chief Examiner, that none of the jobbers are now pursuing any of the practices alleged in the complaints referred to. The Chief Examiner concurred in the recommendation of Attorney Hays that the papers be filed without further action.

The recommendation was approved and it was so ordered by the Commission.

November 4, 1935.

(10) Memorandum of October 15th from the Chief Examiner reporting in response to the Commission's action of October 13, 1935, that there are no pending applications for complaint against the American Type Foundry's Company, with respect to which an inquiry was made by F. E. Bright, Attorney, Washington, D. C., in a letter of October 13th to Mr. Thompson.

The memorandum was read and the Secretary was directed to reply to Mr. Bright, in accordance with the Chief Examiner's memorandum.

(11) File 2-3370 - J. A. Fison & Company vs. Hob & Baskind.

Memorandum of August 19th was received from the Chief Examiner reporting that upon negotiating with the proposed respondent for a stipulation, the Chief Examiner was advised that the firm of Hob & Baskind had been dissolved and that the succeeding firm had never used the labels or trade-marks complained of and never intended to use them and recommending that in view of these facts, that the application be dismissed.

Upon action of Mr. Mac Fleet, concurred by Mr. Dugent, the recommendation of the Chief Examiner was approved and the application for complaint was dismissed for the stated reason, that the proposed respondent, a partnership of Hob & Baskind had been dissolved.

Mr. Thompson made the following statement for the record:

"I vote to dismiss on the ground, that the partnership having gone out of business, there is no one against whom to issue a complaint. I make this statement for the minute record only."

The Secretary was instructed in advising the proposed respondent of the dismissal of the case, to recite the findings of the Chief Examiner and to state that in view of the dissolution of the partnership and the assurance that the succeeding corporation has given, that it has not and will never use the label objected to, the Commission has dismissed the case.

From the Circulating Calendar the Commissioner considered the following matters and action as indicated was taken:

(1) Page proof pamphlet, entitled, "Trade Practice Submittals, July 6, 1935". The pamphlet was circulated September 23rd and motions by the Commissioners were read.

The statement by the Chairman that, "The Trade Practice Submittal does not always originate from a request of the trade. The Commission may inaugurate it.", as concurred by Mr. Dugent, was approved by the Commission with the direction that the pamphlet be amended accordingly.

November 4, 1925.

With this amendment the pamphlet was approved and ordered printed in accordance with the Commission's previous action of June 8, 1925.

(2) File 1-3216 - Central Paint & Shellac Works vs. Twin City Shellac Company.

Memorandum of September 16th from the Chief Counsel stating that on September 4, 1925, the Commission directed that complaint issue charging the Twin City Shellac Company, Inc., with violation of the Federal Trade Commission Act and transmitting memorandum of September 16th from Attorney Baßruler asking instructions as to the charges to be set up in the complaint.

The file was circulated September 23rd. Notations by the several Commissioners were read and thereafter, the action of the Commission of September 4, 1925, in directing that complaint issue was reconsidered and rescinded and it was ordered that the application be and the same is hereby dismissed.

(3) Docket 1345 - Continental Baking Corporation.

Report of the Board of Review dated June 12, 1925, of the hearing before the Board and concluding with the majority opinion that the complaint in this matter should not be withdrawn.

The file was circulated August 31, 1925. Notations by the several Commissioners were read and after discussion, Mr. Van Fleet offered the following motion:

"I move that an amended complaint issue in accordance with the recommendation of the majority of the Board of Review in its report dated June 12, 1925."

The question of amending the complaint was discussed and thereafter and prior to action on the motion, the Secretary presented a memorandum of October 23, 1925, from Attorney-Examiner Tackett, concurred in by the Chief Examiner, setting forth the result of supplemental investigation of the capital stock acquisitions of the Continental Baking Corporation. This memorandum stated that in addition to the acquisitions described in the complaint issued against the Continental Baking Corporation under date of April 10, 1925, the Corporation has acquired all or nearly all of the capital stock of the following corporations:

R. B. Ward Company, Inc., Los Angeles, California -
Occident Baking Company, Minneapolis, Minnesota -
Spokane Bakery Company, Spokane, Washington -
Washington Bakeries, Seattle, Washington -
Perfection Bread Company, Sacramento, California -
Log Cabin Baking Company, Portland, Oregon -
Ogden Baking Company, Ogden, Utah -
Butter Crust Baking Company, Salt Lake City, Utah -
New England Bakery Company, Danversville, Massachusetts -

November 4, 1925.

The memorandum concluded with the statement that the Continental Baking Corporation has violated Section 7 of the Clayton Act by each of the stock acquisitions described in the memorandum and recommended that an amended complaint be issued including charges of violation of Section 7 of the Clayton Act.

On motion of Mr. Nugent, it was ordered that copies of the Chief Examiner's memorandum of October 23rd be delivered to each Commissioner promptly and that action in Docket 1305 - Continental Baking Corporation, as to the amendment of the complaint be made a Special Order of business after the regular order on Friday, November 6, 1925.

Thereupon, at the hour of 12 m., the Commission adjourned to next Friday, November 6, 1925, at 10 a.m.

Vernon B. Van Fleet,
Chairman.

Attest: .

Olga H. Johnson
Secretary,

Thursday - November 5, 1925 - No meeting held.

November 6, 1925.

MEETING OF THE FEDERAL TRADE COMMISSION

Friday - November 6, 1925 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Nugent,
Charles W. Hunt,
Houston Thompson,
William L. Humphrey.

The minutes of the meeting of November 4, 1925, were read and approved.

Formal docket cases appearing on the weekly Conference Calendar for final determination were considered and action as indicated was taken by the Commission:

(1) Docket 451 - Cudahy Packing Company.
Left over for further consideration on next Conference Day.

(2) Docket 1096 - California Retail Fuel Dealers' Association.
This case comes before the Commission for final determination upon the following record: memorandum of October 14th from the Assistant Chief Counsel transmitting the case; memorandum of October 8 from Trial Attorney Brinson; complaint; answers; testimony; stipulation as to the facts by certain respondents; report upon the facts by Trial Examiner Blason; exceptions thereto by counsel for the respondents; counsel for the Commission did not file exceptions; brief by counsel for the Commission and counsel for the respondents; findings as to the facts and order to cease and desist submitted by the Chief Counsel with memorandum of October 14th. Counsel for respondents waived the presentation of oral argument. Attorney Brinson represents the Commission. Attorneys John W. Preston, Bagley, Judd & Ray represent the respondents.

After consideration, Mr. Nugent suggested certain grammatical and typographical changes in the findings as to the facts, as shown on marked copy and these were agreed to by the Commission and the findings were amended accordingly.

The complaint was dismissed as to the respondents named in the order on Page Three thereof, to-wit:

November 6, 1925.

A. C. Schlosser,
 E. P. Grady, Blue Howard Coal Company,
 Standard Coal Company,
 Liberty Coal Company,
 J. E. Critchlow, individually and as agent of the
 Liberty Coal Company,
 Lion Coal Company,
 Gunn Guesly (Guesly) Coal Company,
 King Coal Company,
 Frank J. Foran, individually and as Vice-President of the
 King Coal Company,
 Lion Rock Springs Coal Company,
 Frank Reaner, individually and as Manager of said Lion
 Rock Springs Coal Company,
 Standard Coal Company of California,
 Bear Fuel Company,
 Royal Coal Sales Company,
 C. W. Watson, individually and as agent for said
 Royal Coal Sales Company,
 Superior Rock Springs Coal Company,
 Hugh Cree, individually and as agent of said Superior
 Rock Springs Coal Company,
 Central Coal & Coke Company,
 Charles V. Allen, individually and as agent of said
 Central Coal & Coke Company,
 Utah Fuel Company,
 William H. Myers, individually and as agent of said
 Utah Fuel Company.

On motion of Mr. Nugent, the findings as to the facts as amended were approved and the order as submitted was approved and the findings and order as approved were ordered to issue and be served by the Secretary without further action by the Commission.

(3) Docket 1127 - Calumet Baking Powder Company.

Final argument was heard in this case on September 23, 1925, and on October 7, 1925, the submission of the case was withdrawn and a copy of the proposed amended complaint as recommended by the Chief Counsel ordered served upon the respondent and its attorneys with notice of hearing thereon before the Commission.

The case is before the Commission for hearing on the motion of the Chief Counsel to amend the complaint. The following papers were placed in the hands of each Commissioner: Motion to amend complaint; amended complaint; complaint; memorandum in support of opposition to motion to amend complaint filed by counsel for the respondent. Attorney Whiteley represents the Commission. Attorney Daniel R. Farber represents the respondent.

November 6, 1925.

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After consideration, on motion of Mr. Nugent, the motion of counsel for the Commission to amend the complaint for the purpose of taking testimony as to the question of the continued use of the so-called "Water Glass Test" was granted and the complaint was accordingly amended with instructions that the same issue and be served in the regular course without further action.

(4) Docket 1124 - P. H. Hansen Knitting Company.

This case comes before the Commission for final determination upon the following record: complaint; answer; testimony; report upon the facts by Trial Examiner Addison; exceptions thereto by counsel for the respondent; brief by counsel for the Commission; brief by counsel for the respondent; supplemental memorandum filed by counsel for the respondent on October 28, 1925. Counsel for the Commission did not file exceptions to the report of the Trial Examiner. Attorney Craven represents the Commission. Attorneys H. M. Shelton and Nardly, Hendren & Wendle represent the respondent. Final argument was heard October 28, 1925.

Consideration of the case was laid over with instructions to the Secretary to ascertain whether or not counsel for the Commission desired to file a reply to the supplemental brief filed by counsel for the respondent on October 28, 1925.

(5) Docket 1141 - Standard Oil Company of Kentucky.

This case comes before the Commission for final determination upon the following record: memorandum of October 17th from the Chief Counsel transmitting the case; complaint; answer; testimony; stipulation as to the facts; findings as to the facts and order to cease and desist submitted by the Chief Counsel with memorandum of October 17, 1925. Attorney Kernbrek represents the Commission. Attorney Charles C. Middleton represents the respondent.

After consideration, it was directed that an order to cease and desist issue.

Mr. Nugent suggested certain grammatical and typographical changes in the findings and order, as indicated on marked copy and these were approved by the Commission and the findings and order were amended accordingly.

On motion of Mr. Nugent, the findings and order as amended were approved by the Commission and referred to the Secretary to be put in proper form and served without further action by the Commission.

(6) Docket 1209 - Unarco-Cola Company.

This case comes before the Commission for final determination upon the following record: memorandum of October 10th from the Assistant Chief Counsel transmitting the case; complaint; stipulation as to the facts; findings as to the facts and order to cease and desist submitted by the Assistant Chief Counsel with memorandum of October 10, 1925. No testimony was taken nor briefs filed. Attorney Whiteley represents the Commission. Respondent has no attorney of record.

November 6, 1925.

After consideration, it was ordered that an order to cease and desist issue.

Mr. Nugent suggested certain grammatical and typographical changes in the findings, as shown on marked copy and these were approved by the Commission and the findings were amended accordingly.

Thereafter, it was ordered that the findings as to the facts, as amended and the order to cease and desist, as submitted be approved and served without further action by the Commission and were accordingly referred to the Secretary.

The Commission thereupon considered as a Special Order of business, the report of the Board of Review, dated June 12, 1925, in the matter of Docket 1305 - Continental Baking Corporation, with respect to which the Board of Review, in majority opinion, recommended that the complaint be amended; and the Commission also considered the memorandum of October 23, 1925, from the Chief Examiner reporting the result of supplemental investigation of capital stock acquisitions by the Continental Baking Corporation, and concluded with the recommendation that the present complaint, dated April 10, 1925, be amended to include an allegation of violation of Section 7 of the Clayton Act by reason of other acquisitions of stock, as reported in the Chief Examiner's memorandum.

After consideration, the following motion was offered by Mr. Nugent:

Moved, that the outstanding complaint be amended so as to include the later acquisitions and that the amendments be in accordance with the recommendation of the Board of Review.

The motion was seconded by Mr. Van Fleet and adopted by the Commission, with Messrs. Van Fleet, Nugent, Hunt and Humphrey voting in the affirmative and Mr. Thompson voting in the negative.

Mr. Nugent, thereupon, offered the following motion, which was seconded by Mr. Van Fleet and adopted by the Commission:

"I now move in connection with the amendment of this complaint, that the Chief Counsel be directed to expedite the matter."

Mr. Thompson presented the following statement of dissent and asked that it be added to the minutes and the amended complaint. It was so ordered by the Commission.

November 6, 1925.

"I voted 'no' against the issuance of an amended complaint in the case of the Continental Baking Corporation, for the following reason:

A complaint was issued by the Commission on the 10th day of April 1925. No answer has since been filed by the respondent, nor any testimony taken. The complaint charged a violation of the law in the following respects, to-wit: That the respondent had taken over many baking corporations located throughout the United States and, having many plants; that the effect of such acquisition was to substantially lessen competition, restrain commerce and tend to create a monopoly in the manufacture and sale of bread, et al, in the Continental Baking Corporation.

Since April 10, 1925, the respondent has taken over 9 additional corporations with a total of 15 additional plants.

Under the strictest rules of pleading, when a cause of action has been alleged and subsequent to the beginning of the suit the cause has been aggravated by additional acts particularly within the knowledge of the respondent, and these acts are continuing, the Government may take evidence not only of the acts alleged in the complaint but also such similar acts subsequent to its initiation, and when the Government's case is completed it may amend the complaint to cover the subsequent acts to the issuance of a complaint.

The absorbing of the 9 additional corporations and their 15 plants gives every indication of a growing and continuing tendency toward monopoly by the respondent. For the Commission to stop now and amend the complaint to include the additional companies, serve it on the respondent, and permit the respondent to have the required time for filing an answer, will exhaust at least forty days more. Moreover, if at the end of that time the Commission learns that the respondent has taken over additional plants then, under its present theory of action in amending, it means halting the proceedings again re-amending its complaint, and starting all over again, and allow at least an additional forty days to pass. In the meanwhile the facts have shown an increasing merging and tendency toward monopoly that once completed will be almost impossible of dissolution, should the facts developed at the hearing support such action.

I, therefore, dissent from the rule amending the complaint at this time when the loss of time could be avoided by taking testimony at once not only of the facts alleged in the complaint but of the acts supporting the acquisitions that have occurred since the issuance of the complaint."

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Mr. Humphrey submitted memorandum of October 30th from the Chief Examiner referring to conditions of work at the Seattle and San Francisco Offices and recommended (1) that Lee W. Kennedy, Professional Grade II, salary \$2800, now connected with the Chicago Office, be transferred and assigned to the San Francisco Office; and (2) that Harry A. Sabcock, Professional Grade III, salary \$2000, now connected with the New York Office, be transferred and assigned to the Seattle Office.

Mr. Humphrey stated that the recommendations were satisfactory to him and offered, the following motion:

Moved, that the recommendations of the Chief Examiner be approved and that the assignments be made.

The motion was adopted by the Commission and it was so ordered, with Messrs. Van Fleet, Nugent, Hunt and Humphrey voting in the affirmative and Mr. Thompson voting in the negative. Mr. Thompson requested that his objections be noted.

The following matters of general business forwarded to the Commission by the heads of the several Divisions were presented by the Secretary and action as indicated was taken by the Commission:

(1) Pocket 800 - Brand & Oppenheimer.

The following order submitted by the Chief Counsel was approved and entered, that John W. Addison, an Examiner of the Commission be designated to receive testimony, etc., in place of John W. Bennett, heretofore designated, who is unable to sit as Examiner on account of another assignment.

(2) Memorandum of October 15th was received from the Assistant Chief Counsel referring to the temporary assignment of Miss Anna Doyle, C. A. F. Grade III, salary \$1660, to legal work and reporting the satisfactory character of Miss Doyle's services and recommending her regular transfer to the Trial Staff as law clerk at GRADE Professional I, \$1660.

The memorandum was read and on motion of Mr. Van Fleet, the recommendation was approved and it was so ordered.

(3) Memorandum of October 22nd was received from the Assistant Chief Counsel recommending that Edward L. Schwartz, stenographer C. A. F. Grade II, salary \$1300, be allocated to C. A. F. Grade III, salary \$1500, on the basis of work he is now performing.

The memorandum was read and approved and it was so ordered by the Commission with the direction that a new allocation sheet be submitted to the Personnel Classification Board for its action.

November 6, 1925.

(4) Memorandum of October 10th from the Assistant Chief Counsel and memorandum of October 10th from the Chief Examiner reporting in response to the Commission's direction of October 5th with respect to the application of Timothy A. Carroll of the Economic Division for transfer to legal work.

The memorandum was read and at his request, the papers were referred to Mr. Humphrey for examination and report.

(5) Classification sheet allocating Joseph L. Haugh to C. A. F. Grade III, salary \$1500. by change from allocation of C. A. F. Grade II, salary \$1350., by reason of the work being now performed by Mr. Haugh as stenographer to the Board of Review.

The allocation was approved by the Commission and ordered forwarded to the Personnel Classification Board for its action.

(6) Appeal of Miss Eleanor Forman, stenographer at the Chicago Office, C. A. F. Grade III, salary \$1850. for allocation to C. A. F. Grade IV, accompanied by a recommendation from Trial Attorney Wooden that the appeal be granted and also that Miss Forman's salary be increased from \$1850. to \$1950. The file also contained a memorandum of August 6, 1925 from the Chief Counsel disagreeing with the job description presented in Miss Forman's appeal and suggesting another job description and expressing the view that Miss Forman's salary should not be raised at this time. The file also contained memorandum of August 6, 1925 from the Chief Examiner recommending that the appeal and the salary increase be not granted.

After consideration, the Commission directed, on motion of Mr. Hunt, that the recommendation of the Chief Counsel and the Chief Examiner be approved and the application was directed to be forwarded to the Personnel Classification Board not approved.

(7) Docket 1210 - C. H. Berry Chemical Company.

Memorandum of November 5th was received from the Assistant Chief Counsel transmitting the request of Mrs. Ella A. Berry, applicant in this proceeding, that the correspondence, etc., supplied by her be returned and requesting a "copy of the reports of the proceedings as far as you (the Commission) carried them". The Assistant Chief Counsel reported that the proceeding was dismissed for lack of public interest and that Mrs. Berry now proposes to sue the respondent and recommended that the material submitted by Mrs. Berry be returned to her and that she be advised that a copy of the transcript of the evidence can be secured from the official reporters, Sidney C. Grunsky Company.

The recommendation of the Assistant Chief Counsel was approved with instructions to the Secretary to retain photostat copies of any papers returned to Mrs. Berry.

November 6, 1925.

(5) Docket 868 - Calumet Baking Powder Company.

Memorandum of November 5th was received from the Assistant Chief Counsel stating that counsel for the respondent has waived oral argument and that this is agreeable to counsel for the Commission and recommending that the date of November 9, 1925, as now set for final argument be cancelled and the case submitted to the Commission on stipulation and brief. The memorandum stated that draft of findings and order would be submitted sometime the middle of November.

The recommendation of the Assistant Chief Counsel was approved and the date for final argument cancelled.

(9) Docket 1175 - United States Oil Company, et al.

Memorandum of November 5th was received from the Assistant Chief Counsel transmitting request of counsel for the respondent for an extension of time until December 20, 1925, for filing brief and recommending that the request be granted and that the case be set for final argument on Monday, January 18, 1926.

The recommendation of the Assistant Chief Counsel was approved and it was directed (1) that counsel for the respondent be granted an extension of time until December 20, 1925, for filing brief, and (2) that the case be set for final argument before the Commission on Monday, January 18, 1926, at 2 p.m., with direction to the Secretary to notify interested parties by registered mail.

(10) Docket 455 - Armour & Company.

Upon receipt of memorandum of November 5th from the Assistant Chief Counsel, the case was set for final argument before the Commission on Monday, December 7, 1925, at 2 p.m., with instructions to the Secretary to notify interested parties by registered mail.

(11) Memorandum of November 3rd from the Secretary reporting the condition of the Business Calendar as of November 1, 1925.

The memorandum was referred to the Chief Examiner for report of any cases now ready for Commission action.

(12) Report of the Board of Review of the work for the month ending October 31, 1925.

The report was received and placed in the Calendars.

(13) Docket 3 - A. Theo. Abbott & Company.

Memorandum of August 18th was received from the Chief Examiner reporting that under dates of March 11 and 13, 1924, Cheney Brothers of New York, complained that A. Theo. Abbott & Company of Philadelphia, respondent in this case, was violating the outstanding order to cease and desist and that on July 31, 1924, the Commission directed the

November 6, 1925.

Chief Examiner to conduct a preliminary investigation for the purpose of ascertaining whether or not the respondent was violating the order as alleged. The Chief Examiner reported that the word "Kapeck" as applied by the respondent to a certain lustrous silk fabric or cloth made of material other than kapeck, is apparently a play upon the word but that it does not amount to an unfair method of competition because it is not in competition with goods made from Kapeck, as Kapeck is not used in the manufacture of cloth or fabrics and recommending in view of the fact that "Kapeck" has no standing as a material in the mind of the purchasing public, that the matter be filed without further action.

It was directed that the matter be circulated.

(14) File 1-3450 - J. Seany Company vs. Lampi Knitting Company. Memorandum of October 29th was received from the Chief Examiner reporting that on April 10, 1923, the Commission directed that negotiations for a stipulation be entered into and that such a stipulation was drawn and submitted to the proposed respondent to which the proposed respondent through its attorney replied stating that its name had been changed to "Lampi Knit Wear Company" without submitting the stipulation properly signed and that, subsequent correspondence has been ignored by the proposed respondent. The Chief Examiner reported it to be his opinion that the respondent has no intention of signing the stipulation and recommended that complaint issue.

The memorandum was read and after consideration, on motion of Mr. Hunt, seconded by Mr. Humphrey, the Commission directed that complaint issue charging Joseph Lampi and Carl Lampi doing business as Lampi Knitting Company and Lampi Knit Wear Company with violation of the Federal Trade Commission Act.

The file was referred to the Chief Counsel for preparation of complaint pursuant to the rule, the same to be served by the Secretary without further action by the Commission.

(15) File 1-3758 - F. T. C. vs. Pearce Manufacturing Company. Memorandum of October 31st was received from the Chief Examiner reporting that the proposed respondent is charged with selling a blanket with a cotton content as a "Wool Blanket" and recommended that authority be granted to obtain a stipulation under the rule and report to the Commission.

The memorandum was read and thereafter, Mr. Humphrey offered the following motion, which was seconded by Mr. Hunt:

Moved, that the recommendation of the Chief Examiner be approved and the case handled by stipulation under the rule and report made to the Commission.

November 6, 1925.

As to the foregoing motion, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Nugent and Chespean voted in the negative. The motion carried and it was so ordered.

(16) File 1-2724 - Silk Association of America vs.
H. Flugelman & Company.

Memorandum of October 30th was received from the Board of Review reporting that the case was submitted to the Commission by the Board of Review with a stipulation executed by the respondent and that the Commission after consideration returned the case to the Board with instructions "to obtain another stipulation stating that the words to be used by respondent in describing the material as cotton be in as conspicuous type and size as the trade name of the respondent". The Board of Review respectfully requested the Commission to reconsider its action with regard to the stipulation and presented the considerations of law and fact which led the Board to adopt the form of wording in the stipulation and requested if the memorandum is not sufficient to sustain the Board's position, that it be heard. The file contained a dissenting statement by Attorney Laycraft.

It was directed that the file be circulated.

(17) File 1-3402 - Bradley Knitting Company vs. Fibre
Container Supply Association.

On November 2nd the Commission considered memorandum of October 27th from the Chairman of the Board of Review (1) reporting the request of counsel for certain of the proposed respondents to reopen the case, which has now passed the Board and is in the hands of a Commissioner, for further negotiations with respect to a stipulation; and (2) asking instructions upon the suggestion of counsel for the respondent that a form of stipulation, satisfactory to the proposed respondents and the Board of Review be submitted to the Commission, before being signed by the various respondents, for the approval of the Commission, as a form with the understanding that the respondents would pledge to affix their signatures to the stipulation after its acceptance by the Commission. The matter was referred to the Chairman and Mr. Humphrey on November 2nd with request for consideration and report to the Commission.

Motions by Messrs. Van Fleet and Humphrey were read and thereafter Mr. Van Fleet offered the following motion:

Moved, that the Board of Review be instructed to submit a stipulation which it deems to be proper to the Chairman for signature with the understanding that the respondents will sign the stipulation after it is signed by the Commission.

The motion failed for want of a second.

November 6, 1925.

(10) Letter of November 4th from the American Granite Association, Washington, D. C., replying to the Commission's letter of October 31st and furnishing page references to the book entitled, "Trade Associations - Their Economic Significance & Legal Status", wherein reference is made to the Code of Ethics of the Association. The Association requested an expression from the Commission with respect to its code.

On motion of Mr. Nugent, the matter was circulated.

From the Circulating Calendar the Commission considered the following matters and action as indicated was taken by the Commission:

(1) Memorandum of September 15th from the Chief Examiner transmitting petition filed for the issuance of complaint in the matter of the Hip Sing Tong Association vs. On Leong Tong, or Chinese Merchants' Association. The Chief Examiner reported the facts and recommended because of the probable lack of interstate commerce, the difficulty of obtaining evidence, the need of an interpreter and the resultant expenses and of the amount of work before the Commission involving citizens of this country, that the investigation be not undertaken and the applicant so advised.

The Commission also received at this time a memorandum of November 4th from the Chief Examiner reporting information from counsel for the applicant to the effect that the proposed respondent upon learning from the press of the pendency of the application had conferred with the Chinese Minister, as a result of which the officers of the proposed respondent signed a written agreement to discontinue any unfair practices which they may have been pursuing.

After consideration, it was directed by the Commission that the petition for the docketing of an application for complaint be filed without action.

(2) Memorandum of October 13th from the Chief Economist transmitting pursuant to the Commission's direction of October 7th, draft of a letter to L. W. Parker, Director, Anthracite Bureau of Information, Philadelphia, Pennsylvania, regarding the report of the Commission on "Premium Prices of Anthracite" in response to letter of October 6, 1925.

The matter was circulated October 14th. Notations by the several Commissioners were read and thereafter the letter was approved and ordered forwarded.

(3) Docket 911 - Keeler Brothers & Company, et al.

Memorandum of September 23rd from Trial Attorney Rowland transmitting letter of September 3, 1925, from Joseph Loeb, Business Consultant, Portland, Oregon, and newspaper clippings, reporting the violation of the Commission's order to cease and desist and asking instructions.

November 6, 1935.

The matter was circulated September 28th. Notations by the several Commissioners were read and thereafter, on motion of Mr. Nugent, the Chief Examiner was directed to institute an investigation and report whether or not the respondent is violating the outstanding order to cease and desist and further directed to expedite the work and report as promptly as possible.

(4) Docket 1023 - International Shoe Company.

Memorandum of September 29th from the Chief Counsel transmitting motion filed September 23rd by counsel for the respondent to reconsider and set aside the order of the Commission dated July 29, 1935, and memorandum of September 29th from Trial Attorney Brindley. The Chief Counsel recommended that the motion be overruled.

The motion of respondent to reconsider and set aside the order set out the following reasons:

"1st - The findings of fact by a majority of the Commission with reference to the charge that the effect of said stock acquisition tended to create a monopoly in the shoe business in respondent are inconsistent and contradictory, so that respondent cannot know what is meant thereby in this: Paragraph Twenty concludes with this find: 'The effect of such acquisition by respondent of such stock or share capital tended to create in respondent a monopoly in commerce in the shoe business'. On the other hand, two of the three Commissioners, composing the majority, to-wit: Commissioners Nugent and Thompson, dissent to 'The omission from the foregoing findings, of the following words as Sub-Paragraph (d) of Paragraph Twenty-Three, thereof, viz: (d) 'To tend to create in International Shoe Company a monopoly in commerce of the shoe business.'"

"2nd - It is apparent from the very face of the record that in finding that the effect of said stock acquisition by respondent was to substantially lessen competition and restrain trade, the Commission has (a) inadvertently disregarded the definition of insolvency as declared by the laws of Massachusetts and has erroneously adopted the meaning of insolvency as defined by the National Bankruptcy Act of 1898, and (b) has confused the fact of insolvency with a formal adjudication thereof."

The file was circulated September 30th. Notations by the several Commissioners were read and after consideration, Mr. Van Fleet offered the following motion:

November 6, 1905.

Moved, to reconsider the vote of July 13, 1905, by which the findings and order were approved and issued.

The motion was seconded by Mr. Humphrey and adopted by the Commission and it was so ordered.

Thereupon, Mr. Van Fleet offered the following motion:

Moved, to strike from Paragraph Twenty of the findings as to the facts the words - "The effect of such acquisition by respondent of such stock or share capital tended to create in the respondent a monopoly in commerce in the wire business."

The motion was seconded by Mr. Hunt and adopted by the Commission with Messrs. Van Fleet, Hunt and Humphrey voting in the affirmative and Messrs. Nugent and Thompson voting in the negative. Messrs. Nugent and Thompson asked that their dissent be noted.

Thereupon, Mr. Van Fleet offered the following motion:

Moved, that the findings of facts as amended together with the order, be approved and re-issued as of this date.

The foregoing motion was adopted by the Commission and it was so ordered, with Messrs. Van Fleet, Nugent and Thompson voting in the affirmative and Messrs. Hunt and Humphrey voting in the negative, and asked that their dissent be noted.

Mr. Nugent stated for the record, as follows:

"I have no objections to re-issuing the findings and order as I had no objection to their issuance in the first instance, except that I do object and dissent to the amendment of Paragraph Twenty by striking therefrom the finding that the fact of the acquisition by respondent tended to create a monopoly, as I likewise objected in the first instance to the failure of the Commission to include in Paragraph Twenty-Three of the findings, a finding of monopoly."

Mr. Thompson concurred with Mr. Nugent in the foregoing statement.

At this time Mr. Humphrey was excused from the meeting.

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PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Nugent,
Charles W. Hurt,
Huston Thompson,
Mr. Humphrey absent.

The Secretary presented memorandum of October 24th from the Chief Examiner in the matter of file 1-3047 - National Confectioners' Association of the United States vs. Chicago Candy Makers. The memorandum reported that the stipulation prepared by the Chief Examiner pursuant to the Commission's direction of June 1, 1925, had been signed by the respondent, and recommended that the stipulation be accepted and the application for complaint dismissed. The Chief Examiner also called attention to the request of the respondent to be allowed until December 15, 1925, to adjust its business. The Chief Examiner recommended that the respondent be allowed until December 15, 1925, to adjust its business to comply with the terms of the stipulation.

The memorandum was read and after consideration, Mr. Van Fleet offered the following motion, which was seconded by Mr. Hurt:

Moved, that the recommendation of the Chief Examiner be approved, the stipulation accepted, respondent allowed until December 15, 1925, to adjust its business and the application for complaint dismissed.

As to the foregoing motion, Messrs. Van Fleet and Hurt voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The motion was lost on its vote.

Pursuant to the rule of June 25, 1925, the case was referred to Mr. Humphrey, the absent Commissioner, to report his vote.

Mr. Nugent suggested that the Commission consider the assignment of work under the pending Senate Regulations which were held in abeyance awaiting the Attorney General's decision.

It was agreed that the matter be considered at the meeting on Monday, November 9, 1925.

November 6, 1925.

November 9, 1925.

Thereupon, at the hour of 12 m., the Commission adjourned to meet Monday, November 9, 1925, at 10 a.m.

Vernon W. Van Fleet,
Chairman.

Attest:

Otto P. Hansen,
Secretary.

Saturday - November 7, 1925 - No meeting held.

Sunday - November 8, 1925 - No meeting held.

ACTION OF THE FEDERAL TRADE COMMISSION

Monday - November 9, 1925 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Magent,
Charles W. Hunt,
Austin Thompson,
William L. Humphrey.

The minutes of the meeting of November 6, 1925, were read and approved.

Jr. Hunt submitted file 1-2023 - Bernard Stoe's Sons, Inc. vs. Frank B. Lutz & Company, Inc., with memorandum of November 6th reviewing the facts and concurring in the recommendation of the Attorney-General and the Chief Examiner, that the application be dismissed.

After consideration, on motion of Jr. Hunt, the application for complaint was dismissed.

November 9, 1925.

Mr. Humphrey submitted file 1-3903 - Sulphur Company vs. Lawrence-McFadden Company, together with memorandum of November 5, 1925, reviewing the facts and concurring in the recommendation of the Chief Examiner that the application be dismissed.

After consideration, on motion of Mr. Humphrey, the application for complaint was dismissed.

The following matters of general business forwarded to the Commission by the heads of the several divisions were presented by the Secretary and action as indicated was taken by the Commission:

(1) Annual Report of the fiscal year ended June 30, 1925. The Secretary presented manuscript of the report which was ordered circulated on November 5, 1925 and recommended in view of the time limitation that the report be sent immediately to the Government Printing Office for galley proof. It was so ordered.

(2) Packet 1115 - General Electric Company, et al. Memorandum of November 5th was received from the Assistant Chief Counsel transmitting memorandum of November 4th from Trial Attorney Edward L. Smith, relating to objections filed and read into the record at the beginning of the taking of testimony in this case on October 20, 1925, together with copy of the objections filed by all of the respondents and draft of order by Attorney Smith. The Assistant Chief Counsel's memorandum called attention to that part of Attorney Smith's memorandum in which he stated that if the Commission desires to hear the respondents on these objections or the protests of unfairness, he is prepared to answer the objections and the protests and also that if the Commission decides to dispose of this matter without oral presentation or oral argument, he recommends the adoption of the draft of order in the premises submitted with his memorandum.

After consideration, it was directed that a copy of the papers be delivered to each Commissioner and the matter placed on the Conference Calendar for November 12, 1925.

(3) Packet 1124 - P. A. Hanes Knitting Company. Memorandum of November 3, 1925, from the Assistant Chief Counsel stating that counsel for the Commission desires to file a reply memorandum to the supplemental brief filed by counsel for the respondent on October 20, 1925, in this case and that this brief will be filed by the Commission on Friday, November 13th. It was directed that a copy of the memorandum from the Assistant Chief Counsel be delivered to each Commissioner and that the matter be considered with the other papers in this case on the Conference Calendar for November 13, 1925.

November 9, 1925.

(4) Doubet 1166 - American Knuff Company.

Memorandum of November 7th from the Assistant Chief Counsel transmitting application by the respondent to review certain rulings of the Trial Examiner excluding certain evidence and requesting that such application be set down for the hearing of oral arguments of counsel for both sides thereon by the Commission on January 4, 1926, at a time on said date to be fixed by the Commission.

After consideration, the Commission decided to determine the matter without oral argument and it was directed that the Chief Counsel have the Commission's attorney prepare a memorandum reply and that the matter be placed on the Conference Calendar for November 20, 1925, and that counsel for respondent be afforded an opportunity to file a memorandum in support of the application if he so desired.

Copies of the application were ordered delivered to each Commissioner.

At this time Mr. Thompson was excused from the meeting.

PRESENT:

Warren E. Van Fleet, Chairman,
John F. Nugent,
Charles E. Hunt,
William C. Humphrey.

Mr. Thompson absent.

(5) File 1-3451 - Rich-Simpliner Knitting Mills Company vs. Andover Knitting Mills.

Memorandum of October 24, 1925, from the Chief Examiner reviewing the facts and requesting authority to negotiate with respondent for a stipulation under the rule of March 11, 1925, and report to the Commission.

After consideration, on motion of Mr. Van Fleet, seconded by Mr. Hunt, the case was referred to the Chief Examiner to be handled by stipulation under the rule and report to the Commission.

Mr. Nugent voted "yes".

(6) File 1-3444 - F. F. C. vs. American Furniture Supply Company

Report dated October 29, 1925 from Examiner James L. Stevens, concurred in by the Chief Examiner, recommending that complaint issue charging the respondent with violation of the Federal Trade Commission Act in connection with the sale of furniture of red gum and cottonwood walnut or mahogany and the sale of items made for the most part of veneered woods as genuine mahogany or walnut.

1111

November 9, 1925.

After consideration, it was directed that the case be placed on the Suspense Calendar pending the conclusion of the trade practice submitted with the Furniture Industry, authorized April 13, 1923 and now being conducted by Chairman Van Fleet.

Chairman Van Fleet referred to the decision of the Attorney General of the United States, dated October 24, 1925, with respect to the Commission's power to proceed under certain Senate Resolutions and thereafter offered the following motion:

"I move that the Economic Department proceed with Senate Resolution No. 163, called the Bread Resolution which it now has, in accordance with the opinion of the Attorney General; that it proceed with Resolution No. 329, first part, known as the Power Resolution, but not with the second part, in accordance with the opinion of the Attorney General; and also, Resolution No. 26, relating to open price associations, said investigation to be conducted in accordance with the opinion of the Attorney General.

"That the Chief Examiner be directed to proceed with Resolution No. 24, relating to Cooperative Associations, said investigation to be conducted in accordance with the opinion of the Attorney General."

The foregoing motion was seconded by J. Hunt.

At this time Mr. Thompson entered the meeting.

PRESENT:

Harold W. Van Fleet, Chairman,
John F. Nugent,
Charles E. Hunt,
Austin Thompson,
William L. Humphrey.

Mr. Thompson was informed of the motion as offered by Mr. Van Fleet.


After discussion, on motion of Mr. Humphrey, it was agreed that consideration of the motion be laid over until Wednesday, November 11, 1925 and considered on that day.

November 3, 1925.

At this time Chairman Van Fleet was excused from the meeting.

Vernon E. Van Fleet,
Chairman.

Attest:


John C. Rupert,
Secretary.

PRESENT:

John C. Rupert, Acting Chairman,
Charles W. Hunt,
Austin Thompson,
William L. Murphy.

Mr. Van Fleet absent.

Mr. Rupert, Acting Chairman, presented the following matters and action as indicated was taken by the Commission:

(1) Letter of November 3, 1925 from Senator Joseph L. Dorewell, Lake Providence, Louisiana, enclosing copy of a letter dated October 1, 1925 from L. L. Pool, President of the Marine Bank & Trust Company of New Orleans, complaining of the practice of guaranteeing against decline in the sugar industry.

The Senator's letter and inclosure were read and on motion of Mr. Rupert were referred to the Chief Counsel for preparation of reply to be submitted to the Commission.

(2) Letter as follows was received from the Department of Justice (William J. Donovan, Assistant to the Attorney General):

November 3, 1925.

Honorable Vernon E. Van Fleet,
Chairman, Federal Trade Commission,
Washington, D. C.

Dear Mr. Chairman:

Your letter of October 26th in reply to mine of the 23rd has been referred to me by the Attorney General, and I wish to thank you for the additional copies of the Commission's report on the meat packing industry inclosed therewith.

November 9, 1925.

The findings contained in the report of your Commission are based on evidence gathered some six years ago, much of which may possibly be now obsolete or unavailable. Furthermore, conditions may have changed materially in the meat packing industry since then in such a way as to affect the status of this litigation. What is now desired, therefore, is advice as to where the evidence to support the Commission's report may be found as well as any information that may be at the command of your Commission which will bring the evidence in this matter down to date.

Assuring you that any assistance you may be able to extend this Department will be deeply appreciated, I am

The foregoing letter was read and on motion of Mr. Nugent, referred to the Chief Counsel for report to the Commission as to where the evidence in support of the Commission's reports on the meat packing industry now is, and whether he has any later evidence than set forth in the reports and if so where it is.

(3) Letter of November 3rd from the Civil Service Commission transmitting copy of an Executive Order signed October 21, 1925, amending Civil Service Rules, relating to re-instatements.

The letter was referred to the Secretary for attention.

(4) Letter to the Attorney General of the United States prepared in accordance with the Commission direction of October 28, 1925, requesting that prior to the service of subpoena for the production of Commission records, that the Commission be advised and also that the subpoena be directed to the Secretary of the Commission, the custodian of the records.

The letter was read and after discussion, on motion of Mr. Nugent was laid over pending the meeting of the full Commission.

Mr. Nugent referred to an article appearing in "The Nation's Business", a publication of the Chamber of Commerce of the United States, in an issue dated November 1925, setting forth statements of one C. H. Elliott, respondent in Docket 1000 - Charles H. Elliott Company.

Mr. Nugent suggested that the Commission take cognizance of the matter and offered the following motion:

November 9, 1925.


Moved, that the Chief Counsel be directed to have prepared from the record in the above mentioned case a statement in regard to the facts and submit it to the Commission; and, also a statement in regard to complaints, if any, issued against other men in the same business and the results in these cases.

It was so ordered.

Thereupon, at the hour of 11:45 a.m., the Commission adjourned to meet Wednesday, November 11, 1925.


J. F. Nugent,
Acting Chairman.

Attest:


Otis S. Johnson,
Secretary.

Tuesday - November 10, 1925 - No meeting held.

November 11, 1925.

MEETING OF THE FEDERAL TRADE COMMISSION

Wednesday - November 11, 1925 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Nugent,
Charles W. Hunt,
Huston Thompson,
William E. Humphrey.

The minutes of the meeting of November 2, 1925, were read and approved.

The Chairman submitted the following matters and action as indicated was taken by the Commission:

(1) Letter of November 7, 1925, from "The Wichita Daily Eagle" (C. E. Spear, Business Supervisor), Wichita, Kansas, transmitting to the Commission a letter of October 30th addressed to Victor Burdick, Chairman, Federal Trade Commission, by the Association of National Advertisers, Inc., New York City, requesting information with reference to discounts in the oil burner field, i.e., discounts to retailers and general distributors or to wholesalers.

The Association's letter was read and referred to the Secretary for attention.

(2) Letter of November 10th from the Department of Justice (William J. Donovan, Assistant to the Attorney General), advising that the Department is returning to the Commission certain files relating to the Southern Pine Association in accordance with the request contained in a letter from the Commission to the Department, dated July 22, 1924. The letter enumerated the files returned.

The letter was referred to the Secretary to check the files and acknowledge the letter.

(3) Letter of November 10th from the Department of Justice (William J. Donovan, Assistant to the Attorney General), advising that the Department is returning to the Commission certain files concerning the West Coast Lumbermen's Association. The letter listed the files returned.

The letter was referred to the Secretary to check the files and to acknowledge the letter.

November 11, 1925.

(4) Letter of November 10th from E. T. Clark, Acting Secretary to the President, making inquiry at the direction of the President as to whether the Commission has any objection to the publication of the opinion of the Attorney General of the United States, dated October 24, 1925, in regard to the powers of the Commission to conduct investigations called for by certain Senate resolutions.

The Secretary was directed to draft a reply advising that the Commission has no objection to the publication of the opinion in question.

(5) Letter of November 10th from H. M. Lord, Director of the Bureau of the Budget, as follows:

"November 10, 1925.

My dear Mr. Chairman:

Your estimates of appropriations for the fiscal year 1927, submitted pursuant to my letter of August 12, 1925, and the testimony of your representative relative thereto, together with the opinion of the Attorney General of the United States, dated October 24, 1925, with respect to the powers and duties of the Federal Trade Commission in the conduct of investigations under resolutions of the United States Senate, a copy of which letter was transmitted with your letter of October 28, 1925, have been carefully considered.

With the understanding that the Attorney General, in his opinion referred to above, has so construed the law that the restriction in the appropriation Act will have practically no effect as far as the investigations before the Commission and the expenditure of money therefore are concerned; and in view of the fact that the Commission is thought to be in arrears with its legal work, you are hereby advised that amounts under subtitles of appropriation as follows, will be recommended for inclusion in the Budget for the support of the Federal Trade Commission for the fiscal year 1927:

| | |
|--|------------|
| For five Commissioners at \$10,000. each
per annum | \$50,000. |
| For all other authorized expenditures
of the Commission \$930,000. of which
amount not to exceed \$815,160. may be
expended for personal services in the
District of Columbia, including witness
fees | 930,000. |
| For all printing and binding | 17,000. |
| Total | \$997,000. |

November 11, 1925.

The change in language will be recommended for inclusion in the Budget the same as submitted to your Commission, with the exception of the word 'including' which was considered superfluous. Thus the new language will read 'contract stenographic reporting services'.

Sincerely yours,

(signed) H. M. Lord,
Director."

The letter was read and referred to the Secretary for attention.

The Commission then considered a motion offered by Mr. Van Fleet on November 9, 1925, and seconded by Mr. Hunt, which reads as follows:

"I move that the Economic Department proceed with Senate Resolution No. 463, called the 'Grand Resolution', which it now does, in accordance with the opinion of the Attorney General; that it proceed with Resolution No. 329, first part, known as the Power Resolution, but not with the second part, in accordance with the opinion of the Attorney General; and also Resolution No. 36 relating to Open Price Associations, said investigation to be conducted in accordance with the opinion of the Attorney General.

"That the Chief Examiner be directed to proceed with Resolution No. 74 relating to Cooperative Associations, said investigation to be conducted in accordance with the opinion of the Attorney General."

Mr. Humphrey referred to the language on pages three and eight of the opinion of the Attorney General, of October 24, 1924, and in view of that language objected to the assignment of either the Open Price Association or the Cooperative Organization matters to the Economic Division for investigation under Senate Resolutions. Mr. Humphrey, thereupon, offered the following motion:

"I move to amend the motion by Mr. Van Fleet by moving that the Open Price Association investigation and the Cooperative investigation be sent to the Chief Examiner's Department."

The motion was lost for want of a second.

Mr. Thompson, thereupon, offered the following substitute motion:

November 11, 1925.

"I move that all the Resolutions be jointly investigated by the Economic and the Chief Examiner's Departments. That whenever an unfair method of competition or violation of the anti-trust laws appears, that the Chief Examiner's Department shall at once specially investigate such and recommend to the Commission whether an application for complaint should be filed in respect thereto."

The foregoing motion by Mr. Thompson was lost for want of a second.

Mr. Nugent, thereupon, offered the following motion:

"I move to amend Mr. Van Fleet's motion by striking out the words 'in accordance with the opinion of the Attorney General' wherever they appear and insert in lieu thereof, the words 'in accordance with the directions contained in the resolutions themselves.'"

This motion was seconded by Mr. Thompson.

Vote was taken upon the foregoing motion. As to this motion Messrs. Nugent and Thompson voted in the affirmative and Messrs. Van Fleet, Hunt and Humphrey voted in the negative. The motion was lost. Messrs. Nugent and Thompson asked that their dissent be noted.

Mr. Nugent thereupon, offered the following motion:

"I move to amend the pending motion by Mr. Van Fleet, by directing the Chief Economist to prosecute the investigation of the Electric Power Industry, Senate Resolution No. 323, in accordance with the direction contained in the Senate Resolution."

The motion was seconded by Mr. Thompson.

Vote was taken upon the foregoing motion to amend. As to this motion, Messrs. Nugent and Thompson voted in the affirmative and Messrs. Van Fleet, Hunt and Humphrey voted in the negative. The motion was lost. Messrs. Nugent and Thompson asked that their dissent be noted.

Vote was thereupon taken upon the original motion as offered by Mr. Van Fleet, seconded by Mr. Hunt. This motion was adopted by unanimous vote of the Commission and it was so ordered.

November 11, 1925.

At this time Mr. Thompson was excused from the meeting.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Nugent,
Charles W. Hunt,
William L. Humphrey.

Mr. Thompson absent.

The Chairman called up for consideration, the report and motion offered by him on October 22, 1925, providing for the establishment of a Trial Examiner Division. The Chairman pointed out certain amendments made to Paragraph Six of the motion to meet objections raised informally by Mr. Nugent.

The Secretary was instructed to deliver a copy of the corrected motion to each Commissioner and it was agreed that the motion be considered as a Special Order of business after the regular order on Friday, November 13, 1925.

Mr. Nugent referred to the motion adopted today assigning work under Senate Resolution in accordance with the opinion of the Attorney General and offered the following motion:

Moved, that Mr. Walker, Chief Economist, be directed that during the progress of the various investigations, if and when members of his Staff discover evidence of unfair methods of competition or violations of those sections of the Clayton Act, which the Commission is called upon to administer, that such matters be at once reported to the Commission for such action as it deems advisable to take.

The motion was adopted and it was so ordered.

The following matters of general business forwarded to the Commission by the heads of the several Divisions were presented by the Secretary and action as indicated was taken by the Commission:

(1) Docket 1107 - Calumet Baking Powder Company.

The Secretary referred to the action of November 6, 1925, directing amended complaint to cover the so-called Water Glass Test and of the request of the Commission's Trial Attorney,

November 11, 1925.

Mr. Whiteley, that the action of the Commission in amending the complaint be not limited strictly to the Water Glass Test but be such as to allow the introduction of evidence of up-to-date instances of defalcation. The Secretary presented a memorandum of November 10th from Attorney Whiteley with respect to the matter together with a form of order which the Chief Counsel and Attorney Whiteley suggested be entered, covering the amendments to the complaint.

These were discussed and referred to Mr. Nugent for examination and report to the Commission and in the meantime, the service of the amended complaint be withheld.

(2) Letter of November 5th from the Employers' Association of North Jersey, Newark, New Jersey, making inquiry as to whether the Commission approves of giving bonuses to clerks in retail stores by manufacturers selling to such stores, etc.

Draft of letter prepared by the Chief Examiner was rejected and it was ordered that in reply, a copy of the Commission's findings and order and the Court decision in the Kinney-Rame Company case - Docket 225 - be transmitted without comment.

(3) Letter of November 4th from German Resorts Company, Chicago, Illinois, making inquiry as to whether certain expressions meet with the Commission's approval in describing artificial silk and merchandise containing cotton which resembles wool.

The Commission received draft of reply prepared by the Chief Examiner which was approved and ordered forwarded. See file

(4) File 1-3507 - Associated Advertising Clubs of the World vs. Times Publishing Company.

Memorandum of November 4th was received from the Chief Examiner transmitting pursuant to the Commission's direction of June 1, 1923, stipulation properly signed by the proposed respondent and recommending that the stipulation be accepted and the application for complaint dismissed.

The memorandum was read and after consideration, an action of Mr. Van Fleet, seconded by Mr. Hunt, the recommendation of the Chief Examiner was approved, the stipulation accepted and the application dismissed.

As to the foregoing action of the Commission, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Mr. Nugent voted in the negative.

Mr. Nugent asked that his dissent be noted.

(5) File 1-3551 - Davis Paint Company, Inc. vs. Lack Paint Company.

Memorandum of November 4th was received from the Chief Examiner transmitting pursuant to the Commission's direction of September 1923, stipulation properly signed by the proposed respondent and recommending that the stipulation be accepted and the application for complaint dismissed.

November 11, 1925.

The memorandum was read and after a deliberation, on motion of Mr. Van Fleet, seconded by Mr. Hunt, the recommendation of the Chief Examiner was approved, the stipulation accepted and the application dismissed.

As to the foregoing action of the Commission, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Mr. Nugent voted in the negative.

Mr. Nugent asked that his dissent be noted.

(6) File 1-3740 - American Fair Trade League vs. Louis A. White's Sons.

Memorandum of November 4th was received from the Chief Examiner transmitting pursuant to the Commission's direction of September 18th, stipulation properly signed by the proposed respondent, and recommending that the stipulation be accepted and the application for complaint dismissed.

The memorandum was read and thereafter, on motion of Mr. Van Fleet, seconded by Mr. Hunt, the recommendation of the Chief Examiner was approved, the stipulation accepted and the application dismissed.

As to the foregoing action of the Commission, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Mr. Nugent voted in the negative.

Mr. Nugent asked that his dissent be noted.

(7) File 1-3847 - National Confectioners' Association of the United States vs. Chicago Candy Makers.

In accordance with the action of the Commission, under date of November 4th, at which time the case was referred to Mr. Humphrey for deciding vote, Mr. Humphrey submitted memorandum of November 10th stating that he concurred in the motion offered on November 4th by Mr. Van Fleet, seconded by Mr. Hunt, that the recommendation of the Chief Examiner be approved, the stipulation accepted, the application dismissed and respondent allowed until December 15, 1925, to adjust its business and so voted.

Mr. Humphrey's vote was recorded and it was so ordered with Messrs. Van Fleet, Hunt and Humphrey voting in the affirmative and Mr. Nugent voting in the negative.

Mr. Nugent asked that his dissent be noted.

Mr. Thompson's dissent was also ordered to be noted as he voted against this action on November 4, 1925.

(8) File 1-3181 - Sullivan Granite Company, Inc. vs. New Western Granite Company, et al.

Memorandum of October 21st was received from the Chief Examiner reporting that the application was dismissed by the Commission on August 18, 1924, on the record as it then stood because a substantial amount of confusion was not shown. The Chief Examiner reported that the applicant filed a petition to have the matter reopened and was advised that it would be necessary for them to produce evidence of a substantial amount

November 11, 1925.

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of actual confusion before the action would be warranted. The Chief Examiner reported that further evidence had been submitted by the applicant and that this evidence in the opinion of the Chief Examiner warrants the reopening of the case and recommended that this be done.

The memorandum was read and on motion of Mr. Nugent, the recommendation of the Chief Examiner was approved and it was directed that the matter be re-opened.

(9) File 1-3819 - F. T. C. vs. Yukon Mill & Grain Company.

Memorandum of October 29th was received from the Chief Examiner reporting that the respondent is a manufacturer of flour, part of which is sold in export trade; that the respondent is alleged to have delivered to foreign buyers products of an inferior grade and is also guilty of breach of two contracts for the sale of flour to foreign buyers. The Chief Examiner reported that the facts developed show that the respondent did on one occasion ship flour of an inferior grade than that ordered but, that this was adjusted to the apparent satisfaction of the foreign buyer; and that as to the breach of contract, it was claimed by respondent that its refusal to ship flour was partly due to a misunderstanding and partly due to the fact that the purchaser had not established satisfactory New York credit. The Chief Examiner stated that in one case upon the establishment of satisfactory credit, the contract was carried out and that the other contract remains unexecuted because of failure to establish New York credit. The Chief Examiner requested authority to negotiate with the respondent for a stipulation under the rule and report to the Commission.

The memorandum was read and thereafter, on motion of Mr. Humphrey, seconded by Mr. Van Fleet, the application for complaint was dismissed.

As to the foregoing action of the Commission, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Mr. Nugent voted in the negative and asked that his dissent be noted.

Mr. Nugent made the following statement for the record:

"I dissent for the reason, that I think in accordance with the action taken by the Commission in similar cases, that a complaint should issue in this case."

(10) File 1-3900 - Unfair Competition Bureau of the Paint & Varnish Industries vs. Standard Shellac Company.

Memorandum of October 31st was received from the Chief Examiner reporting that the respondent is misbranding its shellac compound and requesting authority to negotiate for a stipulation under the rule and report to the Commission.

The memorandum was read and thereafter, on motion of Mr. Van Fleet seconded by Mr. Hunt, the Commission authorized the Chief Examiner to negotiate for a stipulation and report to the Commission.

November 11, 1935.

As to the foregoing action of the Commission, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Mr. Nugent voted in the negative.

(11) File 1-3539 - Associated Advertising Clubs of the World vs. Keystone Furniture Company.

Memorandum of October 30th was received from the Chief Examiner stating that the Commission on June 19, 1923, authorized the Chief Examiner to negotiate for a stipulation and that accordingly, a suggested form of stipulation was submitted to the respondent and that the respondent has failed to sign the stipulation or to acknowledge correspondence in regard to it. The Chief Examiner recommended that complaint issue.

The memorandum was read and thereafter, on motion of Mr. Nugent, it was directed by the Commission that complaint issue charging the Keystone Furniture Company with violation of the Federal Trade Commission Act.

The file was referred to the Chief Counsel for preparation of complaint, the same to be served by the Secretary without further action by the Commission.

(12) File 1-3987 - Hardware Retailer vs. National Manufacturing & Production Company.

Memorandum of October 31st was received from the Chief Examiner reporting that the respondent by its working methods leads retailers mistakenly to suppose that they are dealing directly with the manufacturers and requesting authority to negotiate with the respondent for a stipulation, under the rule and report to the Commission.

The memorandum was read and thereafter, on motion of Mr. Van Fleet, the Chief Examiner was authorized to negotiate for a stipulation under the rule and report to the Commission.

As to the foregoing action of the Commission, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Mr. Nugent voted in the negative.

(13) Letter to the Secretary of State transmitting information with respect to legislation in the United States prohibiting the distribution of premiums or rebates on sales in the United States, prepared in response to a letter of October 24th from the Secretary of State in reply to letter received from the American Consul at Vienna.

The reply was read, approved and ordered forwarded.
See file

(14) Docket 1195 - Capitol Furniture Distributing Company.

The following orders submitted by the Chief Counsel were approved and entered: (1) that William W. Sheppard, an Examiner of the Commission, be designated to receive testimony, etc., and (2) that the hearing of the complaint begin at New York City on November 17, 1935, at 10 a.m.

November 11, 1925.

(15) Docket 1224 - Grand Rapids Furniture Clearance Warehouse.

The following orders submitted by the Chief Counsel were approved and entered: (1) that William W. Sheppard, an Examiner of the Commission, be designated to receive testimony, etc., and (2) that the hearing of the complaint begin at New York City on November 18, 1925, at 10 a.m.

(16) File 1-2482 - Bradley Knitting Company vs. Fibre Container Supply Association, et al.

The Secretary referred to the action of the Commission on November 6th, at which time a memorandum of October 27th from the Chairman of the Board of Review requesting instructions re re-opening of the case and signature of stipulation was considered and a motion directing the Board to submit a stipulation was lost for want of a second. The Secretary asked instructions as to whether the matter should be carried on the Unfinished Business Calendar and again presented or whether failure of the motion operated as a denial of the request.

It was the view of the Commission, that the matter should not be carried on Unfinished Business and that the Board of Review be advised that its memorandum was received without action.

Thereupon, at the hour of 12 m., the Commission adjourned to meet Friday, November 12, 1925, at 10 a.m.

Vernon W. Van Fleet,
Chairman.

Attest:

Oliver S. Johnson
Oliver S. Johnson,
Secretary.

Thursday - November 12, 1925 - No meeting held.

November 13, 1925.

MEETING OF THE FORMAL TRADE COMMISSION

Friday - November 13, 1925 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
 John F. Sugent,
 Charles W. Hunt,
 Huston Thompson,
 William E. Humphrey.

The minutes of the meeting of November 11, 1925, were read and approved.

Formal docket cases appearing on the weekly Conference Calendar for final determination were considered by the Commission and action as indicated was taken:

(1) Docket 451 - Cudahy Packing Company.
 Laid over for further consideration until next Conference Day.

(2) Docket 1115 - General Electric Company, et al.

This case is before the Commission for determination on the following record: memorandum of November 5th from the Assistant Chief Counsel; memorandum of November 4th from Trial Attorney Smith in regard to certain objections noted upon the record by Joseph P. Cotton, counsel for the Radio Corporation, to the jurisdiction of the Commission and protest against what he alleged to be the unfairness of the proceeding, in which counsel for the other respondents joined; copy of the objections filed by all the respondents; draft of order submitted by Attorney Smith.

Attorney Smith was heard and thereafter, the following motion was offered by Mr. Van Fleet:

Moved, that it be the view of the Commission, that the Commission considers there is nothing before it upon which to rule at the present time and that the Trial Examiner be instructed to rule upon the matters presented.

The motion was adopted by the Commission and it was so ordered.

November 13, 1925.

(3) Docket 1134 - P. H. Hanna Maltting Company.

This case comes before the Commission for final determination upon the following record: complaint; answer; testimony; report upon the facts by Trial Examiner Addison; exceptions thereto by counsel for the respondent; brief by counsel for the Commission and counsel for the respondent; supplemental memorandum by counsel for the respondent; memorandum of November 7th from the Assistant Chief Counsel in regard to filing reply memorandum to supplemental memorandum by respondent; reply memorandum by counsel for the Commission. Counsel for the Commission did not file exceptions to the report of the Trial Examiner. Final argument was heard October 28, 1925. Attorney Craven represents the Commission. Attorneys H. W. Shelton and Wardly, Hendron & Wemble represent the respondent.

After consideration, on motion of Mr. Van Fleet, seconded by Mr. Thompson, it was directed that an order to cease and desist issue and that the Chief Counsel be directed to prepare draft of findings as to the facts and order to cease and desist and submit the same to the Commission for approval as to form.

(4) Docket 1174 - Clayton F. Denny Company.

On October 23, 1925, the Commission directed that an order to cease and desist issue and that the Chief Counsel prepare and submit to the Commission for approval as to form, draft of findings as to the facts and order to cease and desist.

The case is now before the Commission for consideration of the findings and order submitted by the Chief Counsel. The following papers were placed in the hands of each Commissioner: memorandum of November 6, 1925, from the Chief Counsel; findings as to the facts and order to cease and desist submitted by the Chief Counsel; amended complaint.

Certain changes were suggested in the findings as to the facts and in the order to cease and desist by Messrs. Van Fleet and Nugent, which changes were shown on marked copy and accepted by the Commission and it was directed that the findings and order be returned to the Chief Counsel to be re-drafted and returned to the Commission.

(5) Docket 1260 - Nixon Fixture Company, Inc.

On October 9, 1925, the Commission directed that an order to cease and desist issue and that the Chief Counsel prepare and submit to the Commission, for approval as to form, draft of findings as to the facts and order to cease and desist.

The case is now before the Commission for consideration of the findings and order submitted by the Chief Counsel. The following papers were placed in the hands of each Commissioner: memorandum of October 28th from the Chief Counsel; findings as to the facts and order to cease and desist submitted by the Chief Counsel with memorandum of October 28th; complaint.

Certain changes were suggested in the findings as to the facts and order to cease and desist by Mr. Nugent, as shown on marked copy, which changes were adopted by the Commission.

November 13, 1925.

Thereafter, on motion of Mr. Bugent, the findings and order as amended were approved and ordered to issue and to served without further action by the Commission.

(6) Packet 1310 - Kanuga Cigar Company.

This case comes before the Commission for final determination upon the following record: memorandum of October 22nd from Attorney Reardon, approved by the Assistant Chief Counsel, transmitting the case and recommending dismissal; complaint; order of dismissal. Attorney Reardon represents the Commission. Respondent has no attorney of record. No answer was filed. No testimony was taken nor briefs filed.

After consideration, it was ordered that the recommendation of the Chief Counsel be approved and that the case be dismissed for the reason, that the respondents have gone out of business.

The Chief Counsel was directed to prepare and the Secretary to serve order of dismissal.

Mr. Humphrey referred to the recent action establishing a branch office at Seattle, Washington and thereafter, offered the following motion:

Moved, that the Commission authorize and direct that the necessary steps be taken to lease two rooms to be used as the Commission's offices at Seattle, Washington.

The motion was adopted by the Commission. Mr. Thompson not voting.

Mr. Humphrey then moved that a stenographer be assigned to the Seattle Office and that Mrs. Estelle T. Hagley, C. A. 8, III, salary \$1560, be appointed to the position with instructions to report at the Seattle Office without expense to the Commission.

The motion was adopted by the Commission. Mr. Thompson not voting.

The Secretary was authorized to employ another stenographer to fill Mrs. Hagley's place in the General Stenographic Section from the Civil Service Rolls, C. A. 8, II, salary \$1320.

In accordance with the action of November 11, 1925, the Commission considered as a Special Order of Business, the following action offered by Mr. Van Fleet and memorandum in support of the motion:

November 12, 1925.

"ORDERS: That the staff of Trial Examiners is hereby transferred from the Chief Examiner's Division to a Division to be known as Chief of Trial Examiners. The head of this Division shall perform any and all duties heretofore performed by the Chief Examiner in relation to the work of the Trial Examiners and to particularize, but not by way of limitation, his duties are stated as follows:

(1) Recommending to the Commission the Trial Examiner who shall sit in a case, as the basis for the Order Designating Trial Examiner.

(2) Determining time and place of holding hearing and making recommendation to the Commission, as basis for the Order Fixing time and place.

(3) Arranging for hearing room for first and all adjourned sessions of hearing.

(4) Arranging for attendance of official reporter at all hearings.

(5) Issuing, in the name of the Commission, and serving notice of time and place of hearings.

(6) Designation of Trial Examiner to make findings or report after the taking of evidence has been completed, in case of disability of Trial Examiner hearing the case to continue.

(7) Receiving reports or findings of Trial Examiners and supervision of service of same upon respondents and others entitled thereto under the orders of the Commission.

(8) When he shall deem it advisable or expedient, with the approval of the Commission, sit as Trial Examiner at a hearing; for instance, to formally close a case that has been adjourned to Washington for some purpose.

(9) Conducting negotiations with prospective respondents looking to the settlement of cases by stipulation; the drafting of such stipulation; procuring signatures of respondents thereto; and submitting same to the Commission for final action. Provided, that this shall not include stipulations in docketed cases in the hands of the Chief Counsel's Staff for trial, but negotiations for, and drafting of, stipulations in such cases shall be handled by the Chief Counsel's Office.

(10) Formulating and recommending to the Commission, from time to time, such rules and regulations as he may deem advisable or expedient for the conduct of the business of his Division."

November 13, 1925.

"MEMORANDUM IN SUPPORT OF ATTACHED MOTION.

There has been some criticism of the Commission's procedure in that the Trial Examiner, when he is assigned to sit in a case and thereafter make findings of fact upon which the decision of the Commission is based, is not in an impartial attitude toward the case. He is a part of the Chief Examiner's Staff, is responsible directly to the head of that Division and is designated to sit in the case upon his recommendation. The informal complaint was filed with this Division, the investigation was commenced and has been carried through under the direct supervision of that Division, and that Division has made its recommendation based upon the result of such investigation. In other words, when the Trial Examiner is assigned to sit, presumably impartially, in a case, his immediate superior has prejudged the law and facts in the case to a certain extent.

Whether there is some ground for this complaint it should be recognized. The fact remains that the situation places the Commission in a wrong light before the business world whose practices and methods of business it must impartially judge.

The duties of the Trial Examiner should be divorced, as far as possible, from the other activities of the Commission. He should be independent of both the Chief Counsel's Division and the Chief Examiner's Division and responsible directly to the Commission only.

Such a change does not mean an increase in personnel or duties, but only the assignment of those related duties where they logically belong. At present every one of the duties specified or contemplated to be performed by the new Division is performed by someone. Duties One (recommending Trial Examiner), Six (designating Trial Examiner to make findings) and part of Seven (receiving such findings) are performed by some one in the Chief Examiner's Office; Duties Two (determining time and place of hearing), Three (Arranging for hearing room) and Four (arranging for attendance of reporter) are now performed by the Chief Counsel's Office; Duties Five (issuing and service of notice of time and place of hearing) and part of Seven (serving Trial Examiner's findings on respondents) are performed by some one in the Secretary's Office; and Nine (drafting of stipulations and securing execution thereof and submitting same to the Commission) is now divided between a member of the Chief Examiner's Staff and the Board of Review.

November 13, 1925.

The relieving of the Board of Review of this detail will result in greater efficiency. At present, when the Board has determined after a hearing that it is advisable to enter into a stipulation with respondent, the matter is turned over to one member of the Board. It is not practical to draft a form of stipulation prior to the hearing or immediately thereafter and have it executed while respondents are still in attendance for several reasons. For instance, respondents often appear by counsel only, who are not authorized to execute a stipulation but must consult with their clients; again, it is almost invariably necessary for the Board to discuss the case in the light of the record and the matters brought out or presented at the hearing, and determine the provisions of the stipulation. The result is, that the member of the Board having the case in charge must conduct negotiations by correspondence, which in many cases reaches considerable volume. When the stipulation has finally been executed by respondents, a supplemental report transmitting it to the Commission is necessary. This all takes his time (estimated as high as 15% of the time of the Board) from other duties that can be performed only by a member of the Board and retards the disposition of cases ready for the Board's action.

Under the proposed change all data and information to enable the Chief of Trial Examiners to draft the stipulation and secure its execution would be available to him. The report of the Board embraces a digest of the facts developed by the investigation, the matters presented and brought out at the hearing before the Board, the Board's opinion as to the law and the practices found by it to be in violation of law, -- all of which would be available to the new division head.

Referring to the stipulations now drafted and executed under the supervision of the Chief Examiner, the same reason exists for divorcing this work from the investigating division as the work of the Trial Examiners. Respondents agree to admit the charges and to conform their future conduct of business to the views of the Commission, -- in the case of smaller concerns often before the employment of counsel. The stipulation then should be a fair and just statement of the facts disclosed by the investigation, and should contain just and fair requirements as to future conduct. In other words, it should embrace an impartial, semi-judicial determination of the case."

After discussion, Mr. Van Fleet offered the following motion:

"I move that the foregoing action be adopted and approved to take effect on December 1, 1925."

November 12, 1925.

The motion was seconded by Mr. Hunt and adopted by the Commission with Messrs. Van Fleet, Hunt and Humphrey voting in the affirmative and Messrs. Nugent and Thompson voting in the negative.

Messrs. Nugent and Thompson asked that their dissent be noted.

Mr. Thompson made the following statement for the record:

"I vote 'no' for the reason that I do not think it is a necessary position for the Commission, and that the Commission should not spend funds for it particularly at this time when we have much grant use for our funds."

Mr. Van Fleet thereupon, offered the following motion:

Moved, that Attorney-Examiner Van Fleet be appointed to fill the position of Chief of Trial Examiners to be head of this Division.

The motion was seconded by Mr. Hunt and adopted by the Commission with Messrs. Van Fleet, Hunt and Humphrey voting in the affirmative and Messrs. Nugent and Thompson voting in the negative.

Messrs. Nugent and Thompson asked that their dissent be noted.

Mr. Van Fleet thereupon offered the following motion:

"I move that Attorney-Examiner Franklin C. Haggerty be appointed and designated as Assistant Chief of the Trial Examiners Division."

The motion was seconded by Mr. Hunt and adopted by the Commission with Messrs. Van Fleet, Hunt and Humphrey voting in the affirmative and Messrs. Nugent and Thompson voting in the negative.

Messrs. Nugent and Thompson asked that their dissent be noted.

The Secretary presented draft of a letter to the Attorney General requesting that prior to the service of subpoenas duces tecum for the production of Commission records, the Commission be advised and that subpoenas be directed to the Secretary of the Commission, the custodian of the records.

The letter as presented was amended and thereafter approved and ordered forwarded. See file

November 13, 1925.

Mr. Thompson offered the following motion:

Moved, that on Monday, after the regular order of business, the Commission consider as a Special Order of business, recommendations for salary increases in the Economic Division and the Administrative Division and that these be taken up at that time.

The motion was seconded by Mr. Nugent and adopted by the Commission.

It was further ordered by the Commission that salary changes in other Divisions of the Commission be taken up at the same time.

Thereupon, at the hour of 10 m., the Commission adjourned to meet Monday, November 16, 1925, at 10 a.m.

Yarmon W. Van Fleet,
Chairman.

Attest:

Ellis W. Carothers
Secretary

Tuesday - November 14, 1925 - No meeting held.

Wednesday - November 15, 1925 - No meeting held.

November 16, 1925.

MEETING OF THE FEDERAL TRADE COMMISSION

Monday - November 16, 1925 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Dugont,
Charles W. Hunt,
William G. Humphrey.
Mr. Thompson absent.

The minutes of the meeting of November 13, 1925 were read and approved.

Mr. Hunt presented file 1-3932 - La Touraine Company, Inc. vs. Gervay Aircraft Company, et al and stated that this application came direct to the Commission from the Chief Examiner without reference to the Board of Review pursuant to the rule of December 4, 1921.

Mr. Hunt submitted memorandum of November 8th reviewing the facts and concurring in the recommendation of the Chief Examiner that the application be dismissed.

The memorandum was read and after consideration, on motion of Mr. Hunt, the application for complaint was dismissed by the Commission.

Mr. Humphrey presented the following listed applications for complaint and action as indicated was taken by the Commission:

- (1) File 1-2774 - Chicago Association of Candy Vendors vs. Folly Town Company, et al.

Mr. Humphrey recited the facts and expressed the view that the case should be returned to the Board of Review for procedure under the rule in the regular course.

- (2) File 1-3497 - Better Business Commission (Boston, Mass.) vs. Philip A. Singer & Brother, et al.

Mr. Humphrey recited the facts and stated that he was not in accord with the recommendation of the Board of Review and asked that the Board of Review be heard.

The Board of Review was heard.

November 16, 1925.

During the hearing of the Board, Mr. Thompson entered the meeting.

PRESENT:

Verdon W. Van Fleet, Chairman,
John P. Nugent,
Charles W. Hunt,
Walter Thompson,
William L. Humphrey.

The hearing granted the Board of Review was concluded.

At this time Mr. Van Fleet was excused from the meeting.

Verdon W. Van Fleet,
Chairman.

Attest:

Walter Thompson
Walter Thompson,
Secretary.

PRESENT:

John P. Nugent, Acting Chairman,
Charles W. Hunt,
Walter Thompson,
William L. Humphrey.

Mr. Van Fleet absent.

The Board of Review was excused and after further discussion, Mr. Humphrey offered the following motion:

Moved, that file 1-3627 - Better Business Commission, (Boston, Mass.), vs. Philip A. Singer & Brother, et al, be referred to the Chief Counsel for the preparation of complaint and that complaint issue against these respondents.

November 16, 1925.

Mr. Humphrey stated for the minute record that his reasons for moving for complaint against the respondents was that there seems to be a question of law involved that contention among the Board of Review has not settled and that because of the importance of the case and its character, a stipulation would be futile.

The motion was adopted and it was so ordered.

Mr. Humphrey then offered the following motion:

Moved, that file 1-2774 - Chicago Association of Candy Vendors vs. Folly Town Company, et al, be returned to the Board of Review with instructions to proceed in the regular course under the rule.

The motion was seconded by Mr. Hunt.

In substitution for the foregoing motion, Mr. Nugent offered the following motion:

"I move as a substitute motion, that complaint issue in this case."

The substitute motion was seconded by Mr. Thompson.

Vote was taken upon the substitute motion. As to this motion Messrs. Nugent and Thompson voted in the affirmative and Messrs. Hunt and Humphrey voted in the negative. The substitute motion was lost on this vote.

Vote was thereupon, taken upon the original motion by Mr. Humphrey. As to this motion, Messrs. Hunt and Humphrey voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The original motion was lost on this vote.

Under the rule, the Commission referred the case to Mr. Van Fleet, the present Commissioner, with request for exact action and report his deciding vote to the Commission.

Mr. Hunt presented memorandum of November 11th from Attorney George B. Fehrer with regard to the Grain Standards Act and the questions relating to the amendment thereof and transmitted copy of the Act. The memorandum set forth a synopsis of the Grain Standards Act.

It was directed that the memorandum be circulated.

The following matters of general business forwarded to the Commission by the heads of the several Divisions were presented by the Secretary and action as indicated was taken:

November 16, 1925.

(1) Docket 1191 - Graida Community, Ltd.

Memorandum of November 11th was received from the Assistant Chief Counsel reporting pursuant to the Commission's direction of October 30, 1925, the reason why this case was brought to trial and argued under the circumstances of its age and the fact of abandonment immediately following the Beachmont decision.

It was directed that the memorandum be circulated.

(2) Memorandum of November 11th was received from the Assistant Chief Counsel reporting, pursuant to the Commission's direction of October 30, 1925, the number of formal cases which are a year or more old and the number of these cases that are proceeding to trial on the preliminary investigation conducted by the Chief Examiner and without supplemental investigation to ascertain whether or not the unfair methods charged are being followed at the present time or were being followed at the time the case went to trial.

It was directed that a copy of the memorandum be forwarded to each Commissioner and the matter carried on the Unfinished Business Calendar.

(3) Memorandum of November 10th was received from the Chief Economist reporting, pursuant to the Commission's direction of November 6th, information concerning the evidence which supports the Commission's Report on the Meat Packing Industry, as requested by the Department of Justice in letter of November 3, 1925.

It was directed that the matter be circulated.

(4) Report of the Chief Examiner of the work of the Legal Investigating Division for the month of October 1925.

The report was received and placed in the calendars.

(5) Docket 1242 - Long & Sack Company, Inc.

Memorandum of November 11th was received from the Assistant Chief Counsel transmitting request of counsel for the Commission for an extension of thirty days time from November 17, 1925, in which to file brief and recommending that the request be granted.

The request was granted by the Commission and order approved and entered granting counsel for the Commission an extension to and including December 17, 1925, for filing brief.

(6) Docket 1274 - United States Oil Company, Inc.

Memorandum of November 14th was received from the Assistant Chief Counsel recommending that counsel for the Commission be granted an extension to December 1, 1925 for filing brief.

The recommendation of the Assistant Chief Counsel was approved and order to that effect approved and entered.

November 16, 1935.

At the suggestion of Mr. Thompson, the Commission proceeded to consider salary changes as a Special Order of business.

The Commission first considered changes in the Economic Division and Mr. Thompson moved that the following recommendations of the Chief Economist be approved and the changes ordered by the Commission:

| | |
|----------------|--|
| T. W. Mitchell | P IV \$4200. promotion to P IV \$4400. |
| J. K. Arnold | P IV 4000. promotion to P IV 4400. |
| Earl G. Haines | P III 3350. reclassification to P IV \$3800. |
| J. E. Pigge | P II 2700. reclassification to P III \$3000. |
| G. E. Harriott | P II 2400. promotion to P II \$2800. |

The motion was seconded by Mr. Nugent.

In substitution for the foregoing motion, Mr. Hunt offered the following motion:

Moved, as a substitute that the Commission defer the matter until at least January 1, 1936.

The substitute motion was seconded by Mr. Humphrey.

Vote was taken upon the substitute motion. As to this motion, Messrs. Hunt and Humphrey voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The substitute motion was lost on tie vote.

Vote was thereupon taken upon the original motion. As to this motion, Messrs. Nugent and Thompson voted in the affirmative and Messrs. Hunt and Humphrey voted in the negative. The motion was lost on tie vote.

According to the rule, the Commission referred the matter of changes recommended by the Chief Economist to Mr. Van Fleet, the absent Commissioner for report and vote.

The Commission recessed at 12:15 p.m., and re-assembled at 2 p.m.

PRESENT:

John F. Nugent, Acting Chairman,
Charles V. Hunt,
William L. Humphrey.

Mr. Van Fleet absent.
Mr. Thompson absent.

November 16, 1935.
November 16, 1935.

Pursuant to arrangements the Commission met to hear final argument in Docket 1187 - Franklin Coal Company. Attorney Stites was heard in support of the complaint. Attorney James J. Milligan was heard on behalf of the respondent. The hearing continued until the hour of 4 p.m., was concluded and the case taken under advisement.

Thereupon, at the hour of 4 p.m., the Commission adjourned to meet Wednesday, November 18, 1935, at 10 a.m.

John F. Nugent
J. F. Nugent,
Acting Chairman.

Attest;

William C. Thompson
William C. Thompson,
Secretary.

Tuesday - November 17, 1935 - No meeting held.

MINUTES OF THE 831st. MEETING OF THE COMMISSION

Wednesday - November 18, 1935 - 10 a.m.

PRESENT:

John F. Nugent, Acting Chairman,
Charles W. Hunt,
Austin Thompson,
William C. Thompson.

Mr. Van Fleet absent on official business.

The minutes of the meeting of November 16, 1935, were read and approved.

November 19, 1925.

In the matter of Patent 1137 - Calumet Baking Powder Company, Mr. Nugent referred to the action of November 11th and reported conference with Attorney Whiteley with respect to the form of order to be drawn covering the Commission's action of November 6th, at which time it was directed that an amended complaint issue covering the so-called Water-Glass Test in this case.

Mr. Nugent submitted draft of order proposed by Attorney Whiteley with the statement that the order did not meet his views in every respect. Mr. Nugent suggested that the order should recite the withdrawal of the case after final submission, the re-opening of the case and the amendment of the complaint. Mr. Nugent suggested that he confer further with Attorney Whiteley and submit to the Commission, draft of proposed order to cover the action of November 6, 1925.

It was so ordered by the Commission.

The Secretary reported that galley proof of the Annual Report for the fiscal year ended June 30, 1926, had been received from the Public Printer and delivered to each Commissioner yesterday.

Mr. Humphrey presented galley of the report and reported his examination thereof and expressed the view that the discussion and discussion should be omitted and that the report be limited to a statement of the acts accomplished by the Commission.

Mr. Humphrey referred specifically to Galley Numbers 47 to 53, with respect to the change in rules of procedure and dissenting memorandum and discussion and also to Galley Number 72, with respect to Trade Practice Submittal held by manufacturers of Hog Garum.

Whereafter, Mr. Humphrey offered the following motion:

Moved, that the parts of the report referred to by Galley Numbers 47 to 53, be stricken out and that a brief reference to the new rule be made in the front part of the report and the rule itself inserted in the latter part of the report and that all discussion and dissents, as to the rule be stricken out and that that portion of the Trade Practice Submittal with the Hog Garum to which I have referred and which relates to the views of the Trade be stricken out, Galley Number 72.

The foregoing motion was seconded by Mr. Hunt.

As to the foregoing motion, Messrs. Hunt and Humphrey voted in the affirmative and Messrs. Nugent and Thompson voted in the negative. The motion was lost on its vote.

November 18, 1925.

After further discussion, it was agreed that the motion by Mr. Murphy, and the Annual Report be considered as a Special Order of Business on Thursday, November 18, 1925, at 2 p.m., and that the Secretary be instructed to notify Mr. Van Vleet of this meeting.

The following matters of general business forwarded to the Commission by the heads of the several Divisions were presented by the Secretary and action as indicated was taken:

(1) Memorandum of November 11th was received from the Chief Examiner transmitting correspondence with Walter Gordon Herritt, of the law firm of Gleason, McLanahan, Herritt & Ingraham, together with copy of newspaper article relating to a meeting of leading rubber manufacturers representing 95% of the tire producers of the country at which agreement was made with respect to soliciting orders and terms of sale. The Chief Examiner asked instructions. It was directed that the matter be circulated.

(2) Pocket 1133 - Osterweber & Company, Inc., et al.
Memorandum of November 11th was received from the Assistant Chief Counsel transmitting request of counsel for the respondent for an extension of time until November 21, 1925, for filing brief and recommending that the request be granted.
The request was granted by the Commission and order to this effect approved and entered.

(3) File 1-3533 - Hustle Hosiery Mills vs. Hunch Guaranteed Hosiery Company.
Letter of October 31st from The Hustle Company, Philadelphia, Pennsylvania, referring to the fact that in the matter of file 1-3533, the Commission had accepted the stipulation signed by the proposed respondent and dismissed the complaint, but that the complaint against The Hustle Hosiery Mills - File 1-3560 - Hunch's Pure Silk Fashioned Hosiery, Inc., et al. vs. Hustle Hosiery Mills - had not been dismissed after the signature of a stipulation. The Commission also received draft of reply prepared by the Chief Examiner calling attention to the fact that the Hunch Guaranteed Hosiery Company had ceased the unfair methods of competition and were carrying out the Commission's wishes in good faith but that the Hustle Company while changing its name had continued to use the picture of a mill on its stationery and that due to this fact, the stipulation was rejected and formal complaint issued.
The letter was read, approved and ordered forwarded.

(4) Report from the Chief Economist of the work of the Economic Division during October 1925.
The report was received and placed in the Calendar.

November 18, 1925.

(5) Separate memoranda dated November 11, 1925, were filed from the Export Trade Division transmitting files in following listed export trade complaints as received from Departments of State and Commerce with request for attention:

- (a) Foreign trade complaint of the British Lloyds (through the State Department) against Shirex & Birch of New York City.
- (b) Foreign trade complaint of L. Oppenheimer of the Carlsberg A/S. beer is imported by L'Industrie du Chantier de Paris, France, against the Domestic Rubber Company of Hartman, Ohio.
- (c) Foreign Trade complaint of Smith & Company, Ltd., of Christchurch, New Zealand, against S. Stern & Company of New York and the Plant Manufacturing Company, also of New York.
- (d) Foreign trade complaint of Barnes Company, Ltd. of Penang, Straits Settlements, against the Lashell Agency, of Philadelphia, Pennsylvania.
- (e) Foreign trade complaint of L. Confiance of Constantinople, against the Halport Trading Corporation of New York.
- (f) Foreign trade complaint of Valle A. Jasso Carlos de Madrid against "La Patria" of Bogota, Colombia against Shaller & Pfend, Inc. of New York City.
- (g) Foreign trade complaint of Lahden Saha Osakeyhtio, of Lahti, Finland, and Messrs. Serlachius & Main, of Helsinki, Finland against The Home Company of New York City.
- (h) Foreign trade complaint of William A. Lawton of Berkeley, London, England, against the Animated Picture Products Company, Inc. of New York City.
- (i) Foreign trade complaint of Eusebio Maurain-Passy of Brussels, against Mrs. Edward Miller of New York.
- (j) Foreign trade complaint of Ramon y Fernandez of Union Aires, Argentina, against the Asador Industries of New York City.

November 18, 1925.

- (k) Foreign trade complaint of Paul Karstedt of Berlin against the Commercial Rubber Company of New York.
- (l) Foreign trade complaint of Moritz Kruger of Riga, Latvia, against P. R. Tobler & Company of New York City.

The Export Trade Division requested authority to proceed with the informal inquiry and report to the Commission in the usual course. The authority was granted and it was so ordered.

- (6) File 1-3442 - Stratton Theatre (T. M. Steadley) vs. Vitagraph, Inc.

Memorandum of November 18th was received from the Chief Examiner reporting that partial investigation has been made, but that owing to the difficulty of securing necessary information, it proceeded slowly and was finally laid aside at the request of the Chief Counsel until Docket 636 - Famous Players-Lasky Corporation case should be completed. The memorandum stated that the Department of Justice is now conducting an investigation which has been completed in eight of the key cities of the country and recommending, in view of this fact, that the case be placed on the Suspense Calendar to await the result of the proceedings by the Department of Justice and that the Department of Justice be so advised.

The memorandum was read and after consideration, the recommendation of the Chief Examiner was approved and it was so ordered.

- (7) Docket 1342 - Big G. Warrill's Wares.

Memorandum of November 18th was received from the Assistant Chief Counsel transmitting request of counsel for the respondent for an extension of time to and including December 1, 1925, for filing brief and recommending that the request be granted.

The request was granted by the Commission and the Chief Counsel was directed to prepare and the Secretary to secure appropriate order.

- (8) Memorandum of November 18th was received from the Chief Examiner transmitting file of papers relative to the purchase of the capital stock of the American Foundry Construction Company by the Pittsburgh Piping & Equipment Company and recommending that an application for complaint be docketed in the name of the Commission against the Pittsburgh Piping & Equipment Company charging a violation of Section 7 of the Clayton Act.

The memorandum was read and thereafter, the recommendation of the Chief Examiner was approved and it was ordered that an application for complaint be docketed.

November 18, 1925.

(9) Docket 1006 - Mills Brothers.

Memorandum of November 17th was received from Attorney Busick reciting the facts in the case and requesting permission to file a brief of approximately one hundred six pages in length in the United States Circuit Court of Appeals for the Ninth Circuit.

The memorandum was read and Attorney Busick granted authority to file a brief as requested.

(10) Docket 1100 - American Snuff Company.

Letter of November 15th was received from Junius Parker, counsel for the American Snuff Company, requesting that the application to review certain rulings of the Trial Examiner in excluding testimony, filed by counsel for the respondent, be held in abeyance until November 27th to permit Mr. Parker to file a memorandum.

The request of Mr. Parker was granted and the Commission directed that the case be listed on the Conference Calendar for Friday, November 27, 1925.

(11) Docket 1000 - The Charles H. Elliott Company.

Memoranda of November 16th and November 17th were received from the Assistant Chief Counsel reporting pursuant to the Commission's direction, in regard to (1) an article appearing in the November 1925, issue of the "Nation's Business", under the caption of "What the Federal Trade Commission Did to Me", and (2) statement in regard to the complaints issued against other men in the same business and the results in those cases.

The Commission directed that copy of the memoranda be forwarded to each Commissioner and the matter placed on the Unfinished Business Calendar.

(12) Memorandum of November 17th from the Chief Economist transmitting with approval, the request of John F. Graves, Jr., for an extension of leave without pay, heretofore granted until April 1, 1926.

The leave without pay requested by Mr. Graves was granted by the Commission.

(13) Docket 1101 - Unice Community, Ltd.

The Secretary presented memorandum of November 16th from the Assistant Chief Counsel transmitting pursuant to the direction of October 30th, draft of order of dismissal with the suggestion that the service of the order be withheld pending consideration by the Commission of the memorandum of November 15th from the Assistant Chief Counsel which was circulated on November 16th.

The memorandum was read and the Commission directed that service of the order of dismissal be withheld until after consideration by the Commission of the memorandum from the Assistant Chief Counsel. The proposed order of dismissal was left in the custody of the Secretary.

November 18, 1923.
November 19, 1923.

The Commission recessed at 11:45 a.m., and re-assembled at 2 p.m.

PRESENT:

John F. Nugent, Acting Chairman,
Charles W. Hunt,
Huston Thompson,
William E. Humphrey.

Mr. Van Fleet absent on official business.

Pursuant to arrangements, the Commission met to hear final argument in Docket 1257 - South Jersey Wholesale Confectioners' Association, et al. Attorney Whiteley was heard in support of the complaint. Attorney W. Holt Anger was heard on behalf of the respondents. The hearing continued until the hour of 3:45 p.m., was concluded and the case taken under advisement.

Thereupon, at the hour of 3:45 p.m., the Commission adjourned to meet on Thursday, November 19, 1923, at 2 p.m.

J. F. Nugent
J. F. Nugent,
Acting Chairman.

Attest:

Olis W. Johnson
Olis W. Johnson,
Secretary.

MEETING OF THE FEDERAL TRADE COMMISSION

Thursday - November 19, 1923 - 2:30 p.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Nugent,
Charles W. Hunt,
Huston Thompson,
William E. Humphrey.

Pursuant to arrangements made on November 18th, the Commission met in Special session for consideration of galley

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print of the Annual Report of the Commission for the fiscal year ended June 30, 1935.

After discussion, Mr. Humphrey offered the following motion:

Moved, that all that portion of the report beginning on Galley 47 with the words "changes in procedure and policy", up to the words "limitation on Congressional inquiries" on Galley 53 be stricken out.

And further, that the rules on changes in procedure and policy be printed in the appendix of the report without comment and that a proper reference to the rules be made in the body of the report as what is now Galley 47.

The motion was seconded by Mr. Hunt and adopted by the Commission, with Messrs. Van Fleet, Hunt and Humphrey voting in the affirmative and Messrs. Nugent and Thompson voting in the negative.

Messrs. Nugent and Thompson dissented and asked that their dissent be noted.

It was agreed that the fact, that Messrs. Nugent and Thompson dissented to the adoption of the rules be noted following the rules in the appendix.

It was ordered, on motion of Mr. Humphrey, that reference to "a majority of the Commission", naming the Commissioners, be omitted from the report and that the language "the Commission" be used in lieu thereof.

Mr. Thompson referred to the statement in the exhibits to Docket 1177 - H. K. Hallinson & Company, Inc., and thereafter, offered the following motion:

Moved, that in the body of the report among the representative cases at least one of the cases showing a dissent of the minority members shall be shown and that the case to be selected be the Hallinson case.

The motion was seconded by Mr. Nugent.

Vote was taken upon the foregoing motion. As to this motion, Messrs. Nugent and Thompson voted in the affirmative and Messrs. Van Fleet, Hunt and Humphrey voted in the negative. The motion was lost.

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At this time, Mr. Nugent made inquiry as to what privilege, the minority members would have as to the publication of their dissent to the rules on changes in procedure and policies in the report.

Thereafter, Mr. Nugent offered the following motion, seconded by Mr. Thompson:

Moved, that in connection with the publication of the rules in the report that the dissenting memorandum of Messrs. Nugent and Thompson to the adoption of the rules be shown in the form in which this dissent appears in the statement published by Messrs. Nugent and Thompson on May 18, 1923 and as filed with the Commission.

Vote was taken on the foregoing motion. As to this motion, Messrs. Nugent and Thompson voted in the affirmative and Messrs. Van Fleet, Hunt and Humphrey, not in the negative. The motion was lost.

Messrs. Nugent and Thompson dissented and asked that their dissent be noted.

After further discussion, Mr. Van Fleet offered the following motion:

Moved, that the report as now before the Commission, in galley proof and as amended by the Commission, be approved, adopted, printed and published.

The motion was seconded by Mr. Humphrey.

Vote was taken upon the foregoing motion. As to this motion, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Nugent and Thompson voted in the negative and asked that their dissent be noted.

The motion was adopted and it was so ordered.

Mr. Nugent made the following statement:

"I dissent from the order approving the report in its present form for the reasons the changes in policies, rules and procedure of the Commission as announced on March 17, 1923 and June 20, 1923, have been printed therein and Messrs. Thompson and Nugent have been denied the right to incorporate in the report, in connection therewith, their reasons for opposing the same, which reasons are set out in the dissent issued by Messrs. Thompson and Nugent on May 18, 1923.

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"I dissent for the further reason that Commissioners Thompson and Nugent have been denied the right to incorporate in the report, the reasons why they dissent to the action of the Commission, in approving the report in its present form."

Mr. Thompson stated, that he concurred in the foregoing statement by Mr. Nugent.

Mr. Thompson, thereupon, moved, that the foregoing statement by Mr. Nugent, as concurred in by Mr. Thompson, be shown in the report. The motion was seconded by Mr. Nugent.


Vote was taken upon the foregoing motion. As to this motion, Messrs. Van Fleet, Nugent, Dunt and Thompson voted in the affirmative and Mr. Murphy voted in the negative. The motion carried and it was so ordered.

The report as approved, by the Commission, was delivered to the Secretary with instructions to carry out the Commission's orders.

Thereupon, at the hour of 1:15 p.m., the Commission adjourned to meet Friday, November 20, 1925, at 10 a.m.

Verma W. Van Fleet,
Chairman.

Attest:


Secretary.

November 20, 1925.

MEETING OF DISTRICT TRADE COMMISSION

Friday - November 20, 1925 - 10 a.m.

PRESENT:

Vernon E. Van Fleet, Chairman,
John F. Nugent,
Charles W. Hunt,
Houston Thompson,
William E. Humphrey.

The minutes of the meeting of November 10th and 19th, 1925, were read and approved.

Formal report cases appearing on the weekly Conference calendar for final determination were considered and action as indicated was taken by the Commission.

(1) Packet 431 - Gudang Packing Company.

This case comes before the Commission for final determination upon the following record: amended complaint; testimony; report upon the facts by Trial Examiner Reeves; exceptions thereto by counsel for the Commission and counsel for the respondent; brief by counsel for the Commission and counsel for the respondent; reply brief by counsel for the Commission; reply brief by counsel for the respondent; memorandum of October 21st by Attorney Jackson, concurred in by the Assistant Chief Counsel, order of dismissal as to Count C of the complaint. In answer to the amended complaint was filed. Final argument was heard October 26, 1925. Attorney Jackson represents the Commission. Attorney Gilbert E. Hastings represents the respondent.

After consideration, on motion of Mr. Van Fleet, seconded by Mr. Hunt, it was directed by the Commission, that the complaint herein be and the same is hereby dismissed as to Counts B and C relating to B. E. Wood Cutter Company and New Cheese Company, Count A relating to Gudang Packing Company was heretofore dismissed by the Commission on June 23, 1923.

As to the foregoing action of the Commission, Messrs. Van Fleet, Hunt and Humphrey voted in the affirmative and Messrs. Nugent and Thompson voted in the negative.

Messrs. Nugent and Thompson asked that their dissent be noted.

The Chief Counsel was directed to prepare and the Secretary to serve order of dismissal.

November 20, 1925.

(2) Docket 274 - Brooks Oil Company and L. A. Benedict.

This case comes before the Commission for final determination upon the following record: memorandum of October 28th from the Assistant Chief Counsel transmitting the case; complaint; answer; testimony; report upon the facts by Trial Examiner Evers; exceptions thereto by counsel for the respondent; counsel for the Commission did not file exceptions; brief by counsel for the Commission; counsel for the respondent waived the filing of brief; findings as to the facts and order to assess and decide submitted by the Assistant Chief Counsel with memorandum of October 29, 1925. Attorney Lullilan represents the Commission. Attorney Albert Landelsch represents the respondent.

After consideration, the Commission directed that an order to assess and decide issue.

The findings as to the facts and order to assess and decide submitted by the Assistant Chief Counsel with memorandum of October 29, 1925, were approved without change, adopted and referred to the Secretary for service without further action by the Commission.

(3) Docket 1882 - Coast States Oil Company, et al.

This case comes before the Commission for final determination upon the following record: memorandum of November 9th from the Assistant Chief Counsel transmitting the case and recommending that the complaint be dismissed for the reason that the company is not now engaged in business; complaint; answer; order of dismissal. No testimony was taken nor briefs filed. Attorney Bayle represents the Commission. Attorneys Tallford & Rafferty represent the respondent.

After consideration, it was directed by the Commission, that the complaint herein be and the same is hereby dismissed on the ground that the respondent has gone out of business.

The Chief Counsel was directed to prepare and the Secretary to serve order of dismissal.

(4) Docket 1103 - Real Silk Hosiery Mills.

On October 19th, the Commission returned the case to the Chief Counsel with instructions to obtain from the respondent, a stipulation covering the publication and use of advertisements in the presentation books.

Pursuant to the above action, the case is before the Commission for final determination upon the following record: undated memorandum from Trial Attorney Rawlins, approved by the Assistant Chief Counsel, transmitting stipulation covering the publication and use of advertisements in the presentation books, stipulation as to advertisements; complaint; answer; stipulation as to Paragraphs Three and Five of the complaint; testimony; report upon the facts by Trial Examiner Bennett; exceptions thereto

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by counsel for the respondent; counsel for the Commission did not file exceptions; brief by counsel for the Commission and counsel for the respondent; brief filed by counsel for the National Association of Hosiery and Underwear Manufacturers, etious etious. Final argument was heard on October 19, 1925. Attorney Rosland represents the Commission. Attorneys Perry and Humphrey represent the respondent.

After consideration, Mr. Van Fleet offered the following motion:

Moved, that following the recommendation of counsel for the Commission in this case, that the case be dismissed with the statement that as to the advertisements and the use thereof, that the respondent produced its own silk in Japan and as to its capacity to do so, it was stipulated that such advertisements and use thereof has been discontinued and will not be resumed. As to all other allegations in the complaint, they are dismissed because not sustained by the record.

The motion was seconded by Mr. Hunt.

As to the foregoing motion, Messrs. Van Fleet, Ingham, Hunt and Humphrey voted in the affirmative and Mr. Thompson voted in the negative. The motion carried and it was so ordered.

The Chief Clerk was directed to prepare and the Secretary to serve order of dismissal.

Mr. Thompson voted "no" and made the following statement:

"I am in accord with the majority of the Commission in dismissing the complaint as to all matters except the misrepresentation in advertising the following:

"The finest silk in the world comes from Japan. In Japan today 4,000 people are working to produce raw silk for the exclusive use of Real Silk Hosiery Mills of Indianapolis. Our inspectors, right on the ground, insist that the quality standards of the Real Silk Hosiery Mills be strictly maintained. Every detail is scientifically supervised -- the selection of silk worms crossed to secure silk of maximum tensile strength and the highest luster, their feeding and care, and the cultivation of hundreds of acres of mulberry trees from which the worms are fed. Absolutely nothing is left to chance

November 26, 1925.

While this advertisement was carried but once in the Saturday Evening Post, the respondent had reprints made of it and enclosed the reprints in books which were carried by its salesman in their sales kits and were used by the salesman in their talks to customers. In fact, it appeared at the time of the argument before the Commission, that the sales books carried this reprint up until the time of the taking of testimony in the case. As the facts were not true and as the statements contained assertions practically similar to those condemned in the case of Sears, Roebuck & Company v. The Commission, I am unable to differentiate the reason for issuing an order in the latter case and not in the instant case."

Mr. Sugan made the following statement for the record:

"Let the record show that I voted 'aye' for the reason that both of the advertisements referred to by Mr. Thurpeen and set out in his memorandum were never published except once on August 3, 1923 and that the respondent had caused the use of the reprints of these advertisements prior to the time testimony was taken in this case.

"I voted 'aye' for two further reasons that while certain statements of the respondent were not in my opinion strictly true, they were not used in the solicitation of orders and were not sufficiently misleading as to induce the purchase of the goods manufactured by the respondent in preference to the goods of any other manufacturer."

(5) Patent 1117 - Franklin Road Company.

This case came before the Commission for final determination upon the following record: complaint; answer; testimony; report upon the facts by Trial Examiner Merrill; exceptions thereto by counsel for the Commission; counsel for the respondent did not file exceptions; brief by counsel for the Commission and counsel for the respondent; final argument was heard November 10, 1925. Attorney Gillis represents the Commission. Attorney D. J. Lillias represents the respondent.

After consideration, on motion of Mr. Lillias, the Commission directed that an order to cease and desist issue and that the Chief Counsel prepare and submit to the Commission for approval an order to form, draft of findings as to the facts and order to cease and desist.

November 20, 1935.

(6) Decret 1257 - South Jersey Wholesale Confectioners' Association, et al.

This case laid over for further consideration at next Conference Day.

The Chairman presented the following matters and as indicated was taken by the Commission:

(1) Letter of November 11th from the International Harvester Company (William L. Elliott, General Counsel), Chicago, Illinois, referring to the request from Dr. William F. Nais of the Commission's Staff, for information with respect to prices of farm implements sold in foreign countries and asking inquiry whether or not the information to be furnished would be held confidential by the Commission. The letter transmitted copy of a letter of the same date addressed by the Company to Dr. Nais.

The letter was read and the Secretary's action authorizing the inquiry and for suggestions as to reply, and also to report the names of the companies to whom requests for information on prices have been submitted; the names of the companies furnishing the information; and the names of the companies other than the Harvester Company who have made request that the information be held confidential.

(2) By reference from the White House, the Commission received a letter dated November 14th, addressed to the President by Robert H. Gore, Governor of West Virginia, endorsing Judge S. T. Halsey for appointment to the position as Chief Counsel for the Federal Trade Commission.

The letter was read and filed.

(3) Letter of November 17th from the People's Reconstruction League (Benjamin J. Marsh, Executive Secretary), Washington, D. C., making certain observations and queries with respect to the report of the Commission in response to Senate Resolution 274, 66th Congress, December 3, 1918, (Senator Norris), on the Farmer Stevedore League.

The letter was read and referred to the Chief Counsel for preparation of reply to be submitted to the Commission.

(4) Letter of November 20th from the Pernette Company, Inc. (Constance A. Bennett, President), proposed respondents in file 1-3611 - William Lincoln A. Langtry vs. Pernette Company, Inc., which was settled by stipulation on December 21, 1935. The letter referred to pending applications for complaints against competitors and requested expedition.

On motion of the Chairman, seconded by Mr. Du Pont, the letter was referred to the Chief Counsel to make report of the investigation in regard to these cases.

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November 20, 1925.

Mr. Thompson submitted letter of November 18th from Marion Butler, attorney for the applicant in file 1-3877 - Rescoe Laboratory vs. New York Pharmaceutical Conference, Inc., making request that the matter be expedited.

The letter was referred to the Chief Counsel to report the status of the case.

In the matter of Packet 1344 - Cardinal Hill Company, et al and Packet 1345 - Kensington Cereal Association, et al, Mr. Humphrey presented a memorandum of November 18th from the Chief Counsel transmitting notice by counsel for the respondents to state the case or in the alternative for a preliminary hearing.

Mr. Nugent reported with respect to the matters in these cases on the above subject matter referred to him for report on October 26, 1925.

After discussion, Mr. Humphrey moved, seconded by Mr. Van Fleet, that the respondents be granted a hearing before the Board of Review.

The foregoing motion was adopted and it was so ordered with Messrs. Van Fleet, Hunt and Humphrey voting in the affirmative and Messrs. Nugent and Thompson voting in the negative.

Messrs. Nugent and Thompson moved that their dissent be noted.

The following matters of general business forwarded to the Commission by the heads of the several Divisions were presented by the Secretary and action as indicated was taken by the Commission:

(1) Packet 1351 - American Association of Advertising Agencies, et al.

Letter of November 18th was received from Gilbert A. Montague, counsel for the applicants, requesting permission to be heard by the Commission at the hearing on November 23, 1925, on the question of interstate commerce. The Commission also received draft of reply prepared by the Chief Counsel stating that Mr. Montague would be allowed to be heard for twenty minutes immediately following Mr. Barry's opening argument.

The letter was approved and ordered forwarded.

November 30, 1923.

(2) Pocket 1107 - Calumet Baking Powder Company.

On November 19th, Mr. Sugent was requested to confer with Attorney Whitely and submit to the Commission, draft of proposed order to cover the action of November 6, 1923, at which time it was directed that an amended complaint issue covering the so-called Water Glass-Test.

The Secretary presented form of order, as approved by Mr. Sugent, covering the Commission's action of November 6th in directing that the complaint be amended, which was approved by the Commission and ordered served without further action.

(3) Pocket 1203 - Continental Baking Corporation.

Memorandum of November 20th was received from the Assistant Chief Counsel transmitting memorandum of November 14th by Trial Attorney Trillity. The Assistant Chief Counsel recommended that the present complaint be dismissed and that a new complaint issue.

It was directed that a copy of the memoranda be forwarded to each Commissioner and the matter carried on the Definitive Business Calendar.

Therefore, at the hour of 10:15 p.m., the Commission adjourned to meet Monday, November 23, 1923, at 10 a.m.

Vernon E. Van Fleet,
Chairman.

Attest:

W. H. Sugent
W. H. Sugent,
Secretary.

Tuesday - November 21, 1923 - No meeting held.

Wednesday - November 22, 1923 - No meeting held.

November 23, 1935.

MINUTES OF THE SPECIAL TRADE COMMISSION

Monday - November 23, 1935 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Nugent,
Huston Thompson,
William L. Humphrey,
Mr. Hunt absent.

The minutes of the meeting of November 22, 1935, were read and approved.

Mr. Van Fleet presented file 1-3186 - Associated Advertising Clubs of the World vs. Lockman Company, with memorandum of October 29, 1935, reviewing the record and stating that following a hearing granted to the respondent by the Board of Review, the respondent had signed a stipulation to discontinue the practices complained of.

Mr. Van Fleet stated that he favored the acceptance of the stipulation and dismissal of the application, but in view of the absence of Mr. Hunt, suggested that the case be left with the Secretary, to be presented to the Full Commission.

It was so ordered.

At this time Mr. Hunt entered the meeting.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Nugent,
Charles W. Hunt,
Huston Thompson,
William L. Humphrey.

Mr. Thompson referred to the memorandum of November 17th from the Chief Counsel submitting a statement of facts in Case 1200 - The Charles H. Elliott Company, prepared in response to the Commission's direction and in connection with and article published over the signature of Harry W. Elliott, Vice-President of the respondent Company, in the "Nation's Business" of November 1935.

November 23, 1925.

The statement of facts prepared by the Chief Counsel and delivered to each Commissioner on November 18th was discussed and thereafter, Mr. Lugert offered the following motion, which was seconded by Mr. Van Fleet:

Moved, that a letter be prepared by the Chief Counsel addressed to the Editor of the "Nation's Business", setting up the facts in this case and requesting that in the next issue of the "Nation's Business", a statement of facts on the part of the Commission, be given the same publicity as was given to the Elliott statement.

Mr. Thompson moved to amend the foregoing motion, to include the sending of a copy of the statement to the "Nation" as well as the "Nation's Business". The amendment was accepted by Messrs. Lugert and Van Fleet.

Vote was thereupon taken upon the foregoing motion as amended. As to this motion, Messrs. Van Fleet, Lugert, Hunt and Thompson voted in the affirmative and Mr. Humphrey voted in the negative. Mr. Humphrey made the following statement for the record:

"I vote 'no' and want a note made of my exception as I do not believe that as a Commissioner, we should go into the business of answering attacks appearing in newspapers and magazines and should not answer this attack as it is only one of many that are constantly appearing."

Mr. Humphrey called up for consideration, the memorandum of November 22nd from the Chief Counsel transmitting a memorandum of November 19th from Trial Attorney Brindley with respect to the amendment of the complaint in Pocket 1309 - Continental Baking Corporation, in accordance with the action of the Commission on November 8, 1925. Copies of these memoranda were delivered to each Commissioner on November 22nd.

After discussion, Mr. Lugert offered the following motion:

Moved, that the pending complaint against the Continental Baking Corporation, known as Pocket 1309, be dismissed and that the Chief Counsel be directed to prepare a new and original complaint charging, in the language of the Statute, a violation on the part of this respondent of Section 7 of the Clayton Act and include in such complaint all acquisitions of capital stock made by the Continental Baking Corporation up to the date the complaint is filed; and that such complaint be issued; and further that no notice be given out until such time as the new complaint is served.

November 23, 1928.

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The foregoing motion was seconded by Mr. Van Fleet, as to the foregoing motion, Messrs. Van Fleet, Magist and Hunt voted in the affirmative and Messrs. Thompson and Hughes voted in the negative.

Mr. Thompson made the following statement for the record:

"I vote 'no' on the ground I believe the present complaint is sufficient and describes a course of action under which to go ahead now and that if any more negotiations take place the complaint can be amended at the close of the trial to cover evidence introduced with respect to the tendency toward monopoly or lessening of competition."

Mr. Maguire made the following statement for the record:

"I think it was a very grave mistake to dismiss the complaint in this case. If there was anything done by the respondent since the filing of the complaint connected with the original cause of action, then a supplementary complaint should have been filed. If a new cause of action has occurred since the filing of the complaint, that was no cause for dismissing the pending action, but we should have proceeded with the instant case and have filed a new complaint."

This procedure is so elementary that comment thereon is entirely unnecessary. Under either procedure we would have saved the delay in the pending action that we have caused by its dismissal.

The cause of action in this case is certain acts of the respondent tending to substantially lessen competition. Any act done since the filing of the complaint does not necessarily constitute a separate and independent cause of action but it is certainly a part of the series of acts on which the complaint is based. It is consistent with and in aid of the original complaint, and is, therefore, a proper matter to be brought in by supplementary complaint under all the decisions.

By dismissing this case, we have not only written ourselves down as utterly incompetent to deal with an unscrupulous respondent under certain circumstances but have distinctly pointed out to such respondent just how to take advantage of our incompetency.

According to report, the respondent, since our action, has purchased several additional corporations. Whether this is true or not, it might be true and in any event it strikingly illustrates the futility and the absurdity of our action. All the respondent has to do is to continue to buy an additional corporation every thirty days and then

November 22, 1925.

then we will have to dismiss the complaint each time the respondent takes such action. If the respondent should pursue such course the time when it can be compelled to answer is limited only by its resourcefulness.

The precedent that we have established in this case will certainly rise to plague us. It should be repudiated immediately.

(signed) William L. Humphrey,
Commissioner.

November 29, 1925."

It was agreed that no dissent to the issue of the new complaint would show on the complaint and that nothing would be given out by way of dissent by any Commissioner until the new complaint was served.

Mr. Van Fleet reserved the right to answer any statement by way of dissent to the issuance of a new complaint which may be given out by any Commissioner.

The record file was referred to the Chief Counsel for preparation of a new and original complaint, to be served by the Secretary without further action by the Commission.

The Chief Counsel was directed to prepare and the Secretary to serve order of dismissal.

The Chairman presented the following matters and action as indicated was taken by the Commission:

(1) Letter of November 21st from the Department of State (Chief Harrison, Assistant Secretary), forwarding, in response to a request by Mr. Tole of the Commission's Staff, information concerning the amounts of duplicate duties collected by the Canadian Government.

The letter was referred to the Export Trade Division for attention.

(2) Trade practices submitted with the Furniture Industry as conducted by Chairman Van Fleet in New York City on November 17, 1925. In this connection, the Chairman presented the following letter:

"New York City,
November 22, 1925.

To the Federal Trade Commission,
Washington, D. C.

We request the Federal Trade Commission to require manufacturers of furniture to invoice, catalogue, picture and otherwise describe their products in accordance with

November 25, 1925.

the recommendations submitted, as of this date.

For the Commission,
By Oswald V. Smith,
Chairman."

The letter was read and after discussion, Mr. Van Fleet offered the following motion:

Moved, that this matter be referred to the Chief Examiner with instructions to make an immediate investigation in regard to the matter of labelling and branding of furniture and report to the Commission.

The motion was adopted and it was so ordered.

(3) Letter of November 18th from James F. Burke, General Counsel, Chamber of Commerce, Pittsburgh, Pennsylvania, requesting information as to the latest opinion of the Commission in regard to manufacturers selling below cost with the manifest purpose of getting other manufacturers out of the business.

The letter was read and referred to the Secretary for attention.

In the matter of file 1-3077 - Better Business Commission (Boston, Mass.) vs. Philip A. Singer & Brother, et al, Mr. Humphrey presented a memorandum of November 21st from Attorney DeRuler with respect to the preparation of complaint ordered by the Commission on November 18, 1925. Mr. Humphrey stated that Mr. DeRuler informed him of the probability of receiving, in a few days, additional information which was expected to throw light on the case and that he was bringing the matter to the attention of the Commission merely for the purpose of relieving Mr. DeRuler of any charge of delay in the preparation of the complaint.

Mr. Humphrey suggested that the preparation of the complaint be delayed a few days to receive this additional information.

This was agreed to and on notice of Mr. DeRuler, Attorney DeRuler was instructed to report to the Commission when the evidence in question is forthcoming.

November 23, 1925.

At this time Mr. Van Fleet was excused from the meeting.

Forrest W. Van Fleet,
Chairman.

Attest:


Otis H. Johnson,
Secretary.

PRESENT:

John F. Nugent, Acting Chairman,
Charles S. Hunt,
Austin Thompson,
William L. Humphrey.

Mr. Van Fleet absent.

The Secretary presented recommendation of Forester Fleet from the Assistant Chief Counsel reporting that owing to illness, Attorney Edward L. Smith, present Trial Attorney, for the Commission will be unable to proceed with the trial of Barrett 111 - General Electric Company, et al. The Assistant Chief Counsel further advised that Attorney James F. Clark be assigned to the trial of the case. The recommendation was approved and it was so ordered by the Commission.

The Commission recessed at 11:45 a.m., and reassembled at 2 p.m.

PRESENT:

John F. Nugent, Acting Chairman,
Charles S. Hunt,
Austin Thompson,
William L. Humphrey.

Mr. Van Fleet absent.

November 23, 1935.

Docket 1261 - American Association of Advertising Agencies.

Pursuant to arrangements made the Commission met to hear argument on the motion of counsel for the Commission to award the complaint and the application of the Southern Newspaper Publishers' Association to dismiss for want of jurisdiction. Attorney Burr was heard on behalf of the Commission. Attorney Gilbert H. Longueux was heard on behalf of the applicants, Vick Chemical Company. Attorney Clark Lecherer and Wm. T. Ackerly of the firm of Lecherer & Link were heard on behalf of the American Association of Advertising Agencies. Attorney J. V. Finley of the firm of Finley & Campbell was heard on behalf of the Southern Newspaper Publishers' Association. Attorney R. M. Plant was heard on behalf of the American Newspaper Publishers' Association and the Six Point League.

Counsel for the Commission filed a brief in opposition to the motion to dismiss for lack of jurisdiction.

Counsel for the respondents were granted ten days within which to file brief and counsel for the Commission was granted permission to file reply brief.

The hearing continued until the hour of 5 p.m., was concluded and the matter taken under advisement.

Thereupon, at the hour of 5 p.m., the Commission adjourned to meet Tuesday, November 26, 1935, at 10:30 a.m.

J. V. Finley
J. V. Finley,
Attorney at Law.

Attest:

Wm. T. Ackerly
Wm. T. Ackerly,
Secretary.

November 24, 1925.

MEETING OF THE FEDERAL TRADE COMMISSION

Tuesday - November 24, 1925 - 9:45 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Nugent,
Charles W. Hunt,
Huston Thompson,
William E. Humphrey.

Pursuant to notice the Commission met to hear final argument
in Docket 835 - Famous Players-Lasky Corporation, et al.
Appearances were as follows:

For the Commission - Attorney W. H. Fuller.
For the Respondents - Attorney Paul D. Cravath,
Attorney Robert T. Swaine,
Attorney Charles Rosen.

It was announced by the Chairman that the time for argument
would be divided as follows:

For the Commission - Four hours.
For the Respondents - Four hours.

Attorney Fuller was heard in support of the complaint until
the hour of 11:45 a.m., at which time the Commission recessed and
re-assembled at 2 p.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
John F. Nugent,
Charles W. Hunt,
Huston Thompson,
William E. Humphrey.

Hearing of final argument in Docket 835 - Famous Players-Lasky
Corporation, et al, continued from the morning session, was resumed
before the Commission. Attorney Fuller was heard in support of the
complaint until the hour of 3 p.m., Attorney Charles Rosen was heard
on behalf of the respondents until the hour of 4 p.m.

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November 24, 1925.

November 25, 1925.

Thereupon, at the hour of 4 p.m., the Commission adjourned to meet Wednesday, November 25, 1925, at 10 a.m.

Vernon E. Van Fleet,
Chairman.

Attest:

W. B. Thompson
W. B. Thompson,
Secretary.

MEETING OF THE FEDERAL TRADE COMMISSION

Wednesday - November 25, 1925 - 10 a.m.

PRESENT:

Vernon E. Van Fleet, Chairman,
John F. Nugent,
Charles W. Hunt,
Huston Thompson,
William L. Humphrey.

Foreword to adjournment on November 24th, final argument in the matter of Docket 628 - Famous Players-Lasky Corporation, et al., was resumed before the Commission. Attorney Robert T. Swaine was heard on behalf of the respondents until the hour of 12 m.

Thereupon, the Commission recessed at 12 m. and re-assembled at 2 p.m.

PRESENT:

Vernon E. Van Fleet, Chairman,
John F. Nugent,
Charles W. Hunt,
Huston Thompson,
William L. Humphrey.

November 25, 1925.

Hearing of first argument in Packet 535 - Famous Players-Lasky Corporation, et al, continued from the morning session was resumed before the Commission. Attorney Paul R. Cravath was heard on behalf of respondents until the hour of 3 p.m.

Attorney Fuller was heard in rebuttal from 3 p.m. to 4 p.m.

The hearing continued until the hour of 4 p.m., was concluded and the case taken under advisement.

At the close of the argument, counsel for the respondents filed copies of (1) Cross References on Examiner's Report and brief of Commission's counsel; and (2) memorandum on restrictive covenants made in connection with the lease of theatres by Northern Interprints. Copies of these papers were received by the Commission and delivered to the Commission for consideration with other papers filed in the case.

Thereupon, at the hour of 4 p.m., the Commission adjourned to next Friday, November 27, 1925, at 10 a.m.

Harmon W. Van Fleet,
Chairman.

Attest:

Edith S. Johnson
Edith S. Johnson,
Secretary.

Thursday - November 26, 1925 - No meeting held.

Friday - November 27, 1925 - No meeting held.

Saturday - November 28, 1925 - No meeting held.

Sunday - November 29, 1925 - No meeting held.

November 20, 1935.

MEETING OF THE SPECIAL TRADE COMMISSION

Monday - November 20, 1935 - 10 a.m.

PRESENT:

Vernon W. Van Fleet, Chairman,
Charles W. West,
William L. Humphrey.

Mr. Agent absent on account of illness.
Mr. Thompson absent.

W. L. Fuller, Trial Counsel for the Commission in the matter of Pocket 335 - Famous Players-Lasky Corporation, et al, in which trial argument was heard November 24 and 25, 1935, appeared and presented oral notice to reopen the case for the purpose of introducing evidence to show the number of theaters acquired by the respondents since September 1, 1934.

The Commission suggested to Mr. Fuller, that his notice be put in writing and presented for the consideration of the Commission.

The minutes of the meetings of November 23, 24 and 25, 1935, were read and approved.

The Chairman submitted the following matters and action as indicated was taken by the Commission:

(1) Letter of November 13rd from S. H. Shelton, Attorney, Washington, D. C., expressing the view that his client, The Imperial Tobacco Company is entitled to a decision and requesting that the Commission conclude its investigation of the Tobacco Industry in response to Senate Resolution 326, adopted February 3, 1935 (Senator West).

The letter was read and referred to the Secretary for preparation of reply advising that everything possible was being done to terminate the inquiry.

It was ordered, on motion of Mr. Van Fleet, that the Tobacco report be considered at a Special meeting of the Commission called for December 1, 1935, at 10 a.m., and that Messrs. Anderson and Holmes of the Staff be instructed to attend the Commission at that time.

November 30, 1935.

(5) Memorandum of November 21st from the Chief of the Export Trade Division reporting in response to the Commission's direction of November 20th with reference to a letter of November 11th from the International Harvester Company in connection with an inquiry made in a letter of March 26, 1935, by a group of United States Senators for information with respect to combinations being formed abroad by American business.

The memorandum was read and filed.

In this connection, the Chairman also presented draft of a letter to the International Harvester Company (W. C. Elliott, General Counsel), in reply to the Company's letter of November 11th, concerning prices and profits on agricultural implements sold by the International Harvester Company in this country and abroad. The Commission's reply stated that if the information in question is needed the Company will be given every opportunity to present all phases of the question as per their request, but that for the present, the information in the letter of November 11th is all that is necessary.

The letter was approved and ordered forwarded. See file

(6) Pocket 1153 - The National Association of Stationers, et al.

Letter of November 25th was received from Mortimer W. Hays, attorney-at-law, New York City, enclosing a clipping from the Boston Herald of October 29, 1935, containing what purports to be a statement by one of the Commission officials as to his opinion of what has been established in the present proceeding. The letter protested as unprofessional, the comments of the probable results of pending litigation.

The letter was read and referred to the Secretary for acknowledgment.

(7) Letter of October 27th was received from the Department of Justice (William J. Donovan, Assistant to the Attorney General), advising that no action will be taken by the Department with respect to the West Coast Lumbermen's Association, unless additional evidence is later secured which establishes that the activities of the Association violate an illegal restraint on interstate commerce. The letter stated that this Association was one of a group of lumber manufacturers covered by the investigation of the Federal Trade Commission in 1919 and 1920, at the request of the Department of Justice and that the Department's case, after supplemental investigations by its agents, would be closed without further action. The letter also stated that in view of the decision of the Supreme Court in the Maple Flooring Manufacturers' Association and the Lumber Manufacturers' Protective Association cases and the refusal of the Supreme Court to grant rehearings, there will be no possibility of successful prosecution of any action against the West Coast Lumbermen's Association.

The letter was read and referred to the Secretary for acknowledgment and filing.

November 30, 1925.

(5) Letter of October 29th from the Department of Justice (William J. Donovan, Assistant to the Attorney General), advising that no action will be taken by the Department with respect to the North Carolina Pine Association, unless additional evidence is later secured which establishes that the activities of the Association cause an illegal restraint on interstate commerce. The letter stated that this Association is one of a group of lumber manufacturers which was investigated by the Federal Trade Commission in 1919 at the request of the Department of Justice. The letter also stated that in view of the decision of the Supreme Court in the Maple Flooring Manufacturers' Association and Cement Manufacturers' Protective Association cases, the legality of all the activities of the North Carolina Pine Association are clearly established as now conducted by it.

The letter was read and referred to the Secretary for acknowledgment and filing.

(6) Letter of November 11th from the Department of Justice (William J. Donovan, Assistant to the Attorney General), advising that the United States Attorney at St. Louis, Missouri, has been authorized and instructed to dismiss the petition in equity which was filed in the Eastern District of Missouri on February 17, 1921, against the Southern Pine Association. The letter stated that the case originated in the general inquiry investigation which was made by the Federal Trade Commission in 1919 and 1920, at the request of the Department of Justice. The letter also stated that the decision of the Supreme Court in the Maple Flooring Manufacturers' Association and the Cement Manufacturers' Protective Association cases obviated any possibility of a successful prosecution of the Southern Pine Association case, and that a decision in its favor would further prosecution of the case was therefore deemed useless.

The letter was read and referred to the Secretary for acknowledgment and filing.

(7) Letter of October 29th from the Department of Justice (William J. Donovan, Assistant to the Attorney General), advising that no action will be taken by the Department with respect to the California White A Sugar Pine Manufacturers' Association unless additional evidence is later secured which establishes that the activities of the Association cause an illegal restraint on interstate commerce. The letter stated that this Association is one of a group of lumber manufacturers which was covered by the investigation made by the Federal Trade Commission in 1919 at the request of the Department of Justice. The letter also stated that at the present time, the Association and its members do not either directly or indirectly carry on any activities which are not clearly legal in accordance with the principles established by the Supreme Court in its opinion in the cases against the Maple Flooring Manufacturers' Association and the Cement Manufacturers' Protective Association.

The letter was read and referred to the Secretary for acknowledgment and filing.

November 30, 1925.

(8) Letter of November 21st from the Department of Justice (William J. Donovan, Assistant to the Attorney General), advising that the United States Attorney at St. Paul, Minnesota, has been authorized and instructed to dismiss the petition in equity against the Western Pine Manufacturers' Association, et al, filed in the District of Minnesota on April 30, 1923. The letter stated that the case originated in the general lumber investigation which was made by the Federal Trade Commission in 1915 and 1920 at the request of the Department of Justice. The letter also stated as both cases against the Lumber Manufacturers' Protective Association and the Maple Flooring Manufacturers' Association have been finally terminated (because of the Government's contentions by the refusal of the Supreme Court to grant rehearings, no useful purpose could be secured by any further proceedings in the case against the Western Pine Manufacturers' Association.

The letter was read and referred to the Secretary for acknowledgment and filing.

(9) Letter of November 23rd from H. W. Hamilton, Chairman of Program Committee of the Lumbermen's & Manufacturers' Association, inviting the Chairman or a member of the Staff to address the convention on December 11th at its convention in New York City.

The letter was read and referred to the Secretary to advise of the desirability of any member of the Association to accept.

Mr. Hunt presented file 1-3721 - F. S. C. vs. Water Wheel Corporation and stated that this application came direct to the Commission from the Chief Examiner without reference to the Board of Review, pursuant to the rule of December 3, 1924.

Mr. Hunt submitted memorandum of November 23rd, reviewing the facts and concurring in the recommendation of the Chief Examiner that the application be dismissed.

The memorandum was read and thereafter, on motion of Mr. Hunt, the application for complaint was dismissed by the Commission.

The following matters of general business forwarded to the Commission by the heads of the several divisions were presented by the Secretary and action as indicated was taken by the Commission.

(1) Tentative budget prepared by the Secretary for the three months period ending December 31, 1925. The budget contained a statement showing the amounts expended in the first quarter of the fiscal year 1926; estimates by Chiefs of Divisions for the second quarter; and tentative amounts allotted for the second quarter of the first year 1926, ending December 31, 1926.

It was directed that copies be delivered to each Commissioner.

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November 30, 1925.

(2) Memorandum of November 24, 1925, from H. G. Duganne, Assistant Secretary, with respect to leave of absence, as follows.

November 24, 1925.

MEMORANDUM FOR THE SECRETARY:

I file on my return to office after recent illness of four days, that I have exceeded my sick leave by two and one-half days, having sufficient annual leave to reduce this to two days it will be necessary to charge the excess leave to leave without pay unless recommendations made herein are approved.

During the year I charged twenty-three whole days and fourteen half days to sick leave. On at least fifteen of the days charged as whole days I was at the office from two to two and one-half hours but as regulations allow sick leave only in units of half or whole days I could not claim credit for the time I actually was at the office unless I charged the time during the morning I was absent to annual leave. On at least five of the days for which I charged one-half day I was at the office for an hour or more. Figuring the time I was actually at the office which was charged to sick leave I put in at least thirty-six hours time for which I received no credit. Most of my sick leave absence as you know has been due to severe colds which have caused me aggravated sinus trouble and I am sure that you will recall the numerous occasions when I appeared at the office and remained until leaving for the doctor for a treatment.

On thirty-six hours, or more than five full working days, which I claim and actually put in at the office and charged to sick leave, if allowed me would make it unnecessary to charge any time to leave without pay and permit me to leave for the weekend as I contemplated without charging additional leave without pay.

This is a matter which involves waiving of the regulations as to charged sick leave and I will appreciate it if you will present this to the Commission tomorrow for its consideration.

(signed) H. G. Duganne,
Assistant Secretary.

The memorandum was read and after consideration, the request was denied.

November 30, 1925.

(3) The Secretary referred to the action of the Commission on November 11, 1925, in establishing a Division of Trial Examiners, effective December 1, 1925 and designating Web Woodfill, Chief and Franklin G. Baggarly, Assistant Chief of said Division and presented classification sheets setting forth the duties of these positions for approval by the Commission and transmission to the Personnel Classification Board. The Secretary suggested Professional Grade V for Mr. Woodfill's job and Professional Grade IV for Mr. Baggarly's job.

These allocations were made by the Commission and the sheets were approved as submitted and forwarded to the Personnel Classification Board for its action.

(4) Memorandum of November 23rd from Attorney Web Woodfill recommending the transfer of William B. Montgomery from the Chief Counsel's Office to the Office of the Chief of Trial Examiners Division.

The transfer was authorized by the Commission, as recommended.

(5) Memorandum of November 20th from the Chief Examiner in regard to the acquisition by the Alabama Pipe Company of the capital stock of the Alabama Pipe & Foundry Company, Standard Foundry Company, et al. The Chief Examiner recommended that the matter be closed without action.

It was directed that the memorandum be circulated.

(6) Memorandum of November 23rd from the Chief Examiner in regard to the acquisition by the Bendix Corporation of the capital stock of the Bendix Brake Company and the International Germant Motors, Ltd. The Chief Examiner recommended that the matter be closed without action.

It was directed that the memorandum be circulated.

(7) Memorandum of November 23rd from the Chief Examiner in regard to the acquisition by the Gray Carpet Company of the capital stock of the Potter Carpet Mills, Inc. The Chief Examiner recommended that the matter be closed without further action.

It was directed that the memorandum be circulated.

(8) Memorandum of November 23rd from the Chief Examiner in regard to the acquisition of the Continental Bolt & Iron Works by the Gary Screw & Bolt Company. The Chief Examiner recommended that an application for complaint be docketed in the name of the Commission against the Gary Screw & Bolt Company, charging violation of Section 7 of the Clayton Act.

It was directed that the memorandum be circulated.

November 30, 1925.

(9) Packet 1164 - Lewis Feather Bed & Pillow Company.

Packet 1189 - American Feather & Pillow Company.

Memorandum of November 17th was received from the Chief Examiner calling attention to the facts, that under dates of December 6, 1924 and February 9, 1925, orders to cease and desist were issued against the American Feather & Pillow Company and the Lewis Feather Bed & Pillow Company, respectively, and reporting in response to the Commission's direction of April 13, 1924, that investigation had been made for the purpose of determining whether the orders were being violated and stating that it does not appear that these respondents are violating the orders issued against them, nor are they engaged in any objectionable practices not covered by the orders. The Chief Examiner recommended that the matter be closed without further action.

It was directed that the matter be circulated.

(10) Packet 1119 - Missouri State Retail Deal Merchants' Association.

Memorandum of November 27th was received from the Assistant Chief Counsel recommending (1) that counsel for the Commission be granted an extension to and including December 31, 1925, for filing brief; and (2) counsel for the respondent be granted an extension to and including January 4, 1926, for filing briefs.

The recommendation was approved and order to this effect approved and entered.

(11) Packet 1297 - J. V. Kobi Company.

Upon receipt of memorandum of November 25th from the Assistant Chief Counsel, the Commission set the case down for oral argument on Monday, December 21, 1925, at 2 p.m., and directed the Secretary to notify interested parties by registered mail.

(12) Packet 540 - Royal Baking Powder Company.

Memorandum of November 19th was received from the Assistant Chief Counsel recommending that counsel for the Commission be granted an extension of time to and including December 2, 1925, for filing exceptions to the report of the Trial Examiner.

The recommendation was approved and order to this effect approved and entered.

(12) Packet 540 - Crown of Wheat Company.

Memorandum of November 25th from Attorney Busch stating that the respondent has filed with the Circuit Court of Appeals for the Eighth Circuit, a petition for review of the Commission's order and incorporated in this petition a motion filed with the

November 30, 1925.

Commission on August 26, 1925, to amend or supplement the order to cease and desist, which action was denied by the Commission. Attorney Busink asked instructions as to the course the Commission desires to pursue.

It was directed that the matter be circulated.

(14) Packet 1344 - Cantonini Mill Company.

Packet 1345 - Washington Cereal Association.

Memorandum of November 20th was received from the Chief Counsel recommending that the report of the Board of Review with respect to the above mentioned cases be suspended until supplemental investigation now being conducted by the Commission's examiner on the Pacific Coast is concluded.

In this connection, the Commission also received a request from counsel for the respondents, as received November 21, 1925, referring to preliminary hearing granted before the Board of Review on November 21, 1925, and requesting that the Board be directed to await the results of the supplemental investigation before submitting its report and recommendation to the Commission.

After consideration, the motion of Mr. Humphrey, the recommendation of the Chief Counsel was approved and it was directed that the Board of Review be advised to postpone the submission of its report pending the results of the supplemental investigation in question.

(15) Memorandum of November 20th from the Chief Examiner to the filing file of papers in the matter of Pesbell Laboratories, Inc. Chicago, Illinois. The Chief Examiner stated that correspondence obtained by the Commission's examiner indicates that the concern is cooperating with its distributors in the maintenance of a resale price maintenance system and in view of this fact recommended that an application for complaint be drafted in the name of the Commission against this concern, charging violation of Section 5 of the Federal Trade Commission Act.

The memorandum was read, the recommendation of the Chief Examiner was approved and it was so ordered.

(16) Memorandum of November 11th was received from Attorneys Vorden and Bass referring to the Commission's action of July 10, 1925 directing the transfer of members of the Trial Division at Chicago to Washington on January 1, 1926, and requesting that the date for this transfer be extended to July 1, 1926. The memorandum set forth the reasons for the request. The memorandum was approved by the Assistant Chief Counsel.

The memorandum was read and thereafter, it was directed that the transfer of members of the Trial Division at Chicago to Washington be extended to July 1, 1926. In this connection, the Secretary was authorized to take any necessary steps to maintain Messrs. Vorden and Bass and their clerk, Miss Forman at Chicago for the period ending June 30, 1926.

November 30, 1935.

(17) Letter of November 11th from John F. Hauck, Special Agent in the Economic Division, Professional Grade II, \$2900, resigning his position to be effective November 15, 1935. The resignation was accepted by the Commission.

(18) The Secretary reported the request of the Chief Examiner for the continuance of the temporary employment of Miss Berle Paisley, stenographer at the Chicago Office for a period of one month and of the wire sent by the Secretary on November 23, 1935, to Attorney Soter continuing the appointment. The Secretary asked the Commission to confirm the telegram. The action of the Secretary was confirmed and the appointment authorized as per the telegram for one month, L. A. P. Grade II, \$1320.

(19) Memorandum of November 11th was received from the Chief Examiner transmitting with approval, the request of Attorney-Examiner Andrew P. Lundquist for additional leave without pay for a period of five months beginning November 23, 1935. The request was accompanied by a statement from the physician attending Mr. Lundquist. The leave without pay requested was granted by the Commission.

(20) Letter of November 16, 1935, from the Department of Justice (William J. Donovan, Assistant to the Attorney General), returning papers from files 6-17, 6-11 and 6-13-1 in the matter of Western Pine Manufacturers' Association, which were inadvertently omitted from the files returned to the Commission by the Department of Justice under date of June 23, 1935.

The files were received and the letter was referred to the Secretary for acknowledgment.

(21) Letter of November 8th from Attorney Soter, at Chicago to the Chief Examiner transmitting letter of November 4th, received by Mr. Soter from the Federal Business Association of Chicago with respect to the preparation and dissemination over the radio and otherwise of an article with respect to the Federal Trade Commission.

The matter was considered and thereafter, it was the view of the Commission that Attorney Soter should be instructed to take no part in this particular phase of the Association's activities. The Secretary was directed to write Mr. Soter accordingly.

November 30, 1925.

(22) File 1-3373 - Lewis Gideon vs. Atlantic Film Board of Trade.

Memorandum of November 13th was received from the Chief Examiner stating that partial investigation has been made but owing to the difficulty of securing necessary information it proceeded slowly and was finally laid aside at the request of the Chief Counsel until the completion of Pocket 335 - Famous Players-Lasky Corporation, et al. The memorandum stated that the Department of Justice is now investigating the precise matters and has already completed its work in eight of the key cities of the country and this proceeding, if successful, will completely remedy the matters complained of by the applicant in this case. The Chief Examiner recommended that the case be placed on the Sinecure Calendar to await the result of the proceeding by the Department of Justice and further that the Department be advised of this fact and also invited to avail itself of the results of the Commission's investigation.

The memorandum was read, the recommendation of the Chief Examiner was approved and it was so ordered by the Commission.

(23) File 1-3374 - Associated Advertising Clubs of the World vs. Charles Sullivan's Soap Company.

Memorandum of November 13th was received from the Chief Examiner stating that respondents are engaged in the manufacture and sale of hosiery in interstate commerce and are advertising their hosiery under such terms as "cotton", "cotton and wool", etc., when the hosiery does not contain silk and recommending that the Chief Examiner be authorized to negotiate with the proposed respondents for a stipulation under the rule and report to the Commission.

The memorandum was read and the recommendation of the Chief Examiner approved and it was so ordered by the Commission.

(24) File 1-3375 - Mrs. F. Myers vs. DeFries Company.

Memorandum of November 13th from the Chief Examiner stating that the charge is misbranding, false and misleading advertising, in connection with soap bearing the trade brand "San Fox Baby Castile", the label therein being "Containing imported olive oil". The memorandum stated that request had twice been made of the Bureau of Chemistry as to the ingredients but that the Bureau was unable to state even approximately, the percentage of ingredients. The Chief Examiner recommended that in view of the fact, that the file in Pocket 1110 - James G. Kirk & Company contains considerable information about the DeFries Company, that this file - file 1-3375 - be consolidated with Pocket 1110.

The memorandum was read and the recommendation of the Chief Examiner approved and it was so ordered by the Commission.

November 30, 1925.

- (25) File 1-3357 - Hopper Tool Company, Inc. vs.
Varian Tool Works, Inc.

Memorandum of October 3th was received from the Chief Examiner reporting that the respondent is charged with false and misleading advertising in representing certain of its products such as axes, hatchets and hammers, as being made of steel; that samples were submitted to the Bureau of Standards for analysis and report was made that "the claim that the material submitted possesses sufficient qualities to be classed as steel cannot be sustained". The Chief Examiner recommended that complaint issue charging violation of Section 5 of the Federal Trade Commission Act.

The memorandum was read and thereafter, the Commission directed that the case be referred to the Board of Review for procedure in the regular course.

- (26) File 1-3360 - F.T.C. vs. Ross & Selten, Inc.
File 1-3361 - F.T.C. vs. Reering-Hillman & Company.
File 1-3362 - F.T.C. vs. Lawrence & Company.
File 1-3363 - F.T.C. vs. Fitch, Master & Company.

Memorandum of September 4th was received from the Chief Examiner reporting in response to the direction of June 27, 1925, directing that negotiations be made with the proposed respondents looking to a trade practice submittal in the silkstone industry and report made to the Commission. The Chief Examiner reported that the matter was taken up with the industry and set forth the names of fifteen concerns which are believed to cover practically the entire industry; that of the fifteen concerns, three are not manufacturers, six will attend a trade practice submittal if called and are willing to abandon the use of the brand, if it is required; and five of the concerns are against any change because they believe the public is not deceived, etc. The Chief Examiner further stated that it appeared that it is practical to hold a trade practice submittal and that seven to ten concerns will be represented constituting a majority of the industry and recommended that a meeting for the purpose of a trade practice submittal of the industry be called at New York City soon after November 1, 1925; that all interests be heard and the Commission fully informed, and that the National Better Business Bureau of New York City and the American Silk Association of New York City be invited to send representatives.

The recommendations of the Chief Examiner were approved and the matter referred to the Chief Examiner to carry out the recommendations and report to the Commission.

- (27) File 1-3366 - F. T. C. vs. Harrison Wooley Mills.

Memorandum of November 16th from the Chief Examiner stating the respondent is engaged in the business of manufacturing and selling wooley in interstate commerce and is charged with

November 30, 1925.

labelling and branding certain of its jewelry as "Pure Silver", "Genuine", etc., when in truth it is not composed either in whole or part of silver and is not manufactured by the process of fabricated jewelry. The Chief Examiner recommended that authority be granted to negotiate with the proposed respondent for a stipulation under the rule and report made to the Commission.

The recommendation of the Chief Examiner was adopted and it was so ordered.

(28) File 1-2377 - Rochem Laboratories vs. New York Pharmaceutical Conference, Inc.

Memoranda of October 29th and November 11th were received from the Chief Examiner stating that respondent furnishes manufacturers and wholesalers whose methods of doing business are satisfactory with "Genuine Cards", and to use cards enable the retailers to know with whom to deal; that the plea is illegal and recommending that complaint issue and the case be expedited.

The memoranda from the Chief Examiner were read and after discussion, it was directed that the case be referred to the Board of Review for procedure in the regular course.

Mr. Van Fleet again presented file 1-2482 - Associated Advertising Clubs of the World vs. American League and renewed the motion offered on November 11, 1925, that the stipulation be accepted and the application for complaint dismissed.

The motion was adopted by the Commission, the stipulation was accepted and the application dismissed.

From the circulation calendar, the Commission considered file 1-2755 - W. T. S. vs. Zenith Oil & Gas Development Company, Inc., and memorandum of July 16th from Investigating Attorney Horton, forwarded in by the Chief Examiner, calling attention to the fact, that the charge is one of operation of a fraudulent state protection scheme, that the Postoffice Department advised under date of May 9, 1925 that certain United States Attorneys advised against prosecution and recommending that the case be removed from the Suspense Calendar and dismissed.

The file was circulated November 17, 1925. Motions by the several defendants were read and thereafter, the application was removed from the Suspense Calendar and dismissed.

Mr. Van Fleet referred to the fact, that his term of office as Chairman expired today and that under the present rule of the Commission, adopted July 1, 1919, governing the office of Chairman

November 20, 1935.

and the duties of the chairman, it was in order to discuss the chairman under the rule.

Mr. Van Fleet, to proceed, moved that the usual action be taken, under the rule referred to and that Mr. Hunt be chosen Chairman for the year beginning December 1, 1935 and ending at the close of business November 30, 1936. The motion was adopted and it was so ordered.

It was further ordered by the Commission, that, pursuant to the rule, the following Vice-Chairmen be designated:

| | |
|---------------------|----------------------|
| First Vice-Chairman | Charles B. Hunt - |
| Second " " | Walter Carpenter - |
| Third " " | William L. Murphy, - |
| Fourth " " | Samuel W. Van Fleet. |

Thereafter, at the hour of 10:30 p.m., the Commission adjourned to meet at 10 a.m., Tuesday, December 1, 1935, at 10 a.m.

Very truly,
Yours,
Samuel W. Van Fleet,
Chairman.

Attest:

Walter Carpenter
Secretary

FILE

DIVIDER

December 1, 1925.

MINUTES OF THE FEDERAL TRADE COMMISSION

Tuesday - December 1, 1925 - 10 a.m.

PRESENT:

Charles W. Hunt, Acting Chairman,
Austin Thompson,
William L. Humphrey,
Bernard M. Tate, Esq.,

Mr. Ingers absent on account of illness.

The Commission met in Special Session to consider the report of the Tobacco Industry, prepared in response to Senate Resolution No. 315, adopted February 3, 1925 (Hinder Grant).

Greene, Anderson, Lehigh and others of the Chief Counsel's office were present.

After consideration, the letter of transmittal and report, as presented, with certain suggested changes, was adopted. The Assistant Chief Counsel was directed to make the changes, as directed and the report ordered transmitted to the President as soon as possible, the question of publicity to be decided at a later date. It was also ordered, that if any publicity is issued, it is to consist of letter of the United States with table No. 2, showing list of association officials and employees interested in concern regarding association tobacco.

Thompson, at the hour of 11:45 a.m., the Commission adjourned to meet Wednesday, December 2, 1925, at 10 a.m.

Charles W. Hunt

Charles W. Hunt,
Acting Chairman.

Attest:

Austin Thompson
Austin Thompson,
Secretary.

December 2, 1925.

MEETING OF THE FEDERAL TRADE COMMISSION

Wednesday - December 2, 1925 - 10 a.m.

PRESENT:

Charles E. Hunt, Acting Chairman,
Dexter Thompson,
William L. Thompson,
Vernon E. Van Fleet.

Mr. Hunt absent on account of illness.

The minutes of the meetings of November 20, and December 1, 1925, were read and approved.

Mr. Hunt referred to the minutes of November 1, 1925, with respect to the Finance Report, prepared in response to Senate Resolution 300, adopted February 3, 1925 (Senator Brant), and made inquiry as to the number of copies to be prepared.

After discussion, Mr. Van Fleet offered the following motion, which was seconded by Mr. Hunt:

Resolved, that 1500 copies of the report be printed.

The motion was adopted by the Commission and it was so ordered.

After further discussion, it was directed that the report, as approved on December 1, 1925, be prepared in final form as promptly as possible and be signed by the Chairman or Acting Chairman on behalf of the Commission, without recommendation to the Commission and be delivered by messenger to the President with a letter making inquiry as to whether the President desires the Commission to make the report public.

It was further ordered, on motion of Mr. Thompson, that the Secretary have mimeographed and made available for distribution, the letter of transmittal together with Table No. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 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787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

Mr. Thompson referred to the several letters mentioned in the minutes of November 20, 1925, from the Department of Justice, in regard to Labor Trade Associations and offered the following motion:

November 2, 1933.

and, that these letters be referred to attorney Devine for study and report.

The letters referred to are described in the minutes of November 20, 1933, and are:

- (a) Letter of October 29, 1933, from the Department of Justice re East Coast Lumbermen's Association.
- (b) Letter of October 29, 1933, from the Department of Justice re North Carolina Pine Association.
- (c) Letter of November 14, 1933, from the Department of Justice re Southern Pine Association.
- (d) Letter of October 29, 1933, from the Department of Justice re California White Sugar Pine Manufacturers' Association.
- (e) Letter of November 4, 1933, from the Department of Justice re Western Pine Manufacturers' Association, et al.

As to the foregoing motion by Mr. Thompson, Messrs. Devine, Thompson and The Fleet voted in the affirmative and Mr. Camp voted in the negative. The motion carried and it was so ordered.

The following matters of general business forwarded to the Committee by the heads of the several Divisions were presented by the Secretary, and action as indicated was taken by the Committee:

- (1) Parcel 135 - James Maynard-Lewis Corporation, et al. Letter received November 21, 1933, signed by J. L. Miller, Trial Counsel for the Commission, moving the Committee to reopen the proceedings for reasons specified in the motion.

The motion was received and it was agreed that motion be set aside in the absence of Mr. Camp, but that copies of the motion be delivered to each Commissioner and the matter carried on the Unfinished Business Calendar with instructions to the Secretary to see that it was brought up at the early part of next week.

- (2) Memorandum of November 14th from the Chief Executive transmitting an early draft of report, Volume VII, on the Grain Trade. The memorandum stated, that this volume, the concluding volume of the report, especially with the case of the Federal Reserve, partition of futures traded in, incidents and results of future trading, and including and recommending actions.

It was directed that the report be circulated.

- (3) Letter to Senator Joseph R. Hawley, of Oklahoma, with request to guarantee signed motion in regard to the Senator's letter of November 14, transmitting copy of a letter of October 23, 1933, addressed to the Senator by H. L. East,

December 3, 1935.

President of the Marine and Great Company of New Orleans. The Commission's letter set forth the opinion of the Commission, that the practice of guaranteeing against decline is not in and of itself an unfair method of competition but stated that any facts indicating unfair methods would be considered.

The letter was read, approved and ordered forwarded. The file is in the approval and forwarding of the letter, Messrs. Hunt, Humphrey and Van Fleet voted in the affirmative and Mr. Thompson voted in the negative.

Mr. Thompson requested that the letter show that he believed that guarantee against decline is in and of itself an unfair method of competition. No objection was offered to this.

(4) File 1-3642 - Matter pending, Alliance of America vs. Central Insurance Company.

Memorandum of November 21st from the Chief Examiner stating that authority was granted to handle the case by stipulation on November 2, 1935, and transmitted stipulation signed by the proposed respondent was recommended that the stipulation be accepted and the application dismissed.

The memorandum was read and thereafter, on motion of Mr. Van Fleet, seconded by Mr. Hunt, the stipulation was accepted and the application for complaint dismissed.

As to the foregoing action of the Commission, Messrs. Hunt, Humphrey and Van Fleet voted in the affirmative and Mr. Thompson voted in the negative.

Mr. Thompson's dissent was noted.

(5) Letter of November 20th from the Personnel Classification Board advising that the appeal of George W. Pelwick for a change in rating from GS-6 to GS-7 has been disapproved by the board. The letter was received and filed.

(6) Letter of November 20th from the Personnel Classification Board advising that the appeal of Miss John Prior for change in allocation from G. A. F. Grade II to G. A. F. Grade III has been granted by the board.

The letter was received and referred to the Secretary for attention.

(7) Letter of November 20th from the Personnel Classification Board showing allocation of certain employees of the Commission as follows:

~~XXXXXXXXXXXX~~ -
 Harris G. Miller - G. A. F. Grade II -
 Louis L. Dyer - G. A. F. Grade II -

December 2, 1935.

~~CONFIDENTIAL~~

Edward J. Salomitz - C. A. W. Grade III by change from
C. A. W. Grade II -
Joseph L. George - C. A. W. Grade III by change from
C. A. W. Grade II -

The letter was received and referred to the Secretary for attention.

(8) Memorandum of November 29, 1935, from the Chief Examiner in the matter of the acquisition by E. Lewis Company, Inc., of the Invaluable Grain Elevator Company. The Chief Examiner recommended that an application for complaint be drafted in the name of the Commission against E. Lewis Company, Inc., charging a violation of Section 2 of the Clayton Act.

It was directed that the matter be circulated.

(9) Memorandum of November 29th from the Chief Examiner in the matter of the acquisition of the Lewis Speedometer Company and the Cassette-Lewis Corporation by the Cassette-Lewis Speedometer Corporation. The Chief Examiner recommended that the matter be filed without further action.

It was directed that the matter be circulated.

(10) Memorandum of November 30th from the Chief Examiner relative to the acquisition by the Berg & Beck Company of the unpaid stock of A. W. Porter, Inc. The Chief Examiner recommended that the matter be closed without further action.

It was directed that the matter be circulated.

(11) Memorandum of December 1st from the Chief Examiner in the matter of the consolidation of the Pittsburgh Terminal Coal Company and the Lawrenceville Coal Company into the Pittsburgh Terminal Coal Company. The Chief Examiner recommended that the matter be dropped as an application for complaint.

It was directed that the matter be circulated.

(12) The Secretary reported the circumstances surrounding the request of Mr. Harry L. Collins of the Export Trade Division, that the regulations with respect to leave without pay be waived and that Mr. Collins be permitted to take leave without pay for the purpose of doing work in periods of thirty minutes or more with the understanding that such leave would be deducted upon the accumulation of one-half day periods.

It was referred by the Commission.

(13) Letter of November 28th from C. H. Miller transmitting material regarding the work performed by the Pittsburgh Terminal Coal Company under the direction of J. L. Marshall in the printing and preparation for filing of the Commission's original and final orders in favor of the Lawrenceville Coal Company, et al.

December 3, 1935.

The letter was referred to the Secretary with instructions to bring it to the attention of the Publications Section with the Commission's approval.

(14) Letter of November 29th from Helen A. Carr, Clerk in the Administrative Division, U. S. W. Order 111, \$1628., resigning her position effective at the close of day November 30, 1935.

The resignation was accepted.

The Secretary reported that it was proposed to fill this vacancy by inter-office transfer from the Stenographic Section and by the appointment of a new stenographer for the Stenographic Section, U. S. W. 11, 11329. This was authorized.

(15) File 1-3782 - York Manufacturing Company, Inc. vs. U. S. Oppenheimer & Company, Inc.

File 1-3783 - York Manufacturing Company, Inc. vs. Barker Company.

File 1-3784 - W. C. Lawrence & Company vs. John Williams Company.

Memoranda of November 29th from the Chief Clerk stating that, these cases, while involving different respondents, involve in each instance, the same subject, i. e., advertising and sales and marketing, advertising, of certain textile products. The Chief Clerk recommended that as the Commission has never ruled on this particular subject, that members of the textile industry engaged in the business of advertising, say, for example, either as manufacturers or otherwise, be invited to submit a trade practice exhibit.

The memoranda was read and discussion, on motion of Mr. Murphy, adjourned by Mr. Van Fleet. The Commission directed that the files be referred to the Chief Clerk with the direction to assign an attorney to proceed with the preliminary negotiations looking toward a trade practice exhibit as recommended by the Chief Clerk and report to the Commission.

In to the foregoing action of the Commission, Messrs. Carr, Murphy and Van Fleet voted in the affirmative and Mr. Thompson voted in the negative.

Mr. Thompson made the following statement for the record:

"I vote 'no' for the reason that I think it is beyond the province of the Commission to go into the question of standards of industry and that it is within the province if at all of the Department of Commerce and particularly the Bureau of Standards."

December 2, 1935.

(16) Subject - Fleischmann Company of Ohio.
The following wire from Attorney-General W. H. Clegg,
of the San Francisco Office:

"1935 Dec 2 4 13 to
San Francisco, California.

Wilson,
Federal Trade Commission,
Washington, D. C.

James H. Harkins President Jerald Products Refining
Corporation, San Francisco Coast Refiner, alleges
Fleischmann Company and Navy Department opened
investigation November Twenty Fifth conclude that
five two six eleven four violations to Four Forty
one inclusive violate Paragraph Thirteen Commission's
order March Six Stop Fleischmann and refuges from
eleven cents to thirty-five cents pound for selling
various points with alternative and eighteen cents pound
at all points if given all business for year Stop
Jerald products his operations and three quarters
cents pound for selling all points that can be
received from factory at San Francisco Stop Harkins
alleges Fleischmann attempting put his company out
of business and requests investigation which Navy
Department of attention Stop Wire as must action taken.

"Urgent."

The wire was read and referred to the Chief Counsel for
consideration and report.

(17) File 19353 - U. S. A. vs. Wm. W. Hopper Mining Company.
The Secretary referred to the fact, that the case was presented
on June 21, 1935, by Mr. Hopper and that prior to vote on the motion
to dismiss, in accordance with the recommendation of the Board of
Review, the case was referred to the General Investigation for
consideration.

After discussion, Mr. Hopper offered the following motion,
which was seconded by Mr. Harkins:

That, that the recommendation of the Board of
Review as set forth in the minutes report of the
Board of Review be accepted and the application for
dismissal be dismissed.

As to the foregoing motion, Messrs. Harkins, Hopper and Mr. West
voted in the affirmative and Mr. Harkins voted in the negative. The
motion was adopted and it was so ordered.

December 3, 1935.

1. Thompson asked that his dissent be noted.
The report of the Court of Review referred to reads as follows:

"Application for issuance
of a complaint against
American Copper Mining Company.

"11, 1-7433

"1935 - 1936 - 1937

Applicant - Federal Trade Commission,
Washington, D. C.
Respondent - American Copper Mining Company,
20 Broadway, New York City.

Issue:

Corporate acquisition of stock of other share capital
in violation of Section 7 of the Clayton Act.

Statement:

This matter originally came before the Commission and was investigated upon a charge of the violation by the respondent of Section 7 of the Clayton Act in the acquisition of the capital stock of the United Copper Co., a selling company which owned the capital stock of the United Exploration Co., which latter corporation owned and operated copper mines in North America, and in the acquisition by the respondent of the capital stock of The American Brass Co., a manufacturer of copper products. In its application for a complaint the Commission found no violation of law and declined to issue a complaint.

At a later date information was received that the respondent, through its American Brass Co., which stock it owned, had acquired the National Acetate & Chemical Co., a manufacturer of copper products was a competitor in interstate commerce of The American Brass Co.

The American Copper Mining Co. is a common corporation and was incorporated in New York, 1893. It has an authorized capitalization of \$100,000,000, and its principal business, until it acquired the American Brass Co., was the mining, selling, and selling copper, although it was also engaged in fabricating and marketing copper goods, but its manufacturing plants located at Great Falls, N.Y., consumed less than half of the production of copper, leaving something over 100,000,000 pounds of copper to be disposed of on the open market, annually.

Between September 22, 1931 and March 8, 1932, the respondent acquired more than 51% of the issued and outstanding stock of The American Brass Co., a manufacturer of copper and brass products, having manufacturing plants at Torrington, Connecticut and Meriden, Conn., Buffalo, N. Y., and Leavenworth, Wisconsin. The American Brass Co. in 1931 consumed a total



In July, 1941, a stenographer and holder brought an action against the Federal District Court, D.C., in the U. S. District Court for the Southern District of New York in which action a receiver of the Federal District Court, D.C., was appointed, and thereafter, on July 22, 1941 the Federal District Court, D.C., issued the writ, filed a writ of injunction which null and void the marriage, and the proceedings which

The first officers and sergeants of the National Guard, 1st Able Co., reported separately to both after their several initial assignments completed. A letter to the band leaders' committee served as a recommendation of the band, all of which plans were rejected. During the membership attempt, the band is still the plans of the National Guard, 1st Able Co. but of the band's activities which are placed with the group of the band's membership, each other. In April 1963, the suspended, through the band leaders' committee, offered to band leaders 100 of the letter for their band, provided that not less than 100 of the band be devoted with the National City Band as a band's band. Prior to June 10, 1963, the suspended and proposed, at the price of the, somewhat in excess of all of the suspended, band. In September 10, 1963, pursuant to an order of the court, a special master appointed by the court for that purpose, sold the entire property, and some of the National Guard, 1st Able Co. of

December 3, 1925.

public auction to the American Brass Co., pursuant to a decree of foreclosure of such mortgage. The American Brass Co. paid for the plant with the funds acquired by the respondent as hereinbefore described.

OPINION

The decision of the defendant, relative to the acquisition of the capital stock of the American Brass Co. and a majority of the capital stock of the Life Saving Co. by the respondent is correct and there seems to be no reason for a review of such action by the court. The soundness of the opinion that acquisition of Section 7 of the Chapter Act is not shown for the following reasons:

(1) The respondent acquired no stock or other share capital of the National Lead & Zinc Co. It bought its bonds and it may have indulged in some share practice in order to get them but if it did, the defendant is without jurisdiction to bring the respondent to book for such practice. That the respondent did was to buy, make land bonds and mortgages or other capital and used them to pay for the property of the National Lead & Zinc Co. Judgment, favor or persuasion and influence cannot change the character of a loan from evidence of intent to evidence of intent in the corporation, as the capital and not earnings developed its dispositive interest in all of its assets after the payment of its debts, in other words briefly stated evidence of ownership of property.

(2) At the time of the sale of the property and assets of the National Lead & Zinc Co. to the American Brass Co. it was not in competition with the latter company or with the respondent or with anybody.

After the appointment of the receiver the National Lead & Zinc Co. was in competition in interstate commerce with the American Brass Co. but after the receiver was appointed, and during the time the receiver was operating the plants of the National Lead & Zinc Co. including the period referred to in the foreclosure proceedings and the sale of the plants pursuant to the decree of the court, that company was not and could not have been in competition with the American Brass Co. or any other manufacturer, for it was not engaged in any business whatsoever. If, during that period anybody was competing with the American Brass Co. it was the use of plants and property of the National Lead & Zinc Co. it was the court through its receiver. The National Lead & Zinc Co. being no longer functioning as a manufacturer and holder of property.

March 2, 1925.

1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 26

For the reasons stated, the Court of Appeals of the District of Columbia should be denied.

1998-1999 222 2000-2001

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|----------------|--------------------|----------|
| | 1. E. Kennedy, |) |
| | George W. Hayward, |) 16.00 |
| Collected | 2. A. Galois, |) 100 |
| | John C. Sullivan, |) 100.00 |
| June 30, 1926. | 3. C. Snyder, |) |

2019 2020 2021

From the information contained in the above, we derived the following pattern and notation as indicated was used by the informant:

- File 1-3001 - Satellite Corporation of America, Inc. v.
 Langley -
 File 1-3002 - Satellite Corporation of America, Inc. v.
 Langley -
 File 1-3003 - Satellite Corporation of America, Inc. v.
 Langley -

provisions of contract with the fact of common knowledge stipulations agreed by the proposed defendants and defendant and that the stipulations are accepted by the plaintiffs' attorneys.

The records in each of the above mentioned files were examined on January 14, 1964. Initiatives by the Central Intelligence Agency were sent out thereafter, on letters of Mr. Rogers, headed by Mr. W. G. East, the recommendations of the staff of the Army were approved, the allegations reported and the information for the file was filed.

As to the foreign office, the investigation, reports, and letters, and the first visit to the office were made in December 1944.

Figure 1. The effect of the concentration of the *Agrobacterium* suspension on the transformation efficiency of *Agrobacterium* strains. The *Agrobacterium* strains were grown in the YEA medium for 24 h at 28 °C. The cell concentration of the strains was adjusted to 1.0 × 10⁸ cells/ml. The cell suspension was mixed with the plant tissue and the transformation efficiency was determined. The results were expressed as the mean ± SD of three independent experiments. The asterisks indicate the significant difference between the strains at the same concentration of the cell suspension.

(6) receipt of telephone call from the Irish Embassy transmitting petition of the Irish Embassy, for "manufacturers' association" holding Pennsylvania, for a trade protection exhibition and/or manufacturing. The Irish Embassy requested (1) such cooperation, he desired; (2) upon the basis of such finding he was sent out until the results of the Irish case - file 1-8794 - appears; and then (3) as if a complaint is filed against the Irish Embassy, and no endorsement of it be sent out at the same time.

The matter was circulated again on 24, 1960, explaining that the several individuals were read and their letter, in the past offered no assistance, period.

December 2, 1925.

novel, that the petition for a trade practice submitted be put on suspense until the decision of the Commission in the application for complaint known as file 14874 - American Fair Trade League vs. Taylor, Hays, Inc., is determined by the Commission, and that this petition for a trade practice should be then again presented.

The motion was adopted and it was so ordered.

(3) Request of L. Lee, Thos. J. Murphy.

On October 27, 1925, from the Chief Examiner reporting that under letter of March 13 and 15, 1924, Henry Brothers of New York, complained that L. Lee, Thos. J. Murphy of Philadelphia, respondent in this case, was violating the restraining order of the Commission, and that on July 21, 1924, the Commission directed the Chief Examiner to conduct a preliminary investigation for the purpose of ascertaining whether or not the respondent was violating the order as alleged, setting forth the results of the investigation and recommending in view of the fact, that "Lapack" has no standing as a material in the kind of the garments, so that the matter be discontinued further action.

The file was circulated among the divisions by the several commissioners and read and discussed, it was ordered, on motion of Mr. Sampson, that further investigation be made in this case by the Chief Examiner in an informal way, particularly, in the question of competition and to show the goods of the complainant in competition with the product "Lapack".

The Commission recessed at 12 m., and re-assembled at 2 p.m.

RECEIVED:

Charles W. Hunt, Acting Chairman,
Justice Sampson,
William H. Rogers,
Thomas W. Van Fleet.

Mr. Hunt absent on account of illness.

Whereas in motion, the Court was set to hear oral argument in October and - Standard Oil Company of New Jersey, Attorney, briefly was heard in support of the complaint, Attorney Hunter vs. American Fair Trade League and Taylor H. Taylor were heard on behalf of the respondent. The hearing continued

December 2, 1925.
December 3, 1925.

until the hour of 4:00 p.m., was suspended and the case
taken under advisement.

Thursday, at the hour of 4:00 p.m., the Commission adjourned
to next Friday, December 4, 1925, at 10 a.m.

Charles W. Hunt

Charles W. Hunt,
Notary Public,
Topeka, Kansas.

(11-12)

W. H. Hunt
Secretary

Friday - December 4, 1925 - 10 a.m., held.

REPORT OF THE COMMISSION TO THE BOARD OF DIRECTORS

Friday - December 4, 1925 - 10 a.m.

PRESENT:

Charles W. Hunt, Notary Public,
Topeka, Kansas,
Willie A. Hunt,
Topeka, Kansas.

W. H. Hunt absent on account of illness.

The minutes of the meeting of December 2, 1925, were read
and approved.

There being no other business, on the weekly conference calendar
(see form) observations were made by the Commission and action
as indicated was taken by the Commission.

December 4, 1925.

(1) Docket 150 - Emma's Players-Lasky Corporation, et al.
Final determination of the case postponed until after consideration of the motion of counsel for the petition to re-open the case.

(2) Docket 1070 - Joseph W. Manning Company.

This case is before the Commission for final determination upon the following records: memorandum of December 11, from the Assistant Chief Counsel, transmitting the case and recommending that the complaint be dismissed without prejudice, complaint answered; the testimony was taken and briefs filed. Attorney William represents the Commission. Attorney J. W. Cunningham represents the respondent.

After consideration, on motion of J. W. West, seconded by J. R. West, the complaint was dismissed by the Commission on the recommendation of the Chief Attorney.

As to the foregoing motion of the Commission, Messrs. West, Cunningham and J. W. West voted in the affirmative and J. R. Cunningham voted in the negative.

J. R. Cunningham moved that his dissent be noted.

The Chief Counsel was directed to prepare and the Secretary to serve order of dismissal.

(3) Docket 1110 - American Staff Company.

This case is before the Commission for consideration upon the following records: memorandum of December 11, from the Assistant Chief Counsel; application of the respondent to review certain rulings of the Trial Examiner including evidence, filed by counsel for the Commission, and answered for the respondent. Attorney West represents the Commission. Attorney Robert L. Montague represents the respondent.

After consideration, on motion of J. West, seconded by J. R. Cunningham, it was directed that the application of counsel for the respondent to review certain rulings of Trial Examiner Manning, including evidence, be set for oral hearing before the Commission on Friday, December 11, 1925, at 2 p.m., with notice to counsel for both sides, and that they may appear and be heard for a period not in excess of thirty minutes for each side. The Secretary was directed to set the matter down at a time convenient for the parties and give notice thereof.

J. R. Cunningham voted in the negative and asked that the record show that in the hearing, after reading, exhibits submitted by both sides, that the rulings of Trial Examiner Manning were correct and should be sustained by the Commission, without necessity for oral hearing.

(4) Docket 1044 - Radio W. Bay, et al.

This case came before the Commission for final determination upon the following records: memorandum of December 11, from the

December 4, 1925.

Assistant Chief Counsel from filing the same and recommending that the complaint be dismissed; complaint; order withdrawing complaint submitted by the Assistant Chief Counsel. The complaint was taken on briefs filed. Attorney Hugh Hays represents the respondent. The record has no attorney of record.

After consideration, it was directed by the Commission, that the complaint be dismissed for the reason that respondent has gone out of business.

The Chief Counsel was directed to prepare and the Secretary to serve order of dismissal.

(5) Packet 1187 - Youth, Henry Thelwell "Confederates" membership.

Left over for further consideration on next Conference Day.

(6) Packet 1188 - Banner Oil Company, Pitts. Ind.

This case comes before the Commission for final determination upon the following record: memorandum of November 21, from the Assistant Chief Counsel from filing the same and recommending that the complaint be dismissed for the reason that the respondent has gone out of business; withdrawal of answer by from Attorney Wiley; complaint; answer, testimony, stipulation as to the facts; report upon the facts by Trial Counsel Wimer; brief by counsel for the Commission; brief by counsel for the respondent; no exceptions were filed in the report of the Trial Counsel. Attorney Wimer represents the Commission. Attorney Gilbert A. Gilbert represents the respondent.

After consideration, the complaint was dismissed by the Commission for the reason, that the respondent has discontinued business.

The Chief Counsel was directed to prepare and the Secretary to serve order of dismissal.

(7) Packet 1189 - Standard Oil Company of New Jersey.

Left over for further consideration on next Conference Day.

(8) Packet 1190 - Clayton T. Sney Company.

On October 22, 1925, the Commission directed that an order to cease and desist issue.

On November 12, 1925, after certain changes in the findings as to the facts and in the order to cease and desist, the Commission returned the same to the Chief Counsel to be re-drafted, prepared to file and referred to the Commission.

The case is now before the Commission on the following record: memorandum of November 21st from the Assistant Chief Counsel; findings as to the facts and order to cease and desist re-drafted and to the Commission; direction of November 27, 1925; amended complaint.

After consideration, on motion of Mr. Max Plant, the findings as to the facts and order to cease and desist as submitted by the Chief Counsel with memorandum of November 21, 1925, were approved as submitted and ordered served without further action by the Commission.

December 4, 1925.

Mr. Thompson referred to the existing vacancy in the Office of Chief Counsel for the Commissioner and presented the name of Judge Raymond F. Palmer and after reading Mr. Palmer's experience, qualifications and endorsements, offered the following motion, which was seconded by Mr. Van Fleet:

Moved, that Judge Raymond F. Palmer be appointed as Chief Counsel for the Commissioner and occupy the position and receive the salary of Mr. Miller, who resigned, the same to be effective upon taking the oath of office and entering on duty.

Mr. Thompson nominated Attorney Adrian F. Towle, Assistant Chief Counsel, for the position of Chief Counsel. The motion was lost for want of a second.

After discussion, vote was taken upon the motion by Mr. Thompson, seconded by Mr. Van Fleet, for the appointment of Mr. Palmer. This motion was adopted by unanimous vote and it was so ordered by the Commission.

Mr. Van Fleet presented letter of December 17th from Simon Gluck, New York City, complaining of the cooperation of gamblers on Broadway, New York City, by the "House Players' Lucky Corporation, et al.

The letter was referred to the Secretary for acknowledgment and filing.

The following matters of general business forwarded to the Commission by the heads of the several Divisions were presented by the Secretary and action as indicated was taken by the Commission:

(1) Report by the Chief Examiner of the firm's assets in the hands of the Chief Examiner, as of December 1, 1925.

The report was received and placed in the file.

(2) Report of the work of the Board of Review for the month ending November 30, 1925.

The report was received and placed in the file.

(3) File 1-3711 - L. A. Patterson, Inc., Seattle Hills Company. Memorandum of November 17th was received from the Chief Examiner stating that proposed respondent is using the word "Lille" in its trademark and on its stationery when in fact it does not own, control or operate a mill and recommending that the case be reopened and authority granted to negotiate for a stipulation under the rule and report to the Commission.

December 4, 1925.

After consideration, an action of Mr. Van Fleet, received by Mr. Humphrey, the recommendation of the Chief Examiner was approved and the same referred to the Trial Examiners Division to negotiate for a stipulation under the rule and report to the Commission.

As to the foregoing action of the Commission, Messrs. Van Fleet, Humphrey and Van Fleet voted in the affirmative and Mr. Thompson voted in the negative.

Mr. Thompson asked that his dissent be noted.

(4) Order 130 - Royal Halling, Dealer Jersey.

Memorandum of December 2nd was received from Trial Attorney Rowell stating the time for filing exceptions to the report of the Trial Examiner was on or before December 2, 1925, that due to illness of the Assistant Chief Examiner, Mr. Colby, the exceptions prepared by Trial Attorney Rowell had not been passed up and requesting that counsel for the Commission be granted an extension to December 2, 1925, for filing exceptions to the report of the Trial Examiner.

As memoranda was read, the request granted and order to that effect approved and entered.

(5) Letter of December 2nd from the Massachusetts Agricultural Experiment Station to Professional Grade 3 in accordance with the Commission's action.

The letter was referred to the Secretary for attention.

(6) Order 121 - J. H. Spaul, et al.

Text of a letter addressed to the Secretary of Agriculture, in accordance with the Commission's action of October 27, 1925, transmitting a statement of facts in the case of J. H. Spaul, et al. as to whether or not the said action was within the jurisdiction of the Cooperative Marketing Division of the Commission as well as by the Commission.

The letter was read, considered, approved and entered forwarded.

Then the preceding order the Commission considered the following action of action as indicated was taken:

(1) File 1-2413 - Rehearsal Company, Inc. vs. Mrs. J. H. Spaul, et al.

Memorandum of July 2nd from the Trial Examiner calling attention to the direction of the Commission dated of May 6, 1925, to negotiate with the proposed respondent for a stipulation and recommending that the Chief Examiner be instructed to negotiate for a stipulation on the basis of permitting the respondent, in the sale of a product containing some shellac not for general use, to use the term "Shellac Compound" when there shall be no other principal ingredient therein.

December 4, 1935.

The file was circulated July 11th. Motion by the several manufacturers was read and the adoption of July 2nd from the Chief Engineer was read and after discussion, the following motion was offered by Mr. Van Fleet:

Moved, that the Fuel Manufacturers Division be authorized to obtain participation from A. I. A. in accordance with the resolution adopted by the Automotive Equipment Association under date of November 18, 1934, as follows:

"Manufacturers of Fuel Compounds containing gasoline should label same 'Gasoline Compound', but any product not containing any gasoline should have same name not incorporating the name 'Gasoline' and the term 'Gasoline' qualified, shall only be used where the product is 100% pure gasoline, dissolved in alcohol."

The foregoing motion was accepted by Mr. Van Fleet and adopted by the Commission and it was so ordered with Messrs. Holt, Langway and Van Fleet voting in the affirmative and Mr. Thompson voting in the negative.

Mr. Thompson asked that his dissent be noted.

Mr. Van Fleet then referred to a letter of November 11, 1935, from the Petroleum Company, Inc., a proposed resolution was read and signed a stipulation to file 1-1001 - William Stewart Thompson vs. Petroleum Company, Inc. and offered the following motion:

Moved, that the Petroleum Company - file 1-1001 - be suspended so that the Company be allowed to brand their Fuel Gasoline in accordance with the resolution above referred to as adopted by the Automotive Equipment Association and that the Company be notified that the requirements of the stipulation are modified to permit the use of the word "Compound" instead of the word "Substitute" in accordance with the resolution of the Association.

This motion was adopted by the Commission and it was so ordered with Messrs. Holt, Langway and Van Fleet voting in the affirmative and Mr. Thompson voting in the negative.

Mr. Thompson asked that his dissent be noted.

Thereafter, at the hour of 10 a.m., the Commission adjourned to meet Monday, December 9, 1935, at 10 a.m.

Charles E. Holt
Charles E. Holt,
Acting Chairman.

Witness:
William Stewart Thompson
William Stewart Thompson,
Respondent.

December 7, 1925.

Monday - December 6, 1925 - no meeting held.

Tuesday - December 6, 1925 - no meeting held.

MEETING OF THE BOARD OF DIRECTORS

Monday - December 7, 1925 - 10 a.m.

PRESENT:

John W. Wright, Chairman,
Charles W. Hunt,
Arthur Thompson,
William L. Murphy,
Herman W. Van Fleet.

The minutes of the meeting of December 4, 1925, were read and approved.

Mr. Murphy presented the following listed applications for complaint and action as indicated was taken by the Board:

- (1) File 1-3946 - Illinois Light Construction Company vs.
Steelcase Steel Corporation, et al.

Mr. Murphy stated that this application was filed in the Commission from the Illinois Light Construction Company to the Board of Review pursuant to the rules of December 1, 1924.

Mr. Murphy exhibited a copy of the application and reviewed the facts as concerning the application of the Illinois Light Construction Company to the Board of Review.

The application was read and after discussion, Mr. Thompson suggested that the case be referred to Mr. Wright, one of the staff for examination and report on the merits of the application and the facts of the case, if any.

The suggestion of Mr. Thompson was adopted and it was so ordered.

- (2) File 1-3947 - Chicago Association of
Bankers vs. Chicago Association of
Bankers.

Mr. Murphy exhibited the minutes of December 3rd meeting, the facts and controversy, and the recommendation of the Board of Review, and the application was approved.

The minutes were read and after discussion, Mr. Murphy offered the following action, which was adopted by the Board:

December 7, 1925.

overed, that the case be dismissed because of the absence of interested persons, in accordance with the unanimous report of the Board of Review.

The foregoing motion was adopted by the Commission and it was so ordered with Messrs. Holt, Murphy and Van Fleet voting in the affirmative and Messrs. Ingham and Thompson voting in the negative.

Messrs. Ingham and Thompson stated that their dissent is noted.

It was further ordered, on motion of Mr. Murphy, that the Secretary notify the Prosecuting Attorney of Chicago of the practices of the respondent locally and that the Secretary request the Board of Review to assist him in the preparation of such a notification.

Mr. Van Fleet submitted the following listed application for complaint and action as indicated was taken by the Commission:

(1) File 1-2761 - Charles Wray local company re. James Louis Murphy.

Mr. Van Fleet stated that this application was referred to the Commission from the "Chief Examiner" without reference to the Board of Review pursuant to the rule of Dec. 1st, 1925.

Mr. Van Fleet submitted memoranda of December 1st, reviewing the facts in the case and moved in accordance with the recommendation of the Board of Review, that the application for complaint be dismissed.

The motion was adopted and the application for complaint dismissed.

(2) File 1-2762 - Art O'Donnell re. J. A. Murphy re. Murphy.

Mr. Van Fleet submitted memoranda of December 1st, reviewing the facts and circumstances, offered the following motion, which was seconded by Mr. Murphy:

overed, that the application transmitted to the Board of Review be accepted and the application for complaint dismissed.

The foregoing motion was adopted by the Commission and it was so ordered with Messrs. Holt, Murphy and Van Fleet voting in the affirmative and Messrs. Ingham and Thompson voting in the negative.

Messrs. Ingham and Thompson stated that their dissent is noted.

December 7, 1925.

r. Van Wert referred to the desirability of expediting action on complaint cases, referred to the Board of Review and offered the following motion:

Moved, that all cases now on transfer before the Board of Review, in which a complaint has been issued, shall be expedited and considered and reported on before all other pending cases.

The motion was adopted by the Committee and it was so ordered.
r. Thompson made the following statement for the record:

"That the Board of Review will so long as the Committee has adopted its present practice of granting hearings in complaint cases and referring complaint cases to the Board of Review, it has no objection to proper order the circumstances and vote for it. My vote, so long as the Board of Review is not in any way objection to the practice of referring cases to the Board of Review."

r. Thompson referred to the death of William H. Miller, Trial Counsel for the Commission in District 100 - Chicago, Illinois, and that the case be reopened and after the Board of Review, in which the case was heard, that the Board of Review should make a special order of business after the regular order on Wednesday, December 9, 1925.

The following letters of General Business forwarded to the Commission by the Board of the General Business and presented by the Secretary and action on the same was taken by the Commission:

(1) Letter of W. H. Miller, from William H. Miller, Trial Counsel, District 100, salary \$600., resigning his position effective at the close of business December 7, 1925.

The resignation was accepted and the Secretary was authorized to fill the vacancy from the Civil Service rolls.

(2) Memorandum of General Business from the Board of the General Business, presented by the Secretary, December 7, 1925, regarding the resignation of W. H. Miller, Trial Counsel, District 100, salary \$600., resigning his position effective at the close of business December 7, 1925. The resignation was accepted and the Secretary was authorized to fill the vacancy from the Civil Service rolls.

The resignation was accepted and the Secretary was authorized to fill the vacancy from the Civil Service rolls, and by the Board.

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December 7, 1935.

(3) Memorandum of December 5th from L. J. Higgins, Assistant Secretary, regarding reconsideration of the Commission's action of November 14, 1935, with respect to Mr. Dujeane's leave.

It was directed, that a copy of the memorandum be delivered to each Commissioner.

(4) Order 196 - Wilson & Company, Inc.

Memorandum of December 11, was received from the Assistant Chief Counsel stating that this is a proceeding for violation of Section 7 of the Clayton Act - unlawful acquisition of stock - that a receiver has been appointed for Wilson & Company Inc. by the United States District Court; that the Commission applied to Judge Hardy of the United States District Court for the Southern District of New York, who appointed the receiver, for authority to allow the receiver proper sale and the same was refused, that negotiations were pending by the receiver for the sale of the stock involved in the Commission's proceedings which would obviate that proceeding. The Assistant stated, that the receiver was recommended to Judge Hardy a plan of settlement and asked for an order of sale was given the Commission, that the application was returnable today - December 11th - but that upon request the matter has been postponed until December 14th. The memorandum stated that the settlement with the Court is asked to assist would be very largely for the purpose of the Commission's proceeding, by settlement, virtually, the settlement was given before the agreement of July 1935. The Assistant said he had not recommended, in view of the fact, that the Court has been fully advised of the Commission's proceeding, that no opposition is made by the Commission to the order of the Court of the order sought by the receiver and that the receiver and Court be so satisfied.

On motion of Mr. Higgins, reconsideration of the Assistant Chief Counsel was approved and it was so ordered.

(5) Order 197 - Charles L. Christ Company.

Memorandum of December 11th from the Assistant Chief Counsel, regarding, pursuant to the Commission's direction of November 17, 1935, traffic of letters in the Office of "The Public" and "Nation's Business", containing a statement of the same relative to the case.

It was directed that the matter be handled.

(6) Letter of December 11th from William L. Laron, Executive Secretary, Peoples' Industrial League, New York, N. Y., referring to the recommendations of the Commission in the recent report of the Commission on the "People's Industrial League", prepared in response to Senate Resolution 174 passed September 1, 1935, (the latter series) and requesting the Commission to prepare a bill incorporating their recommendations. The Commission also received

October 7, 1935.

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from the Chief Economist, pursuant to the order of November 20th,
draft of letter in reply to Mr. Smith and draft of a bill.
It was directed that the letter be circulated.

From the circulating calendar the Commission considered the
following matters and action as indicated was taken by the Commission:

- (1) File L-2781 - Bill Amendment of Act which was introduced by
Congress.

On November 20th from the Board of Review calling
attention to the direction of the Commission on the 10th of 1935, in
regarding the stipulation to the Board of Review with instructions
to obtain another stipulation and requesting the Commission to
reconsider its action on the report to be heard if the memorandum
is not sufficient to sustain the Board's position.

The file was circulated November 3, 1935. Attention by the
several Commissioners was read and thereafter, Mr. Murphy offered
the following motion, which was seconded by Mr. Van Fleet:

Moved, that the request of the Board of Review
be approved and the direction of the Commission, on
September 28, 1935, be reconsidered and the stipulation be
reconsidered and reconsidered.

As to the foregoing motion, Messrs. Van Fleet, Murphy and
Thompson voted in the affirmative and Messrs. Nugent and Thompson voted in the
negative.

Messrs. Nugent and Thompson stated that their dissent be noted.
Mr. Murphy thereupon, offered the following motion, which was
seconded by Mr. Van Fleet:

Moved, that the stipulation submitted by the Board
of Review with its report of September 15, 1935, be
accepted in accordance with the recommendation of the
Board and the application for payment be denied.

As to the foregoing motion, Messrs. Van Fleet, Murphy and Mr. West
voted in the affirmative and Messrs. Nugent and Thompson voted in the
negative.

Messrs. Nugent and Thompson stated that their dissent be noted.
Mr. Van Fleet made the following statement for the record:

"I vote 'no' for the reason, that it is perfectly
clear to my mind that the term 'national' used by this
respondent to describe a fabric made entirely of cotton
was for the purpose and has the effect of deceiving the
public mind of the fabric; and that it is fraudulent
on its face and that a complaint should issue."

December 7, 1925.

(2) Memorandum of November 11th from the Chief Examiner in regard to the acquisition by the Nacodix Corporation of the capital stock of the Nacodix Trust Company and the International Cement Works, Ltd. The Chief Examiner recommended that the matter be closed without action.

The file was circulated November 30th. Petitions by the several Commissioners were read and thereafter, the recommendation of the Chief Examiner was approved and the matter closed without action.

(3) Patent 19 - Greaves of Wheat Company.

Memorandum of November 30th from Attorney Tuckett stating that the respondent herein has filed with the Circuit Court of Appeals for the Eighth Circuit, a petition for review of the Commissioner's order and incorporated in this petition a notice filed with the Commission on August 26, 1925, to amend or supplement the order to amend and docket, which notice was denied by the Commission. Attorney Tuckett asked instructions as to the course the Commission desire to pursue.

The file was circulated November 30th. Petitions by the several Commissioners were read and thereafter, the file was referred to Mr. Tuckett for examination and report.

Mr. Tuckett stated that he had been informed by the Secretary, that the Forensic Report in response to Senate Resolution 376, adopted February 7, 1925 (Senator Brandt), had been approved by the Commission and was being prepared in final form for transmission to the President. Mr. Tuckett referred to his absence in absence of Illinois, at the time of the approval of the report on December 2, 1925 and stated that he desired to bring to the attention of the Commission certain proposed changes and perhaps in regard to the report in the form it was referred to him on October 22, 1925. Mr. Tuckett called attention to certain sections and after brief discussion, it was agreed that there be considered at a special meeting at 11 a.m., tomorrow, December 8th, in company with Counsel Tuckett, James and Lehigh of the Staff.

The Commission adjourned at 12 m. and re-assembled at 2 p.m.

RECORDED:

John W. Tuckett, Chairman,
Charles L. Hunt,
Arthur Morgan,
William L. Morgan,
Marion W. Van Fleet.

December 7, 1935.
December 8, 1935.

Pursuant to arrangements the Commission met to hear final argument in Docket 40 - In re: J. Edgar Hoover. Attorney Jackson was heard in support of the complaint. Attorney T. W. Lee, and the court on behalf of the respondent. The hearing continued until the hour of 5:15 p.m., was concluded with the case being under advisement.

The Commission granted adjournment for the respondent thirty days time in which to file brief.

Thereafter, at the hour of 5:15 p.m., the Commission adjourned to meet Tuesday, December 10, 1935, at 11 a.m.

J. Edgar Hoover
Chairman

Secretary

W. H. Jackson
Respondent

NOTICE OF RE-ENTRY TO COMMISSION

To-day - December 10, 1935 - 11 a.m.

RE-ENTRY:

John W. Jackson, Chairman,
Charles W. Cook,
Arthur H. Jackson,
William H. Jackson,
Martin W. W. Cook.

The Commission met on special session for consideration of a motion of proposed changes suggested by Mr. Jackson to be made to the "Code of Ethics" prepared in response to Senate Resolution 119, adopted January 7, 1935 (Senate Doc. 11).

Members, Jackson, Jackson and Jackson were present.

Various suggestions were offered by Jackson, Jackson and considered by the Commission.

September 8, 1935.
September 1, 1935.

After discussion of these matters, it was decided to give the report further consideration on Thursday, December 10, 1935, at 10 a.m.

Thereupon, at the hour of 10:15 a.m., the Commission adjourned to meet Wednesday, December 4, 1935, at 10 a.m.

John F. Maguire,
Chairman.

Attest:

William J. Maguire,
Secretary.

MINUTES OF THE NATIONAL BOARD OF COMMISSIONERS

Wednesday - December 4, 1935 - 10 a.m.

PRESENT:

John F. Maguire, Chairman,
Charles G. Maguire,
Arthur Thompson,
William J. Maguire,
Harold L. Maguire.

The minutes of the meeting of December 7 and December 11, 1935, were read and approved.

Minutes of the meeting of December 11, 1935, were read and approved.

(1) Letter of December 11 and from the Department of State (Thomas J. Carr, Assistant Secretary), regarding the Commission's letter of December 11th and advising that instructions have been issued to the Department of State to obtain the information requested in the matter of foreign trade companies of various countries of interest, Sweden against John F. International, New York City, in connection with the alleged importation of adulterated honey.

December 9, 1925.

1033

The letter was read and referred to the Import Trade Division for attention.

(2) Letter of December 8th from the American Automatic Stapler Company (George W. Johnson, Chicago, Illinois, transmittal), concerning a report to the action of the Casswell Machine Company, in representing to the trade, that the perfect lockers and staples, a product of the Automatic Stapler Company are no longer being manufactured. The correspondence was referred to the Chief Examiner for report.

(3) Letter of December 8th from the American Trade Association, Inc., New York City, transmittal, the "Federal Trade Commission and Commissioner William L. Thompson, for the information displayed in the recent convention of the Association held in Chicago, Illinois.

The letter was read and referred to the Secretary for acknowledgment and filing.

Mr. Thompson presented file 1-1027 - New Hampshire Match Company v Diamond Match Company, et al, and related the facts in the determination of the Board of Inquiry, that the case involved on the Company's demand for a period of six months at the end of which time supplies would investigation be made to ascertain whether or not the American independent manufacturers of matches are able to obtain a normal supply of phosphorus.

After discussion, Mr. Thompson offered the following motion:

Moved, that the Chief Examiner be directed to make inquiry at the Departments of State and Commerce for the purpose of ascertaining whether or not these Departments have any information relative to the existence and operation of this alleged monopoly in foreign countries.

The motion was adopted and it was so ordered.
Mr. Thompson then offered the following motion:

Moved, that further investigation be made by the Chief Examiner at this time to ascertain whether or not the various American companies are able to obtain supplies of the commodity involved, i. e., supply sulphur of phosphorus.

This motion was adopted by the Committee and it was so ordered.

November 2, 1925.

Mr. Humphrey presented and the Secretary read a memorandum of December 20th from the Chief Counsel transmitting (1) "Letter of Resignation", 1925, from Fred Humphrey, Esq., Esq., resigning his position as Special Attorney, Professional Grade 23, salary \$14.50, effective at the close of business December 6, 1925; and (2) transmitting application of Florida A. Harrison for position as Attorney on the Executive's Trial Staff with recommendation by the Chief Counsel that Mr. Harrison be appointed Attorney, Professional Grade 23, salary \$14.50.

In action of Mr. Humphrey, the resignation of Mr. Harrison was accepted as submitted.

Mr. Humphrey, Esq., stated that the recommendation of the Chief Counsel be approved and that Mr. Harrison be appointed Attorney, Professional Grade 23, as recommended.

The foregoing motion was adopted and Mr. Harrison's appointment authorized as directed.

As to the foregoing action in appointing Mr. Harrison, Esq., Mr. Humphrey and the Chief Counsel voted in the affirmative and Messrs. Bryant and Thompson voted in the negative.

Mr. Humphrey made the following motion for the record:

"I vote 'no' for the reason in view of the comparative small number of people who have been at the present time and for some time past. I am of the opinion, that the force of the Chief Counsel's office should not only not be increased but should be reduced at the earliest possible moment."

December 9, 1923.

Mr. Thompson made inquiry with respect to the pending recommendations from the Chief Economist for salary changes and classification changes in the Economic Division and suggested that as this matter had been pending for some time they be considered promptly by the Commission.

After discussion, the Secretary was instructed to ascertain the Commissioner to whom the recommendations from the Chief Economist were referred on November 16, 1923 and to bring the matter to the attention of that Commissioner.

Mr. Nugent submitted the following matters and action as indicated was taken by the Commission:

(1) Docket 890 - Cream of Wheat Company.

Memorandum of November 28th from Attorney Busick stating that the respondent herein has filed with the Circuit Court of Appeals for the Eighth Circuit a petition for review of the Commission's Order and incorporated in this petition a motion filed with the Commission on August 26, 1923, to amend or supplement the order to cease and desist, which motion was denied by the Commission. Attorney Busick asked instructions as to the course the Commission desired to pursue.

The file was circulated November 30th and on December 7th was referred to Mr. Nugent.

Statements by the several Commissioners were read and thereafter, Attorney Busick was heard.

After discussion, Mr. Nugent offered the following motion:

Moved, that the Chief Counsel be instructed to take no further action with respect to a compromise in this case in accordance with the proposed modifications of the Commission's order desired by the respondent and that the matter be permitted to proceed in due course.

The motion was seconded by Mr. Humphrey and adopted by the Commission and it was so ordered.

(2) Memorandum of December 5th from G. G. Duganne, Assistant Secretary, reciting further details with respect to Mr. Duganne's application that regulations governing sick leave be waived and requesting that the action of the Commission under date of November 30th which denied a request by Mr. Duganne, be re-considered and rescinded.

Mr. Nugent stated, that from his examination of Mr. Duganne's memorandum of December 5th, he was of opinion that the request should be granted.

After discussion, Mr. Hunt offered the following action, which was seconded by Mr. Van Fleet:

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By resignation of December 15 from the staff position, the two vacancies in the clerical staff of the Internal Division caused by the resignations of Mr. Omar L. Gomez, U. S. C. Grade 11A, salary \$1034, and Miss Rachel Thomas, U. S. Grade 11L, salary \$1000, he promptly filled in view of the need of clerical assistance.

12374

December 9, 1925.

The recommendation of the Chief Clerk was approved and it was so ordered.

(4) Memorandum of December 11 from the Chief Clerk transmitting the application of Mrs. Miriam Elliott for appointment with a statement by the Chief Clerk, that Mrs. Elliott was competent to perform the duties for which the vacancy exists on account of the resignation of Miss Susan Thomas.

After consideration, Mr. Van Fleet offered the following motion, which was seconded by Mr. Hunt:

Resolved, that the appointment be made and that Mrs. Elliott be appointed as Examiner and attached to U. S. District 111, at the initial salary thereof \$1500, and assigned to the vacancy created by the resignation of Miss Thomas.

The motion was adopted and it was so ordered.

Mr. Hunt voted in the negative and made the following statement for the record:

"I vote 'no' for the reason that the position to be filled is a Civil Service position and the applicant was no Civil Service status."

(5) Letter 62- said appointment, Jan.

The Commission received notice filed December 11 by counsel for the respondent and stipulation, moving the Commission to accept the stipulation and that upon acceptance of the stipulation, the case be dismissed.

The motion of the respondent and the stipulation were referred to the Chief Counsel with instructions to reject promptly with respect thereto.

(6) Memorandum of December 11 from the Assistant Secretary recommending that Miss Florence A. Hughes be promoted and assigned in the next ascending work in the Fiscal Affairs Section, be transferred to the stenographic section and that Counsel A. King of the stenographic section, be transferred to the Fiscal Affairs Section and assigned to assist in the next ascending work. The recommendation was approved by Mr. Thompson, the Commissioner-in-Charge of the Administrative Division.

The memorandum was read and on motion of Mr. Murphy, seconded by Mr. Van Fleet, the recommendation was approved and it was ordered that Miss Hughes be transferred to the Fiscal Affairs Section and that Mr. King be transferred to the Fiscal Affairs Section, the same to be immediately effective.

December 9, 1945.

The Secretary referred to the action of the Commission, on December 7, 1945, in agreeing to consider the proposed report prepared pursuant to Senate Resolution 201, adopted February 2, 1945, (Senator Brant), on December 10, 1945 and made inquiry as to the hour of the meeting.

It was agreed, that the Commission consider the report at 12 noon, on December 11th.

Mr. Tolson suggested an additional change in the report and it was agreed, that the same be made. It is the intention of Mr. Tolson to present the report and amendments at the next meeting.

The Commission recessed at 12 noon, and reconvened at 1:30 p.m.

PRESENT:

John F. Tolson, Chairman,
Charles E. Holt,
Senator Brant,
William L. Rogers,
Thomas W. Van Vleet.

During the recess, about 1:45 p.m. a letter was received from the Attorney General, dated December 9, 1945, in which he requested that the Commission consider the proposed report at 12 noon, on December 11th. The letter was forwarded to the Commission and the same was read at the meeting. The Commission continued until the hour of 4 p.m., was adjourned and the case taken under advisement.

Tomorrow, at the hour of 4 p.m., the Commission adjourned to meet Friday, December 11, 1945, at 12 noon.

Attest:
William L. Rogers
Secretary

John F. Tolson
Chairman

This is a true and correct copy of the original.

10111

December 11, 1936.

REPORT OF THE FEDERAL BUREAU OF INVESTIGATION

Friday - December 11, 1936 - 10 a.m.

MEMORANDUM:

John F. Rogers, Chairman,
Charles W. Smith,
Walter J. Murphy,
Vernon T. Van Fleet.

Mr. Murphy, absent.

The minutes of the meeting of December 9, 1936, were read and approved.

Investigator Rogers presented the following matters and action as indicated was taken by the Commission:

(1) Letter of December 9, 1936, from the "Harris Company, New York City, N.Y., attention to the fact, that the "Harris Bill Company, New York City, N.Y., are attempting to register the name "Harris Company" as a trademark for their goods and also, of a picture of a lion and artificial silk" and requesting the objection of the "Harris Company to the name as being appropriated to "Harris".

The letter was read and referred to the Secretary for acknowledgment and to the Chief Counsel for attention.

(2) Letter of December 11, 1936, from the "Harris Bill, Inc., Philadelphia, Pa., congratulating the Commission upon the achievement of the committee by the Council in its recent report to Congress.

The letter was read and referred to the Secretary for acknowledgment.

Several direct cases appearing on the weekly Conference Calendar for final determination were transmitted to the Commission and action as indicated was taken by the Commission:

(1) Direct 145 - Harris Company.

This case came before the Commission for final determination upon the following records: memoranda of Chairman from the Assistant Chief Counsel transmitting the case and recommending dismissal; a memorandum from Attorney J. J. Murphy, counsel for the Commission, complaining of the trial and recommending dismissal; a letter from the Harris Company, New York City, N.Y.,

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1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

December 11, 1925.

is to the foregoing action of the Commission, Bureau.
Brent, Hunt, Humphrey, and the West voted in the affirmative
and Mr. Thompson voted in the negative.

Mr. Thompson asked that his dissent be noted.

It was agreed and ordered that a statement of the reasons
for dismissal be set out in the record and in the order of
dismissal. Mr. Hunt agreed to see it with the Commission's
attorney and prepare a brief statement of the reasons.

The Chief Counsel was directed to prepare and the Secretary
to serve order of dismissal.

(6) Forest 1918 - United States Roofing & Sheet Company, Inc.

This case is before the Commission for final determination
upon the following record: report of November 1924 from
Chief Attorney Miller, approved by the Chief Counsel, recommending
that the complaint be dismissed, complaint, order of dismissal.
No answer was filed. A petition was filed for writs filed.
Attorney Miller represents the Commission. Attorney Miller is only
representing the respondent.

After consideration, the complaint herein was dismissed by the
Commission on the recommendation of the Chief Counsel for the
reason that the respondent was dismissed the previous charges.

The Chief Counsel was directed to prepare and the Secretary
to serve order of dismissal.

(7) Forest 1928 - National Gas, Light & Power Company.

This case is before the Commission for final determination on
the following record: report of the Board of Review, dated
December 3, 1925, of the informal hearing held before it and
the recommendation of the majority of the Board of Review that
further action in this case be suspended and that the Chief
Counsel accept the evidence obtained by the Attorney General,
which copies of evidence which is relevant to the charges
made in the Commission's complaint, and submit the same to the
Board of Review to supplement the present record. Respecting
opinion of Attorney Miller of the Board of Review, no further
opinion of Attorney Miller of the Board of Review, complaint.
Attorney West represents the Commission. Attorney Frank W.
Simmons of the firm of Simons, Hall & Thompson represents the
respondent.

After consideration, this case was referred to the Chief
Counsel with direction that the Commission's attorney (Chief
Counsel) make inquiry at the Department of Justice and obtain from either
the record in the Department's case, as it pertains to the
Commission's Office and the location of the record in the
Department's case.



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The latter Government said it was desired, that reference be made to the
of a large proportion out and the latter Government of the Secretary
in accordance with the suggestions by the said Government, that
Secretary, the latter was, and by the Secretary, and forwarded.

The receipt of remittance of payment from the United States, the basis on which the sum for final payment of \$100,000, January 17, 1916, at 2 p.m., and directed the Secretary to make the necessary entries on the ledger.

The reactivation of the "Special Air" channel was approved and ordered for the January 20 period until January 21, 1964 for filing. This was directed the "Air" channel to prepare and the "Special Air" to make a favorable reply.

December 11, 1925.

(4) Memorandum of December 5th was received from the Secretary reporting the condition of the No. 1000 Island no. 17, December 5, 1925.

The report was referred to the Chief Engineer for report of any action necessary for remedial action.

(5) Report submitted by the Chief Engineer of the work of the legal investigating division for the month of December 1925. The report was received and placed on the table.

(6) Report 1925 - Kelley & Wilson, et al.

Memorandum of December 5th was received from the Assistant Chief Engineer from a letter request of counsel for the respondents for an extension of time to and including December 15, 1925, for filing same and recommending that the request be granted.

The request was granted by the Commission and order to this effect approved and entered.

(7) Letter of December 5th from the Personnel Classification Board regarding the allegations made by the respondents and alleging attorney was referred to Professional Grade IV instead of Professional Grade III.

The letter was referred to the Secretary for attention.

(8) Letter of December 5th from the Personnel Classification Board regarding the allegations made by the respondents and alleging attorney was referred to Professional Grade IV instead of Professional Grade III and attorney Franklin J. Taylor as Professional Grade III instead of Professional Grade IV.

The matter was referred to the Secretary to take all the necessary steps to have the board inspect the jobs on the ground and to file an appeal and hear for a hearing.

(9) Report 1925 - Anderson, Frank J. Clark.

Memorandum of December 5th from the Assistant Chief Engineer, the Commissioner the same for filing on December 5, 1925, at 10:00 a.m., and directed the Secretary to notify interested parties by registered mail.

(10) Memorandum of December 10th from the Personnel Officer with respect to the leave of Mr. Higgins, Assistant Secretary as follows:

"MEMORANDUM FOR THE CHIEF CLERK

Through the Secretary.

I note the Secretary's memorandum of December 2, stating the Commission's action on Mr. Higgins's application of December 2, 1925, for vacation and all Mr. Higgins's leave requests. In view of

November 11, 1935.

of two-fold participation in the matter, and as a notary public and as a personnel officer, I find myself between Scylla and Charybdis.

I attach 15 applications for which I have gathered a number during the present calendar year signed and sworn to by Mr. Tugane before me as a notary, in each of which he declared that his presence for the period specified would be caused by personal illness, and that he was unable to perform his official duties. I was requested to certify payment of salary to him on the alleged sick periods and to make such a part of each period of time covered in his respective affidavits, alleging that he was physically incapacitated as a result of personal illness.

I do not wish to be unjustly or unfairly criticized, but I feel in all honesty and conscience that to accept payment of the compensation if there would not appear to be some basis existing for an executive officer to be thus alleged, he was incapacitated for duty for the periods stated and was actually engaged in the performance of his duties and the affidavits were not true.

This is not a question of making the regulations at all. The law is so complete that it has no application, time cards, medical certificates and affidavits as to absence, except that of absence, and, and to be absolutely true in point of fact. Furthermore, the law provides a definite and precise limit as to the amount of sick leave with pay that may be granted within a calendar year and that amount has been received as shown by the affidavits Mr. Tugane has made and the medical certificates which are submitted in this office. It is further my ability to recognize, as well as a salary, or the validity and propriety of any certification for absence in this connection, that I respectfully submit my recommendation in this matter to the Commission. I believe that you gentlemen will do the right thing in the premises.

Very respectfully submitted,

Respectfully,
November 10, 1935.

Personal Officer, "

The Commission has been advised of the recommendation of the Secretary, General Tugane and during the period.

Therefore, it was ordered upon motion of Mr. Tugane, seconded by Mr. Tugane, that the vote of November 10, 1935, by which Mr. Tugane's request was granted, be rescinded and rescinded.

Accordingly, the following notice was offered to Mr. Tugane:

December 11, 1935.

oved, that the salary pay roll in question be made at this time and sent a detailed explanation of the facts and circumstances in connection therewith upon the payroll voucher, which goes to the General Accounting Office with the statement referred to above, that the affidavit in question was made in accordance with the strict laws regulations of the Commission.

As to the foregoing motion, Messrs. Tolson, Clegg, Harbo, and Van Fleet voted in the affirmative and Mr. Sampson voted in the negative. The motion carried and it was so ordered.

(11) Title 1-2774 - U. S. C. re. "Extracts from 'Confederate' Legislation."

Information of requested action received from the Assistant Chief Counsel recommending, pursuant to the Commission's direction of March 11, 1935, drafts of notice and demand directed to the American Wire Rope Company, Inc., (hereinafter referred to as the American Wire Rope Company), which company is engaged in the business of manufacturing and selling wire rope for the purpose of extracting, and for extracting, and mining, copies of certain confidential evidence. It is requested of whether this the Board of Directors reported to the Commission, that the Commission had refused action to the Commission's satisfaction.

It was directed that the matter be reconsidered.

(12) A report of cases in 1935 was received from the Export Trade Fair and Convention, pursuant to the Commission's direction of July 24, 1935, alleged violation of anti-trust laws by combinations, trusts, formal agreements, and otherwise; and (13) alleged violation of American laws in foreign waters. The report was requested of the Commission in letter of March 24, 1935, by some fifteen United States Senators.

It was directed that a copy of the report be referred to such Commissioner and the matter handled on the basis of business calendar.

(13) Bureau 1175 - United States Oil Company.

The Secretary presented notice filed November 1, 1935, for the respondents to discontinue the proceedings for the reasons set forth in the notice.

After consideration, it was decided, that the case proceed to the regular order and that action on the respondents' motion to discontinue be postponed until after judgment upon the evidence set forth for January 15, 1936, at 10:00 a. m., with leave to the respondents to again present the motion at that time.

The Chief Counsel was directed to prepare on the Secretary to serve appropriate order.

December 11, 1955.
December 14, 1955.

Therefore, at the hour of 12:15 p.m., the Commission adjourned to next Monday, December 19, 1955, at 10 a.m.

J. W. Tamm
J. W. Tamm,
Chairman.

Witness:

William L. Carpenter
William L. Carpenter,
Secretary.

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Saturday - December 10, 1955 - No meeting held.

Sunday - December 12, 1955 - No meeting held.

Monday - December 13, 1955 - No meeting held.

Tuesday - December 14, 1955 - No meeting held.

Witness:

John W. Tamm, Chairman,
Charles E. Tamm,
William L. Carpenter,
William L. Carpenter.

r. The Fleet absent on official business.

The minutes of the meeting of December 11, 1955, were read and approved.

Chairman Tamm submitted the following letters and action as indicated was taken by the Commission:

(1) Letter of December 11th from the Department of Justice (Willis J. Brown, Assistant to the Attorney General), replying to the Commission's letter of November 18th in regard to the release of subjects for the protection of the Commission's records and advising that hereafter the Department will formally verify the

19784

December 14, 1925.

Commissioner before serving any of the employees.

The letter was read and referred to the Secretary for attention.

(2) Letter of December 14, from the Bureau of the Budget asking attention to certain reports required by law to accompany estimates.

The letter was referred to the Secretary for attention.

(3) Letter of December 14, from Senator J. L. Bland, (Executive Secretary, National Administration Council), Washington, D. C., referring to his letter of November 1925 asking for recommendations as to legislation to carry out the recommendations regarding the Federal Reserve Bank in the Department's report and requesting that any suggestions by the Commission as to legislation be promptly submitted.

The Chairman referred to the memorandum of December 14 from the Chief Counsel at Senate Hill, proposed bill in this matter which was circulated on December 14 and suggested, that the letter of December 14 be filed with the other reports now being circulated after which he stated that definite action will probably be taken within a few days.

It was so referred by the Commission.

(4) Letter of December 14, from the Civil Service Commission requesting a statement of December 11, 1925, of the number of employees of the Executive, etc.

The letter was referred to the Secretary for compilation.

(5) Letter of December 14, from the Chairman of the House Committee on Interstate and Foreign Commerce asking for report and such views as the Commission may desire to communicate, the following described bill - House Resolution 11, 80th Congress, First Session, December 11, 1925, by H. Smith of Pennsylvania in regard to small grain milling.

It was directed that the matter be circulated.

(6) Letter of December 14, from the Chairman of the House Committee on Interstate and Foreign Commerce for a bill for report and such views as the Commission may desire to communicate, the following described bill - House Resolution 11, 80th Congress, First Session, December 11, 1925, by H. Smith of Pennsylvania in regard to promoting the manufacture, sale or distribution of adulterated or misbranded or false or fraudulent foods, drugs, etc.

It was directed that the matter be circulated.

The image shows five chemical structures labeled a) through e):

- a) A benzene ring with a methyl group (CH_3) at position 1 and a nitro group (NO_2) at position 4 (para).
- b) A benzene ring with a methyl group (CH_3) at position 1 and a nitro group (NO_2) at position 3 (meta).
- c) A benzene ring with a methyl group (CH_3) at position 1 and a nitro group (NO_2) at position 2 (ortho).
- d) A benzene ring with a methyl group (CH_3) at position 1 and a nitro group (NO_2) at position 1 (same carbon).
- e) A benzene ring with a methyl group (CH_3) at position 1 and a nitro group (NO_2) at position 4 (para).

November 14, 1925.

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[illegible]

R. *Leptogium* 1888, p. 22.


by the

At 11:00 a.m. on 11/11/68, the subject was seen at the
residence. The subject was seen until the end of the year,
and remained in the same place, and was not seen.

□ □ □

1. 1950. 1951. 1952. 1953. 1954. 1955. 1956. 1957. 1958. 1959. 1960. 1961. 1962. 1963. 1964. 1965. 1966. 1967. 1968. 1969. 1970. 1971. 1972. 1973. 1974. 1975. 1976. 1977. 1978. 1979. 1980. 1981. 1982. 1983. 1984. 1985. 1986. 1987. 1988. 1989. 1990. 1991. 1992. 1993. 1994. 1995. 1996. 1997. 1998. 1999. 2000. 2001. 2002. 2003. 2004. 2005. 2006. 2007. 2008. 2009. 2010. 2011. 2012. 2013. 2014. 2015. 2016. 2017. 2018. 2019. 2020. 2021. 2022. 2023. 2024. 2025. 2026. 2027. 2028. 2029. 2030. 2031. 2032. 2033. 2034. 2035. 2036. 2037. 2038. 2039. 2040. 2041. 2042. 2043. 2044. 2045. 2046. 2047. 2048. 2049. 2050. 2051. 2052. 2053. 2054. 2055. 2056. 2057. 2058. 2059. 2060. 2061. 2062. 2063. 2064. 2065. 2066. 2067. 2068. 2069. 2070. 2071. 2072. 2073. 2074. 2075. 2076. 2077. 2078. 2079. 2080. 2081. 2082. 2083. 2084. 2085. 2086. 2087. 2088. 2089. 2090. 2091. 2092. 2093. 2094. 2095. 2096. 2097. 2098. 2099. 2100. 2101. 2102. 2103. 2104. 2105. 2106. 2107. 2108. 2109. 2110. 2111. 2112. 2113. 2114. 2115. 2116. 2117. 2118. 2119. 2120. 2121. 2122. 2123. 2124. 2125. 2126. 2127. 2128. 2129. 2130. 2131. 2132. 2133. 2134. 2135. 2136. 2137. 2138. 2139. 2140. 2141. 2142. 2143. 2144. 2145. 2146. 2147. 2148. 2149. 2150. 2151. 2152. 2153. 2154. 2155. 2156. 2157. 2158. 2159. 2160. 2161. 2162. 2163. 2164. 2165. 2166. 2167. 2168. 2169. 2170. 2171. 2172. 2173. 2174. 2175. 2176. 2177. 2178. 2179. 2180. 2181. 2182. 2183. 2184. 2185. 2186. 2187. 2188. 2189. 2190. 2191. 2192. 2193. 2194. 2195. 2196. 2197. 2198. 2199. 2200. 2201. 2202. 2203. 2204. 2205. 2206. 2207. 2208. 2209. 2210. 2211. 2212. 2213. 2214. 2215. 2216. 2217. 2218. 2219. 2220. 2221. 2222. 2223. 2224. 2225. 2226. 2227. 2228. 2229. 2230. 2231. 2232. 2233. 2234. 2235. 2236. 2237. 2238. 2239. 2240. 2241. 2242. 2243. 2244. 2245. 2246. 2247. 2248. 2249. 2250. 2251. 2252. 2253. 2254. 2255. 2256. 2257. 2258. 2259. 2260. 2261. 2262. 2263. 2264. 2265. 2266. 2267. 2268. 2269. 2270. 2271. 2272. 2273. 2274. 2275. 2276. 2277. 2278. 2279. 2280. 2281. 2282. 2283. 2284. 2285. 2286. 2287. 2288. 2289. 2290. 2291. 2292. 2293. 2294. 2295. 2296. 2297. 2298. 2299. 2300. 2301. 2302. 2303. 2304. 2305. 2306. 2307. 2308. 2309. 2310. 2311. 2312. 2313. 2314. 2315. 2316. 2317. 2318. 2319. 2320. 2321. 2322. 2323. 2324. 2325. 2326. 2327. 2328. 2329. 2330. 2331. 2332. 2333. 2334. 2335. 2336. 2337. 2338. 2339. 2340. 2341. 2342. 2343. 2344. 2345. 2346. 2347. 2348. 2349. 2350. 2351. 2352. 2353. 2354. 2355. 2356. 2357. 2358. 2359. 2360. 2361. 2362. 2363. 2364. 2365. 2366. 2367. 2368. 2369. 2370. 2371. 2372. 2373. 2374. 2375. 2376. 2377. 2378. 2379. 2380. 2381. 2382. 2383. 2384. 2385. 2386. 2387. 2388. 2389. 2390. 2391. 2392. 2393. 2394. 2395. 2396. 2397. 2398. 2399. 2400. 2401. 2402. 2403. 2404. 2405. 2406. 2407. 2408. 2409. 2410. 2411. 2412. 2413. 2414. 2415. 2416. 2417. 2418. 2419. 2420. 2421. 2422. 2423. 2424. 2425. 2426. 2427. 2428. 2429. 2430. 2431. 2432. 2433. 2434. 2435. 2436. 2437. 2438. 2439. 2440. 2441. 2442. 2443. 2444. 2445. 2446. 2447. 2448. 2449. 2450. 2451. 2452. 2453. 2454. 2455. 2456. 2457. 2458. 2459. 2460. 2461. 2462. 2463. 2464. 2465. 2466. 2467. 2468. 2469. 2470. 2471. 2472. 2473. 2474. 2475. 2476. 2477. 2478. 2479. 2480. 2481. 2482. 2483. 2484. 2485. 2486. 2487. 2488. 2489. 2490. 2491. 2492. 2493. 2494. 2495. 2496. 2497. 2498. 2499. 2500. 2501. 2502. 2503. 2504. 2505. 2506. 2507. 2508. 2509. 2510. 2511. 2512. 2513. 2514. 2515. 2516. 2517. 2518. 2519. 2520. 2521. 2522. 2523. 2524. 2525. 2526. 2527. 2528. 2529. 2530. 2531. 2532. 2533. 2534. 2535. 2536. 2537. 2538. 2539. 2540. 2541. 2542. 2543. 2544. 2545. 2546. 2547. 2548. 2549. 2550. 2551. 2552. 2553. 2554. 2555. 2556. 2557. 2558. 2559. 2560. 2561. 2562. 2563. 2564. 2565. 2566. 2567. 2568. 2569. 2570. 2571. 2572. 2573. 2574. 2575. 2576. 2577. 2578. 2579. 2580. 2581. 2582. 2583. 2584. 2585. 2586. 2587. 2588. 2589. 2590. 2591. 2592. 2593. 2594. 2595. 2596. 2597. 2598. 2599. 2600. 2601. 2602. 2603. 2604. 2605. 2606. 2607. 2608. 2609. 2610. 2611. 2612. 2613. 2614. 2615. 2616. 2617. 2618. 2619. 2620. 2621. 2622. 2623. 2624. 2625. 2626. 2627. 2628. 2629. 2630. 26

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Wm. C. Jones

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1998



December 16, 1955.

(1) File 1-361 - New York Telephone Company, Inc. vs. J. P. Morgan & Company, Inc.
Mr. Thompson submitted memorandum of December 14th reviewing the facts and commenting on the respective merits of the Chief Justice's and the lower courts' findings, that the application be granted.
After consideration, the application for review was denied.

(2) File 1-361 - Chicago Telephone Company vs. J. P. Morgan & Company.
Mr. Thompson reviewed the facts and stated that under the circumstances, he did not believe it advisable to grant the application.
After discussion, it was ordered by the Commission, in accordance with Mr. Thompson's recommendation, that the Chief Justice's finding be directed as negative for a stipulation in this case and report to the Commission.

(3) File 1-361 - Chicago Telephone Company, Inc. vs. J. P. Morgan & Company, Inc.
Mr. Thompson reported on the facts of the case in this file, which was ordered circulated on September 14, 1955 and suggested that it be especially considered for the purpose of expedition in view of the age of the case.
After discussion, it was ordered by the Commission, that copies of the case be made and special attention be given after the regular order on Friday, December 16, 1955 on the Secretary's recommendation to certify the case to the Chief Justice for a decision in this case and report to the Commission.

The following matters of general interest were forwarded to the Commission by the Secretary of the Commission and presented by the Secretary, for action as indicated and taken by the Commission:

(1) Letter to the Director of the Bureau of the Census, dated December 14, 1955, letter of December 14, 1955, regarding, generally, the Census, which respect to (a) Census Bureau's request for information, (b) Census Bureau's request for information, (c) Census Bureau's request for information, (d) Census Bureau's request for information, (e) Census Bureau's request for information, and (f) Census Bureau's request for information.

The letter was read, approved and ordered forwarded, for file.

(2) "Booked and Filed" - Chicago Telephone Company, Inc. vs. J. P. Morgan & Company, Inc.
A memorandum of December 14th was received from the Chief Justice transmitting a copy of a letter from the Chief Justice, dated December 14, 1955, regarding the termination of Mr. Morgan's employment which termination at the close of December

September 16, 1925.

"General" 7, 1976, he extended until the expiration of the
 license in 1977.

On 12/10/68, J. P. Wilson, assisted by Mr. Thompson, the representative of the United Nations, approved and Mr. White's original statement and recommendation, both of the original and the revised version of it.

$$\frac{d}{dt} \left(\frac{\partial L}{\partial \dot{x}} \right) = \frac{\partial L}{\partial x}, \quad \text{where } L = T - V.$$
[illegible]

$\frac{d}{dt} \left(\frac{1}{\sqrt{1-v^2/c^2}} \right) = \frac{v}{c^2} \frac{dv}{dt}$

1. The first step is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

On January 14, 1961, from the details of the Council which had the responsibility for the execution of the plan in the field, the following information was obtained: The plan was to be executed on January 14, 1961, at 10:00 AM. The plan was to be executed in the field, and the details of the plan were as follows:

After several attempts, the respondent was placed in the Army in 1960, where he volunteered for the military and worked as a clerk in the post office.

$\frac{d}{dt} \left(\frac{\partial L}{\partial \dot{x}} \right) = \frac{\partial L}{\partial x}$

[illegible]

It was disclosed, that the FBI with the intent of being received by the Legislature, in a collection headed by it, the witness, then circulated in the entire spread reference to the fact that there is some "examination" copying of the records of the individual. This risk, copying as recommended by the chief counsel and subject matter to the Legislature.

December 19, 1935.

(6) Memorandum of December 15th from the Chairman of the Committee on Interstate and Foreign Commerce, transmitting for report and views as the Commission may desire to circulate, the following described bill - H. R. 11, 67th Congress, First Session, December 7, 1925, by Mr. Thompson of Massachusetts, relative to the abolition of the Federal Trade Commission.

The matter was referred to the Secretary for attention.

(7) Executive Order of December 15, 1935, relative to closing of Federal offices in the District of Columbia on certain days of the year.

The matter was referred to the Secretary for attention.

(8) Letter of December 15th from the Chairman of the Committee on Interstate and Foreign Commerce, transmitting for report and views as the Commission may desire to circulate, the following described bill - H. R. 11, 67th Congress, First Session, December 7, 1925, by Mr. Thompson of Massachusetts, relative to the abolition of the Federal Trade Commission.

It was directed that the matter be circulated.

(9) Letter of December 15th from the Chairman of the Committee on Interstate and Foreign Commerce, transmitting for report and views as the Commission may desire to circulate, the following described bill - H. R. 11, 67th Congress, First Session, December 7, 1925, by Mr. Thompson of Massachusetts, relative to the abolition of the Federal Trade Commission.

It was directed that the matter be circulated.

(10) Letter of December 15, 1935 from the Chairman of the Committee on Interstate and Foreign Commerce, transmitting for report and views as the Commission may desire to circulate, the following described bill - H. R. 11, 67th Congress, First Session, December 7, 1925, by Mr. Thompson of Massachusetts, relative to the abolition of the Federal Trade Commission.

It was directed that the matter be circulated.

(11) Letter of December 15th from the Chairman of the Committee on Interstate and Foreign Commerce, transmitting for report and views as the Commission may desire to circulate, the following described bill - H. R. 11, 67th Congress, First Session, December 7, 1925, by Mr. Thompson of Massachusetts, relative to the abolition of the Federal Trade Commission.

It was directed that the matter be circulated.

December 16, 1935.

(12) Letter of December 14, from the House Committee on International Commerce transmitting for report and with views as the Committee may desire to communicate, the following described bill - H. R. 7044, 49th Congress, First Session, December 7, 1935, by Mr. Gerritt of Connecticut, relative to prohibiting sale or shipment in interstate or foreign commerce of imported articles, etc.
It was directed that the matter be circulated.

(13) Letter of December 14th from the House Committee on Foreign Commerce transmitting for report and with views as the Committee may desire to communicate, the following described bill - H. R. 81, (Relet), 69th Congress, First Session, by Mr. Griffin of New York, relative to the temporary control of and operation of coal mines in part in foreign territory, etc.
It was directed that the matter be circulated.

(14) File 1-2069 - Edward Rice's Case, Inc. vs. Continental Manufacturing Company.

Memoandum of December 14th from the Chief Examiner reviewing the facts and calling attention to the fact, that a complaint has been received in Patent Office against Edward Rice, the manufacturer of the goods in question. The Chief Examiner recommended, in view of this fact, that this application for complaint be dismissed and that the file be made a part of the record in Patent Office, which matter is now pending before the Commissioner.

After consideration, the recommendation of the Chief Examiner was approved and it was so ordered.

(15) File 1-2074 - South West Patent Company vs. Southern Jewelry Company.

Memoandum of December 14th was received from the Chief Examiner reporting the facts in the case and recommending that negotiations be entered into with respondent for the purpose of clearing the matter by stipulation.

The recommendation of the Chief Examiner was approved and the file referred to the Chief Trial Examiner's Division for negotiation of stipulation upon the facts now report to the Commissioner.

(16) Letter of December 14th was received from the House That (House) Committee (House) (Committee), requesting fifty copies each of Volumes V and VI of the Committee's report on the Smoot Hearings.

The letter was referred to the Secretary for attention.

(17) Patent 1111 - American Gas Company, et al.

Memoandum of December 14, 1935, from the Chief Examiner referring to the Examiner's action of July 16, 1935, directing that action as this matter be withheld pending an interview with the undersigned, Attache of the Royal Swedish Embassy, stating that the interview has been held and recommending report of same.

It was directed that the matter be circulated.

December 16, 1925.

(16) Memorandum of December 12th from the Chief Counsel referring to the following cases now pending in the Supreme Court of the United States and expressing opinion, that the Comptroller should report the facts thereof to the Solicitor General, to advise the court:

- 1 - Dist. Collector vs. Campbell, ex. Federal Trade Commission -
- 2 - Federal Trade Commission vs. Pacific States Paper Trade Association -
- 3 - Federal Trade Commission vs. The Shoda Corp.

It was directed that the latter be circulated.

(17) Parcel 117 - National Live Register Company.

Memorandum of December 12th from Attorney General reporting pursuant to the Comptroller's direction of December 11th, conference with the Department of Justice concerning the record in the Department's case.

After consideration, it was directed, that copies of the memoranda be promptly delivered to each Commissioner and the matter considered as a second special order of business after the regular order on 12th, December 16, 1925.

(18) Inter-office report for the three months period ending December 31, 1925.

The Secretary referred to the tentative budget presented on November 16, 1925 and referred to each Commissioner, and recommended its adoption.

This budget as follows was adopted by the Commission:

"BUDGET APPROVED FOR THE FISCAL YEAR ENDING
JUNE 30, 1926."

| Division | Estimated | Actual |
|-----------------|------------|------------------|
| Administrative | 312,566.75 | |
| Inspection | 52,801.11 | |
| Chief Counsel | 50,440.75 | |
| Chief Examiner | 54,322.57 | |
| Chief Examiner | 7,323.85 | (one month only) |
| Chief Clerk | 3,431.07 | December 1925, |
| Board of Review | 1,255.00 | |

Total \$ 526,190.00

Date: April 10, 1955.

(18) Memorandum of December 15th from the Chief Counsel referring to the following, which was pending in the Supreme Court of the United States on December 15th, 1954, opinion, that the Commission should report the Court through the Solicitor General, to approve the Court:

- 1 - District Court of Appeals, Chicago, Ill. Federal Trade Commission -
- 2 - Federal Trade Commission vs. Pacific Coast Paper Products Association -
- 3 - Federal Trade Commission vs. The Glass Shop.

It was directed that the matter be expedited.

(19) District 117 - Chicago, Ill. Federal Trade Commission.

Memorandum of December 15th from Chicago, Ill. Federal Trade Commission, referring to the Commission's direction of District 117, conference with the Department of Justice concerning the record in the Department's office.

After consideration, it was directed, that copies of the record be promptly delivered to each Commissioner and the matter considered as a second Special Order of the Court. For the regular order on 117th, January 10, 1955.

(20) Administrative Budget for the three years, 1955, 1956, 1957.

The Secretary referred to the Committee Budget Committee on January 10, 1955 and referred to the Committee, and recommended the adoption.

This budget as follows was adopted by the Committee:

"BUDGET MATTERS FOR THE YEAR 1955, 1956, 1957."

| Category | Amount |
|----------------|-------------|
| Administration | \$12,000.00 |
| Research | \$8,000.00 |
| Chief Counsel | \$2,500.00 |
| Chief Counsel | \$4,000.00 |
| Chief Counsel | \$2,000.00 |
| Chief Counsel | \$2,000.00 |
| Chief Counsel | \$2,000.00 |
| Chief Counsel | \$2,000.00 |
| Chief Counsel | \$2,000.00 |

Total - \$36,500.00

December 16, 1935.

(101) Inter-office memoranda on applications for copyright to be handled by stipulations. The necessary word instructions as to whether applications for copyright, which are to be handled by stipulations under the rule, should be referred by the Chief Clerk to the Board of Review in the Chief Clerk's office via the Committee, or whether such cases should be referred directly to the Chief Clerk's office and it was ordered, that the cases be referred direct, via the Chief Clerk's office, to the Chief Clerk's office for negotiations for stipulations under the rule, with instructions to report to the Committee, the stipulations if and when obtained for the approval or rejection of the Committee, or to report failure of such negotiations.

- (102) File 1-1876 - "Hess & Taylor, Inc. vs. Hines Bros. Co."
" 1-1877 - "Associated Advertising, Inc. vs. Hines Bros. Co."
" 1-1878 - "Hess & Taylor, Inc. vs. Hines Bros. Co."
" 1-1879 - "Hess & Taylor, Inc. vs. Hines Bros. Co."

In view of the foregoing, the memoranda of December 7, 1935, was received from the Board of Review immediately proposed stipulations were presented to the Committee of the Chief Clerk and submitted at this time for the approval of the Committee prior to submission to the proposed respondents.

After consideration, the stipulations were referred to the Board of Review for consideration and report.

(103) Report of the Chief Clerk of the work of the Board of Review for the month of December 1935.

The report was received and filed in the office.

On the 15th day of December the following matters were referred and referred as stipulations were taken by the Committee:

(1) File 1-1874 - "Hess & Taylor, Inc. vs. Hines Bros. Co."
A copy of a letter dated from the Chief Clerk's office stipulations received letter dated from the applicant in this case, re, letter, consideration of the right of the applicant on December 15, 1935, the same was dated of June 22, 1935, and stipulations received. The Chief Clerk recommended that the same be granted.
The file was directed on December 15, 1935, stipulations to the Board of Review for consideration and report, the stipulations of the Chief Clerk was approved and the report for consideration of the Board of Review.

(2) Board 1111 - "Hess & Taylor, Inc. vs. Hines Bros. Co."

A copy of a letter dated from the Chief Clerk's office stipulations received letter dated from the applicant in this case, re, letter, consideration of the right of the applicant on December 15, 1935, the same was dated of June 22, 1935, and stipulations received. The Chief Clerk recommended that the same be granted.
The file was directed on December 15, 1935, stipulations to the Board of Review for consideration and report, the stipulations of the Chief Clerk was approved and the report for consideration of the Board of Review.

On advice of Mr. Simpson, it was directed, that the record and the order of dismissal show that the complaint was dismissed for the reason, that the practices were discontinued after the President decided in the Supreme Court.

The letter was classified on November 16, 1976. Comments by the former Intelligence were dated and transmitted by means of the. In fact, it was disclosed that the message came from the Chief of Base and he was given to the Director General.

The author was interviewed by Mr. J. H. [redacted] on May 16, 1968. According to the general instructions on large print and instruction, it was agreed, as stated by Mr. [redacted], that the author's references to the chief counsel for the purpose of getting proper proposed letters to the Chairman of the House and Senate Committee on Legislation in accordance with the rules in the file, shall letters be submitted to the Committee for a comment.

"I think the Draft Statute should be amended. All rights related to the patent for a machine, and the machine, should go into the Treasury, and the patent holder of the invention should be entitled to a salary. Above all, he should be granted a license by the Government and be not a patent holder and he should be required to submit, for the Government, a detailed description of his machine. Further, he should be allowed to be elected by the Secretary of Agriculture, upon the recommendation of, or who is in the office of, any technical director (company, set made up of grain growers, or grain buyers of trade, as the members of the latter, particularly according to a determination, are more specialized."



The plotter was discovered on November 12, 1961. Plans and maps were found, and the plot was cancelled. It was reported, that the matter is treated as a matter of internal security in the name of the leadership and carried in the regular manner.

[illegible]

The matter was adjourned to October 23, 1948. Thereafter, by the several Commissioners and Board of Directors, it was ordered, that the matter be filed without further action.

The contract was cancelled on January 31, 1968, following the removal of the contract from the contract book and the removal of the contract from the contract book. The contract was cancelled on January 31, 1968, following the removal of the contract from the contract book and the removal of the contract from the contract book.

December 16, 1935.

(iv) A resolution of November 12th from the said decision is referred to the acquisition of the Continental Bank & Trust Co., by the City Bank & Trust Co., Inc. The said resolution recommended, that an application for complaint be directed to the name of the Commission against the City Bank & Trust Co., charging violation of Section 7 of the Clayton Act.

The matter was circulated on November 1, 1935. Therefore, the general committee was read and thereafter, it was directed, that an application for complaint be directed to the name of the Commission, in accordance with the recommendation of the said resolution.

(v) Letter of November 14th from the American Radio Association, Washington, D. C., furnished (page refers to the book, entitled, "Radio Association & Their American Significance") legal advice, which referred to the acts of those of the American Radio Association. The letter requested an expression from the Board of with respect to the said.

The matter was circulated on November 6, 1935. Following by the general committee was read and after the matter, Mr. Thompson offered the following motion:

Moved, that a letter be written advising the parties that the Commission is not authorized to pass upon cases of this kind and suggest that they consult their lawyers on the matter.

In substitution for the foregoing motion, Mr. Van Fleet offered the following motion, seconded by Mr. Smith:

Moved, as a substitute for the motion last made, that Section III of this act be amended so as to read as follows:

Section III of the act be referred to read as follows:

"Art. III. Following the general policy of providing fair and reasonable prices, the Board shall consider the public law under entitled to a contract and shall to the Board, the Board shall and shall in the public law of the Commission for the year in question and shall."

This was taken up for the substitute motion. As to this motion, Messrs. Smith and Van Fleet voted in the affirmative and Messrs. Thompson and Thompson voted in the negative. The substitute motion was lost by its vote.

December 16, 1935.

"Vote was recorded upon the original motion. As to this motion, Messrs. Lupton and Thompson voted in the affirmative, Messrs. Hadden, Hunt and Van Fleet voted in the negative. The motion was lost by the vote.

The matter was interrupted, referred to Mr. Lupton, for absent consideration, for examination and report of vote.

At this time Mr. Thompson was excused from the court.

1:20 PM:

Mr. V. Lupton, Chairman,
Charles Hadden,
Hadden, Van Fleet.

Mr. Thompson absent.

Mr. Lupton reported to the court of the vote.

(11) Motion of Lupton, as set from the court, was to the effect of the consideration of the Pittsburg Terminal and the motion of the Lupton and Hadden into the Pittsburg Terminal and the motion of the Lupton and Hadden into the Pittsburg Terminal and the motion of the Lupton and Hadden into the Pittsburg Terminal.

The matter was considered on December 16, 1935, and the motion of the Lupton and Hadden into the Pittsburg Terminal and the motion of the Lupton and Hadden into the Pittsburg Terminal.

Moved, that the matter be filed without action.

Mr. Lupton voted "no".

The motion was rejected and it was so ordered.

(12) Motion of Lupton, as set from the court, was to the effect of the consideration of the Lupton and Hadden into the Pittsburg Terminal and the motion of the Lupton and Hadden into the Pittsburg Terminal.

The matter was considered on December 16, 1935, and the motion of the Lupton and Hadden into the Pittsburg Terminal and the motion of the Lupton and Hadden into the Pittsburg Terminal.

The motion of Lupton, as set from the court, was to the effect of the consideration of the Lupton and Hadden into the Pittsburg Terminal and the motion of the Lupton and Hadden into the Pittsburg Terminal.

1953 11. 16, 1954.

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October 16, 1925.

As a result, the model can be used to predict the effect of various factors on the rate of change in the number of people living in poverty.

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[illegible][illegible]

96 97 98

[illegible]

42 43 44

$\frac{d}{dt} \left(\frac{1}{2} m v^2 + \frac{1}{2} I \omega^2 \right) = \sum \vec{r}_i \cdot \frac{d\vec{F}_i}{dt}$

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Journal of Interpersonal Violence 26(10)

Figure 1

Abstract—The purpose of this study was to determine the effect of a 12-week training program on the heart rate (HR) and energy expenditure (EE) of sedentary, middle-aged women. The subjects were randomly assigned to a control group (CON) and an exercise group (EX). The EX group performed a 12-week training program consisting of three sessions per week of aerobic and resistance exercise. The CON group did not exercise. HR and EE were measured at rest and during a 30-min submaximal walk. The EX group showed a significant decrease in HR and an increase in EE compared to the CON group. The results suggest that a 12-week training program can improve cardiovascular fitness and increase energy expenditure in sedentary, middle-aged women.

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December 16, 1925.

MINUTES OF THE FEDERAL TRADE COMMISSION

Friday - December 18, 1925 - 10 a.m.

PRESENT:

John T. Nugent, Chairman,
Charles E. Hunt,
Houston Sampson,
Morton C. Van Fleet.

Mr. Haggerty absent on account of illness.

The minutes of the meeting of December 16, 1925, were read and approved.

Several cases were appearing on the weekly calendar for trial and several were terminated and action as indicated was taken by the Commission:

(1) "Forest 454 - Swift & Company -

This case came before the Commission for final determination upon the following record: Amended answer of December 14, 1925; the brief counsel transmitting the same and recommending dismissal; a remand by Attorney George H. Jackson, complaint; amended briefs; report upon the facts of Trial Examiner Corliss; brief by counsel for the Commission, brief by counsel for the respondents; order of dismissal. No exceptions were filed to the report of the Trial Examiner. Attorney Jackson represented the Commission. Attorneys Albert H. and Henry Foster for L. L. Ashley represented the respondents.

After deliberation, on motion of Mr. Nugent, seconded by Mr. Hunt, the complaint was dismissed by the Commission, for the stated reason set forth by the Commission's Trial Examiner, Mr. Jackson in his memorandum of December 22, 1925.

The remarks by Attorney Jackson read as follows:

"1. It does not appear that there was a bona fide stock subscription.

"2. It does not appear that L. L. Harrington & Company, Inc., ever completed with Swift & Company, except for a sale of its stock while the bona fide transaction was being completed in the office of White and Case."

It was directed, that the statement of the reason be entered to the minute record and that, the order of dismissal signify that the complaint is dismissed on recommendation of counsel for the Commission.

December 18, 1925.

The Chief Counsel was directed to prepare and the Secretary to serve order of dismissal.

(II) Decret 521 - Armour & Company.

This case came before the Commission for final determination upon the following record: memorandum of December 11th by Attorney Jackson, concurred in by the Chief Counsel, recommending dismissal; amended complaint; answer; testimony; report upon the facts by Trial Examiner Reeves; exceptions thereto by counsel for the Commission and counsel for the respondent; order of dismissal. No briefs were filed. Attorney Jackson represents the Commission. Attorney Paulsen & Ferguson represents the respondent.

After consideration, on motion of Mr. Agent, reported by Mr. Van Wert, it was directed, that Decret 521 be set aside and the complaint be dismissed for the reasons given by the Commission's Trial Attorney, Mr. Jackson.

The motion was adopted and it was so ordered.

The memorandum by Attorney Jackson reads as follows:

"I HEREBY SET ASIDE DECRET 521."

TH: Wm. A. Company - Decret 521.

Counsel for the Commission respectfully avers, that this case be dismissed and in support of his motion avers, as follows:

Decret 521 and 11

The Lockport Refining Company was a corporation operating a refinery for the manufacture of lard and tallow from cotton seed oil and also a mill for the manufacture of crude cotton seed oil.

Wm. A. Company bought the refinery property and business from the Lockport Refining Company in April 1915, taking title in the name of an agent and paying cash for the property. At the time of the purchase, a contract was entered into between Wm. A. Company and the manager of the Lockport Refining Company, which contemplated the organization of a new corporation which provided that the said manager should continue his employment and should be permitted to purchase 1/4 of the capital stock in the new corporation when organized.

Thereafter, in March 1916, a new corporation, Lockport Oil & Refining Company was organized by Wm. A. Company and the whole stock in the capital stock.

December 12, 1905.

A few weeks after incorporation, the new interest off a refinery, having purchased for cash from the Lookout Refining Company, a crude oil still, the last remaining operation, most of the Lookout Refining Company.

The following circumstances are apparent from the record:

1. There was no competition between Lookout Refining and the Lookout Refining Company in the refining business off of the products of the refinery.
2. The new interest in the refinery was purchased from the Lookout Refining Company, and the property was in the hands of the company.
3. There was some slight competition in the crude oil business with the Lookout Refining Company, but the new interest in the refinery was purchased from the Lookout Refining Company, and the property was in the hands of the company.
4. The only acquisition of stock occurred in that of the Lookout Refining Company, in January, 1905, when the Lookout Refining Company purchased the property with cash and stock, and the new interest in the refinery was purchased from the Lookout Refining Company, and the property was in the hands of the company.

The proof relating to the acquisition of the property is substantially the same.

There is no doubt that the acquisition of capital stock of another corporation, the effect of which is to create competition, is a violation of the law, and it is not to create a monopoly.

It is to be noted of your counsel that the acquisition of the stock had no effect whatever on competition, trade or distribution of goods, and there was no competition or possibility of competition for the same prior to the formation of the acquired company and since then.

October 18, 1963.

[illegible][illegible]

Figure 1. The effect of the concentration of the *Agrobacterium* suspension on the transformation efficiency of *Agrobacterium* strains.

[illegible][illegible][illegible][illegible]

1. The first step in the process of identifying a problem is to define the problem. This involves identifying the symptoms of the problem and determining the scope of the problem. Once the problem has been defined, the next step is to identify the causes of the problem. This involves identifying the factors that are contributing to the problem and determining the underlying causes of the problem. Once the causes of the problem have been identified, the next step is to develop a plan to address the problem. This involves identifying the actions that need to be taken to address the problem and determining the resources that are needed to implement the plan. Once a plan has been developed, the next step is to implement the plan. This involves taking the actions that have been identified in the plan and putting them into practice. Finally, the last step in the process is to evaluate the results of the plan. This involves determining whether the plan has been successful in addressing the problem and identifying any areas for improvement.

December 18, 1925.

stated, that Counts Jones and Jones of the complaint
is directed for the reason, that the complaint of
popularly known in the jurisdiction of the complaint,
and that the complaint is insufficient to constitute a
violation of the Federal Trade Commission Act.

The motion was denied by Mr. Jones.

As to the foregoing, Mr. Jones, however, that the complaint stated
in the affirmative and the complaint and the complaint stated in the
negative and stated that their complaint is denied. The complaint was
lost on the vote.

Pursuant to the rule, the case was referred to Mr. Jones,
the agent of the complaint, for examination and to report his vote
on Counts Jones and Jones of the complaint.

(3) Count 113 - Complaint of Jones of the complaint.

This case was referred to the agent of the complaint for first determination
on the following, namely, complaint, namely, complaint of Jones
and the facts by which Jones of the complaint, exceptions taken by
counsel for the respondent; counsel for the respondent did not file
exceptions; counsel for the respondent did not file exceptions; counsel for the respondent
did not file exceptions. Final argument was heard on December 11, 1925. Attorney
and Jones represented the respondent. Attorney Jones represented the respondent.
After consideration, Mr. Jones offered the following motion,
which was accepted by Mr. Jones:

stated, that an order to remove the complaint from
and that the complaint is directed to prepare
a report to the Commission for approval on the
facts, draft of findings as to the facts and order
to remove and to let.

As to the foregoing, Mr. Jones, however, that the complaint stated
in the affirmative and the complaint and the complaint stated in the
negative. The motion was lost on the vote.

Pursuant to the rule, the case was referred to Mr. Jones,
the agent of the complaint, for examination and to report his vote.

(4) Count 113 - Complaint of Jones of the complaint.

This case was referred to the agent of the complaint for first determination
on the following, namely, complaint, namely, complaint of Jones
and the facts by which Jones of the complaint, exceptions taken by
counsel for the respondent; counsel for the respondent did not file
exceptions; counsel for the respondent did not file exceptions; counsel for the respondent
did not file exceptions. Final argument was heard on December 11, 1925. Attorney
and Jones represented the respondent. Attorney Jones represented the respondent.
After consideration, Mr. Jones offered the following motion,
which was accepted by Mr. Jones:

December 18, 1935.

After consideration, it was ordered by the Commission, on motion of Mr. Tugent, that an order to cease and desist leave and that the Chief Counsel prepare and submit to the Commission for approval as to form, draft of findings as to the facts and order to cease and desist.

Mr. Hunt reported request of Mr. Humphrey, that in about the case was denied in his absence, his note he recorded in the negative as to the issuance of findings and an order and that Mr. Hunt and some other findings and order issued by the Commission.

It was accordingly, directed by the Commission, that the record and the findings and order show Mr. Humphrey's dissent.

(6) Docket 1174 - P. H. Jones Mining Company.

This case came before the Commission for consideration of the findings and order submitted by the Chief Counsel, pursuant to the direction of November 13, 1935, at which time, the Commission directed that an order to cease and desist leave and that the Chief Counsel prepare and submit to the Commission for approval as to form, draft of findings as to the facts and order to cease and desist.

The following papers were placed in the books of each Commissioner on December 18 from the Chief Counsel: findings as to the facts and order to cease and desist submitted by the Chief Counsel.

After consideration, the findings as to the facts were corrected in motion of Mr. Tugent, as shown on marked copy and thereafter the findings and order were approved and adopted and referred to the Secretary for service without further action.

(8) Docket 1186 - Good-Wrappe Company.

This case for further consideration on next conference day.

(7) Docket 1182 - International Trucking Company.

This case came before the Commission for final determination upon the following: records; complaints; answers; testimony; report upon the facts by Trial Examiner Sheppard; objections thereto by counsel for the Commission and counsel for the respondent; brief by counsel for the respondent and counsel for the Commission. Witnesses: C. F. Clark represents the Commission. Attorneys Louis Ernest Kinkadee and Edward W. McFarland represent the respondent. Final argument was heard December 18, 1935.

After consideration, on motion of Mr. Humphrey, the complaint was dismissed by the Commission.

The Chief Counsel was directed to prepare and the necessary to serve order of dismissal.

December 18, 1925.

Mr. Thompson submitted File 1-2573 - Tri-City Wholesale Grocer Company vs. Pacific State Company with recommendation of December 16th, reviewing the record and concurring in the recommendation of the Board of Review, that the application be dismissed because both the applicant and respondent have gone out of business.

The memorandum was read and after consideration, on motion of Mr. Thompson, it was ordered, that the application for complaint be dismissed on the ground that both the applicant and respondent have gone out of business.

It was further ordered, on motion of Mr. Thompson, and in accordance with the recommendation in his memorandum of December 16, 1925, that an application for complaint be rejected in the name of the Commission against Henry Cart's Sons, Norton L. Larkin Company and J. P. MacRae & Company and that the files relative to Calligan Company and Hynes-McCarthy Company and others discriminated against be removed from the file in this case and made the basis in the new case.

At this time the Commission considered the following Special Orders and action as indicated was taken by the Commission:

(1) File 1-2572 - Crowley Corporation, Inc. vs. Dunfords Company.

On September 16th, the entire file in this case was circulated together with memorandum of September 15th by the Chief Counsel referring to the Commission's action of January 13, 1925, directing the preparation of complaint and transmittal memoranda by Messrs. Jeff and Hamilton expressing opinion that the files are lacking proof to support any complaint.

Mr. Thompson at whose request, the matter was set for Special consideration, recited the history of the case and its present status and read certain evidentiary portions of the record.

Attorneys Jeff and Hamilton of the Staff were heard.

After discussion, Mr. Thompson offered the following motion:

Moved, that the Chief Counsel be instructed to proceed with the drafting of the complaint ordered by the Commission's order of January 13, 1925.

The motion was seconded by Mr. Nugent.

As to the foregoing motion, Messrs. Nugent and Thompson voted in the affirmative and Messrs. Hunt and Van Fleet voted in the negative. The motion was lost on the vote.

Pursuant to the rule, the case was referred to Mr. Humphrey, the dissent Commissioner, for examination and report.

December 18, 1923.

(C) Pocket 1338 - National Cash Register Company.

On December 7, 1923, an informal hearing was held before the Board of Review, on the motion of the respondent to dismiss the complaint and the Commission considered the majority report of the Board dated December 6th and thereafter, directed that the Commission's attorney make inquiry at the Department of Justice as to the status of the case against the National Cash Register Company in the Department of Justice. Attorney Sweet by memorandum of December 13th reported concerning the case in the Department of Justice.

After discussion, the following motion was offered by Mr. Ferguson:

Moved, that the Commission refuse to withdraw its complaint and that the respondent be so notified and granted thirty days from the date of such notice for the filing of its answer; and that the Chief Counsel proceed with the trial of the case in the regular course.

The motion was seconded by Mr. Nugent and adopted by the Commission and it was so ordered.

The Commission recessed at 12:15 p.m.

J. F. Nugent
J. F. Nugent,
Chairman.

Attest:

W. H. Ferguson
W. H. Ferguson,
Secretary.

7912

December 12, 1943.

REPORT OF LUSH, RUSSELL AND HUNT, A COMMITTEE
TO FINISH THE VOLUNTARY AND PAYING BUSINESS
OF THE COMMISSION DURING THE ABSENCE OF A
THOMAS AND HUNT TO THE COMMISSION.

Friday - December 12, 1943 - 2 p.m.

PRESENT:

John T. Lush, Chairman,
Charles W. Hunt,

Mr. Thompson absent.

Mr. Humphrey absent on account of illness.

Mr. Van Fleet absent.

Pursuant to arrangements made oral hearing was had on the application of counsel for the respondent to review certain rulings of the Trial Director in District 1100 - American Gulf Company. Attorney Justice Parker was heard on behalf of the respondent. Attorney Sweet was heard on behalf of the Commission. The hearing continued until the hour of 3:15 p.m., was concluded and the latter taken under advisement.

The Committee granted Attorney Parker permission to file memorandum brief.

Thereupon, at the hour of 3:15 p.m., the Committee adjourned.

J. T. Lush
J. T. Lush

Charles W. Hunt
Charles W. Hunt, Committee

(Attest)

W. J. Thompson
W. J. Thompson, Jr.,
Secretary

December 18, 1945.
December 18, 1945.

As shown by the minutes of December 21, 1945, the foregoing Committee report was last day read to the Commission, ratified and adopted as the action of the Commission.

J. F. Tabor
J. F. Tabor,
Chairman.

Attest:

William H. Johnson
William H. Johnson,
Secretary.

MINUTES OF THE FEDERAL TRADE COMMISSION

Dated: December 18, 1945 - 11 a.m.

PRESENT:

John F. Tabor, Chairman,
Charles W. Kent,
Lester Thompson,
Vernon W. Van Fleet,

Mr. Thompson absent on account of illness.

The Commission met in Special Session at the call of the Chairman for further consideration of final report on the Tobacco Industry, prepared in response to Senate Resolution 329, adopted February 2, 1945 (Senator Ewart).

Senators Ewart and Caines of the Staff were present.

The Chairman presented the following wires:

"1945 Dec 17 PM 5 26

Detroit, Mich.

Johnson,
Secretary, Federal Trade Commission
Washington D C

Has Commission made up tentative report on Tobacco Investigation if so will we have opportunity to take matter up with Commission before wires to filed. Wire answer

Earl J. Davis."

12/13/35

December 19, 1935.
December 31, 1935.

The foregoing wire was read and after discussion, the Secretary was directed to reply, that the Commission is now considering the final draft of the report, which is expected to be submitted to the President within a few days.

The Commission adopted the suggested changes, as proposed by certain Commissioners and submitted by Mr. Anderson, with certain modifications and the report was ordered revised in accordance with the changes and transmitted to the President.

Thereupon, at the hour of 12:15 p.m., the Commission adjourned to meet Monday, December 31, 1935, at 10 a.m.

J. F. Nugent
J. F. Nugent,
Chairman.

Attest:

Charles W. Bond
Charles W. Bond,
Secretary.

Sunday - December 30, 1935 - No meeting held.

MINUTES OF THE FEDERAL TRADE COMMISSION

Monday - December 31, 1935 - 10 a.m.

PRESENT:

John F. Nugent, Chairman,
Charles W. Bond,
Lester Thompson,
Vernon W. Van Fleet.

Mr. Humphrey absent on account of illness.

The minutes of the meeting of December 19, the Committee report of December 19 and the minutes of the meeting of December 29, 1935, were read and approved.

December 31, 1925.

The Chairman presented the following matters and action as indicated was taken by the Commission:

(1) Letter of December 19th from the Office of Public Buildings & Public Parks in reply to the Commission's letter of December 15th with respect to heating conditions in the building occupied by the Commission.

The letter was read and referred to the Assistant Secretary.

(2) Letter of December 18th from the Comptroller General of the United States referring to per diem payments to Sgt. J. White, Special Agent, for the periods February 1, 1924 to May 31, 1924, expressing the opinion, that there was no authority to pay per diem in time of absence while Mr. White was at Washington and requesting that necessary action be taken towards the collection of the amount of \$187.80, and that the Comptroller General be advised accordingly. The letter further stated, that pending action by the Commission, the accounts of the Disbursing Officer would be held in abeyance for a reasonable time.

The letter was referred to the Secretary for attention.

(3) Letter of December 17th from Special Attorney Henry Miller of the Staff requesting salary increase from \$2800. to \$3100.

The letter was referred to the Chief Counsel for report.

Mr. Nugent presented the following listed applications for complaint and action as indicated was taken by the Commission:

(1) Title 1-1344 - Alleged Advertising Abuse of the World vs. United Soap Company, Inc.

Mr. Nugent submitted memorandum of December 1st regarding the facts and occurring in the recommended action the Attorney General, the Assistant Chief Counsel and the Board of Review, that complaint issue.

The memorandum was read and after consideration, on motion of Mr. Nugent, it was directed that complaint issue charging United Soap Company, Inc., with violation of the Federal Trade Commission Act.

The file was referred to the Chief Counsel, via letter of motion, for preparation of complaint under the rules, the same to be thereafter, served by the Controller, without further action by the Commission.

(2) Title 1-1347 - J. A. Fino & Company vs. Defendants United Soap Company

Mr. Nugent submitted memorandum of December 1st regarding the facts, disagreeing with the recommendations of the Board of Review, that the allegations be accepted and the application for complaint and recommended that complaint issue.

During the consideration of this case, Mr. A. C. Jones was absent from the room.

18/11/55

December 31, 1955.

The objection was read and thereafter, Mr. Lugent moved, that complaint issue.

In objection, Mr. Van Fleet offered the following motion, which was seconded by Mr. Hunt:

Moved, that the stipulation be accepted and the application for complaint dismissed.

Vote was taken upon the objection motion. As to this motion, Messrs. Hunt and Van Fleet voted in the affirmative, Mr. Lugent voted in the negative and Mr. Thompson, who had returned to the room in the meantime, voted "present" for the reason, that he did not hear a statement of the case and had no knowledge of the facts. The matter remained, the stipulation was accepted and the application for complaint dismissed.

Mr. Lugent asked that his motion be voted.

(2) File 1-2020 - Associated Advertising Clubs of the World vs. Chicago's Daily Herald Company.

Mr. Lugent stated, that this application came direct to the Commission from the Chief Examiner, without reference to the Board of Review pursuant to the rule of December 1, 1951.

Mr. Lugent exhibited evidence of evidence that reviewed the facts and occurring in the recommendation of the Chief Examiner, and the application be dismissed.

The members read and thereafter, Mr. Lugent moved, that the application for complaint be dismissed.

After further discussion, as motion of Mr. Van Fleet, it was ordered (I) that the case be placed on the December calendar pending the briefs previously submitted with the Petition for review now being submitted by Mr. Van Fleet; and (II) that notice of pending Petition for review be considered as a Special Order of business after the regular order on Wednesday, December 28, 1955.

Mr. Hunt presented File 1-2023 - National Association of Patent Distributors vs. Deane Patent Company and after reading the facts in the case stated, that he withdrew in the recommendation of the Board of Review, that the stipulation be accepted and the application for complaint dismissed.

After consideration, Mr. Hunt offered the following motion, which was seconded by Mr. Van Fleet:

Moved, that the stipulation be accepted and the application for complaint be dismissed.

December 21, 1965.

In substitution for the foregoing motion, it was moved by Mr. Tugent, seconded by Mr. Thompson, that the application be rejected and that complaint issued.

Vote was taken upon the substitute motion. As to this motion Messrs. Tugent and Thompson voted in the affirmative and Messrs. Hart and Van Fleet voted in the negative. The substitute motion was lost on the vote.

Vote was thereupon taken upon the original motion. As to this motion Messrs. Hart and Van Fleet voted in the affirmative and Messrs. Tugent and Thompson voted in the negative.

Pursuant to the rule, this file was referred to Mr. Thompson, the absent themselves, to report its deciding vote.

Mr. Thompson submitted the following stated applications for complaint and action as indicated was taken by the association:

- (1) File 1-1387 - Western Columbia Distributing Company re. William, Wendell Moore's association.

Mr. Thompson stated, that this application came direct to the Association from the Chief Executive, without reference to the Board of Directors, pursuant to the rule of January 3, 1961.

Mr. Thompson stated, that the facts in this case were in many respects similar to those in File 1-1386 - Iowa-Illinois Distributing Company re. Moore's association, et al, which matter would be finally heard by the Association in January. He said that Attorney Jordan would represent the Association. Mr. Thompson suggested, that the present application File 1-1387, be referred to Attorney Jordan for comment.

After further discussion, Mr. Thompson offered the following motion, which was seconded by Mr. Van Fleet:

Moved, that the case be dismissed.

As to the foregoing motion, Messrs. Tugent, Thompson and Van Fleet voted in the affirmative and Mr. Tugent voted in the negative. Mr. Tugent made the following statement for the record:

"I vote 'no' for the reason that the facts in this case have not been presented to the Association and members of the Association are not familiar with the case and not in a position to vote."

Mr. Van Fleet stated for the record, that he voted in dissent for the reason that the case was a moot one.

- (2) File 1-3764 - J. B. Salikoff Company re. Robert Gilbert A. Jones Company.

Mr. Thompson submitted a resolution of December 21st reciting the facts, findings, and the recommendation of the Board of Directors, that the application be dismissed and recommending that complaint issue.

December 31, 1935.

The memorandum was read and thereafter, Mr. Thompson offered the following motion, which was seconded by Mr. Nugent:

Moved, that original issue.

In substitution for the foregoing motion, Mr. Van Fleet offered the following motion, which was seconded by Mr. Nugent:

Moved, as a substitute, that the case be referred to the Board of Review with instructions to issue the usual notice for a hearing under the rule and ascertain whether or not the respondent will enter into a stipulation to waive the practice.

Vote was taken upon the substitute motion as to said notice, practice, rule and Van Fleet voted in the affirmative and Nugent and Thompson voted in the negative. The substitute motion was lost on the vote.

Vote was thereupon taken upon the original motion as to said notice, practice, rule and Thompson voted in the affirmative and Nugent and Van Fleet voted in the negative. The original motion was lost on the vote.

Pursuant to the rule, the case was referred to Mr. Thompson, the absent respondent, to report his vote.

(3) File 1-3111 - U. S. v. Respondent Thompson.

Mr. Thompson stated that this application was direct to the Commission from the Chief Examiner without reference to the Board of Review, pursuant to the rule of December 3, 1934.

Mr. Thompson submitted a memorandum of December 18th reviewing the facts, concluding with the recommendation that the Board examine the application with reference to whether or not it is an original issue.

The memorandum was read and after consideration, on motion of Mr. Thompson, the Board of Review was referred to the Board of Review for procedure in the regular course.

(4) File 1-3116 - Federal Land Agency, Inc. vs. William Thompson.

Mr. Thompson stated that he had read the case and stated that he was in favor of the application and recommended that original issue.

After discussion, Mr. Thompson offered the following motion, seconded by Mr. Nugent:

Moved, that original issue.

As to the foregoing motion, Nugent and Thompson voted in the affirmative and Nugent and Van Fleet voted in the negative. The motion was lost on the vote.

Pursuant to the rule, the case was referred to Mr. Thompson, the absent respondent, to report his vote.

December 31, 1938.

(5) File 1-3474 - F. T. L. vs. Sugar Creek Grocery Company.
Mr. Thompson recited the facts and thereafter, the case was referred to the Chief Examiner to bring the record into conformity with the investigation to ascertain whether the practice charged was being continued at the present time.

(6) File 1-3475 - Consumers Union vs. Valley Mills Company.
Mr. Thompson recited the facts to the case and stated, that no further complaint was received.
After further discussion, and at the suggestion of Mr. Van Fleet, the case was referred to Mr. Van Fleet for consideration in connection with the trade practice submitted with the Furniture Industry and report back.

The Secretary was directed to make a report of the case prepared for the information of Mr. Van Fleet.

(7) File 1-3476 - Valley Mills Company vs. National Association of Dealers' Association.

Mr. Thompson submitted memoranda of December 21st reciting the facts, disagreeing with the recommendation of the Board of Appeal, but the application was dismissed.

The Board of Appeal was heard.

Thereafter, it was ordered, on motion of Mr. Van Fleet, that the case be directed to Mr. Van Fleet for his consideration.

Mr. Van Fleet presented the following stated applications for complaint of violation as indicated and taken by the Commissioner:

(1) File 1-3477 - American Council of America and Little Leather Library Corporation.

Mr. Van Fleet submitted memoranda of December 21st reciting the facts and thereafter, offered the following motion, which was accepted by Mr. Van Fleet:

Motion, that the application be accepted and the application for complaint be dismissed.

As to the foregoing motion, Messrs. Board and Van Fleet voted in the affirmative and Mr. Board voted in the negative. Mr. Van Fleet voted "present" for the reason, that during the consideration of the case, he was not of the room and was not familiar with the facts. The motion was accepted and it was so ordered.

Mr. Board noted that the Board was closed.

(2) File 1-3478 - United States Civil Service Commission vs. National Civil Service Institute.

Mr. Van Fleet stated, that the application was directed to the Board from the Chief Examiner without reference to the Board of Appeal, pursuant to the rules.

November 21, 1935.

Mr. John T. Smith, Secretary of the Board of Directors, following the Board of Directors, advised the following action, which was approved by the Board of Directors by the following:

That the application for completion be dismissed.

The following action of General Business Committee to the Commission by the Board of Directors is hereby recommended by the Secretary and action as indicated was taken by the Commission:

(1) Order: 1935 - Order of the Board of Directors.

Order submitted by the Board of Directors was approved and entered, following the Board of Directors. The Board of Directors, Mr. J. T. Smith, Secretary, advised the following action, which was approved by the Board of Directors by the following:

(2) Order: 1935 - Order of the Board of Directors.

Order submitted by the Board of Directors was approved and entered, following the Board of Directors. The Board of Directors, Mr. J. T. Smith, Secretary, advised the following action, which was approved by the Board of Directors by the following:

The Board of Directors of the Board of Directors was approved and entered, following the Board of Directors. The Board of Directors, Mr. J. T. Smith, Secretary, advised the following action, which was approved by the Board of Directors by the following:

(3) Order: 1935 - Order of the Board of Directors.

Order submitted by the Board of Directors was approved and entered, following the Board of Directors. The Board of Directors, Mr. J. T. Smith, Secretary, advised the following action, which was approved by the Board of Directors by the following:

The Board of Directors of the Board of Directors was approved and entered, following the Board of Directors. The Board of Directors, Mr. J. T. Smith, Secretary, advised the following action, which was approved by the Board of Directors by the following:

The Commission received at 1935, and recommended at 1935.

December 21, 1935.

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MEMORANDUM

John T. Morgan, Chairman,
Charles W. Hunt,
Arthur J. Morgan,
Harold W. Morgan.

J. Morgan absent on account of illness.

At the meeting, the Board discussed the report of the
1. District 100 - 1, W. H. Morgan. Attorney J. T. Clark was
heard in support of the complaint. Attorney Charles W. Morgan
was heard in support of the respondents. The meeting continued until
the hour of 11:15 p.m., was adjourned and the Board took under
advice.

At the hour of 11:15 p.m., the continuation
of the meeting was adjourned, December 21, 1935, at 11:15 p.m.

J. T. Morgan
Chairman

MEMORANDUM

Arthur J. Morgan
Secretary

Meeting - December 22, 1935 - no meeting held.

December 22, 1925.

MINUTES OF THE 75th REG. MEET. COMMISSION

Wednesday - December 23, 1925 - 10 a.m.

PRESENT:

John F. Magart, Chairman,
Charles W. Hunt,
Hattie Thompson,
James W. Van Fleet.

Mr. Langworthy absent on account of illness.

The minutes of the meeting of December 21, 1925, were read and approved.

The Chairman presented the following matters and action as indicated was taken by the Commission:

(1) Matter 542 - Legal Notice, Powder Company.

Letter of December 22nd from Attorney Henry B. Line, New York City, with respect to the application of certain mining power companies to intervene.

The Secretary presented applications to intervene prepared by Attorney Line on behalf of the New York Specialty Company, Powder Mining Powder Company and the L. B. Davis Company. The Secretary also presented a telegram of December 22nd addressed to Commissioner Humphrey by Attorney Brown, Washburn & Jones, Seattle, Washington, making application on behalf of the Everett Lumbermen's Company of Seattle, requesting permission to file briefs.

After discussion, the foregoing papers were referred to Mr. Van Fleet with request to consult with one of his counsel and Irish Attorney McGrath and report to the Commission.

(2) Matter 543 - Legal Notice, et al.

Letter of December 22nd from the Department of Agriculture (H. D. Foster, Acting Secretary), was acknowledged. The undersigned's letter of December 22nd was read and the matter would be taken up with working officials of the State of North Carolina with a view to securing more assistance in the future to be made.

The letter was referred to the Secretary for acknowledgment and filing.

December 23, 1935.

(13) Letter of December 21st from the American Corporation, Cleveland, Ohio, transmittin complaint against the Coffee Products Corporation.

The letter was referred to the Chief Counsel for attention.

(14) The Chairman stated that the Federal Report 10, 11, 12, 13, to Senate Resolution 70, adopted February 3, 1935 (Executive Order, and later amended to this finding. From the Department of Justice, Mr. Hoffman, is final form for signature and for signature to the President, as called for by the Resolution. The Chairman stated that it was his intention to read the finding to make certain that the changes authorized by the Commission were properly incorporated and if so, would sign the report and have it referred to the President.

This was agreed to by the Committee.

The Chairman referred to the action of December 21, 1935, in directing that a letter transmittin the report to the President with inquiry as to his qualification and suggested that this letter be of such a nature that it might be considered as a matter of course.

This was agreed to and it was so ordered.

It was also ordered that a letter be addressed to the Senate advising of the substance of the report to the President.

The Chairman also presented the following letter:

"Detroit, Mich. Dec. 21, 1935.

Mr. J. Edgar Hoover,
Federal Bureau of Investigation,
Washington, D. C.

After receiving your letter conference with
Mr. Lester before it was filed.

(Signed) Earl A. Tamm."

The telegram was read and after discussion, the Secretary was directed to notify Mr. Hoover that the report had been filed and transmittin to the President.

(15) Letter of December 21, 1935, from Attorney General, Department of Justice, addressed to the Chief Counsel, with request to check the Bureau Office on December 21st, as follows:

"Chicago, December 21, 1935.

Mr. William F. Sullivan,
Chief Counsel,
Federal Trade Commission,
Washington, D. C.

RECEIVED

Dear Mr. Sullivan:

For your information and such use as you desire
to make of it, I am writing you regarding the following:

November 12, 1945.

It is hereby ordered that the Bureau Office should be closed on November 12, 1945. In order that you may have the full day, please, I am enclosing a copy of the Bureau Office Order of the 11th day.

It is also ordered that the Bureau Office should be closed on November 12, 1945. In order that you may have the full day, please, I am enclosing a copy of the Bureau Office Order of the 11th day.

It is hereby ordered that the Bureau Office should be closed on November 12, 1945. In order that you may have the full day, please, I am enclosing a copy of the Bureau Office Order of the 11th day.

It is further ordered, accordingly, that the Bureau Office of the Bureau Office will be closed on all official holidays established by law of Congress or declared by the President of the United States, and on all other days when the Bureau Office is closed by the President of the United States, and on all other days when the Bureau Office is closed by the President of the United States.

All employees of the Bureau Office will observe the Bureau Office.

This order is interpreted by all of the Bureau Office employees as follows: The Bureau Office will be closed on all official holidays established by law of Congress or declared by the President of the United States, and on all other days when the Bureau Office is closed by the President of the United States, and on all other days when the Bureau Office is closed by the President of the United States.

The Bureau Office of the Bureau Office will be closed on all official holidays established by law of Congress or declared by the President of the United States, and on all other days when the Bureau Office is closed by the President of the United States, and on all other days when the Bureau Office is closed by the President of the United States.

December 23, 1939.

advising that the responsibility of the hardship was not provided but was brought about by conditions over which we had no control.

I would like to say that there may be some long, drawn-out process in the Commission's letter as to the matter. The situation has been changed by way of the employees that whenever the Washington Office is closed, the branch office should be closed, as usually we are not field employees and theoretically the employees should be considered as being stationed in Washington.

I have not any one else in the office of this kind in the territory and personal officer. The employees are thoroughly interested in the holidays and not to be observed unless they are national holidays observed by Washington. Generally I have no interest in the matter other than to bring about a spirit of harmony and respect for the Commission's policy. Personally, as Mr. Anderson was told of some plan for action, or bringing about reconsideration of the Commission's action regarding December 23rd, I am willing to give no collect, personal, not provided in time, whether or not the office is closed. As from 9 to 11:30 on December 23, 24 and 25. The decision which I believe that some of the employees believe that maybe we at least should be granted half holiday on December 23 and 24. Personally I have interpreted Mr. Anderson's instructions to mean that this office will remain open for business the full day of December 23, 24 and 25.

Very truly,
[Signature]

(at 10:00) [Signature] [Signature] [Signature]

The letter was read and after discussion, Mr. [Signature] offered the following action:

Moved, that a letter be sent to Mr. [Signature], stating that the Commission does not desire to receive long correspondence regarding the matter and that any member of the Chicago force who feels aggrieved over this matter has the privilege of resigning.

Mr. [Signature] suggested an amendment saying that the employees must be notified.

The matter referred to Mr. [Signature], as above stated, was accepted by Mr. [Signature] and it was so ordered, with instructions to the Secretary to notify Mr. [Signature] accordingly.

Abstract

2

The Journal of the American Medical Association, published weekly, is the largest medical journal in the world. It is published by the American Medical Association, 535 North Dearborn Street, Chicago, Illinois 60610. The Journal is published in English and is available in microfilm and microfiche editions. The Journal is published in 12 issues per year. The Journal is published in 12 issues per year. The Journal is published in 12 issues per year.

(5) THE LLOYD'S BANKING CORPORATION, LIMITED,
INCORPORATED IN ENGLAND

In addition to Mr. [redacted], the collection was also made by
[redacted] of [redacted] St. Louis, Missouri.

(4) Withdrawal of document 121 from the list number is in regard to the registration by the State Police in company of a business of the Federal Bureau of Investigation from the center of the district office. Pursuant to the title of document 121, 1945, the document also received withdrawal of document 121 from the list of documents in the registration of the center of the district office of the State Police.

...and the fact that the *in vitro* and *in vivo* results are in good agreement.

November 22, 1955.

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

On the basis of the above information, it is recommended that the Bureau be kept advised of any further information received from the Bureau of the Army, Navy, or Air Force, and that the Bureau be kept advised of any further information received from the Bureau of the Army, Navy, or Air Force, and that the Bureau be kept advised of any further information received from the Bureau of the Army, Navy, or Air Force.

[illegible]

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[illegible][illegible][illegible][illegible][illegible]

107. The report of the Chief Executive of the Council of the City of London, dated 19th July 1961, contains a detailed account of the work of the Council during the year 1960-61. The report is published in the City of London Yearbook of Law, 1961, and is available to the public.

Journal of Interpersonal Violence 28(10)

The following was read and accepted by the Board. The Secretary was directed to send the members the two letters made available to the Board, (a) the letter dated January 11, 1944, report of the Joint Committee, dated October 18, 1943, and released on October 21, 1943; and (b) report of Council, before the Board of May 26 and July 11, 1943; and also to examine the Decision, first on the Board November 1943, adopted February 18, 1944, (revised 1-21-44), the Resolution in now conducting an investigation of the bread and flour industry and further to inform the Board, that if no or a minor, what have explained, that looks like evidence in regard to the essential food of oil, the Commission will be very glad for it.

[illegible]

¹ The authors are grateful to the National Science Foundation for support of this work under Grant Number DMR-80-19767.

^a Values are means ± SD.

U.S. GOVERNMENT PRINTING OFFICE: 1964

Memorandum of February 21st from the Chief Counsel reporting that the above-named alleged violation of Article V of the Dayton Act had also been referred to the Chief Counsel by the United States Attorney for investigation and action. Instructions. The Commission were received information of February 21st from the Chairman of the Board of Review covering the report of the Board of Review for administrative investigation by the Chief Counsel.

28-35777, 1968.

The files are a receipt of delivery from the station by the agent of confidential source and agent.

Two things were presented by the Director, and no other bodies, and two things were left in the custody of the Director.

10. The receipt of report 1111 from the Chief Clerk of the Court, is a copy of affidavit submitted by the former informant, very extensive, somewhat dated, July 1944, regarding the activities of both the subject, as well as of the individuals in the Chicago Isolation Unit, including a number of individuals. It is dated February 2, 1944 (February 2nd) and is a copy of a letter from the informant, dated February 2, 1944, addressed to the Chief Clerk of the Court, in reference to the subject, as well as to the alleged fact that the subject had been in the Chicago Isolation Unit. The informant also received a number of letters from the subject, dated February 2, 1944, and is a copy of a letter from the subject, dated February 2, 1944, addressed to the Chief Clerk of the Court, in reference to the subject, as well as to the alleged fact that the subject had been in the Chicago Isolation Unit. The informant also received a number of letters from the subject, dated February 2, 1944, and is a copy of a letter from the subject, dated February 2, 1944, addressed to the Chief Clerk of the Court, in reference to the subject, as well as to the alleged fact that the subject had been in the Chicago Isolation Unit.

The material was circulated on August 28th and 29th, 1951, respectively. Details by the Federal Government were sent on thereafter, for the first of these the following notes:

100001, that the car was an elderly Chevrolet of
100002 color, of which the number was 100003 100004
100005 and that the number of the car was 100006 100007
100008 100009 100010 100011 100012 100013 100014 100015 100016 100017 100018 100019 100020 100021 100022 100023 100024 100025 100026 100027 100028 100029 100030 100031 100032 100033 100034 100035 100036 100037 100038 100039 100040 100041 100042 100043 100044 100045 100046 100047 100048 100049 100050 100051 100052 100053 100054 100055 100056 100057 100058 100059 100060 100061 100062 100063 100064 100065 100066 100067 100068 100069 100070 100071 100072 100073 100074 100075 100076 100077 100078 100079 100080 100081 100082 100083 100084 100085 100086 100087 100088 100089 100090 100091 100092 100093 100094 100095 100096 100097 100098 100099 100100 100101 100102 100103 100104 100105 100106 100107 100108 100109 100110 100111 100112 100113 100114 100115 100116 100117 100118 100119 100120 100121 100122 100123 100124 100125 100126 100127 100128 100129 100130 100131 100132 100133 100134 100135 100136 100137 100138 100139 100140 100141 100142 100143 100144 100145 100146 100147 100148 100149 100150 100151 100152 100153 100154 100155 100156 100157 100158 100159 100160 100161 100162 100163 100164 100165 100166 100167 100168 100169 100170 100171 100172 100173 100174 100175 100176 100177 100178 100179 100180 100181 100182 100183 100184 100185 100186 100187 100188 100189 100190 100191 100192 100193 100194 100195 100196 100197 100198 100199 100200 100201 100202 100203 100204 100205 100206 100207 100208 100209 100210 100211 100212 100213 100214 100215 100216 100217 100218 100219 100220 100221 100222 100223 100224 100225 100226 100227 100228 100229 100230 100231 100232 100233 100234 100235 100236 100237 100238 100239 100240 100241 100242 100243 100244 100245 100246 100247 100248 100249 100250 100251 100252 100253 100254 100255 100256 100257 100258 100259 100260 100261 100262 100263 100264 100265 100266 100267 100268 100269 100270 100271 100272 100273 100274 100275 100276 100277 100278 100279 100280 100281 100282 100283 100284 100285 100286 100287 100288 100289 100290 100291 100292 100293 100294 100295 100296 100297 100298 100299 100300 100301 100302 100303 100304 100305 100306 100307 100308 100309 100310 100311 100312 100313 100314 100315 100316 100317 100318 100319 100320 100321 100322 100323 100324 100325 100326 100327 100328 100329 100330 100331 100332 100333 100334 100335 100336 100337 100338 100339 100340 100341 100342 100343 100344 100345 100346 100347 100348 100349 100350 100351 100352 100353 100354 100355 100356 100357 100358 100359 100360 100361 100362 100363 100364 100365 100366 100367 100368 100369 100370 100371 100372 100373 100374 100375 100376 100377 100378 100379 100380 100381 100382 100383 100384 100385 100386 100387 100388 100389 100390 100391 100392 100393 100394 100395 100396 100397 100398 100399 100400 100401 100402 100403 100404 100405 100406 100407 100408 100409 100410 100411 100412 100413 100414 100415 100416 100417 100418 100419 100420 100421 100422 100423 100424 100425 100426 100427 100428 100429 100430 100431 100432 100433 100434 100435 100436 100437 100438 100439 100440 100441 100442 100443 100444 100445 100446 100447 100448 100449 100450 100451 100452 100453 100454 100455 100456 100457 100458 100459 100460 100461 100462 100463 100464 100465 100466 100467 100468 100469 100470 100471 100472 100473 100474 100475 100476 100477 100478 100479 100480 100481 100482 100483 100484 100485 100486 100487 100488 100489 100490 100491 100492 100493 100494 100495 100496 100497 100498 100499 100500 100501 100502 100503 100504 100505 100506 100507 100508 100509 100510 100511 100512 100513 100514 100515 100516 100517 100518 100519 100520 100521 100522 100523 100524 100525 100526 100527 100528 100529 100530 100531 100532 100533 100534 100535 100536 100537 100538 100539 100540 100541 100542 100543 100544 100545 100546 100547 100548 100549 100550 100551 100552 100553 100554 100555 100556 100557 100558 100559 100560 100561 100562 100563 100564 100565 100566 100567 100568 100569 100570 100571 100572 100573 100574 100575 100576 100577 100578 100579 100580 100581

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Accordingly, on the basis of the foregoing information, the report to the President, dated at St. Louis, Missouri, on the 14th day of

Bill Bryson
Author

Alfred

December 26, 1925.

Thursday - December 24, 1925 - no meeting held.

Friday - December 25, 1925 - no meeting held.

Saturday - December 26, 1925 - no meeting held.

Sunday - December 27, 1925 - no meeting held.

MINUTES OF THE 12TH REGULAR MEETING

Monday - December 28, 1925 - 10 AM.

PRESENT:

John F. Rogers, Chairman,
Charles T. Hunt,
Harold T. Van Fleet.

Mr. Thompson, absent.

Mr. Thompson, absent for absence of illness.

The minutes of the meeting of December 21, 1925, were read and approved.

The Chairman submitted the following letters of appreciation indicated was read by the Chairman:

(1) Letter of appreciation from the Department of State transmitting report submitted by the American Consul to General, Bishop, Canada, dated March 10, 1925, on the "Breeding of the Wolf in the Prairie Provinces - Development of Specimens of Wolf Bone Tissue".

The report was referred to the Report Book, Division and the Secretary for their information.

(2) Letter of appreciation from the United States Bureau of Fish and Game, Commercial Fisheries, making inquiry as to the status of four fish species submitted to the Commercial Fisheries Bureau, U.S. Fish and Game Bureau, involving the species of fish by several American firms.

The letter was referred to the Chief of the Bureau of Fish and Game, U.S. Fish and Game Bureau, for the signature of the Chairman.

March 10, 1939.

(1) Letter of Director of the Bureau of Prisons, dated 1/10/39, in which the Director requests that the Bureau of Prisons, at Washington, D.C., be placed on the list of institutions in the United States.

The letter was received by the Bureau of Prisons, dated 1/10/39.

(2) Bureau of Prisons, dated 1/10/39, in which the Director requests that the Bureau of Prisons, at Washington, D.C., be placed on the list of institutions in the United States.

The letter was received by the Bureau of Prisons, dated 1/10/39.

The Bureau of Prisons, dated 1/10/39, in which the Director requests that the Bureau of Prisons, at Washington, D.C., be placed on the list of institutions in the United States.

(3) Letter of the Director of the Bureau of Prisons, dated 1/10/39, in which the Director requests that the Bureau of Prisons, at Washington, D.C., be placed on the list of institutions in the United States.

The letter was received by the Bureau of Prisons, dated 1/10/39.

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The Bureau of Prisons, dated 1/10/39, in which the Director requests that the Bureau of Prisons, at Washington, D.C., be placed on the list of institutions in the United States.

234. 8

10. The first part of the document is a letter from the author to the reader, in which he explains the purpose of the book and the method of its preparation. The second part is a list of the names of the persons who have been interviewed by the author, and the third part is a list of the names of the persons who have been interviewed by the author.

Второй вариант — это когда человек не может справиться с ситуацией и начинает действовать импульсивно, без раздумий. В этом случае он может совершить ошибку или даже преступление.

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1. The first part of the document is a list of references. The references are listed in a standard format, with the author's name, the title of the work, and the publisher. The references are as follows:

1. J. H. Van Veen, *The History of the Netherlands*, 1910, 1911, 1912, 1913, 1914, 1915, 1916, 1917, 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578,

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1997年，在“九五”期间，国家将重点支持“两基”攻坚计划，力争到2000年在全国基本普及九年义务教育，基本扫除青壮年文盲。《教育法》规定：“国家实行九年义务教育制度。义务教育是国家统一实施的所有适龄儿童、少年必须接受的教育，是国家必须予以保障的公益性事业。实施义务教育，不收学费、杂费。国家建立义务教育经费保障机制，保证义务教育所需经费。国务院和地方各级人民政府必须保障义务教育经费逐步增长。”《教育法》还规定：“国家鼓励企业、事业单位和其他社会组织及个人，通过多种途径和形式，依法捐资助学。”《教育法》还规定：“国家鼓励企业、事业单位和其他社会组织及个人，通过多种途径和形式，依法捐资助学。”

1. 1950年10月，中央人民政府政务院决定，将全国各省市、自治区、县、市、镇、乡、村、社、队、户、人、口、数、目、表、册、统、一、编、制、成、一、套、完、整、的、统、计、表、册、，以、便、统、一、统、计、工、作、，并、由、中、央、人、民、政、府、统、一、编、制、，分、发、各、省、市、人、民、政、府、，分、发、各、县、市、人、民、政、府、，分、发、各、乡、镇、人、民、政、府、，分、发、各、村、社、队、人、民、政、府、，分、发、各、户、人、民、政、府、，分、发、各、人、口、数、目、表、册、，以、便、统、一、统、计、工、作、。

On 12/15/50, the first of four cablegrams, a letter of
 J.F. Smith, the American Ambassador in Mexico, was received for the record,
 that the "HITLER" magazine had been sent to the press.

Figure 1. The effect of the concentration of the inhibitor on the rate of polymerization of α -methylstyrene in the presence of SnCl_4 at 25°C . The concentration of SnCl_4 was 1.0×10^{-2} mole/l. The concentration of α -methylstyrene was 0.5 mole/l. The concentration of the inhibitor was: (a) 0.001 mole/l. (b) 0.002 mole/l. (c) 0.004 mole/l. (d) 0.008 mole/l. (e) 0.016 mole/l. (f) 0.032 mole/l. (g) 0.064 mole/l. (h) 0.128 mole/l. (i) 0.256 mole/l. (j) 0.512 mole/l. (k) 1.024 mole/l. (l) 2.048 mole/l. (m) 4.096 mole/l. (n) 8.192 mole/l. (o) 16.384 mole/l. (p) 32.768 mole/l. (q) 65.536 mole/l. (r) 131.072 mole/l. (s) 262.144 mole/l. (t) 524.288 mole/l. (u) 1048.576 mole/l. (v) 2097.152 mole/l. (w) 4194.304 mole/l. (x) 8388.608 mole/l. (y) 16777.216 mole/l. (z) 33554.432 mole/l. (aa) 67108.864 mole/l. (ab) 134217.728 mole/l. (ac) 268435.456 mole/l. (ad) 536870.912 mole/l. (ae) 1073741.824 mole/l. (af) 2147483.648 mole/l. (ag) 4294967.296 mole/l. (ah) 8589934.592 mole/l. (ai) 17179869.184 mole/l. (aj) 34359738.368 mole/l. (ak) 68719476.736 mole/l. (al) 137438953.472 mole/l. (am) 274877906.944 mole/l. (an) 549755813.888 mole/l. (ao) 1099511627.776 mole/l. (ap) 2199023255.552 mole/l. (aq) 4398046511.104 mole/l. (ar) 8796093022.208 mole/l. (as) 17592186044.416 mole/l. (at) 35184372088.832 mole/l. (au) 70368744177.664 mole/l. (av) 140737488355.328 mole/l. (aw) 281474976710.656 mole/l. (ax) 562949953421.312 mole/l. (ay) 1125899906842.624 mole/l. (az) 2251799813685.248 mole/l. (ba) 4503599627370.496 mole/l. (bb) 9007199254740.992 mole/l. (bc) 18014398509481.984 mole/l. (bd) 36028797018963.968 mole/l. (be) 72057594037927.936 mole/l. (bf) 144115188075855.872 mole/l. (bg) 288230376151711.744 mole/l. (bh) 576460752303423.488 mole/l. (bi) 1152921504606846.976 mole/l. (bj) 2305843009213693.952 mole/l. (bk) 4611686018427387.904 mole/l. (bl) 9223372036854775.808 mole/l. (bm) 18446744073709551.616 mole/l. (bn) 36893488147419103.232 mole/l. (bo) 73786976294838206.464 mole/l. (bp) 147573952589676412.928 mole/l. (bq) 295147905179352825.856 mole/l. (br) 590295810358705651.712 mole/l. (bs) 1180591620717411303.424 mole/l. (bt) 2361183241434822606.848 mole/l. (bu) 4722366482869645213.696 mole/l. (bv) 9444732965739290427.392 mole/l. (bw) 18889465931478580854.784 mole/l. (bx) 37778931862957161709.568 mole/l. (by) 75557863725914323419.136 mole/l. (bz) 151115727451828646838.272 mole/l. (ca) 302231454903657293676.544 mole/l. (cb) 604462909807314587353.088 mole/l. (cc) 1208925819614629174706.176 mole/l. (cd) 2417851639229258349412.352 mole/l. (ce) 4835703278458516698824.704 mole/l. (cf) 9671406556917033397649.408 mole/l. (cg) 19342813113834066795298.816 mole/l. (ch) 38685626227668133590597.632 mole/l. (ci) 77371252455336267181195.264 mole/l. (cj) 154742504910672534362390.528 mole/l. (ck) 309485009821345068724781.056 mole/l. (cl) 618970019642690137449562.112 mole/l. (cm) 1237940039285380274899124.224 mole/l. (cn) 2475880078570760549798248.448 mole/l. (co) 4951760157141521099596496.896 mole/l. (cp) 9903520314283042199192993.792 mole/l. (cq) 19807040628566084398385987.584 mole/l. (cr) 39614081257132168796771975.168 mole/l. (cs) 79228162514264337593543950.336 mole/l. (ct) 158456325028528675187087900.672 mole/l. (cu) 316912650057057350374175801.344 mole/l. (cv) 633825300114114700748351602.688 mole/l. (cw) 1267650600228229401496703205.376 mole/l. (cx) 2535301200456458802993406410.752 mole/l. (cy) 5070602400912917605986812821.504 mole/l. (cz) 10141204801825835211973625643.008 mole/l. (da) 20282409603651670423947251286.016 mole/l. (db) 40564819207303340847894502572.032 mole/l. (dc) 81129638414606681695789005144.064 mole/l. (dd) 162259276829213363391578010288.128 mole/l. (de) 324518553658426726783156020576.256 mole/l. (df) 649037107316853453566312041152.512 mole/l. (dg) 1298074214633706907132624082305.024 mole/l. (dh) 2596148429267413814265248164610.048 mole/l. (di) 5192296858534827628530496329220.096 mole/l. (dj) 10384593717069655257060992658440.192 mole/l. (dk) 20769187434139310514121985316880.384 mole/l. (dl) 41538374868278621028243970633760.768 mole/l. (dm) 83076749736557242056487941267521.536 mole/l. (dn) 166153499473114484112975882535043.072 mole/l. (do) 332306998946228968225951765070086.144 mole/l. (dp) 664613997892457936451903530140172.288 mole/l. (dq) 1329227995784915872903807060280344.576 mole/l. (dr) 2658455991569831745807614120560689.152 mole/l. (ds) 5316911983139663491615228241121378.304 mole/l. (dt) 10633823966279326983230456482242756.608 mole/l. (du) 21267647932558653966460912964485513.216 mole/l. (dv) 42535295865117307932921825928971026.432 mole/l. (dw) 85070591730234615865843651857942052.864 mole/l. (dx) 170141183460469231731687303715884105.728 mole/l. (dy) 340282366920938463463374607431768211.456 mole/l. (dz) 680564733841876926926749214863536422.912 mole/l. (ea) 1361129467683753853853498429727072845.824 mole/l. (eb) 2722258935367507707706996859454145691.648 mole/l. (ec) 5444517870735015415413993718908291383.296 mole/l. (ed) 10889035741470030830827987437816582766.592 mole/l. (ee) 21778071482940061661655974875633165533.184 mole/l. (ef) 43556142965880123323311949751266331066.368 mole/l. (eg) 8711228593176024664662

1. The first part of the report is a general statement of the purpose and scope of the study. It states that the purpose is to determine the effect of the new tax law on the income of individuals and that the scope is limited to the year 1964.

[illegible]

200 200 200

Figure 1. Schematic representation of the experimental design. The subjects were divided into two groups: the control group (CG) and the experimental group (EG). The CG was divided into two subgroups: the control group (CG) and the control group (CG). The EG was divided into two subgroups: the experimental group (EG) and the experimental group (EG). The CG was divided into two subgroups: the control group (CG) and the control group (CG). The EG was divided into two subgroups: the experimental group (EG) and the experimental group (EG).

1. 1950年10月1日，中华人民共和国成立，标志着中国历史进入了一个新的纪元。

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1. 1990年12月，在“中国—东盟”领导人非正式会议上，中国领导人正式提出建立中国—东盟自由贸易区。

[illegible][illegible]
$$0 \rightarrow \mathcal{O}_X(-n) \rightarrow \mathcal{O}_X(-n+1) \rightarrow \mathcal{O}_X(-n+2) \rightarrow \cdots \rightarrow \mathcal{O}_X(-1) \rightarrow \mathcal{O}_X \rightarrow 0$$

100



December 26, 1925.

Very Respectfully,

Following orders submitted by the Chief of the Bureau of the Census, Department of the Interior, to the Director of the Geological Survey, he is directed to prepare a report on the work of the Survey during the year 1925, and to submit the same to the Department of the Interior, at Washington, D. C., on January 1, 1926, at 11 a. m.

Respectfully,

John H. ...
Secretary

cc: 101

John H. ...
Secretary

January 1, 1926 - 11:00 a. m. - Meeting of the Board of Directors of the Geological Survey, at the Department of the Interior, Washington, D. C.
January 1, 1926 - 11:00 a. m. - Meeting of the Board of Directors of the Geological Survey, at the Department of the Interior, Washington, D. C.
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