

SOUTHERN WHITE LEAD CO. *v.* COIT *ET AL.*

*Circuit Court, N. D. Illinois.*

February 20, 1888.

TRADE-MARKS—WHAT WILL BE PROTECTED.

A manufacturer of white lead in Chicago will be enjoined from the use of the words “White Lead, St. Louis,” except as to preparations of white lead manufactured there, such use tending to deceive and defraud the public and complainant, a manufacturer of lead in St. Louis.

In Equity.

The Southern White Lead Company filed a bill to enjoin W. A. Coit and others from using the words “St. Louis,” with the words “warranted 3trictly pure white lead in pure linseed oil,” to designate lead which was not pure, made in Chicago.

*Banning & Banning*, for complainant.

*Fairchild & Blackman*, for defendants.

BLODGETT, J., (*orally.*) This case stands upon precisely the same facts as the case of same complainant against Cary, decided by Judge Gresham about a year ago, (25 Fed. Rep. 125;) and, in principle, is on all fours with the case of *Association v. Piza*, 24 Fed. Rep. 149. The complainant may therefore prepare a decree in accordance with the prayer of the bill, enjoining the defendants from the use of the words, Southern or “South Western White Lead, St. Louis,” or “Southern White Lead Co., St. Louis,” or “St. Louis,” except as to preparations of white lead manufactured, put up, or sold at St. Louis. The principle involved is that the defendant’s white lead purports to be manufactured in St. Louis, when in fact it is manufactured in Chicago, and thereby tends to deceive and defraud the public and the complainant, who is a manufacturer of white lead in St. Louis, inasmuch as the defendant’s lead is not pure, and is not made in St. Louis.