

DEPARTMENT OF BUSINESS MANAGEMENT

Conducted by Paul C. Olsen.*

COMMENTS, QUESTIONS AND SUGGESTIONS ARE INVITED AND WELCOME.

Readers are invited to submit comments, criticisms and suggestions regarding the material which appears in this department. The Editor also will undertake to answer questions regarding general problems of business management. Letters of general interest will be published, but the writer's name will not be revealed without his permission.

HOLIDAYS—TOO COMMERCIAL?

Nowadays, in place of the most holy of thoughts, the first thing that many people associate with Christmas is some most unholy thought of bills—bills of prodigious amount which knock gally-west until late in the following spring any carefully calculated budget.

Then there is Mother's Day; truly a most noble sentiment for a holiday. But, say the skeptics, Mother's Day, started as an excuse for florists to sell a few carnations for high prices, has become now a veritable golden harvest for those merchants in an otherwise dull season. Hungry-eyed vendors of other merchandise—candy, jewelry, pianos or what-have-you—have tried, with no inconsiderable success, to give the Midas touch of Mother's Day sentiment to their goods.

Cynics attribute the origin of Father's Day to jealous cigar manufacturers who could think of no possible way to associate their products with Mother's Day.

Thanksgiving is a day of thanksgiving, but principally for the restaurants, theatres, and college athletic associations, not to mention a few lines of business which have not had legal sanction since the Volstead Act.

Rumor has it that the ever-busy greeting card manufacturers, faced with a dull summer season, are busy concocting a holiday to break the long stretch from the Fourth of July to Labor Day. In fact, Saturday afternoon, until recently unassailable as the premier week day recreation-time, seems in danger of losing its supremacy to holidays, old and new, which are being studied on the calendar with the regularity of pay days and installment collectors' visits.

But of course this increasing number of holidays and the increasing attention given to existing holidays is not a magnanimous gesture on the part of people with a flair for sociology and philanthropy. They waste no time in pointing out that the main purpose of all holidays is to produce additional business for undeserving plutocrats.

Perspiring, discontented 22-year-old John Fitzwater surveys the world from the eminence of his high stool in the accounting department of the Premier Amalgamated Coal Company. John looks with envy upon the prosperity of his father's neighbor, a manufacturing confectioner who has been lifted to the luxury of two

* Instructor of Merchandising, Wharton School of Finance and Commerce, University of Pennsylvania, Lecturer on Business Administration, Philadelphia College of Pharmacy and Science.

Cadillacs seemingly upon the rising tide of Valentine's Day, Easter, Mother's Day, out of town week-ends, and a half-dozen other more or less worthy celebrations which seem to occasion liberal purchases of expensive candies.

To John, it does seem as if this confectioner has prospered undeservedly by an unholy capitalization of human sentiment. To make matters worse, these despoilers of hallowed holidays are not content to loot the holidays that already exist, he observes. Nefarious propagandists, they create new holidays in order that they may have excuse for additional ravages upon the pocketbooks of long-suffering consumers.

But let's turn a minute to these accused commercializers of human sentiments. What have they to say—what can they say—in defense of their practices?

"Sure, we do all we can to popularize Mother's Day," says the genial and somewhat stout confectioner against whom John Fitzwater felt a personal envy.

"That and every holiday which can be tied up in any way to promote the sale of our candy we boost in every manner we can. That sounds selfish, doesn't it, and it is selfish, but it's just what you would do if you were in our position.

"What is more, we believe that in spite of our admittedly selfish purpose in promoting an interest in these holidays the general public good that our efforts accomplish far overbalances any of these negative effects about which these critics complain so loudly. I'll tell you why.

"First of all, let's try to dispose of this question of our selfishness. We are in business to make a profit and can't stay long in business unless we do make a profit. Therefore any efforts we make to promote an interest in holidays must return us a profit directly or indirectly if we are to continue them. What I say is that there is also a public profit as a result of our admittedly selfish efforts which outweighs any personal gains which our activities may bring us.

"Take Mother's Day, for instance. How many millions of mothers' hearts have been gladdened on the second Sunday in May by the receipt of candy, flowers or some other token of love and affection? Of course the confectioners, the florists and other merchants have profited, but what is their profit as compared with the joy and appreciation in the hearts of these millions of mothers, which come as a result of these Mother's Day gifts in the form of candy, flowers and other things?

"Ask the telegraph companies what Mother's Day has meant to them. These fish-blooded critics of holidays, who probably haven't an ounce of sentiment in their whole make-up, will think immediately in terms of how many more messages Mother's Day has brought the telegraph companies. But what do those messages say? To whom do they go? Think of the joy and cheer they have brought to mothers all over this broad land of ours from sons and daughters scattered in the four corners of the earth.

"Somebody will tell you that all these messages, all these flowers, candy and other gifts could be sent without any Mother's Day. It would be just as well to argue that a business can grow to its maximum without advertising. Mother's Day propaganda has aroused and created a hundred times more sentiment in one year than ever would have existed in ten years without it. It is only stating the facts to say that in maternal regard, as in everything else, we need somebody always at our shoulder to keep us reminded of what to do and when to do it.

"I suppose there are some people sour enough and crabbed enough to object to band concerts in the public parks in the summer time because they put a little money in the pockets of union musicians, band instrument makers and the tailors who make the musicians' uniforms.

"Go a step further. Why not do away with preventative medicines because some manufacturers are bound to profit from their use?

"It is true that the manufacturers of toy railroad trains, Fourth of July flags, and Mother's Day candy do make a profit, but the joy these goods bring to the hearts of both givers and recipients is far, far beyond whatever money profits the producers and distributors of these goods may have made!"

Perhaps the critics are looking at this matter of holiday observance with a myopic eye? Don't we really owe a debt of gratitude to these holiday propagandists who must know only too well that they can't promote their own selfish interests successfully without bringing far greater rewards to those whom they serve—the great body of the people!

THE PHARMACIST AND THE LAW

BY HOWARD KIRK,* EDITOR OF THIS DEPARTMENT.

We have been asked to write about the difference between trade marks and trade names. This is not so easy to do. Let us start out by saying that the law of the trade mark is a development of the old English doctrine of "market overt"—open market. If a tradesman brought his wares to the open market and displayed them on the weekly market day, he was entitled to mark those wares with a symbol or sign which would show to the public whose wares they were or who manufactured them. This marking was known as a trade mark. It was required to be affixed directly on the merchandise either by stamping, painting or by label.

The tradesman was protected in the enjoyment of this trade mark. No other person was allowed to copy it so long as the mark was in use in buying and selling on the open market. If, however, the original tradesman went out of business or ceased to use the trade mark, then anyone else was allowed to make use of it.

The law of trade mark, therefore, rests on the old common law of England. Statutes have been passed by Congress and by a number of the states which permit the registration of such trade marks, but these statutes merely provide for the keeping of a public record and did not give any longer life or greater validity to the trade mark than was provided by the old common law.

The trade name, however, is somewhat different. It is the name by which a man in business seeks to become known and is known. The name itself does not have to be affixed to any particular article of merchandise. Again, as in the case

* Member of the Philadelphia Bar, and Lecturer on Pharmaceutical Jurisprudence at the Philadelphia College of Pharmacy and Science.