

# Glycerine Used to Reclaim China Wood Oil

By EDWARD STEINHOFF

FOR years varnish makers held tenaciously to that secrecy which at one time enveloped practically all chemical industries. But now even the "sanctum" of the "expert" and practical varnish maker has been entered by science. Old fashioned empirical formulae without scientific bases and the secret methods of the old time varnish maker are giving ground to chemical principles based on scientific studies. Among the so-called "secrets" which have been guarded by some experts is the method of reclaiming china wood oil with glycerine.

In this article it is the purpose to give a simple yet effective means for reclaiming a batch of china wood oil that has congealed to a solid mass or is about to become solid. For simplicity let us consider a long oil china wood oil varnish having the following formula:

Rosin .....	100 lbs.
China wood oil .....	40 gals.
Lead and manganese .....	10 lbs.
Naphtha .....	80 gals.

To produce a spar varnish according to this formula load the kettle with 50 pounds of the rosin and 40 gallons of china wood oil. Run temperature to 450 degrees F., allow to gain 575 degrees, add the lead and manganese driers and then the remainder of the rosin. Cool and reduce with naphtha. Note: Watch for jellying.

China wood oil possesses the peculiar characteristic of congealing when heated above 450 degrees F. and therefore special care must be exercised when heating this oil to prevent such an occurrence.

The combination of rosin with china wood oil in definite proportions together with driers and thinners makes an excellent spar varnish and as a matter of fact many of the modern varnish formulae resemble the above formula.

Due to the civil wars and general unstable conditions in China shipments are uncertain and the quality of the oil from shipment to shipment quite often varies.

Although specifications are closely watched in the chemical laboratory, the congealing factor of this oil is not always

determined by the chemist as the varnish maker finds it desirable in actual practice. Shipments as tested by the chemist are accepted or rejected in accordance with specifications; and as few chemists are experienced varnish makers a slight variance in jellying time is not usually considered of significance. However, a few seconds in the laboratory test with five cubic centimeters of oil may account for an hour or more difference in a large kettle batch. It may be well to add here that a closer cooperation between the varnish maker and chemist, more especially in respect to such a test as this, would be of great help to each.

In quantity production of varnish, one is often so pressed for time that it is difficult to watch each batch closely. A batch of china wood oil often congeals under these circumstances. There is then a natural propensity to use a bucket of rosin, varnish maker's linseed oil or whatever reclaimer may be at hand to "catch" the batch and "bring it back." There are quite a number of materials and combinations of materials that may be used for this purpose, among them being rosin, linseed oil, litharge, red lead, lead acetate, semi drying oils, etc.

Although the above mentioned materials may perform the desired function, they are not the most economical and satisfactory, for inasmuch as there is such a large difference in the physical properties of the finished product due to the large quantities of "reclaimers" added it may become necessary to use it for some other purpose than that for which the product was originally intended.

Glycerine may be used if the batch is either cold and solid or has just started to congeal and cannot be thinned by ordinary methods. In case the batch is cold and solid, add one gallon of glycerine to each 60 gallons of china wood oil, pouring the entire gallon into the kettle—heat slowly and watch for frothing. Have five pounds

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# A Lard Trade Mark Disputed

## *What Limits Confusion With a Neighboring Product As Illustrated in the Purola Trade Mark Case?*

By WALDON FAWCETT

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THE industry has to thank one of its members for vindication of a branding right that has long been in jeopardy, or at least, in doubt. The Vegetable Oil Products Company was, of course, serving its own ends in fighting for special and particular recognition for oil and fat products. But, at the same time, or incidentally, it did a valuable service for the trade at large. This vegetable oil concern is responsible for an object lesson that is destined to stand as an epoch-marker and pacesetter.

It is not easy to tell, in a single sentence, all that the "Purola" case has done for the community of oil and fat producers. This is because the question which is answered by the decision in this test case is a complex one. Broadly, it might be phrased thus: What is the market span of an oil or fat trade-mark? When are oil and fat products akin to other commodities? Or, where are the boundary lines between the oil and fat group and its neighbors on either side?

To realize why this question of brand-range is so important, it is necessary for the reader to bear in mind that bound up with this element is the very essence of trade mark rights. Our American trade mark system, insofar as it is controlled or supervised by the Federal Government, is organized on this basis—a basis of limited or restricted jurisdictions. There is no such thing, under the law, as a universal property right in a brand. No brander, even if he is the first to hit upon a novel scheme of goods identification, can monopolize that idea, as such, in its application to every and all kinds of merchandise.

For purposes of trade mark administration, the Government has broken up or subdivided the mass of brandable commodities into groups or classifications—some fifty in all. When the Government, in effect, grants a trade mark franchise, by register-

ing the mark at the U. S. Patent Office, it grants what might be described as a sectional license. The registrant obtains Federal recognition of the fact that he is entitled to a monopoly of use of his trade mark within his zone of operations or within the scope of his commodity line. This registration at Washington vindicates the pioneer's right to use the mark not only upon the wares first put out under the brand but likewise upon related products, the inclusion of which within the original line would constitute a normal extension or logical expansion of the business.

The boundaries of a marketer's trade mark domain are mighty important to him under any circumstances. But this importance is sharpened when, under the U. S. trade mark rules, ownership of a trade mark in one commodity corridor leaves other parties free to lawfully use the same or very similar trade marks in other commodity lanes. Even the fact that a trail-blazer has invented a trade mark device or coined a trade-mark name does not prevent other traders from borrowing the idea without permission if they operate in more or less distant commodity areas. It is a case where, literally "over the fence is out."

With the whole commodity map thus broken up, for trade mark purposes, into sectors, it follows that every user of brands is due to be tremendously concerned as to just where his group boundaries are. How close may he go to the other fellow who is sharing his mark in a different environment? Or, how close may the other fellow come to him? This is precisely the momentous question which has been at stake in the "Purola" case. The reader will readily realize too that, while the instant case might seem to concern only one firm in the trade, the principle of oil and fat jurisdiction vitally affects every last member of the industry that has brands in his keeping or that ever expects to have brands. Because,

brands gain in value as good will grows and an owner cannot know too much about the dimensions and the right-of-way of his most valuable intangible asset.

#### *Rationing of Trade Marks*

**B**EFORE seeing how the system of Governmental rationing of trade marks is actually working out in oil and fat circles, perhaps it were well to pause for just a moment to explain how the Government lays out the boundaries it sets between commodity classifications. This is not done arbitrarily or in hit and miss fashion. The main subdivisions are, to be sure, just naturally dictated by the variances in the physical character of commodities. Thus, it is all but inevitable that Foods and Ingredients of Foods should constitute one grand division. But when it comes to subdividing, the Department of Commerce has provided itself with a novel yet thoroughly practical measuring stick.

This diviner of commodity boundaries is nothing less than that state of commercial being known as "confusion in trade." The rule is that if there is "confusion" as between two articles of commerce or two lines of goods, the respective offerings are too close to one another to permit the same or very similar trade marks to be used by two parties in the neighboring communities. If, on the other hand, it appears that there is no danger of "confusion," the Federal umpires may be expected to rule that there is no harm in permitting parallel branding in the two lanes.

In the case of specialties such as oil and fat products, which are surrounded by commodities that are near or distant relatives, the determination of when and where there is danger of trade confusion is a mighty ticklish task. The Federal censors have to put themselves in the places of average everyday consumers in order to guess whether the rank and file of citizens would be likely to be deceived or to mistake one article for another under a duplicate brand or near-duplicate. It is difficult enough to determine when there is risk of substitution of goods because of brand repetitions. It is even harder to appraise the dangers of "confusion of reputation"—the chance that old customers will accept a new article under a familiar brand in the belief that it was manufactured by the same firm that made the trade mark famous, when, as a matter of fact it comes from another factory.

#### *Protests Not Unethical*

**I**T IS only human nature that every owner of a trade mark should strive to establish the widest possible swath for his trade mark. For selfish but wholly natural reasons, he likes to hold other users of his mark as far off as possible or, if possible, to prevent their participation entirely. This attitude has been clearly illustrated by the episode which has just made news for the oil and fat industries. The Vegetable Oil Products Company had no sooner sought to register its mark "Purola" than vigorous objection was raised, before the Patent Office tribunals by the Pure Oil Company.

There was nothing irregular or unethical in the lodging of a protest. Any person who deems that he would be injured by the registration to another of a coveted trade mark is empowered by law to rise and object. What gave zest to the current case was the length to which the opposition was carried. The Vegetable Oil Products Company uses its trade mark upon hard fat shortening, a lard substitute. The Pure Oil Company had already registered the same trade mark but for use on lubricating oils and greases, motor fuel oils and miscellaneous lubricants.

Perhaps a member of the oil and fat industries who was given to splitting hairs in differentiating between classes of goods might instantly come to the conclusion finally arrived at by the Federal umpires—viz the radical disparity between a food product and a line of products not for internal use. But, if one pauses for reflection it is seen that there was at least the shadow of an excuse for "fighting it out" as was done. To many minds, the name "Purola" might suggest the idea of "pure oil," without any definite preconception as to just what kind of oil was referred to. And the word "Oil" is a prominent feature of the corporate name of each of the concerns sharing the mark. The Pure Oil Company has other trade marks, such as "Puro," "Pured" and "Purolene," and the conclusion was inescapable that it resented any other user, over a wide commercial horizon, capitalizing the idea of "pure" in abbreviation.

#### *Worth of Priority*

**A**DMINISTRATORS of the governmental clearing house for trade marks are always prone to give the benefit of the doubt to the old-established house as against a

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## Glycerine in Wood Oil

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of litharge at hand to sprinkle onto the froth to bring it down. Whip down if necessary. Allow to cool and reduce with the usual amount of thinners. In the event the batch is still hot but too heavy in body to reduce the ordinary way, add one gallon of glycerine slowly and follow the same procedure. One gallon of glycerine and five pounds of litharge in 130 gallons of materials is comparatively speaking a small amount. The chemical reaction which takes place is the formation of an ester with the action of the glycerine on the rosin and china wood oil—a tri-glyceride being formed. The addition of the glycerine hardens the product and makes it more water-proof, while the litharge makes it dry a little faster. The increase in quantity may be considered negligible while the quality if anything has been bettered.

—*Paint Oil & Chem. Review.*

## Rendering Deodorizer

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in preparation for further operations with a minimum loss of time and maximum use of the deodorizer. Ordinary city pressure was found to be sufficient in the water feed for the spray nozzles.

**T**HERE are one or two additional details that might be mentioned in closing. In feeding shop fat to the melters, the removal of the charging hole cover is frequently the opportunity for releasing considerable quantities of ill-smelling odors. If, however, a hopper of sheet metal which just fits the charging hole is kept well filled with fat, additional fat can be charged into the melter without the gases escaping into the factory through this opening. As a new barrel of fat is dumped into the hopper, a workman can move some of that below into the melter with a shovel always keeping enough fat in the hopper to seal the opening during the charging operation. This is just a small detail which helps in cutting down the escape of bad odors in the plant.

Another point is the size of the tank for the deodorizer and its location. The size used by us was six feet long and six feet high by two feet wide. This was sufficiently small so that it could be placed in some out of the way corner of the plant and at the same time was large enough to do the deodorizing effectively.

This equipment although it has been a

private development worked out in the plant of the company now using it by the writer, might be made available for the use of other renderers although patent application has been arranged for. Further details may be secured by communicating with *Oil & Fat Industries.*

## Trade Mark Disputed

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later comer. And, in this "Purola" controversy, the Vegetable Oil Products Company was the junior party. But, applying the test of "confusion in trade" there could be found no justification for denying the use of a trade-mark double to a product so far removed from lubricants as is a lard substitute. It was not merely that the maker of inedible products failed to cite any actual instances of mix-ups between his wares and the hard fat shortening. Federal referees entered into a far-reaching analysis of possibilities of "trade confusion," as, indeed, they always do in close cases.

Not only was there taken into account the dissimilarities of the products themselves and their contrasting uses but it weighed that hard fat shortening and automobile lubricants are seldom if ever sold in the same stores. Nor could the excuse be made that these are goods which are sold at low prices and are purchased hurriedly and heedlessly by casual classes of customers. Both the U. S. Examiner of Interferences and the power higher up, the U. S. Commissioner Patents, declared that there was no chance that a lard name or a lard substitute name would be taken for the nickname of a lubricant. This decision does not mean that the Patent Office will countenance any split-up of what is clearly defined as a food field. It still sticks to the principle laid down when it was ruled that butter and condensed milk have the same descriptive properties. But distant neighbors are not to be allowed to interfere with one another. Oil and fat producers have a perfect right to borrow the popular brand names originated in other branches of trade if the joint usage does not produce confusion or mistake in the mind of the public.

W. A. Mott, oil mill and refinery engineer, who has been in this country for the past year, after several years of service with the Soviet owned oil mills in Russia, has gone to Merida, Yucatan, Mexico, to manage the lard compound factory of Montes Lejeune & Cia., cottonseed crushers, in that city.