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# Trade Regulation

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endo or direct averment to show the defamatory character of the words used." The court thought that "in the absence of an explanatory allegation it may be reasonably inferred that the first statement referred to disloyalty to her employers."

## 2. Slander — Special Damage

The petition in a slander action brought by an administrator alleged that the defendant willfully published about the plaintiff's decedent this statement: "I know he's a Communist or Communist sympathizer, and I can prove it." Reversing the municipal court's judgment on a verdict for the plaintiff, the court of appeals in *Pecyk v. Semoncheck*<sup>31</sup> held that, no special damage having been shown, the defamatory words were not actionable. The court ruled out slander per se since the words "did not import a charge of an indictable offense, involving moral turpitude or infamous punishment;" since they did not indicate affliction with "an offensive or contagious disease" which deprives one "of society", and since there was nothing to indicate that the words tended to injure the defamed person in his trade or occupation.

## 3. Free and Fair Criticism

A handbill circulated in a union election contest by supporters of certain candidates was held not libelous, but within the scope of free criticism, in *Crossen v. Duffy*.<sup>32</sup> The handbill urged a change in administration because of incumbents' "reluctance to accept laws and courts of the U.S.A., illegal salary increases, arbitrary disregard of wishes and opinions of locals and members, unfair election tactics," open shop attitude, use of a certain newspaper as a "personal propaganda agency and to impugn motives and attack members," inefficiency in office, and denial of help to another organization in efforts to increase silicosis benefits.

J. NORMAN McDONOUGH

# TRADE REGULATION

The case of *Henry Furnace Co. v. Kappelman*<sup>1</sup> involved the problem of unfair competition and the protection of a trade name. The plaintiff had marketed and promoted furnaces under the trade name "Moncrief" for many years in Cuyahoga County prior to the time the defendant incorpo-

<sup>31</sup> 61 Ohio L. Abs. 465, 105 N.E.2d 61 (Ohio App. 1952).

<sup>32</sup> 90 Ohio App. 252, 103 N.E.2d 769 (1951). For a further discussion of the case see LABOR LAW article, *supra*.