

**Must Change Its Brand of Cigars.**

The F. R. Rice Mercantile Cigar company of St. Louis yesterday obtained a temporary injunction against the James O'Brien Cigar Manufacturing company of this city, prohibiting it from using the brand "Americanite" as a distinctive trade mark upon boxes of cigars manufactured by it. The St. Louis company claimed that O'Brien had imitated the labels made by it and that the word "Americanite" so closely resembled "Mercantile," the St. Louis company's brand, as to deceive the ordinary purchaser.

This contention was denied by O'Brien and a number of boxes and labels used by each firm were produced in evidence. The St. Louis company was represented by Paul Bakewell of St. Louis and Lathrop, Morrow & Fox of this city, while Mr. O'Brien was represented by Boland & O'Grady.

Following is the text of the temporary injunction:

"Upon reading the petition of plaintiffs, it appearing that plaintiffs, upon the facts stated in the petition, are entitled to the relief prayed for, it is ordered that a temporary injunction be granted herein enjoining the defendant, James O'Brien, his servants and agents from:

"Making, using or selling any cigars put in boxes or packages bearing the name 'Mercantile' or 'Americanite' or 'Mericanite,' or any name in such close imitation of the name 'Mercantile' as to be calculated to deceive the ordinary purchaser;

"From making, using or selling any cigars put up in boxes or packages bearing the name 'Mercantile,' or 'Americanite,' or 'Mericanite,' or any name in such close imitation of the name 'Mercantile' as to be calculated to deceive the ordinary purchaser, such boxes or packages being marked or dressed and having an arrangement of labels thereon so as to be in colorable imitation of plaintiffs' boxes of cigars;

"From making, using or selling any cigar, whether marked with the name 'Mercantile,' or 'Americanite,' or 'Mericanite,' or any colorable imitation of the name 'Mercantile' or not, when such boxes are marked or dressed or bear upon them labels so as to be in colorable imitation of plaintiffs' cigar boxes.

"That plaintiffs file with the clerk of this court a bond in the sum of \$5,000, to be approved by this court, to secure said defendant against any and all damages that may be occasioned by this injunction order; and that thereupon this injunction order shall be in full force and effect until the further order of this court.

"That a copy of this order and the plaintiffs' petition in this case be served upon defendant."

Another similar suit filed yesterday will be heard by Judge Henry today.