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THE

## DEVIL'S CADENCE SONATA

A SURVEY OF THE "BONUS SYSTEM" IN GERMANY

On February 2, 1935 Fritz Kreisler celebrated his 60<sup>th</sup> birthday by giving an exhibition of his art in the Berlin Philharmonie. The program, tinged with gentle melancholy, was devoted solely to Beethoven; the Concert in D sharp framed by the Romances op. 40 and 50. At the close the applause rolled like thunder through the great hall and did not cease until the sixty-year-old musician raised his violin anew. Kreisler, moved and grateful, presented the Devils Cadence (Teufelstriller) Sonata by Tartini as a bonus which should lighten the hearts of himself and his audience!

Was this a punishable act?

A curious question! Yet no longer so peculiar for those who happen to have read the "President's Order for the Protection of Commerce" of March, 9, 1932. "Part One" of this norm, published in the "Reichsgesetzblatt I No. 15" deals with the "bonus system." The form decided upon by the National Council approximates closely to a report issued by the temporary National Economic Council on May 12, 1930 (Reprints of the temp. Nat. Econ. Council, no. 367) and this again was based in the main upon a consideration of the interests and reasons which the "Protective

League for Advertising in Values" had brought to bear against the "National Commission for the Prohibition of Bonuses." Can the costs incurred by the seller for demonstrative advertising, both textual and pictorial, be balanced by some positive object, serviceable to advertising, which the buyer receives free in addition to the wares or service which he has purchased? Does such a procedure imply a menace to the economic welfare of the community? Does a bonus system persuade the public to overlook inferior quality in the actual object purchased and also to buy more than required? Such psychological and economic problems which could not be solved in a satisfactory manner by jurisprudence dealing with the laws against illegal competition and with civil and criminal paragraphs against fraud have been decided in the "Order" by a compromise:

### I. Principle: Prohibition of Bonuses in business dealings.

A full definition is lacking. The meaning is: the enlargement of the contract obligations of the buyer by means of supplementary goods or service offered, announced or granted simultaneously with the article