

Order

IN THE MATTER OF
FEE & STEMWEDEL, INC.
MODIFYING CEASE AND DESIST ORDER
Docket 3202. Order, July 6, 1939

Order modifying, on motion of counsel for respondent, cease and desist order against said respondent in Docket 3202, on May 2, 1939, 28 F. T. C. 1536, prohibiting certain misrepresentations in connection with manufacture, assembling, sale, and distribution of certain barometer models and combination models of thermometer, hygrometer, and barometer, as hereinbelow set forth.

Before *Mr. Arthur F. Thomas* and *Mr. John W. Addison*, trial examiners.

Mr. Joseph C. Fehr for the Commission.

Wham & O'Brien, of Chicago, Ill., for respondent.

MODIFIED ORDER TO CEASE AND DESIST

This matter having been heard by the Federal Trade Commission upon the motion of Frank T. O'Brien, attorney for the respondent, to modify the order to cease and desist issued in this proceeding on May 2, 1939, and the Commission having considered said motion and the record and being now fully advised in the premises:

It is ordered, That the order to cease and desist issued herein on May 2, 1939, be modified so as to read as follows:

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence taken before Arthur F. Thomas and John W. Addison, examiners of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, briefs filed herein, and oral arguments by Joseph C. Fehr, counsel for the Commission, and by Frank T. O'Brien, counsel for the respondent, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act.

It is ordered, That the respondent, Fee & Stemwedel, Inc., its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of barometers having movements or mechanisms of foreign origin, or manufacture whether sold as single instruments or as part of combination instruments, in commerce, as "commerce"

Order

29 F. T. C.

is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, by use of the term "Made in U. S. A.," or any other term indicative of American manufacture, that such barometers are wholly of American manufacture.

2. Causing the brands or marks on imported barometer movements or other parts, or on other similar products, which indicate the foreign origin or manufacture thereof to be removed, erased, or concealed so as to mislead or deceive ultimate purchasers with reference to the foreign origin or manufacture thereof, unless the removal or erasure or concealment of said brands or marks is necessary to the further manufacture or processing of said products.

3. Representing, by the use of the term "Made by," or any other term of similar import or meaning, or in any other manner, that it is the manufacturer of said barometers, or is other than the assembler thereof, until and unless it actually manufactures such barometers and the movements or mechanisms thereof.

It is further ordered, That the respondent shall, within 60 days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

SILVER MANUFACTURING CO., ETC.

259

Syllabus