

Order

29 F. T. C.

IN THE MATTER OF
MORTON SALT COMPANY

CEASE AND DESIST ORDER

- *Docket 2150. Order, Oct. 17, 1939*

Order requiring respondent, its officers, etc., in instant proceeding (following Commission's complaint, etc., findings, and order of April 30, 1935, 20 F. T. C. 309, placement of matter *in fieri* pending decisions in related salt cases, and the making of such decisions therein) to cease and desist from using the words "smoked" or "smoke," etc., to designate, etc., salt offered and sold by it and which had not been directly subjected to action and effect of smoke from burning wood, etc., for curing, preserving, smoking, or flavoring meats, as in said original proceeding required and in said cease and desist order below set forth.

Before *Mr. Robert S. Hall*, trial examiner.

Mr. Jay L. Jackson for the Commission.

Mr. H. H. Shelton and *Sanders, Gravelle, Whitlock & Howrey*, of Washington, D. C., for respondent.

ORDER TO CEASE AND DESIST

This proceeding having been heard upon the complaint issued and served upon respondent, Morton Salt Co., and its answer thereto, testimony, evidence, briefs, and arguments of counsel for the Commission and counsel for respondent, and the Federal Trade Commission having made its report in writing stating its findings as to the facts and its conclusion drawn therefrom that the respondent has been and is violating the provisions of an act of Congress approved September 26, 1914, entitled "An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," and the Commission having, on April 30, 1935 entered and issued its order requiring the respondent, Morton Salt Co., its officers, agents, employees, and representatives, in connection with offering for sale or selling salt in interstate commerce or in the District of Columbia, to cease and desist, on brands or labels, and in magazines, trade journals, newspapers or other periodicals, or in house organs, pamphlets, radio broadcasting, or in any other form of advertisement, directly or indirectly, expressly or impliedly, from using the word "smoked" or the word "smoke," or any other word or words signifying smoke, or implying use of smoke, to designate or describe salt offered for sale, or sold, for curing, preserving, smoking, or flavoring meats, unless the salt so described or designated has been or is directly

subjected to the action and effect of the smoke from burning wood during its process of combustion sufficiently to acquire from such source alone all of its smoke or smoke effects for use in curing, preserving, smoking, or flavoring meats, and further ordering said respondent to file within 60 days from the service of said order a report in writing setting forth the manner and form of its compliance therewith; and by order duly entered herein on June 28, 1935 having extended the time for filing report of compliance with said order from July 31, 1935 to August 30, 1935; and by order duly entered hereon on June 17, 1936 having stayed said proceeding until final decision by the Commission in the matters of Smoke Products Co., et al., Docket 2783, and Pennsylvania Salt Manufacturing Co. et al., Docket 2784; and by order duly entered hereon on April 21, 1938 having directed that this matter remain *in fieri* without prejudice to the right of the Commission forthwith to enter such final order as seems just at or after the Commission's final decision in the matters of Dockets 2783 and 2784, and the Commission having made its final decision in the matters of Dockets 2783 and 2784, and having duly entered and issued its findings as to the facts and conclusions and orders to cease and desist in these matters, and having duly considered the record herein;¹

It is ordered, That respondent, Morton Salt Co., its officers, agents, employees, and representatives in connection with offering for sale, sale, or distribution of salt in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from using the word "smoked" or the word "smoke," or any other word or words signifying smoke, or implying use of smoke, to designate or describe salt offered for sale, or sold, for curing, preserving, smoking, or flavoring meats, unless the salt so described or designated has been or is directly subjected to the action and effect of the smoke from burning wood during its process of combustion sufficiently to acquire from such source alone all of its smoke or smoke effects for use in curing, preserving, smoking, or flavoring meats.

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.

¹ See, for said decisions, pp. 1136 and 1143, *infra*.

Order

29 F. T. C.

IN THE MATTER OF
JEFFERSON ISLAND SALT COMPANY

CEASE AND DESIST ORDER

Docket 2151. Order, Oct. 17, 1939

Order requiring respondent, its officers, etc., in instant proceeding (following Commission's complaint, etc., findings, and order of April 30, 1935, 20 F. T. C. 320, placement of matter *in fieri* pending decisions in related salt cases, and the making of such decisions therein) to cease and desist from using the words "smoked" or "smoke," etc., to designate, etc., salt offered and sold by it and which had not been directly subjected to action and effect of smoke from burning wood, etc., for curing, preserving, smoking or flavoring meats, as in said original proceeding required and in said cease and desist order below set forth.

Before *Mr. Robert S. Hall*, trial examiner.

Mr. Jay L. Jackson for the Commission.

Carroll, McElwain & Ballantine, of Louisville, Ky., for respondent.

ORDER TO CEASE AND DESIST

This proceeding having been heard upon the complaint issued and served upon respondent, Jefferson Island Salt Co., and its answer thereto, testimony, evidence, briefs, and arguments of counsel for the Commission and counsel for respondent, and the Federal Trade Commission having made its report in writing stating its findings as to the facts and its conclusion drawn therefrom that the said respondent has been and is violating the provisions of an act of Congress approved September 26, 1914, entitled "An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," and the Commission having, on April 30, 1935, entered and issued its order requiring the respondent, Jefferson Island Salt Co., its officers, agents, employees, and representatives, in connection with offering for sale or selling salt in interstate commerce or in the District of Columbia to cease and desist on brands, or labels, and in magazines, trade journals, newspapers or other periodicals, or in house organs, pamphlets, radio broadcasting, or in any other form of advertisement, directly or indirectly, expressly or impliedly, from using the word "smoked" or the word "smoke," or any other word or words signifying smoke, or implying use of smoke, to designate or describe salt offered for sale, or sold, for curing, preserving, smoking, or flavoring meats, unless the salt so described or designated has been or is directly subjected to the action and effect