

IN THE MATTER OF
AVERY SALT COMPANY

CEASE AND DESIST ORDER

Docket 2248. Order, Oct. 17, 1939

Order requiring respondent, its officers, etc., in instant proceeding (following Commission's complaint, etc., findings, and order of November 28, 1936, 23 F. T. C. 1047, placement of matter *in fieri* pending decisions in related salt cases, and the making of such decisions therein) to cease and desist from using word "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, and from representing that its said "Avery Sugar Curing Smoke Salt" does the complete job of curing and smoking meat, or that meat, by treatment with such product, acquires therefrom same taste, etc., as meat acquires from treatment with salt and subsequent exposure to smoke of burning wood, as in said original proceeding required, and in said cease and desist order below set forth.

Before *Mr. Charles F. Diggs* and *Mr. Robert S. Hall*, trial examiners.

Mr. Jay L. Jackson for the Commission.

Putney, Twombly & Hall, of New York City, for respondent.

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, testimony and other evidence in support of the allegations of the complaint and in opposition thereto, briefs filed herein and oral argument by counsel for the Commission and counsel for the respondent, and the Commission having made its report stating its findings as to the facts and its conclusion that 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 November 28, 1936, duly entered and issued its order requiring the respondent, Avery Salt Co., its officers, representatives, agents, and employees in connection with the offering for sale, sale, and distribution of salt in interstate commerce or in the District of Columbia, to cease and desist from certain practices, and further ordering said respondent to file within 60 days after the service of said order a report in writing setting forth in detail the manner and form of its compliance therewith;

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and by order duly entered herein on March 5, 1937 having extended the time for filing respondent's report as to the manner and form of its compliance with said order until such time as the Commission has rendered its final decision 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 herein on May 20, 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 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 the respondent, Avery Salt Co., its officers, representatives, agents, and employees in connection with the offering for sale, sale, and distribution of salt in interstate commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using 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 the process and course of its combustion sufficiently to acquire from such source alone all of its smoke or smoke effects for use in curing, preserving, smoking or flavoring meats.

2. Representing that its product described or designated as "Avery Sugar Curing Smoke Salt" does the complete job of curing and smoking meat, or that meat by treatment with such product acquires therefrom the same taste or flavor or other properties or effects, as meat acquires from treatment with salt and subsequent exposure to the smoke of burning wood during the process and course of its combustion.

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*.

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IN THE MATTER OF
CAREY SALT COMPANY

CEASE AND DESIST ORDER

Docket 2516. Order, Oct. 17, 1939

Order requiring respondent, its officers, etc., in instant proceeding (following Commission's complaint, etc., findings, and order of December 3, 1936, 24 F. T. C. 42, 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 word "smoke" 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, and from representing that its so-called "smoke" salt cures and smoke-flavors meat in one operation, or cures and smokes meat at all, or that treatment of meat with its product is a thousand times better than the old smoke house, or as good, or that meat thereby acquires same taste or flavor, etc., as it acquires from treatment with salt and subsequent exposure to smoke from burning wood, etc., 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.

Williams, Martindell, Carey & Brown, of Hutchinson, Kans., for respondent.

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, the stipulation as to certain facts and testimony and evidence in support of the allegations of the complaint and in opposition thereto, briefs filed herein by counsel for the Commission and counsel for the respondent, and the Commission having made its report in writing stating its findings as to the facts and its conclusion that said respondent has violated 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 December 3, 1936 issued an order requiring the respondent, Carey Salt Co., its officers, representatives, agents, and employees, in connection with the offering for sale, sale, and distribution of salt in interstate commerce or in the District of Columbia, do forthwith cease and desist from certain practices, and further ordering said respondent to file within 60 days from and after the service of said order a report in writing setting forth in detail the manner and form of its compliance therewith, and