

IN THE MATTER OF
JOHN C. HERMAN AND EDWIN S. HERMAN, DOING
BUSINESS AS JOHN C. HERMAN & COMPANY

MODIFIED CEASE AND DESIST ORDER

Docket 1443. Order, Dec. 20, 1939

Order, in response to motion, modifying cease and desist order of February 27, 1932, 16 F. T. C. 42, so as to require respondents, their agents, etc., in connection with offer, etc., in commerce, of cigars, to cease and desist from using word "Havana" or other words, etc., indicative of Cuban origin, etc., to describe, etc., cigars not made of tobacco grown on island of Cuba, as in said order set forth.

Mr. Marshall Morgan for the Commission.

MODIFIED ORDER TO CEASE AND DESIST, ETC.

This matter coming on to be heard by the Commission upon the motion of the Chief Counsel for the Commission, filed November 1, 1939, that the Commission modify the order to cease and desist entered herein on February 27, 1932, and it appearing that notice that said motion would be heard by the Commission on November 15, 1939, was duly served upon respondents, and it further appearing that respondents herein have not used or employed the label or brand "Havana Darts" in connection with the manufacture and sale of cigars since 1932, and that said respondents have no intention of resuming the manufacture and sale of cigars under said brand name, and the Commission having duly considered the said motion and the record herein, and being now fully advised in the premises.

It is ordered, That the motion to modify the order to cease and desist issued herein on February 27, 1932, be, and the same hereby is, granted in all respects except for the period of time within which said respondents are directed to file a report of compliance with the terms of this order.

It is further ordered, That the order to cease and desist issued herein on February 27, 1932, be, and the same hereby is, modified so as to read as follows:

This proceeding having been heard by the Federal Trade Commission upon the entire record, including the complaint of the Commission and the answer of the respondents thereto, agreed upon and approved, in which said answer the said respondents stated that they desired to waive hearing on the charges set forth in said complaint, refrained from contesting the proceeding and thereby consented that the Commission might make, enter and serve upon them an

order to cease and desist from the violations of the law alleged in the complaint; and the Commission having concluded that said respondents have violated the provisions of the Federal Trade Commission Act;

It is now ordered, That John C. Herman and Edwin S. Herman, partners, doing business under the trade name and style of John C. Herman & Co., and each of them, their agents, individual or corporate, representatives, servants, employees, and successors in business, in connection with the offering for sale, sale and distribution of cigars in commerce, as commerce is defined in the Federal Trade Commission Act, do cease and desist from;

Using the word "Havana" or any other word or words, terms, or picturizations indicative of Cuban origin or descriptive of Cuba, alone or in conjunction with any other word or words, to describe, designate, or in any way to refer to cigars which are not made of tobacco grown on the island of Cuba.

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

Modified Order

30 F. T. C.

IN THE MATTER OF
FLECK CIGAR COMPANY

MODIFIED CEASE AND DESIST ORDER

Docket 1453. Order, Dec. 20, 1939

Order, in response to motion, modifying cease and desist order of January 23, 1933, 17 F. T. C. 197, so as to require respondent, its agents, etc., in connection with offer, etc., in commerce, of cigars, to cease and desist from using word "Cuba" or other words, etc., indicative of Cuban origin, etc., to describe, etc., cigars not made from tobacco grown on island of Cuba, as in said order set forth.

Mr. Marshall Morgan for the Commission.

MODIFIED ORDER TO CEASE AND DESIST, ETC.

This matter coming on to be heard by the Commission upon the motion of the Chief Counsel for the Commission, filed November 1, 1939, that the Commission modify the order to cease and desist as entered herein on January 23, 1933, and it appearing that notice that said motion would be heard by the Commission on November 15, 1939, was duly served upon respondent, and it further appearing that respondent herein abandoned the operation of its business on June 30, 1935, since which date it has been in process of liquidation, and the Commission having duly considered the said motion and the record herein, and being now fully advised in the premises.

It is ordered, That the motion to modify the order to cease and desist herein as issued on January 23, 1933, be, and the same hereby is, granted in all respects except for the period of time within which said respondent is directed to file a report of compliance with the terms of this order.

It is further ordered, That the order to cease and desist issued herein on January 23, 1933, be, and the same hereby is, modified so as to read as follows:

This proceeding having been heard by the Federal Trade Commission upon the entire record, including the complaint of the Commission, and the answer of the respondent, thereto, agreed upon and approved, in which said answer the said respondent stated that it desired to waive hearing on the charges set forth in said complaint and not to contest the proceeding, and thereby consented that the Commission might make, enter and serve upon it an order to cease and desist from the violations of the law alleged in the complaint;