

Modified Order

30 F. T. C.

IN THE MATTER OF

JOHN F. REICHARD, TRADING AS MANCHESTER CIGAR
COMPANY

MODIFIED CEASE AND DESIST ORDER

Docket 1459. Order, Dec. 20, 1939.

Order, in response to motion, modifying cease and desist order of March 12, 1932, 16 F. T. C. 77, so as to require respondent, his 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 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 March 12, 1932, 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 said respondent, formerly trading as Manchester Cigar Co., has not been engaged in the business of manufacturing cigars for a period of ten years last past, 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 as issued herein on March 12, 1932, 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 March 12, 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 respondent thereto, in which said answer the respondent stated that he desired to waive hearing on the charges set forth in said complaint, that he refrained from contesting the proceeding and thereby consented that the Commission might make, enter and serve upon him an order to cease and desist from the violations of the law alleged in the complaint, and requested the Commission to proceed to final disposition of the matter upon such answer pursuant to the Com-

mission's rules of practice, and without further hearings, said answer being agreed upon and approved; and the Commission having concluded that the said respondent has violated the provisions of section 5 of the 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."

It is now ordered, That John F. Reichard, trading as Manchester Cigar Co., his 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 from tobacco grown on the island of Cuba.

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

Modified Order

30 F. T. C.

IN THE MATTER OF

HERBERT L. SMITH

MODIFIED CEASE AND DESIST ORDER

Docket 1467. Order, Dec. 20, 1939

Order, in response to motion, modifying cease and desist order of March 14, 1932, 16 F. T. C. 89, so as to require respondent, his 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 from tobacco grown on island of Cuba, as in said order set forth.

Mr. Marshall Morgan for the Commission.

Mr. L. A. Spiess, of Washington, D. C., for respondent.

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 March 14, 1932, and it appearing that notice that said motion would be heard by the Commission on November 15, 1939, was duly served upon respondent, and that respondent thereupon appeared by counsel on November 15, 1939, and was duly heard by the Commission upon said motion, together with the Chief Counsel for the Commission, and the Commission having duly considered the said motion, including argument of counsel, 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 March 14, 1932, be, and the same hereby is, granted in all respects.

It is further ordered, That the order to cease and desist issued herein on March 14, 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 respondent thereto, the stipulation as to the facts agreed upon and approved; and the Commission having made its findings as to the facts and its conclusion that said respondent has been, and is, violating the provisions of section 5 of the 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."