

Order

IN THE MATTER OF
BROWN & HALEY

MODIFIED CEASE AND DESIST ORDER

Docket 2782. Order, Mar. 25, 1940

Modified order, pursuant to provisions of Section 5 (i) of Federal Trade Commission Act, in proceeding in question, in which original order issued on June 30, 1937, 25 F. T. C. 370, and in which Circuit Court of Appeals for the Ninth Circuit, on Feb. 14, 1939, in *Helen Ardelle, Inc., et al. v. Federal Trade Commission*, 101 F. (2d) 718, 28 F. T. C. 1894, rendered its opinion and issued its decree modifying order in question in certain particulars and affirming same in other particulars—

Requiring respondent, its officers, representatives, agents, and employees, in connection with the offer for sale and distribution in interstate commerce of candy to forthwith cease and desist from selling and distributing to jobbers and wholesalers for resale to retailers, or to retailers direct, candy so packed and assembled that sales thereof to the general public are to be made by means of a lottery, gaming device, or gift enterprise, or supplying to, or placing in the hands of wholesalers, jobbers, or retailers, assortments of candy, contents of which are arranged to constitute a lottery, gaming device, or gift enterprise in the sale or distribution of such candy to the public, or packing or assembling in the same assortment for sale to the public at retail, boxes of candy, together with a device commonly called a "punchboard," which is for use, or which may be or is designed to be used, in distributing or selling said candy to the public at retail, or furnishing to retail and wholesale dealers and jobbers punchboards, with assortments of candy or separately, bearing statements informing the purchasing public that the candy is being sold by lot or chance, or in accordance with a sales plan which constitutes a lottery, gaming device, or gift enterprise, as below set forth.

MODIFIED ORDER TO CEASE AND DESIST

This proceeding coming on for further hearing before the Federal Trade Commission and it appearing that on June 30, 1937, the Commission made its findings as to the facts herein and concluded therefrom that respondent had violated the provisions of Section 5 of the Federal Trade Commission Act and issued and subsequently served its order to cease and desist; and it further appearing that on February 14, 1939, the United States Circuit Court of Appeals for the Ninth Circuit rendered its opinion and issued its decree modifying the aforesaid order of the Commission in certain particulars and affirming said order in other particulars.

Now, therefore, Pursuant to the provisions of subsection (i) of Section 5 of the Federal Trade Commission Act, the Commission

Order

30 F. T. C.

issues this its modified order to cease and desist in conformity with the said decree.

It is ordered, That the respondent, Brown & Haley, a corporation, its officers, representatives, agents, and employees, in connection with the offering for sale, sale, and distribution in interstate commerce of candy, do forthwith cease and desist from:

1. Selling and distributing to jobbers and wholesale dealers for resale to retail dealers, or to retail dealers direct, candy so packed and assembled that sales of such candy to the general public are to be made by means of a lottery, gaming device, or gift enterprise.

2. Supplying to or placing in the hands of wholesale dealers and jobbers or retail dealers assortments of candy whose contents are arranged to conduct a lottery, gaming device, or gift enterprise in the sale or distribution of the candy contained in said assortments to the public.

3. Packing or assembling in the same assortment of candy for sale to the public at retail boxes of candy together with a device commonly called a "punchboard," which punchboard is for use, or which may be or is designed to be used, in distributing or selling said candy to the public at retail.

4. Furnishing to retail and wholesale dealers and jobbers a device commonly called a "punchboard," either with assortments of candy or separately, bearing a legend or legends or statements informing the purchasing public that the candy is being sold to the public by lot or chance or in accordance with a sales plan which constitutes a lottery, gaming device, or gift enterprise.

It is further ordered, That the respondent, Brown & Haley, a corporation, shall, within 30 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 the order to cease and desist hereinabove set forth.

Order

IN THE MATTER OF
CANTERBURY CANDY MAKERS, INC.

MODIFIED CEASE AND DESIST ORDER

Docket 2800. Order, Mar. 25, 1940

Modified order, pursuant to provisions of Section 5 (i) of Federal Trade Commission Act, in proceeding in question, in which original order issued on July 6, 1937, 25 F. T. C. 434, and in which Circuit Court of Appeals for the Ninth Circuit, on Feb. 14, 1939, in *Helen Ardelle, Inc., et al., v. Federal Trade Commission*, 101 F. (2d) 718, 28 F. T. C. 1894, rendered its opinion and issued its decree modifying order in question in certain particulars and affirming same in other particulars—

Requiring respondent, its officers, representatives, agents, and employees, in connection with the offer for sale and distribution in interstate commerce of candy, to forthwith cease and desist from selling and distributing to jobbers and wholesalers for resale to retailers, or to retailers direct, candy so packed and assembled that sales thereof to the general public are to be made by means of a lottery, gaming device, or gift enterprise, or supplying to, or placing in the hands of wholesalers, jobbers or retailers, assortments of candy, contents of which are arranged to constitute a lottery, gaming device, or gift enterprise in the sale or distribution of such candy to the public, or packing or assembling in the same assortment for sale to the public at retail boxes of candy, together with a device commonly called a "punchboard," which is for use, or which may be or is designed to be used, in distributing or selling said candy to the public at retail, or furnishing to retail and wholesale dealers and jobbers punchboards, with assortments of candy or separately, bearing statements informing the purchasing public that the candy is being sold by lot or chance, or in accordance with a sales plan which constitutes a lottery, gaming device, or gift enterprise, as below set forth.

MODIFIED ORDER TO CEASE AND DESIST

This proceeding coming on for further hearing before the Federal Trade Commission and it appearing that on July 6, 1937 the Commission made its findings as to the facts herein and concluded therefrom that respondent had violated the provisions of section 5 of the Federal Trade Commission Act and issued and subsequently served its order to cease and desist; and it further appearing that on February 14, 1939, the United States Circuit Court of Appeals for the Ninth Circuit rendered its opinion and issued its decree modifying the aforesaid order of the Commission in certain particulars and affirming said order in other particulars.

Now, therefore, Pursuant to the provisions of subsection (i) of section 5 of the Federal Trade Commission Act, the Commission