

IN THE MATTER OF
WILLIAM C. STEFFY, LORINA STEFFY AND
G. V. PARKINSON

MODIFIED CEASE AND DESIST ORDER

Docket 3238. Order, August 16, 1944

Modified order in proceeding in question, in which original order issued on August 2, 1939, 29 F. T. C. 465, requiring respondents, their representatives, etc., in connection with the offer, etc., in commerce, of earthenware, chinaware, radios or sales promotional plans, including premium certificates, coupons, or other similar devices redeemable in silverware, earthenware, chinaware, or other merchandise, to cease and desist misrepresenting connections and arrangements with others through use of term "Rogers Silverware," etc., misrepresenting articles as free, misrepresenting that they are conducting an advertising campaign for others, misrepresenting their terms and undertakings and the prices of their products, and supplying, using, etc., lottery devices or schemes for the sale thereof, as in said order specified.

MODIFIED ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondents, William C. Steffy and G. V. Parkinson, in which said respondents admit all of the material allegations of fact set forth in said complaint and state that they waive all intervening procedure and further hearings as to said facts, and upon the testimony taken before Robert S. Hall, an examiner of the Commission theretofore duly designated by it, relative to the acts and practices of respondent Lorina Steffy, and the Commission having duly made and issued its findings as to the facts, conclusion and order to cease and desist dated August 2, 1939; and the Commission having further considered said order to cease and desist heretofore issued, and being of the opinion that the public interest requires that a modified order to cease and desist should be issued in said cause; and the Commission having given due notice to the respondents to show cause on July 24, 1944, why this case should not be reopened for the purpose of modifying said order to cease and desist; and the Commission having considered the matter and the record herein, and having issued its order modifying said order in certain respects, issues this its modified order to cease and desist.

It is ordered, That the respondents, William C. Steffy and G. V. Parkinson, individually, and trading as Atlas Globe China Co., Advertising Department, Rogers Silverware Distributors, Bordeau China Co., or China Sales Syndicate, or trading under any other name or names, or trading through the corporations Security Silverware Distributors, Inc., United States Sales Corporation, or through any other corporation or corporations, their representatives, agents and employees, directly or through any other corporate or other device, in connection with the offering for sale,

sale and distribution of silverware, earthenware, chinaware, radios or sales promotional plans, including premium certificates, coupons, cards, or other and similar devices redeemable in silverware, earthenware, chinaware or any other merchandise, in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing through the use of the term "Rogers Silverware" either alone or in connection with any other term or terms in a corporate or trade name, or in any other manner, that respondents have an interest in, form a part of, or have any connection with, the manufacturers of Simon L. and George H. Rogers Silverware, or from representing in any manner that respondents have an interest in, form a part of, or have any connection with the International Silverware Company, the Atlas Globe China Company, or any other manufacturer or manufacturers of silverware, chinaware or earthenware.

2. Representing merchandise delivered in redeeming certificates, coupons, or trading cards as "free" or as a gift or gratuity or as delivered without cost to the holders of said certificates, coupons or trading cards when said merchandise is not in fact delivered to the holders of said certificates, coupons or trading cards without cost and unconditionally.

3. Representing that respondents are conducting any special campaign or advertising campaign to introduce, advertise or sell any article or articles of merchandise on behalf of a manufacturer or manufacturers of silverware, earthenware or chinaware, or any other manufacturer or concern unless such a campaign is in fact being conducted at the instance of and on behalf of such manufacturer or concern.

4. Representing that respondents sell premium certificates, cards, coupons or other and similar devices or other merchandise in any territory or locality exclusively to any purchaser therein unless and until such is the fact.

5. Representing that the respondents will give a set of silverware or other merchandise free, or will refund the sum of \$4.50, or any other sum, to the purchaser of said premium certificates, gift cards, coupons or other and similar devices on the redemption of a specified number or cards, certificates or coupons unless such merchandise is delivered to said purchaser, without cost and unconditionally and said premium certificates, gift cards, coupons or other and similar devices are redeemed without cost to the holders thereof and unconditionally, and said refund is made to said purchaser upon the redemption of the specified number of premium certificates, gift cards, coupons or other and similar devices.

6. Representing that the retail price of radios is \$24.90 or \$39.99 or any other amount or amounts unless and until said radios are customarily and ordinarily sold at retail at such amount or amounts.

7. Supplying to, or placing in the hands of, others said radios or other merchandise together with a padlock and a number of keys which said padlock and keys are to be used or may be used to conduct a lottery, gaming device or gift enterprise in the sale or distribution of said radios or other merchandise to the general public.

8. Selling or otherwise disposing of any merchandise by means of a lottery, game of chance, or a gift enterprise.

9. Supplying to, or placing in the hands of, others any lottery device, game of chance or a gift enterprise so as to enable such persons to dispose of or sell any merchandise by the use thereof.

10. Representing that certificates, coupons or trading cards will be redeemed with certain articles of merchandise, unless the merchandise described is delivered to the holders of such certificates, coupons or trading cards without cost or condition.

It is further ordered, That this proceeding in so far as it relates to respondent, Lorina Steffy, be and the same hereby is, closed without prejudice.

It is further ordered, That the respondents, William C. Steffy and G. V. Parkinson 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.

Order

IN THE MATTER OF
AARON N. SAUER, TRADING AS NATION-WIDE
DISTRIBUTORS

MODIFIED CEASE AND DESIST ORDER

Docket 3407. Order, August 16, 1944

Modified order, in proceeding in question, in which original order issued on February 7, 1939, 28 F. T. C. 363, requiring respondent, his representatives, etc., in connection with offer, in commerce, of electric toasters, watches, pen and pencil sets, and various other articles, to cease and desist from using or supplying, etc., lottery devices or schemes for the merchandising of his said products, or misusing terms "free," or "without cost," etc., as in said order below set forth.

MODIFIED ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint and states that he waives all intervening procedure and further hearing as to said facts; and the Commission having duly made and issued its findings as to the facts, conclusion and order to cease and desist dated February 7, 1939; and the Commission having further considered said order to cease and desist heretofore issued, and being of the opinion that the public interest requires that a modified order to cease and desist should be issued in said cause; and the Commission having given due notice to the respondent to show cause on July 24, 1944, why this case should not be reopened for the purpose of modifying said order to cease and desist; and the Commission having considered the matter and the record herein, and having issued its order modifying said order in certain respects, issues this its modified order to cease and desist.

It is ordered, That the respondent, Aaron N. Sauer, individually, and trading as Nation-Wide Distributors, or trading under any other name, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of electric toasters, watches, pen and pencil sets, jewelry ensembles, leather wallets, silverware sets, chinaware, dresser sets, cameras, cosmetics, razor blades, cigarette lighters, or any other articles of merchandise in commerce as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Supplying to, or placing in the hands of others, pull cards or circulars having pull tabs thereon, or other lottery devices for the purpose of enabling such persons to dispose of or sell any merchandise by the use thereof.

2. Mailing, shipping or transporting to his agents or to distributors or to members of the public pull cards or circulars having pull tabs thereon, or other lottery devices so prepared or printed as to enable said persons to sell or distribute any merchandise by the use thereof.