

Order

IN THE MATTER OF

LINWOOD SALES CO., INC. AND BERNARD ABRAMS
AND ABE S. WILLNER

MODIFIED CEASE AND DESIST ORDER

Docket 3414. Order, August 16, 1944

Modified order in proceeding in question, in which original order issued on February 7, 1939, 28 F. T. C. 374, requiring respondents, their representatives, etc., in connection with the offer in commerce of razor blades, watches and various other articles of merchandise, to cease and desist from supplying, etc., lottery devices or schemes for the sale of their products, or using the term "free" to describe articles offered as compensation for distributing their merchandise, 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, in which answer respondents admit all material allegations of fact set forth in said complaint and state that they waive 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 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, Linwood Sales Co., Inc., its officers, and Bernard Abrams and Abe S. Willner, individually, their respective representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of razor blades, watches, china and silverware, clocks, cosmetics, dresser sets, umbrellas, bedding, 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 their 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.

3. Selling or otherwise disposing of any merchandise by the use of pull cards or circulars having pull tabs thereon or any other lottery device.

4. Using the term "free," or any other term of similar import or meaning, to describe or refer to articles offered as compensation for distributing respondents' merchandise.

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.

Order

IN THE MATTER OF

STAFFORD T. MITCHELL, JANET M. MITCHELL, AND
OTIS S. MITCHELL, DOING BUSINESS AS ARVIL COMPANY

ORDER MODIFYING ORDER TO CEASE AND DESIST

Docket 3472. Order, August 16, 1944

Order modifying paragraph 7 of cease and desist order in proceeding in question — in which original order, issuing on December 6, 1939, 30 F. T. C. 1, required respondents, their representatives, etc., in connection with offer, etc., in commerce, of their "Arvil" and "Dawn Shampoo" preparations, to cease and desist specified representations relative to the effect thereof, significance of graying hair, cause of dandruff according to consensus of scientific opinion, and representation that "Arvil" contains no harmful or dangerous drugs and will have no ill effect upon the body through failure to reveal that its use is not wholly safe, particularly if there is any injury or inflammatory condition on the skin—so as to change said last named prohibition to read "representing that the use of the preparation Arvil is safe and will have no ill effects upon the human body."

ORDER MODIFYING ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the record, and an order to cease and desist having been issued pursuant thereto on December 6, 1939, and upon further consideration it now appearing to the Commission that paragraph 7 of said order should be modified in certain respects in order to conform to the present scientific findings pertaining to lead acetate hair dye preparations, and the respondents having executed and filed with the Commission an instrument in which it is stated that they will not resist modification of the order in the respects outlined in said instrument.

Now, therefore, it is ordered, That paragraph 7 of the order to cease and desist entered herein on December 6, 1939, be modified to read as follows:

7. "Representing that the use of the preparation Arvil is safe and will have no ill effects upon the human body."

It is further ordered, That, except as herein modified, said order to cease and desist remain in full force and effect.

Note: The original order, reported with the complaint and findings in 30 F. T. C. 1, follows:

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission (the respondents not having filed answer), testimony and other evidence taken before Willaim C. Reeves, Charles F. Diggs, and Webster Ballinger, Examiners of the Commission, theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, brief in support of the allegations of the complaint (respondents not having filed a brief and oral argument not having been requested), and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act.