

Order

IN THE MATTER OF

PREMIO SALES COMPANY, INC. AND ROSE SOMMERS

MODIFIED CEASE AND DESIST ORDER

Docket 3489. Order, August 16, 1944

Modified order, in proceeding in question, in which original order issued on February 7, 1939, 28 F. T. C. 386, requiring respondents, their representatives, etc., in connection with offer, etc., in commerce, of clocks, watches, cameras, and various other articles of merchandise, as below set out, to cease and desist from supplying, etc., others with lottery devices or schemes for the sale of respondents' merchandise, or using the term "free" to describe articles offered as compensation for distribution 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, in which answer respondents admit all the 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 respondent, Premio Sales Co., Inc., a corporation, its officers and Rose Sommers, individually, and as an officer of Premio Sales Co., Inc., and 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, clocks, watches, cameras, bedding, clothing, cigarette lighters and cases, silverware, chinaware, jewelry, dolls, kitchenware, pocketknives, pen and pencil sets, cosmetics, razor blades, 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 any other lottery device 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

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or any other lottery device 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 said respondents shall within 60 days from the date of the service of this order upon them, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied therewith.

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IN THE MATTER OF

K & S SALES COMPANY AND MRS. FANNYE COHN

MODIFIED CEASE AND DESIST ORDER

Docket 3497. Order, August 16, 1944

Modified order, in proceeding in question, in which original order issued on August 12, 1939, 29 F.T.C. 600, requiring respondent individual, her representatives, etc., in connection with the offering, etc., in commerce, of any sales stimulator plan, including certificates, coupons, and cards redeemable in chinaware or other merchandise, to cease and desist from misrepresenting terms of redeeming said certificates, etc., undertakings, costs of said products to her, effect of her plan in increasing customer's business, and merchandise delivered in redemption, as "free," etc., 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 upon testimony with respect to the dissolution of the corporate respondent, K & S Sales Co., and upon the answer of the individual respondent, Mrs. Fannye Cohn, in which answer said respondent admits all the material allegations of fact set forth in said complaint and states that she 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 August 12, 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, Mrs. Fannye Cohn, her representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as commerce is defined in the Federal Trade Commission Act, of any sales stimulator plan, including certificates, coupons, and cards, redeemable in chinaware or other merchandise, do forthwith cease and desist from:

1. 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, except the actual cost of packing, handling, and transportation.