

IN THE MATTER OF

EDWARD W. BULLOCK, INDIVIDUALLY AND TRADING AS
BONDED JEWELERS OF AMERICA, AND GLADYS JOHN-
STON

MODIFIED ORDER TO CEASE AND DESIST

Docket 3459. Order, April 3, 1945

Modified order in proceeding in question—in which original order issued on December 21, 1938, 27 F. T. C. 1429— requiring respondents, their representatives, etc., in connection with the offer, etc., of rings, watches, and other jewelry products in commerce, to cease and desist from representing their business as bonded through their trade name or otherwise, from representing themselves as manufacturers, their rings as finished with white gold, etc., their products as “free,” etc., and from using term “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 the answer of the respondents, in which answer respondents admitted all material allegations of fact set forth in said complaint and stated that they waived 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 December 21, 1938; and the Commission having further considered said order to cease and desist heretofore issued and having served upon respondents on February 13, 1945, due notice to appear and show cause at a time and place fixed why this case should not be reopened for the purpose of modifying said order to cease and desist in the manner and to the extent set out in said notice, to which respondents failed to make return; and having considered the matter and the record herein and concluded that the public interest requires such action, the Commission issues this its modified order to cease and desist.

It is ordered, That respondents, Edward W. Bullock and Gladys Johnston, their representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of rings, watches, and other jewelry products in interstate commerce or in the District of Columbia, do forthwith cease and desist from:

1. Representing, through the use of the trade name “Bonded Jewelers of America,” or any other words of similar import or meaning, or in any other manner, that the business operated by respondents is bonded, when such is not the fact.

2. Representing that the respondents, or either of them, are the manufacturers of the products sold by them, unless and until they actually own and operate, or directly and absolutely control, the manufacturing plant wherein such products are manufactured by them.

3. Representing, designating, or describing rings as “finished with white gold,” or “white gold finish,” or any word or words of similar import and meaning, unless such rings are actually finished in white gold.

4. Representing, designating or describing, articles or merchandise regularly included in a combination offer with other articles of merchandise as "free," "included free," or "included free of extra charge."

5. Representing, designating, or describing watches or other articles, delivered only upon the condition that some other article be purchased and paid for, as "free," "included free," or "included free of extra charge," or in any other manner indicating that the watch or other article is a gift or gratuity.

6. Using the term "free" or any other term of similar import and meaning to designate, describe, or refer to any merchandise which is not a gift or gratuity and delivered to the recipient thereof without cost and unconditionally.

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

40 F. T. C.

IN THE MATTER OF
JACOB GOLDBERG, TRADING AS CROWN NOVELTY HOUSE

MODIFIED ORDER TO CEASE AND DESIST

Docket 3484. Order, April 3, 1945

Modified order in proceeding in question—in which original order issued on February 8, 1939, 28 F. T. C. 475—requiring respondent, his representatives, etc., in connection with offer, etc., in commerce, of watches, cameras, and other articles, as below specified, to cease and desist from using lottery schemes in merchandising thereof, or using term “free,” etc. to refer to articles offered as compensation for distributing its 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 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 8, 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 March 13, 1945, 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, issues this its modified order to cease and desist.

It is ordered, That the respondent, Jacob Goldberg, individually, and trading as Crown Novelty House, 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 watches, cameras, china and silverware, lamps, razor blades, clocks, cigaret lighters, jewelry, cosmetics, bedding, kitchenware, 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 such 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 respondent’s merchandise.

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.