

Order

42 F. T. C.

IN THE MATTER OF
STROMBERG HATCHERY

MODIFIED CEASE AND DESIST ORDER

Docket 5162. June 24, 1946

Order modifying, pursuant to stipulation and agreement, previous order of October 31, 1945, 41 F. T. C. 204, requiring respondents, in connection with the offer, etc., in commerce of baby chicks or other poultry to cease and desist from representations therein specified with respect to their being United States Record of Performance Breeders, etc., through the addition of a proviso that if they become actual participants in the National Poultry Improvement Plan, nothing contained in the order shall be construed as prohibiting the use of representations, designations, or emblems authorized and permitted to participants in said National Poultry Improvement Plan, during the time of such participation.

Before *Mr. Randolph Preston*, trial examiner.

Mr. Jesse D. Kash for the Commission.

MODIFIED ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and a stipulation as to the facts having been entered into between the respondents and Richard P. Whiteley, assistant chief counsel, for the Federal Trade Commission, which provides, among other things, that without further evidence or other intervening procedure, the Commission may issue its findings as to the facts and conclusions based thereon and an order disposing of the proceeding; and the Commission having made its findings as to the facts and conclusion that the respondents have violated the provisions of the Federal Trade Commission Act, it entered and issued its order to cease and desist on October 3, 1945, and thereafter this proceeding came on for consideration by the Federal Trade Commission upon a stipulation and agreement entered into by and between the respondents and Richard P. Whiteley, assistant chief counsel for the Federal Trade Commission, which provided for the modification of the order issued on October 3, 1945, by adding the following:

"It is further ordered, That if the respondents become an actual participant in the National Poultry Improvement Plan nothing contained in this order shall be construed as prohibiting the use of representations, designations, or emblems authorized and permitted to participants in said National Poultry Improvement Plan, during the time of such participation";

and the Commission having duly considered said stipulation and agreement and the record herein, issues this its modified order to cease and desist:

It is ordered, That the respondents, Ernest Stromberg, Josephine Stromberg, Betty Snyder, and Loyl Stromberg, individually or trading as Stromberg Hatchery or under any other name or names, their representatives, agents, and employees, directly or through any corporate or other device in connection with the offering for sale, sale, and distribution of baby chicks or other poultry in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing that respondents are United States Record of Performance poultry breeders or that they operate a poultry breeding plant under the supervision of an official State agency supervising United States Record of Performance work.

2. Representing that United States Record of Performance males head any of their flocks unless the flocks concerning which such representations are made are segregated and headed by males which have been officially banded with U. S. R. O. P. sealed and numbered official leg bands and duly registered as such.

3. Representing that their chickens or baby chicks are produced from or sired by, United States Record of Performance males unless the chickens or baby chicks concerning which such representations are made have been actually sired by males which have been officially banded with U. S. R. O. P. sealed and numbered leg bands and duly registered as such.

4. Using the term "R. O. P. Sired" or any other term of similar import or meaning to designate or describe respondents' chicks in such a manner as to represent directly or by implication that the chicks so designated are U. S. R. O. P. chicks or that respondents are participants in the National Poultry Improvement Plan.

5. Representing that all of their flock inspection work is done by authorized licensed inspectors and testers.

6. Representing that their baby chicks are blood tested for pullorum (B. W. D.) or fowl typhoid.

It is further ordered, That if the respondents become an actual participant in the National Poultry Improvement Plan nothing contained in this order shall be construed as prohibiting the use of representations, designations, or emblems authorized and permitted to participants in said National Poultry Improvement Plan, during the time of such participation.

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.

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FEDERAL TRADE COMMISSION DECISIONS

Syllabus

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