

Modified Order

IN THE MATTER OF
P. LORILLARD CO.

Modified Cease and Desist Order

Docket 4922. Order, May 24, 1950

Order modifying prior cease and desist order issued on March 31, 1950, 46 F. T. C. 734 at 752—which prohibited respondent from misrepresenting the qualities or properties, etc., of its Beech-Nut, Sensation, or Old Gold cigarettes, or of its Friends smoking tobacco, or the smoke therefrom—so as to provide that nothing in the order with respect to respondent's Beech-Nut cigarettes, or other cigarettes of substantially the same length, shall be construed to prohibit it from representing "that during the time the extra length of any such cigarette is being smoked the smoke therefrom will contain less irritating properties and will be cooler than the smoke from standard length cigarettes"; and in certain other respects as below set forth.

Before *Mr. Webster Ballinger*, trial examiner.

Mr. John R. Phillips, Jr. for the Commission.

Perkins, Daniels & Perkins, of New York City, and *Bingham, Collins, Porter & Kistler*, of Washington, D. C., for respondent.

MODIFIED ORDER TO CEASE AND DESIST

This proceeding was heard by the Federal Trade Commission upon the complaint, answer of the respondents, testimony, and other evidence taken before trial examiners of the Commission theretofore duly designated by it, recommended decision of the trial examiner and exceptions filed thereto by counsel supporting the complaint, and brief of counsel supporting the complaint (no brief having been filed by counsel for respondent and oral argument not having been requested), and the Commission, having considered the matter, made and issued its findings as to the facts, conclusion, and order to cease and desist on March 31, 1950.

Thereafter the Commission, acting upon its own motion, reconsidered the matter and on May 12, 1950, issued its rules to show cause why said order to cease and desist should not be modified to read as set forth therein. In response to said rule to show cause, counsel supporting the complaint filed a statement acquiescing in the proposed modification and respondent, by its counsel, filed a statement containing additional proposals for modifying said order to cease and desist; and the Commission having considered such additional proposals and having rejected same for the reason that an order to cease and desist embodying such proposals would not adequately protect the public against a continuation or resumption of the practices found to be unfair and deceptive, and being of the opinion that the order to cease and desist heretofore issued in this proceeding should be modified in the respects set forth in said rule to show cause:

Now, therefore, it is ordered, That said order to cease and desist be, and the same hereby is, modified to read as follows:

"It is ordered, That the respondent, P. Lorillard Co., a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device, in or in connection with the offering for sale, sale, and distribution in commerce, as 'commerce' is defined in the Federal Trade Commission Act, of its products Beech-Nut cigarettes, Sensation cigarettes, Old Gold cigarettes, and Friends smoking tobacco, do forthwith cease and desist from representing by any means, directly or indirectly:

"(1) That Beech-Nut cigarettes, or any other cigarette composed of substantially the same blend of tobaccos, or the smoke therefrom, will not harm or irritate the throat, or will provide any defense against throat irritation; or that the extra length of Beech-Nut cigarettes, or of any other cigarette of substantially the same length, will filter out or eliminate the harmful properties in the smoke from such cigarettes or will cause the smoke from such cigarettes to be cooler than the smoke from cigarettes of standard length; *Provided, however*, That nothing herein shall be construed to prohibit the respondent from representing that during the time the extra length of any such cigarette is being smoked the smoke therefrom will contain less irritating properties and will be cooler than the smoke from standard length cigarettes;

"(2) That Sensation cigarettes, or any other cigarette composed of substantially the same blend of tobaccos, are made of extra-choice imported and domestic tobaccos, or are top quality cigarettes, or are made from the finest tobacco that can be bought;

"(3) That Old Gold cigarettes or the smoke therefrom contains less nicotine, or less tars and resins, or is less irritating to the throat than the cigarettes or the smoke therefrom of any of the six other leading brands of cigarettes; or

"(4) That Friends smoking tobacco, or any other smoking tobacco manufactured in substantially the same manner, is rum-cured, or that the process by which a rum flavoring is added to such tobacco enriches the tobacco or causes the smoke therefrom to be any less irritating to the throat or any cooler than if such rum flavoring were not added; or that the smoke from Friends smoking tobacco, or from any other smoking tobacco composed of substantially the same blend of tobaccos, will not irritate the mouth or throat of a smoker, or is cool, or is free from bite, burn, or harshness.

"It is further ordered, That respondent shall, within 60 days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order."

Complaint

IN THE MATTER OF

WESTERN BATT & BEDDING CO., INC., ET AL.

COMPLAINT, FINDINGS, AND ORDER IN REGARD TO THE ALLEGED VIOLATION
OF SEC. 5 OF AN ACT OF CONGRESS APPROVED SEPT. 26, 1914, AND OF AN ACT
OF CONGRESS APPROVED OCT. 14, 1940

Docket 5682. Complaint, July 15, 1949--Decision, May 24, 1950

Where a corporation and its secretary-treasurer and general manager, who dominated its affairs and was responsible for its acts and practices, engaged in the manufacture for introduction into commerce, and in the sale, transportation and distribution in commerce, of wool products as defined in the Wool Products Labeling Act—

Misbranded wool batts by failing to affix thereto stamps, tags, labels or other means of identification or a substitute in lieu thereof showing the percentage of the fiber weight of wool, fiber other than wool and other information called for under the act and rules and regulations thereunder, including the name of the manufacturer or the manufacturer's identification number, and that of a seller or reseller of the products or of one or more persons subject to sec. 5 of the act with respect thereto:

Held, That such acts and practices were in violation of the Wool Products Labeling Act and the rules and regulations promulgated thereunder, and constituted unfair and deceptive acts and practices in commerce within the intent and meaning of the Federal Trade Commission Act.

Before *Mr. Abner E. Lipscomb*, trial examiner.

Mr. Jesse D. Kash for the Commission.

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, and by virtue of the authority vested in it by said Acts, the Federal Trade Commission, having reason to believe that Western Batt & Bedding Co., Inc., a corporation, and Lee Brown, an individual and as an officer of the Western Batt & Bedding Co., Inc., hereinafter referred to as respondents, have violated the provisions of said acts and rules and regulations promulgated under the Wool Products Labeling Act of 1939, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest, hereby issues its complaint, stating its charges in that respect as follows:

PARAGRAPH 1. Respondent, Western Batt & Bedding Co., Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Oregon, with its office and principal place of business located at Stayton, Oreg.