

Order

IN THE MATTER OF
HAMILTON MANUFACTURING COMPANY

MODIFIED CEASE AND DESIST ORDER

Docket 3944. Order, April 9, 1952

Order modifying the words "which are to be used or may be used" in the Commission's order directed against the sale of lottery devices, on September 7, 1950, 47 F. T. C. 116 at 127, in accordance with the opinion of the Court of Appeals for the District of Columbia on January 24, 1952, in *Hamilton Manufacturing Company vs. Federal Trade Commission*, 194 F. (2d) 346, and the final decree of February 27, 1952, so as to read, "selling," etc., push cards, etc., "which are designed or intended to be used", as below set out.

Mr. J. W. Brookfield, Jr. for the Commission.

Guesmer, Carson & MacGregor, of Minneapolis, Minn., and *Mr. J. Bond Smith* and *Mr. Joseph A. Padway*, of Washington, D. C., for respondent.

Mr. Joseph A. Padway and *Mr. Herbert S. Thatcher*, of Washington, D. C., for Minneapolis Printing Pressmen and Assistants Union No. 20; Bookbinders and Bindery Women, Twin City Local No. 12, I. B. of B.; and Stenographers, Bookkeepers, Typists, and Assistants Union, Minneapolis Local No. 17661; intervenors.

MODIFIED ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the respondent's substitute answer thereto, in which answer said respondent admitted, with certain exceptions, all of the allegations of fact set forth in the complaint, and briefs and oral argument of counsel, and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act, on September 7, 1950, issued its order to cease and desist; and

Respondent Hamilton Manufacturing Company, having filed in the United States Court of Appeals for the District of Columbia Circuit its petition to review and set aside the order to cease and desist issued herein, and that Court having heard the matter on briefs and oral argument, having fully considered the matter, and having, thereafter on February 27, 1952, entered its final decree modifying, and affirming and enforcing, as modified, the aforesaid order to cease and desist pursuant to its opinion announced on January 24, 1952; and

Thereafter, the Commission having reconsidered the matter, and being of the opinion that its order should be modified so as to accord

Order

48 F. T. C.

with the aforesaid opinion and final decree of the United States Court of Appeals for the District of Columbia Circuit;

It is hereby ordered, That the respondent, Hamilton Manufacturing Company, and said respondent's officers, agents, representatives, and employees, directly or through any corporate or other device, do forthwith cease and desist from:

Selling or distributing in commerce, as "commerce" is defined in the Federal Trade Commission Act, push cards, punchboards or other lottery devices which are designed or intended to be used in the sale or distribution of merchandise to the public by means of a game of chance, gift enterprise or lottery scheme.

It is further ordered, That within the period of time allowed by the aforesaid final decree of the United States Court of Appeals for the District of Columbia Circuit, the respondent shall file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Order

IN THE MATTER OF
AMERICAN TOBACCO COMPANY

MODIFIED CEASE AND DESIST ORDER

Docket 4827. Order, April 9, 1952

Order modifying, in accordance with stipulation of counsel and order of the Court of Appeals for the Seventh Circuit on March 11, 1952, Commission's original order issued on June 20, 1951, 47 F.T.C. 1393—which required respondent, “and its officers, representatives, agents, and employees”, to cease and desist from specified misrepresentation in connection with the offer and sale of its Lucky Strike cigarettes—so as to delete from said order the words above quoted, as below set forth.

Before *Mr. John L. Hornor*, hearing examiner.

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

Chadbourne, Wallace, Parke & Whiteside, of New York City, and
Covington, Burling, Rublee, O'Brian & Shorb, of Washington, D. C.,
for respondent.

MODIFIED ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the amended complaint of the Commission, the respondent's answer thereto, testimony and other evidence in support of and in opposition to the allegations of said amended complaint, the Trial Examiner's recommended decision and exceptions thereto, and briefs and oral argument of counsel; and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act, and having issued an order to cease and desist; and

The American Tobacco Company, a corporation, the respondent, having filed in the United States Court of Appeals for the Seventh Circuit its petition to review and set aside the order to cease and desist issued herein; and thereafter counsel for respondent and the Commission having entered into a stipulation filed in said Court on March 10, 1952, providing that said petition to review shall be dismissed without hearing on the merits; that upon said dismissal the Commission shall modify said order to cease and desist by eliminating therefrom the words “and its officers, representatives, agents and employees” after the words “IT IS ORDERED that the respondent, The American Tobacco Company, a corporation”; and that said voluntary dismissal of said petition to review shall be without prejudice to any subsequent application by respondent to the Commission for any