

Order

IN THE MATTER OF

C. G. OPTICAL COMPANY ET AL.

Docket 6260. Complaint, Nov. 5, 1954—Decision, Mar. 1, 1956

Order reopening proceeding, vacating decision, and remanding case to hearing examiner.

Before *Mr. Earl J. Kolb*, hearing examiner.

Mr. Frank McManus for the Commission.

Frank E. & Arthur Gettleman and *Mr. Benjamin D. Ritholz*, of Chicago, Ill., for respondents.

This matter having been heard upon the respondents' motion for an order directing the receipt and filing of their report purporting to show compliance with the order to cease and desist entered herein pursuant to an agreement for consent order executed by the parties on March 24, 1955;¹ or, in the alternative for an order vacating the decision accepting said agreement and granting a new trial; and

The respondents having alleged a misunderstanding on their part as to the scope of the order agreed to, it being their understanding that the requirements of said order related only to statements made on inserts packaged with their eye testing device and not to their advertising generally; and

It appearing to the Commission that while the order on its face admits of no ambiguity, clearly applying to all forms of advertising disseminated by the United States mail or by any means in commerce, the discussion on the record does indicate a possible basis for the respondents' misunderstanding; and

The Commission being of the opinion that in the circumstances the public interest will best be served by vacating the decision and directing that the case be tried:

It is ordered, That the respondents' request for an order directing the receipt and filing of their report of compliance be, and it hereby is, denied.

It is further ordered, That this proceeding be reopened and that the initial decision of the hearing examiner, filed April 12, 1955, and the Decision of the Commission and Order to File Report of Compliance, issued May 22, 1955, be, and they hereby are, vacated and set aside.

It is further ordered, That the case be, and it hereby is, remanded to the hearing examiner for further proceedings in regular course.

Commissioner Kern not participating.

¹ 51 F.T.C. 1209.

IN THE MATTER OF
CORDAGE IMPORTERS ASSOCIATION, INC., ET AL.

CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION
OF THE FEDERAL TRADE COMMISSION ACT

Docket 6389. Complaint, June 30, 1955—Decision, Mar. 6, 1956¹

Consent orders requiring 18 importers of Mexican twine and a trade association to cease conspiring to hinder and suppress competition in the importation and sale of Mexican twine in commerce in the United States, and specifically to cease fixing and maintaining prices, terms, and conditions for the purchase, sale, and resale of Mexican twine; establishing and maintaining classifications or uniform designations of purchasers, preventing and restricting sale to cooperatives; fixing and maintaining uniform freight charges; enforcing compliance with resale prices and conditions by the discontinuance, or threats of discontinuance, of sales to any non-complying importer; maintaining a policy and practice of having the Mexican sources of supply discontinue the sale of twine to any importer reported as selling or reselling below their fixed prices.

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

Mr. Fletcher G. Cohn and *Mr. Lewis F. Depro* for the Commission.

Mr. Harry K. Nadell, of New York City, for respondents.

Respondents were also represented as follows:

Underhill & Rubinger, of New York City, for Milton L. Mintzer, Adolph A. Krejtman and A. A. Krejtman, Inc.

Madden, Meccia, O'Flaherty & Freeman and *Groble, O'Flaherty & Hayes*, of Chicago, Ill., for Howard Duizend.

Mr. William T. Eckhoff, of San Francisco, Calif., for G. C. Pierson.

Mr. Albert V. Hass, of Chariton, Ia., for Robert M. Stone and Keith E. Stone.

Ward & Palzer, of New York City, for Paulsen-Webber Cordage Corp. and Elwood Long.

Meyer, Kissell, Matz, Reynolds & Seward, of New York City, and *Legier, McEnerny & Waguespack*, of New Orleans, La., for Carl L. Ruch.

Mr. Dulany Foster, of Baltimore, Md., for Howard H. Short.

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act, and by virtue of the authority vested in it by said Act, the Federal

¹ Initial decision and identical order against Elwood Long immediately following.