

IN THE MATTER OF
LELORD E. KORDEL TRADING AS
NUTRITION ENTERPRISES

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

Docket 6359. Complaint, June 6, 1955—Decision, Dec. 27, 1956

Consent order requiring a Detroit, Mich., seller to cease making false representations in advertising in newspapers, circulars, etc., as to the nutritional and healthful qualities of his "Super-Nutriway" mineral and vitamin preparation, and its superior freshness and excellence in comparison with competitive products.

Mr. Frederick McManus for the Commission.

Mr. Lelord E. Kordel, of Detroit, Mich., pro se.

INITIAL DECISION BY WILLIAM L. PACK, HEARING EXAMINER

The complaint in this matter charges the respondent with violation of the Federal Trade Commission Act through the making of certain representations in connection with a vitamin preparation sold by him. An agreement has now been entered into by respondent and counsel supporting the complaint which provides, among other things, that respondent admits all of the jurisdictional allegations in the complaint; that the record on which the initial decisions and the decision of the Commission shall be based shall consist solely of the complaint and agreement; that the inclusion of findings of fact and conclusions of law in the decision disposing of this matter is waived, together with any further procedural steps before the hearing examiner and the Commission; that the order hereinafter set forth may be entered in disposition of the proceeding, such order to have the same force and effect as if entered after a full hearing, respondent specifically waiving any and all rights to challenge or contest the validity of such order; that the order may be altered, modified, or set aside in the manner provided for other orders of the Commission; and that the agreement is for settlement purposes only and does not constitute an admission by respondent that he has violated the law as alleged in the complaint.

The hearing examiner having considered the agreement and proposed order and being of the opinion that they provide an adequate basis for an appropriate disposition of the proceeding, the agreement is hereby accepted, the following jurisdictional findings made, and the following order issued:

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Decision

1. Respondent Lelord E. Kordel is an individual trading as Nutrition Enterprises, with his principal place of business located at 22200 Grand River Avenue in Detroit, Michigan.

2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondent, and the proceeding is in the public interest.

ORDER

It is ordered, That the respondent Lelord E. Kordel, trading under the name of Nutrition Enterprises or any other name or names, his agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the preparation Super-Nutriway, or any other preparation of substantially similar composition or possessing substantially similar properties, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents directly or by implication:

(a) That vitamins as usually purchased at retail establishments are stale or have lost their potency;

(b) That the vitamin preparation Super-Nutriway is fresher or more nutritious than other vitamin preparations or products;

(c) That all ingredients in the preparation Super-Nutriway are nutritional elements.

2. Disseminating, or causing to be disseminated any advertisement by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of the preparation Super-Nutriway in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations prohibited in Paragraph 1 hereof.

DECISION OF THE COMMISSION AND ORDER TO FILE REPORT OF COMPLIANCE

Pursuant to Section 3.21 of the Commission's Rules of Practice, the initial decision of the hearing examiner shall, on the 27th day of December, 1956, become the decision of the Commission; and, accordingly:

It is ordered, That the respondent herein shall, within sixty (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 the order to cease and desist.

IN THE MATTER OF
NATIONAL BUSINESS AND PROPERTY
EXCHANGE, INC., ET AL.

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

Docket 6537. Complaint, Mar. 23, 1956—Decision, Dec. 27, 1956

Consent order requiring Los Angeles, Calif., publishers engaged in the sale of advertising in their magazine-type catalog listing real estate for sale or exchange designated "National Buyers' Guide," to cease representing falsely through use of the name "National Business and Property Exchange" and also through representations published in magazines and newspapers and broadcast by radio, that they were engaged in the buying, selling, and exchange of business and other property; and to cease making false representations through agents as to the advantages to be obtained by prospects in listing properties with them.

Mr. J. W. Brookfield, Jr. and Mr. George E. Steinmetz for the Commission.

Mr. Ralph B. Herzog, of Beverly Hills, Calif., for respondents.

INITIAL DECISION BY WILLIAM L. PACK, HEARING EXAMINER

The complaint in this matter charges the respondents with violation of the Federal Trade Commission Act in connection with the sale of advertising in a magazine-type catalog published by them which lists real estate for sale or exchange. An agreement has now been entered into by respondents and counsel supporting the complaint which provides, among other things, that respondents admit all of the jurisdictional allegations in the complaint; that the answer filed by respondents to the complaint shall be considered as having been withdrawn, and that the record on which the initial decision and the decision of the Commission shall be based shall consist solely of the complaint and agreement; that the inclusion of findings of fact and conclusions of law in the decision disposing of this matter is waived, together with any further procedural steps before the hearing examiner and the Commission; that the order hereinafter set forth may be entered in disposition of the proceeding, such order to have the same force and effect as if entered after a full hearing, respondents specifically waiving any and all rights to challenge or contest the validity of such order; that the order may be altered, modified, or set aside in the manner provided for other orders of the Commission; and that the agreement is for settlement