

Order

IN THE MATTER OF
THE FREEZIT CORPORATION OF AMERICA ET AL.

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

Docket 6658. Complaint, Oct. 18, 1956—Order, Apr. 24, 1957

Order dismissing—for failure to obtain service on defendants—complaint charging Dallas, Tex., sellers with misrepresenting the comparative merits, popularity, patented features, etc., of "Mister Ice" liquid cooling agent and "Fish Charm" product designed to be used by fishermen to attract fish.

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

Mr. Edward F. Downs and *Mr. Garland S. Ferguson* for the Commission.

ORDER DIMISSING COMPLAINT

Whereas, the Commission, on October 18, 1956, issued its complaint in this proceeding, charging The Freezit Corporation of America, a corporation, and Ledger D. Veazey, individually and as an officer of said corporation, with the use in commerce of certain unfair and deceptive acts and practices in violation of the Federal Trade Commission Act; and

Whereas, all reasonable efforts to obtain service of said complaint on the proposed respondents have failed; and

The Commission being of the opinion that in the circumstances the only present alternative is to dismiss the complaint without prejudice:

It is ordered, That said complaint be, and it hereby is, dismissed, without prejudice, however, to the Commission's right to institute a new proceeding against the parties or to take such other action at any time in the future as may be appropriate in the then existing circumstances.

IN THE MATTER OF
VULCANIZED RUBBER AND PLASTICS CO.

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

Docket 6222. Complaint, June 25, 1954—Decision, Apr. 26, 1957

Order requiring a manufacturer with office in New York City and factory at Morrisville, Pa., to cease branding and advertising as "Rubber" and "Hard Rubber", combs made of "Kralastic D" patented rubber-resin compound and by the injection mold or extrusion process rather than vulcanization.

Mr. Charles S. Cox for the Commission.

Mr. Alger B. Chapman, Mr. Joseph J. O'Connell, Jr. and Mr. Robert Reed Gray of *Chapman, Walsh & O'Connell* and *Mr. Robert E. Redding*, of Washington, D.C., and *Mr. Joseph Sawyer*, of New York City, and *Mr. Brady O. Bryson* and *Mr. Thomas V. LeFevre*, of Philadelphia, Pa., for respondent.

INITIAL DECISION BY LOREN H. LAUGHLIN, HEARING EXAMINER

In this initial decision it is found that the allegations of the complaint have been sustained and that the respondent has been and is now guilty of violating the Federal Trade Commission Act by misbranding and misadvertising combs as "hard rubber" and "rubber" which are made by it through the injection mold process rather than by vulcanization and are advertised and sold by it in commerce; and that such acts and practices of respondent constitute unfair competition and unfair and deceptive acts and practices in commerce.

There is no issue joined as to the facts of respondent's corporate capacity, of its manufacture of the combs in question, or their sale and distribution in commerce in this proceeding, as the answer admits such allegations of the complaint. The complaint further alleges, in substance, that respondent has been and is now manufacturing and selling combs in commerce which are designed for use on human hair, which combs are advertised and stamped "Rubber" and "Hard Rubber," when in fact they are not hard rubber but are composed in large part of other materials; that a substantial part of the purchasing public prefer "rubber" or "hard rubber" combs; that by such unfair methods respondent's competition is unjust to its competitors and such false, misleading and deceptive representations of respondent's combs have deceived and have a ten-