

IN THE MATTER OF
INTERCOAST RESEARCH CO., INC., ET AL.

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

Docket 6740. Complaint, Mar. 8, 1957—Decision, July 6, 1957

Consent order requiring a seller in New York City of printed mailing forms for use by collection agencies, merchants, etc., in obtaining information concerning their debtors, to cease using on such forms the term "Office of Security Service" or otherwise representing that requests for information concerning delinquent debtors were from the U.S. Government or its agency, and using the name "Consumers Statistical Surveys" or any similar name representing that it was engaged in research.

Mr. Michael J. Vitale for the Commission.

Mr. Sol H. Erstein, of New York, N.Y., for respondents.

INITIAL DECISION BY WILLIAM L. PACK, HEARING EXAMINER

The complaint in this matter charges the respondents with the use of misrepresentations in connection with the obtaining of information regarding delinquent debtors, in violation of the Federal Trade Commission Act. An agreement has now been entered into by counsel supporting the complaint and respondents which provides, among other things, that respondents admit all of the jurisdictional allegations in the complaint; that the record on which the initial decision and the decision of the Commission shall be based shall consist solely of the complaint and the 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; that the complaint may be used in construing the terms of the order; and that the agreement is for settlement purposes only and does not constitute an admission by respondents that they have violated the law as alleged in the complaint.

Upon consideration of the agreement and proposed order, the hearing examiner is of the view that they provide an adequate basis for

84

Order

appropriate disposition of the proceeding. The agreement is therefore accepted, the following jurisdictional findings made, and the following order issued:

1. Respondent Intercoast Research Co., Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of New York, with its office and principal place of business located at 45 West 34th Street, New York, New York. Respondent Anthony E. Malito is an individual and officer of the corporation with his office and principal place of business the same as that of the corporate respondent.

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

ORDER

It is ordered, That respondent Intercoast Research Co., Inc., a corporation, and its officers, and respondent Anthony E. Malito, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the business of obtaining information concerning delinquent debtors or the offering for sale, sale or distribution of forms, or other materials, for use in obtaining information concerning delinquent debtors, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using or placing in the hands of others for use, any forms, letters, questionnaires, or material, printed or written, which do not clearly and expressly state that the purpose for which the information is requested is that of obtaining information concerning delinquent debtors.

2. Using the term "Office of Security Service," or any other word or phrase of similar import to designate, describe or refer to respondents' business; or otherwise representing, directly or by implication, that requests for information concerning delinquent debtors are from the United States Government or any agency or branch thereof, or that their business is in any way connected with the United States Government.

3. Using the name "Consumers Statistical Surveys," or any other name of similar import to designate, describe or refer to respondents' business; or otherwise representing, directly or by implication, that respondents are engaged in research.

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 6th day of July, 1957, become the decision of the Commission; and, accordingly:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Decision

IN THE MATTER OF

J. DAVID PAISLEY CO.

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

Docket 6769. Complaint, Apr. 8, 1957—Decision, July 10, 1957

Consent order requiring an individual seller in St. Louis, Mo., of his "Wonder-Vue" sheet of transparent plastic sprayed with colored paint and designed to be fastened over the viewing screen of a television set, to cease representing falsely in circulars and advertising material supplied to dealer customers that attachment of the product "Wonder-Vue" to a black-and-white television set would produce the same visual effect as a color television, and that its use would prevent and eliminate eyestrain caused by viewing television, and eliminate snow, blurring, and haziness from television screens.

Mr. Brockman Horne for the Commission.

Mr. J. David Paisley, of St. Louis, Mo., *pro se*.

INITIAL DECISION BY LOREN H. LAUGHLIN, HEARING EXAMINER

The Federal Trade Commission (sometimes hereinafter referred to as the Commission), on April 8, 1957, issued its complaint herein under the Federal Trade Commission Act against the above-named respondent, J. David Paisley, an individual trading as J. David Paisley Co., charging said respondent with having violated the provisions of the Federal Trade Commission Act in certain particulars. The respondent was duly served with process.

On May 24, 1957, there was submitted to the undersigned hearing examiner of the Commission for his consideration and approval an "Agreement Containing Consent Order to Cease and Desist," which had been entered into by and between said respondent and Brockman Horne, counsel supporting the complaint, under date of May 21, 1957, and subject to the approval of the Bureau of Litigation of the Commission. Such agreement had been thereafter duly approved by the Director and Assistant Director of the Commission's Bureau of Litigation.

In view of the subsequent approval herein of said agreement, the initial hearing set for June 13, 1957, at ten o'clock in St. Louis, Missouri, as fixed in the notice portion of the complaint, is hereby canceled.

On due consideration of the said "Agreement Containing Consent Order to Cease and Desist," the hearing examiner finds that said agreement, both in form and in content, is in accord with Section 3.25 of the Commission's Rules of Practice for Adjudicative