

Order

54 F.T.C.

IN THE MATTER OF  
THE BEST FOODS, INC.

MODIFIED ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF THE  
FEDERAL TRADE COMMISSION ACT AND THE OLEOMARGARINE AMENDMENT  
TO SAID ACT

*Docket 6380. Modified order, Aug. 8, 1957*

Order modifying the order to cease and desist of Nov. 8, 1955 (52 F.T.C. 446), to conform to the modification requested by the Commission and approved on Jan. 18, 1956, by the Court of Appeals, Third Circuit, in the *Reddi-Spread* case, 229 F. 2d 557.

Before *Mr. Everett F. Haycraft*, hearing examiner.  
*Mr. Morton Nesmith* for the Commission.  
*Davis & Gilbert*, of New York City, for respondent.

MODIFIED ORDER TO CEASE AND DESIST

The hearing examiner's initial decision entered herein on September 29, 1955, having become the decision of the Commission on November 8, 1955, pursuant to § 3.21 of the Commission's Rules of Practice; and

Counsel in support of the complaint, on July 17, 1957, having filed with the Commission a motion to reopen the proceeding and modify the order to cease and desist contained in said decision; and

The Commission having issued its order granting said motion and directing the issuance of a modified order to cease and desist in conformity therewith:

*It is ordered*, That the respondent, The Best Foods, Inc., a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of oleomargarine or margarine, do forthwith cease and desist from, directly or indirectly:

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 contains any statement, word, grade designation, design, device, symbol, sound or any combination thereof which represents or suggests that said product is a dairy product;

*Provided, however*, That nothing contained in this order shall prevent the use in advertisements of a truthful, accurate and full statement of all of the ingredients contained in said product.

2. Disseminating or causing to be disseminated by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said product any advertisement which contains any of the representations prohibited in paragraph 1 of this order.

IN THE MATTER OF  
NEW HAVEN QUILT & PAD CO. OF TEXAS, INC., ET AL.

CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF THE  
FEDERAL TRADE COMMISSION AND THE WOOL PRODUCTS LABELING ACTS

*Docket 6756. Complaint, Apr. 2, 1957—Decision, Aug. 8, 1957*

Consent order requiring a manufacturer in Dallas, Texas, to cease violating the Wool Products Labeling Act by tagging as "Wool Batting," etc., bed comforters containing substantial amounts of fibers other than wool; by failing in other respects to label such wool products as required by the Act; by furnishing false guarantees that certain of their wool products were not misbranded; and by invoicing batts falsely as to percentage of wool content.

*Mr. Michael J. Vitale and Mr. Thomas A. Ziebarth* supporting the complaint.

*Tobolowsky, Hartt & Schlinger*, by *Mr. Henry D. Schlinger*, of Dallas, Tex., for respondents.

INITIAL DECISION BY JOHN LEWIS, HEARING EXAMINER

The Federal Trade Commission issued its complaint against the above-named respondents on April 2, 1957, charging them with having violated the Wool Products Labeling Act of 1939 and the Rules and Regulations promulgated thereunder, and the Federal Trade Commission Act, through the misbranding of certain wool products, furnishing false guarantees that they were not misbranded under the provisions of the Wool Products Labeling Act, and falsely representing the composition of certain batting on sales invoices and shipping memoranda. After being served with said complaint, respondents appeared by counsel and entered into an agreement containing consent order to cease and desist, dated June 4, 1957, purporting to dispose of all of this proceeding as to all parties without hearing. Said agreement, which has been signed by all respondents, by counsel for said respondents, and by counsel supporting the complaint, and approved by the Director and Assistant Director of the Commission's Bureau of Litigation, has been submitted to the above-named hearing examiner for his consideration, in accordance with Section 3.25 of the Commission's Rules of Practice for Adjudicative Proceedings.

Respondents, pursuant to the aforesaid agreement, have admitted all the jurisdictional facts alleged in the complaint, and have agreed that the record may be taken as if findings of jurisdictional facts had been made in accordance with such allegations. Said agreement