

## Decision

IN THE MATTER OF  
THE CARL COMPANY ET AL.CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION  
OF THE FEDERAL TRADE COMMISSION ACT*Docket 6787. Complaint, Apr. 30, 1957—Decision, Sept. 3, 1957*

Consent order requiring sellers in Lisbon, Ohio, of printed matter for use by creditors and collection agencies, to cease using forms or letters which did not clearly state that their purpose was to obtain information concerning delinquent debtors, using the name "Meridian Reserve Fund" to describe their business, and representing falsely that money was being held for persons concerning whom information was sought.

*Mr. C. W. O'Connell* for the Commission.

## INITIAL DECISION BY FRANK HIER, HEARING EXAMINER

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission on April 30, 1957, issued and subsequently served its complaint in this proceeding against respondents The Carl Company, a corporation existing and doing business under and by virtue of the laws of the State of Ohio, Joyce L. Tuseck and Frank J. Tuseck, individually and as president and secretary-treasurer, respectively, of the corporate respondent. The office and principal place of business of said corporate respondent and said individual respondents is located at 108 West Washington Street, Lisbon, Ohio.

On July 10, 1957, there was submitted to the undersigned hearing examiner an agreement between respondents and counsel supporting the complaint providing for the entry of a consent order. By the terms of said agreement, respondents admit all the jurisdictional facts alleged in the complaint and agree that the record may be taken as if findings of jurisdictional facts had been duly made in accordance with such allegations. By such agreement, respondents waive any further procedural steps before the hearing examiner and the Commission; waive the making of findings of fact and conclusions of law; and waive all of the rights they may have to challenge or contest the validity of the order to cease and desist entered in accordance with this agreement. Such agreement further provides that it disposes of all of this proceeding as to all parties; that the record on which this initial decision and the decision of the Commission shall be based shall consist solely of the complaint and this agreement; that the latter shall not become a part of the official

## Order

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record unless and until it becomes a part of the decision of the Commission; 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; and that the following order to cease and desist may be entered in this proceeding by the Commission without further notice to respondents, and, when so entered, it shall have the same force and effect as if entered after a full hearing, and may be altered, modified, or set aside in the manner provided for other orders; and that the complaint may be used in construing the terms of the order.

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

1. Respondent The Carl Company is a corporation existing and doing business under the laws of the State of Ohio, with its office and principal place of business located at 108 West Washington Street, Lisbon, Ohio. Respondents Joyce L. Tuseck and Frank J. Tuseck are individuals and officers of said corporation, with their 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 The Carl Company, a corporation, and its officers, and respondents Joyce L. Tuseck and Frank J. Tuseck, individually and as officers 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 thereon the name "Meridian Reserve Fund" or using any other name of similar import to designate, describe, or refer to respondents' business.

3. Representing, or placing in the hands of others any means of representing, directly or by implication, that money is being held for persons concerning whom information is sought, or is collectible by such persons, unless money is in fact due and collectible by such persons and the amount of such money is accurately stated.

DECISION OF THE COMMISSION AND ORDER TO FILE REPORT OF COMPLIANCE

Pursuant to Sec. 3.21 of the Commission's Rules of Practice, the initial decision of the hearing examiner shall, on the 3rd day of September, 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.

Complaint

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IN THE MATTER OF  
ARKANSAS CITY COOPERATIVE MILK  
ASSOCIATION, INC., ET AL.

CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION  
OF SEC. 2 (a) OF THE CLAYTON ACT

*Docket 6639. Complaint, Sept. 24, 1956—Decision, Sept. 4, 1957*

Consent order requiring a cooperative marketing association of some 2,000 dairy farmers in Kansas and Oklahoma to cease discriminating in the price of fluid milk in violation of Sec. 2(a) of the Robinson-Patman Act by charging wholesale customers in Arkansas City prices ranging from 1¢ to 3¢ less per quart than it charged their competitors—mostly retail grocers—throughout the rest of its territory comprising a 50-mile radius of Arkansas City; and by reducing by 13¢ per gallon the price of milk it delivered to private homes, in which retail sale it was in competition with two local cash-and-carry dairies and with retail grocery stores.

COMPLAINT

The Federal Trade Commission, having reason to believe that the parties respondent named in the caption hereof, and more particularly designated and described hereinafter, have violated and are now violating the provisions of Section 2(a) of the Clayton Act (U.S.C. Title 15, Sec. 13) as amended by the Robinson-Patman Act, approved June 19, 1936, hereby issues its complaint stating its charges with respect thereto as follows:

PARAGRAPH 1. Respondent Arkansas City Cooperative Milk Association, Inc., sometimes hereinafter referred to as respondent Co-op, is a cooperative marketing association organized and existing under the laws of the State of Kansas with its principal office and place of business located at 615 West Chestnut Avenue, Arkansas City, Kansas. Respondent Co-op is composed of approximately 2,000 members who are dairy farmers located in the States of Kansas and Oklahoma.

The control, direction and management of respondent Co-op's affairs, policies, practices and actions are vested in respondent Co-op's officers, directors and members. Respondents Homer S. Call, Carl Fitzgerald, Ivan J. Scott and John Weir, Jr., are officers, directors and members of respondent Co-op and are sometimes hereinafter referred to as respondent officials.

The membership of respondent Co-op constitutes a class so numerous and changing as to make it impracticable to specifically name each member as a party respondent herein. Therefore, there