

IN THE MATTER OF
RAYMOND ARNOLD TRADING AS UNITED MIRROR
LABORATORIES, RESEARCH DIVISION OF MAKE-UR-
OWN MIRROR COMPANY

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

Docket 6732. Complaint, Feb. 21, 1957—Decision, Sept. 14, 1957

Consent order requiring a manufacturer of materials and equipment for making mirrors in Springfield, N.J., to cease misrepresenting in advertising and periodicals and circulars the labor and cost involved in making mirrors, and representing falsely by use of the words "Laboratories" and "Research" in his trade name that he owned a laboratory with scientists and technicians engaged in mirror manufacturing.

Mr. Brockman Horne for the Commission.

Mr. Bernard R. Lafer, of Newark, N.J., for respondent.

INITIAL DECISION BY J. EARL COX, HEARING EXAMINER

The complaint charges respondent with violation of the Federal Trade Commission Act, by the use of grossly exaggerated, false, misleading and deceptive statements and representations with respect to machinery, equipment and materials used for manufacturing and resilvering mirrors. These products, it is alleged, are sold and shipped in interstate commerce.

After the issuance of the complaint, respondent, his counsel, and counsel supporting the complaint entered into an agreement containing consent order to cease and desist, which was approved by the Director and the Assistant Director of the Commission's Bureau of Litigation, and thereafter transmitted to the Hearing Examiner for consideration.

The agreement identifies respondent Raymond Arnold as an individual, trading as United Mirror Laboratories, Research Division of Make-Ur-Own Mirror Company, his present address being 26 Irwin Street, Springfield, New Jersey.

The agreement provides, among other things, that respondent admits all the jurisdictional facts alleged in the complaint and agrees that the record may be taken as if findings of jurisdictional facts had been duly made in accordance with such allegations; that the record on which the initial decision and the decision of the Commission shall be based shall consist solely of the complaint and this agreement; that the agreement shall not become a part of the official

record unless and until it becomes a part of the decision of the Commission; that the complaint may be used in construing the terms of the order agreed upon, which may be altered, modified or set aside in the manner provided for other orders; 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; and that the order set forth in the agreement and hereinafter included in this decision shall have the same force and effect as if entered after a full hearing.

Respondent waives any further procedural steps before the Hearing Examiner and the Commission; the making of findings of fact or conclusions of law; and all of the rights he may have to challenge or contest the validity of the order to cease and desist entered in accordance with the agreement.

The order agreed upon fully disposes of all the issues raised in the complaint, and adequately prohibits the acts and practices charged therein as being in violation of the Federal Trade Commission Act. Accordingly, the Hearing Examiner finds this proceeding to be in the public interest and accepts the agreement containing consent order to cease and desist as part of the record upon which this decision is based. Therefore,

It is ordered, That respondent Raymond Arnold, an individual trading as United Mirror Laboratories, Research Division of Make-Your-Own Mirror Company, or under 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 and distribution of equipment and materials for use in manufacturing mirrors, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that through the use of said equipment and materials:

a. A person can become a professional mirror maker in 15 minutes or in any other period of time less than the average time required by those who have used respondent's equipment and materials;

b. A person can become a professional mirror maker in four operations or any number of operations that is not in accordance with the facts;

c. \$100 mirrors can be manufactured in 15 minutes or mirrors of any value can be manufactured in any specific time that is not in accordance with the facts;

d. Mirrors can be manufactured for 4¢ per square foot or for any amount that is not in accordance with the facts;

2. Using the words "Laboratories" or "Research," or any other words of the same import, as part of a trade or corporate name, or representing in any manner that respondent owns, operates, or controls a laboratory or is engaged in scientific research, when such is not in accordance with the facts.

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 14th day of September, 1957, become the decision of the Commission; and, accordingly:

It is ordered, That respondent Raymond Arnold, trading as United Mirror Laboratories, Research Division of Make-Ur-Own Mirror Company, 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.

Decision

IN THE MATTER OF
ROYAL TRUE COLOR CORPORATION ET AL.ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF THE
FEDERAL TRADE COMMISSION ACT

Docket 6773. Complaint, Apr. 11, 1957—Decision, Sept. 14, 1957

Order requiring a photographer in Long Island City, N.Y., to cease advertising falsely by means of post cards mailed to patrons of local post offices, a "Cutest Child Contest" with prizes awarded to winners and free portraits, sponsored by the "American Family Magazine"; and to cease misrepresenting the quality of photographs; and dismissing the charges with respect to two respondents, a dissolved corporation and a deceased individual.

Mr. Charles W. O'Connell supporting the Complaint.

INITIAL DECISION BY JOSEPH CALLAWAY, HEARING EXAMINER

On April 11, 1957 the Federal Trade Commission issued its complaint against the above-named respondents charging them with violation of the Federal Trade Commission Act as set forth in said complaint. From the record it appears that copies of such complaint together with copies of an order designating and appointing the undersigned as hearing examiner in this proceeding were sent by registered mail to each respondent at the address indicated in the complaint and that copy of said complaint and copy of said order were duly served on the respondent Alton L. Hubbard. The complaint so served contained a notice that a hearing would be held on June 21, 1957 at 10:00 A.M. in the Federal Trade Commission office, U.S. Court House, Foley Square, New York, New York, on the charges set forth in the complaint, at which time and place respondents would have the right to appear and show cause why an order should not be entered requiring each of them to cease and desist from violations of the law charged in the complaint.

On June 11, 1957 the undersigned, as hearing examiner herein issued an order that the hearing then set for New York City on June 21, 1957 would be held on the same date beginning at 10:00 A.M. in the Federal Trade Commission Hearing Room, Federal Trade Commission Building, Washington, D.C. This order was duly served by registered mail on respondent Alton L. Hubbard on June 13, 1957. The reason for such order was set forth therein.

On June 21, 1957 at 10:00 A.M. in pursuant to the last mentioned order a hearing was held in Room 332, the Federal Trade Commission Hearing Room, Federal Trade Commission Building, Washing-