

## Decision

IN THE MATTER OF  
EMANUAL BLASENSTEIN ET AL. TRADING AS  
SEABOARD OIL CO. AND COASTAL OIL CO.

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

*Docket 6717. Complaint, Feb. 1, 1957—Decision, Mar. 7, 1958*

Consent order requiring reclaimers of motor oil obtained from drainings of motor crankcases, doing business in Doraville, Ga., Columbia, S.C., and Jacksonville, Fla., to cease selling such oil, or a blend thereof with new oil, to dealers for resale to the purchasing public with no markings on containers or otherwise to indicate that the product was reclaimed used oil.

*Mr. John W. Brookfield, Jr.*, for the Commission.

*Mr. Seymour Friedman*, of Washington, D.C., for respondents.

INITIAL DECISION BY WILLIAM L. PACK, HEARING EXAMINER

The complaint in this matter charges the respondents with violation of the Federal Trade Commission Act in connection with the sale of lubricating oil made in whole or in part from oil which has been previously used. An agreement has now been entered into by respondents and counsel supporting the complaint 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 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; 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.

The agreement further provides that the effective date of the initial decision based thereon shall be stayed by the Commission, so that such decision shall not become the decision of the Commission until and unless an order to cease and desist is issued by the Commission in the matter of *Mohawk Refining Corp.*, docket 6588.

## Decision

54 F.T.C.

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

1. Respondents Emanuel Blasenstein, Jack Blasenstein, Bernard Blasenstein, and Thomas Blasenstein are individuals and copartners trading as Seaboard Oil Co. with their office and principal place of business located at 5650 New Peachtree Road, in Doraville, Ga. They also trade and do business as Coastal Oil Co. with places of business located in Columbia, S.C., and Jacksonville, Fla.

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 respondents Emanuel Blasenstein, Jack Blasenstein, Bernard Blasenstein, and Thomas Blasenstein, individually and copartners trading as Seaboard Oil Co. and Coastal Oil Co., or under any other name or names, and respondents' agents, representatives or employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of lubricating oil composed in whole or in part of oil which has been previously used and reclaimed, do forthwith cease and desist from:

1. Representing, directly or by implication, that such lubricating oil is new or unused oil, or refined from virgin crude oil.

2. Advertising, offering for sale or selling any lubricating oil previously used for lubricating purposes without disclosing such prior use to the purchaser, or potential purchaser, in advertising, in sales promotion matter and by a clear and conspicuous statement to that effect on the container.

DECISION OF THE COMMISSION AND ORDER TO FILE REPORT  
OF COMPLIANCE

The Commission, on April 25, 1957, having issued an order extending until further order the date on which the hearing examiner's initial decision in this proceeding otherwise would have become the decision of the Commission; and

1135

## Decision

The purpose of said order having been to effectuate a condition contained in the agreement for consent order theretofore executed by the respondents and counsel in support of the complaint, which condition was that the initial decision based on the agreement should not become the decision of the Commission until and unless the Commission should issue an order to cease and desist in the matter of Mohawk Refining Corp., et al., docket No. 6588; and

The Commission, on February 14, 1958, having issued an order to cease and desist in the matter of Mohawk Refining Corp., et al., docket No. 6588:

*It is ordered*, That the hearing examiner's initial decision herein, filed March 28, 1957, be, and it hereby is, adopted as the decision of the Commission.

*It is further ordered*, That the respondents, Emanuel Blasenstein, Jack Blasenstein, Bernard Blasenstein, and Thomas Blasenstein, 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 contained in the aforesaid initial decision.

IN THE MATTER OF  
THE SPECIALTY HOUSE, INC., ET AL.

CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF THE  
FEDERAL TRADE COMMISSION AND THE FLAMMABLE FABRICS ACTS

*Docket 6528. Complaint, Mar. 12, 1956—Decision, Mar. 11, 1958*

Consent order requiring importers in New York City to cease selling silk scarves manufactured in Japan which were so highly flammable as to be dangerous when worn.

*Mr. Brockman Horne* for the Commission.

*Green & Yanoff*, of Newark, N.J., for respondents.

INITIAL DECISION BY JAMES A. PURCELL, HEARING EXAMINER

The complaint in this proceeding, issued March 12, 1956, charges the respondents The Specialty House, Inc., a corporation existing and doing business by virtue of the laws of the State of New York, and Samuel Davis, Mortimer L. Taylor, Philip Kures, and William Yanoff, individually and as officers of the respondent corporation with violation of the Federal Trade Commission Act and of the Flammable Fabrics Act and the rules and regulations promulgated thereunder, in connection with the importation, purchasing, sale, offering for sale and transporting, in interstate commerce, of articles of wearing apparel which articles were so highly flammable as to be dangerous when worn by individuals.

After the issuance of said complaint, respondents entered into an agreement for consent order with counsel in support of the complaint, disposing of all of the issues in this proceeding, which agreement was duly approved by the director and the assistant director of the Bureau of Litigation. It was expressly provided in said agreement that the signing thereof is for settlement purposes only and does not constitute an admission by respondents that they have violated the law as alleged in the complaint.

By the terms of said agreement, the respondents admitted all of the jurisdictional allegations of the complaint and agreed that the record herein may be taken as though the Commission had made findings of jurisdictional facts in accordance with such allegations. By said agreement the parties expressly waived a hearing before the hearing examiner or the Commission, the making of findings of fact or conclusions of law by the hearing examiner or the Commission, the filing of exceptions and oral argument before the Com-