

IN THE MATTER OF
MERRILL HAIR & SCALP CONSULTANTS, INC., ET AL.
ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF THE FEDERAL
TRADE COMMISSION ACT

Docket 6803. Complaint, May 16, 1957¹—Decision, Apr. 11, 1958

Order dismissing—for the reason that the two principal respondents had moved to Australia and were not available as witnesses and the two remaining had not been associated with the corporate respondents for many months, and such corporations were no longer operating—complaint charging two affiliated companies with misrepresenting the benefits of their hair and scalp preparations.

Mr. Harold A. Kennedy and *Mr. Thomas F. Howder* for the Commission.

Mr. Richard M. Welling, of Charlotte, N.C., for respondents.

INITIAL DECISION BY J. EARL COX, HEARING EXAMINER

Counsel in support of the complaint have filed a motion to dismiss the complaint in the above-entitled proceeding, and, in support of said motion, state that:

1. The two principal individual respondents, William L. Keele and Jimmie Merrill Keele, have moved to Australia and are not available as witnesses;
2. Only one of the two principal respondents, William L. Keele, was served with the complaint;
3. The one principal respondent served with the complaint in this matter, William L. Keele, was also named in docket 6589 involving substantially the same charges, and will undoubtedly be subject to any cease-and-desist order issued in such case;
4. It appears that the two remaining individual respondents, Glenn O. Abbott and John Benton Saunders, have not been associated with either of the corporate respondents for many months; and
5. Counsel supporting the complaint are now advised that the two corporate respondents named in this proceeding are not now operating in the United States.

No evidence having been presented in this proceeding, and it appearing that said motion is reasonable and proper under the circumstances stated,

It is ordered, That the complaint herein be, and the same hereby is, dismissed without prejudice to the right of the Commission to take such further action as circumstances may warrant.

¹ Amended September 12, 1957.

DECISION OF THE COMMISSION

Pursuant to section 3.21 of the Commission's rules of practice, the initial decision of the hearing examiner shall, on the 11th day of April 1958, become the decision of the Commission.

IN THE MATTER OF
BOSTWICK LABORATORIES, INC., ET AL.

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

Docket 6853. Complaint, July 26, 1957—Decision, Apr. 15, 1958

Consent order requiring a concern in Bridgeport, Conn., to cease representing falsely in advertising that use of its product "Hep Oven Cleaner" would enable a housewife to clean her oven with just a wipe of a damp cloth.

Mr. Michael J. Vitale and Mr. Thomas A. Ziebarth for the Commission.

Weil, Gotshal & Manges, of New York, N.Y., by *Mr. Ira M. Millstein*, 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 through the making of certain representations regarding an oven-cleaning preparation sold by them. 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; 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.

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