

Decision

IN THE MATTER OF
ADELL CHEMICAL CO., INC.CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF
THE FEDERAL TRADE COMMISSION ACT*Docket 7056. Complaint, Feb. 7, 1958—Decision, June 11, 1958*

Consent order requiring a concern in Holyoke, Mass., to cease selling its household detergent "Lestoil" without warning purchasers that it was a combustible mixture and should not be used near an open flame or extreme heat, and to cease representing in television broadcasts that it could be used safely in such situations.

Mr. John T. Walker for the Commission.

Hale & Dorr, by *Mr. James D. St. Clair*, of Boston, Mass., for respondent.

INITIAL DECISION BY FRANK HIER, HEARING EXAMINER

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission on February 7, 1958, issued and subsequently served its complaint in this proceeding against respondent Adell Chemical Co., Inc., a corporation existing and doing business under and by virtue of the laws of the State of Massachusetts, with its office and principal place of business located at 51 Garfield Street, Holyoke, Mass.

On April 10, 1958, there was submitted to the undersigned hearing examiner an agreement between respondent and counsel supporting the complaint providing for the entry of a consent order. By the terms of said agreement, 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. By such agreement, respondent waives any further procedural steps before the hearing examiner and the Commission; waives the making of findings of fact and conclusions of law; and waives all of the rights it 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 record unless and until it becomes

Order

54 F.T.C.

a part of the decision of the Commission; that the agreement is for settlement purposes only and does not constitute an admission by respondent that it has 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 respondent, 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 Adell Chemical Co., Inc., is a corporation existing and doing business under the laws of the State of Massachusetts, with its office and principal place of business located at 51 Garfield Street, Holyoke, Mass.

2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondent, and the proceeding is in the public interest.

ORDER

It is ordered, That the respondent Adell Chemical Co., Inc., a corporation, and its officers, agents, and 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 any detergent having the same composition or possessing substantially similar properties as the detergent now designated as "Lestoil," do forthwith cease and desist from:

1. Offering for sale, selling or distributing such product unless an adequate warning notice is clearly and conspicuously displayed on such product disclosing that such product is a combustible mixture and that purchasers thereof should avoid using it near an open flame or extreme heat.

2. Representing pictorially or by any other means, directly or indirectly, that such product is not a combustible mixture or that such product is safe to use near an open flame or extreme heat.

1801

Decision

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 11th day of June 1958, become the decision of the Commission; and, accordingly:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

IN THE MATTER OF

PACIFIC AMERICAN FISHERIES, INC., ET AL.

CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF
SEC. 2(c) OF THE CLAYTON ACT*Docket 6942. Complaint, Nov. 18, 1957—Decision, June 12, 1958*

Consent order requiring a packer of canned salmon and other sea food products and its corporate sales agent in Bellingham, Wash., to cease discriminating in price in violation of section 2(c) of the Clayton Act by making direct sales to certain favored customers at prices lower than those paid by buyers purchasing through brokers, the reduced prices reflecting in whole or in part the brokerage paid on the sales to the nonfavored customers.

Mr. Cecil G. Miles and Mr. John J. McNally for the Commission.

Kerr, McCord, Greenleaf & Moen, by *Mr. R. A. Moen* and *Mr. Howard L. Scott*, of Seattle, Wash., for respondents.

COMPLAINT

The Federal Trade Commission, having reason to believe that the parties respondent named in the caption hereof, and hereinafter more particularly designated and described, have been and are now violating the provisions of subsection (c) of section 2 of the Clayton Act, as amended hereby issues its complaint, stating its charges with respect thereto as follows:

PARAGRAPH 1. The respondent Pacific American Fisheries, Inc., hereinafter sometimes referred to as Pacific American, is a corporation organized and existing under and by virtue of the laws of the State of Delaware, with its office and principal place of business located at 401 Harris Avenue, Bellingham, Wash.

Respondent Deming & Gould Co., hereinafter sometimes referred to as Deming & Gould, is a corporation organized and existing under and by virtue of the laws of the State of Delaware, with its office and principal place of business also located at 401 Harris Avenue, Bellingham, Wash. Respondent Deming & Gould is a wholly owned subsidiary of respondent Pacific American and operates as its sales agent.

PAR. 2. Respondent Pacific American is now, and for the past several years has been, engaged in the business of packing and distributing canned salmon and other seafood products, hereinafter sometimes referred to as seafood products to buyers located throughout the United States. Sales of its seafood products are generally made by its sales subsidiary, respondent Deming & Gould, through brokers located in the various marketing areas in which the buyers are located.