

## Decision

IN THE MATTER OF  
MICK DALTON ET AL.  
TRADING AS ATLANTIC PRODUCTS

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

*Docket 7083. Complaint, Mar. 12, 1958—Decision, July 16, 1958*

Consent order requiring sellers in Laurel, Nebr., of photograph albums and certificates for enlargement of snapshots or negatives, to cease representing falsely on certificates issued to customers by their sales representatives and other printed matter and by salesmens' statements that a few selected individuals in an area would receive free a photograph album worth, along with a book of certificates, many times the "special reduced price"; and to cease understating the cost of enlargements.

*Edward F. Downs, Esq., for the Commission.*

*David W. Curtiss, Esq., of Laurel, Nebr., for respondents.*

INITIAL DECISION BY ROBERT L. PIPER, HEARING EXAMINER

The Federal Trade Commission issued its complaint against the above-named respondents on March 12, 1958, charging them with having violated the Federal Trade Commission Act by falsely representing the price, availability and value of their products, photographic albums and enlargement certificates. Respondents entered into an agreement, dated May 6, 1958, containing a consent order to cease and desist, disposing of all the issues in this proceeding without hearing, which agreement has been duly approved by the Director of the Bureau of Litigation. Said agreement has been submitted to the undersigned, heretofore duly designated to act as hearing examiner herein, for his consideration in accordance with §3.25 of the Rules of Practice of the Commission.

Respondents, pursuant to the aforesaid agreement, have admitted all of the jurisdictional allegations of the complaint and agreed that the record may be taken as if findings of jurisdictional facts had been made duly in accordance with such allegations. Said agreement further provides that respondents waive all further procedural steps before the hearing examiner or the Commission, including the making of findings of fact or conclusions of law and the right to challenge or contest the validity of the order to cease and desist entered in accordance with such agreement. It has also been agreed that the record herein shall

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consist solely of the complaint and said 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 said 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; that said order to cease and desist 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.

This proceeding having now come on for final consideration on the complaint and the aforesaid agreement containing the consent order, and it appearing that the order and agreement cover all of the allegations of the complaint and provide for appropriate disposition of this proceeding, the agreement is hereby accepted and ordered filed upon this decision and said agreement becoming part of the Commission's decision pursuant to §§3.21 and 3.25 of the Rules of Practice, and the hearing examiner accordingly makes the following findings, for jurisdictional purposes, and order:

1. Respondents Mick Dalton and Milton W. Johnson are individuals, trading and doing business as Atlantic Products, a partnership. Their address and place of business is at Laurel, Neb.

## ORDER

*It is ordered,* That respondents Mick Dalton and Milton W. Johnson, individuals trading and doing business as Atlantic Products, or under any other name, their agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of photograph albums, certificates for the enlargement of snapshots or negatives of snapshots, or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing directly or by implication:

1. That their albums are given free or without charge.
2. That they sell their albums and certificates only to selected persons.
3. That they sell only a few of their album-certificate combinations in a given area.
4. That the price at which they regularly and customarily

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sell their album-certificate combination is a special, reduced or advertising price.

5. That each enlargement will cost a specified amount if an amount in addition thereto is charged or required to be paid.

6. That their album-certificate combination has a value in excess of the regular and customary price charged therefor.

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 16th day of July 1958, become the decision of the Commission; and, accordingly:

*It is ordered*, That the above-named respondents 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  
JUDSON DUNAWAY CORPORATION

CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF  
SECS. 2(d) AND 3 OF THE CLAYTON ACT

*Docket 6925. Complaint, Oct. 31, 1957—Decision, July 24, 1958*

Consent order requiring a manufacturer of a line of household cleaning, deodorizing, mothproofing, and related products, with plants in Dover, N.H., and Kentland, Ind., to cease: (1) discriminating in price in violation of Section 2(d) of the Clayton Act by such practices as paying substantial sums of money to Grand Union chain of supermarkets and retail food stores in the form of advertising of its products on an illuminated "spectacular" at 46th and Broadway, New York City, and by in-store promotional displays, while not giving Grand Union's competitors similar treatment; and (2) allowing a discount from, or rebate upon, the price of its products to Grand Union on condition that the latter not deal in products of its competitors.

COMPLAINT

The Federal Trade Commission, having reason to believe that Judson Dunaway Corporation, a corporation, has violated the provisions of Section 2, subsection (d), and Section 3 of the Clayton Act, as amended (15 U.S.C. Sec. 13 and 14) hereby issues its complaint, stating its charges as follows:

Count I

PARAGRAPH 1. Judson Dunaway Corporation is a corporation organized, existing and doing business under and by virtue of the laws of the State of New Hampshire. It has its principal office and a manufacturing plant at Dover, N.H., and an additional manufacturing plant at Kentland, Ind. (It may be referred to hereinafter as Judson Dunaway or respondent.)

PAR. 2. Judson Dunaway is now, and for many years has been, engaged in the manufacture of a line of household cleaning, deodorizing, moth-proofing and related products, including Delete, a rust and stain remover; Vanish, a cleaning and deodorizing agent for bathroom fixtures; Elf, a drain clearing agent; Expello, moth crystals and insect bombs; Bug-a-Boo, moth crystals and aerosol insecticides.

Judson Dunaway sells its products to customers with places of business located throughout the several States of the United States and in the District of Columbia for resale within the