

IN THE MATTER OF
WILLIAMSBURG ELECTRIC, INC., ET AL.

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

Docket 6994. Complaint, Dec. 16, 1957—Decision, July 26, 1958

Consent order requiring manufacturers of electric trivets in Willow Run, Mich., to cease representing falsely on stuffers, counter cards, etc., distributed to resellers and in advertisements in newspapers of national circulation—simulating therein the script of Colonial Williamsburg, Incorporated, and depicting buildings and scenes of Williamsburg, Va., and the colonial era—that they were affiliated with Colonial Williamsburg, Incorporated, and Williamsburg Restoration, Incorporated, and that their trivets were authentic reproductions of originals displayed in Williamsburg, Va., and of the American colonial period, and were of wrought iron construction.

Mr. William A. Somers, for the Commission.
Respondents, for themselves.

INITIAL DECISION BY LOREN H. LAUGHLIN, HEARING EXAMINER

The Federal Trade Commission (sometimes also hereinafter referred to as the Commission) issued its complaint herein, charging the above-named respondents with having violated the provisions of the Federal Trade Commission Act in certain particulars.

On May 14, 1958, there was submitted to the undersigned hearing examiner of the Commission for his consideration and approval an "Agreement Containing Consent Order to Cease and Desist," which had been entered into by and between respondents and the attorney for the Commission, under date of May 7, 1958, subject to the approval of the Bureau of Litigation of the Commission, which had subsequently duly approved the same.

On due consideration of such agreement, the hearing examiner finds that said agreement, both in form and in content, is in accord with §3.25 of the Commission's Rules of Practice for Adjudicative Proceedings, and that by said agreement the parties have specifically agreed to the following matters:

1. Respondent Williamsburg Electric, Inc., is a corporation existing and doing business under and by virtue of the laws of the State of Michigan. Respondents Fred H. Hogan and John E. Judycki are individuals and officers of said corporate respond-

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ent. Respondent Milton A. Hogan is an individual and a majority stockholder of the corporate respondent. The individual respondents cooperate in formulating and putting into effect the practices of the corporate respondent. The office and place of business of all of the above-named respondents is located at 2830 Tyler Road, Willow Run, Mich.

2. Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission on December 16, 1957, issued its complaint in this proceeding against respondents, and a true copy was thereafter duly served on the respondents.

3. The respondents admit all the jurisdictional facts alleged in the complaint and agree that the record may be taken as if findings of jurisdictional facts had been duly made in accordance with such allegations.

4. This agreement disposes of all this proceeding as to all parties.

5. The respondents waive:

(a) Any further procedural steps before the hearing examiner and the Commission;

(b) The making of findings of fact or conclusions of law; and

(c) All the rights they may have to challenge or contest the validity of the order to cease and desist entered in accordance with this agreement.

6. 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.

7. This agreement shall not become a part of the official record unless and until it becomes a part of the decision of the Commission.

8. This 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.

9. The following order to cease and desist may be entered in this proceeding by the Commission without further notice to the respondents. When so entered it shall have the same force and effect as if entered after a full hearing. It may be altered, modified or set aside in the manner provided for other orders. The complaint may be used in construing the terms of the order.

Upon due consideration of the complaint filed herein and the said "Agreement Containing Consent Order to Cease and Desist," the latter is hereby approved, accepted and ordered filed, if and when it shall have become a part of the Commission's decision.

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The hearing examiner finds from the complaint and the said "Agreement Containing Consent Order to Cease and Desist" that the Commission has jurisdiction of the subject matter of this proceeding and of the persons of each of the respondents herein; that the complaint states a legal cause for complaint under the Federal Trade Commission Act against each of the respondents, both generally and in each of the particulars alleged therein; that this proceeding is in the interest of the public; that the following order as proposed in said agreement is appropriate for the just disposition of all of the issues as to all of the parties hereto, and that said order therefore should be, and hereby is, entered as follows:

ORDER

It is ordered, That respondents Williamsburg Electric, Inc., a corporation, and its officers, and Fred H. Hogan and John E. Judycki, individually and as officers of said corporation, and Milton A. Hogan, individually, and respondents' agents, representatives and employees, directly or through any corporate or other device, and in connection with the offering for sale, sale or distribution of trivets and other products of Early American Design, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the word "Williamsburg" as a part of a corporate or trade name unless in direct connection therewith it is clearly disclosed that respondent Williamsburg Electric, Inc., has no connection with Williamsburg Restoration, Incorporated.

2. Using any word, term, statement, definition or simulation in any manner, the effect of which tends or may tend to convey the belief or impression, directly or indirectly, that respondents, or any of them, are affiliated or connected with, or are a representative, subsidiary or licensee of Williamsburg Restoration, Incorporated.

It is further ordered, That respondents Williamsburg Electric, Inc., a corporation, and its officers, and Fred H. Hogan and John E. Judycki, individually and as officers of said corporation, and Milton A. Hogan, individually, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of any product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or indirectly:

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1. That any product is an authentic reproduction of the original on display in the exhibition buildings in Williamsburg, Va., unless such is the fact.
2. That any product is an authentic representation of the American Colonial Period, unless such is the fact.
3. That any product is of wrought iron construction, unless such is the fact.

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 26th 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.

Decision

55 F.T.C.

IN THE MATTER OF
JACK J. BERLINER ET AL. DOING BUSINESS
AS J. J. BERLINER & STAFF, ETC.

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

Docket 7034. Complaint, Jan. 14, 1958—Decision, July 26, 1958

Consent order requiring the operators of a New York clipping service to cease representing falsely, through use of their trade name and in advertising matter circulated to prospects, that they were a society engaged in research, were experts in all management problems and maintained an extensive research staff, supplying the latest information, domestic and foreign, in the fields of management, engineering, and chemistry; and that they authenticated all information they distributed.

Mr. Harold A. Kennedy and Mr. Thomas F. Howder supporting the complaint.

Hecht & Glaser by Mr. Samuel Hecht of New York, N.Y., for respondents.

INITIAL DECISION BY JOHN B. POINDEXTER,
HEARING EXAMINER

On January 14, 1958, the Federal Trade Commission issued a complaint alleging that Jack J. Berliner and Sara Berliner, doing business as J. J. Berliner & Staff and as the American Research Society for Better Management, hereinafter called respondents, had violated the provisions of the Federal Trade Commission Act by making false, misleading and deceptive statements and representations with respect to the nature of their business, a "clipping service," and the value and quality of such service.

After issuance and service of the complaint, the respondents, their counsel, and counsel supporting the complaint entered into an agreement for a consent order. The order disposes of the matters complained about. The agreement has been approved by the director and assistant director of the Bureau of Litigation.

The pertinent provisions of said agreement are as follows: Respondents admit all jurisdictional facts; the complaint may be used in construing the terms of the order; the order shall have the same force and effect as if entered after a full hearing and the said agreement shall not become a part of the official record of the proceeding unless and until it becomes a part of the decision of the Commission; the record herein shall consist