

IN THE MATTER OF
CARL V. TORREY
DOING BUSINESS AS ECONOMY PUBLISHERS

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

Docket 7022. Complaint, Jan. 8, 1958—Decision, Aug. 27, 1958

Consent order requiring a publisher in Clearwater, Fla., to cease using deceptive employment offers—such as “cutting wanted items from your newspapers,” “copying names for advertisers,” “addressing envelopes,” etc.—in newspapers and periodicals as a means of selling his pamphlets, booklets, and other printed materials.

Mr. Thomas A. Ziebarth for the Commission.

Frank J. Delany, Esq., of Washington, D.C., for respondent.

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 respondent with having violated the provisions of the Federal Trade Commission Act in certain particulars.

On June 19, 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 respondent and the attorneys for both parties, under date of June 16, 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 Carl V. Torrey, is an individual doing business as Economy Publishers, with his office and principal place of business located at 205 Live Oak Lane, Clearwater, Fla.
2. Pursuant to the provisions of the Federal Trade Commission Act, the Commission, on January 8, 1958, issued its complaint in this proceeding against respondent and a true copy was thereafter duly served on respondent.
3. Respondent admits all the jurisdictional facts alleged in

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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.

4. Respondent waives:

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 of the rights he 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 respondent that he has 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 respondent. 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," said agreement is hereby approved and accepted and is ordered filed if and when said agreement shall have become a part of the Commission's decision. The hearing examiner finds from the complaint and the said agreement that the Commission has jurisdiction of the subject matter of this proceeding and of the person of the respondent herein; that the complaint states legal causes for complaint under the Federal Trade Commission Act against the respondent, both generally and in each of the particulars alleged therein; that this proceeding is in the interest of the public; whereby the following order as proposed in said agreement is appropriate for the just disposition of all the issues in this proceeding 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 respondent Carl V. Torrey, doing business

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as Economy Publishers or under any other trade name, and respondent's representatives, agents and employees, directly or through any corporate device, in connection with the offering for sale, sale or distribution of publications or other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from using any advertising matter which represents, directly or by implication, that employment is offered by respondent or that payment will be made by respondent for services to be rendered when, in fact, the advertisement is only an offer to sell a product.

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 did, on the 27th day of August 1958, become the decision of the Commission; and, accordingly:

It is ordered, That respondent Carl V. Torrey, doing business as Economy Publishers shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with the order to cease and desist.

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IN THE MATTER OF
ALEX SALES COMPANY ET AL.CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF
THE FEDERAL TRADE COMMISSION ACT*Docket 7104. Complaint, Apr. 3, 1958—Decision, Aug. 28, 1958*

Consent order requiring sellers in Oklahoma City, Okla., of a preparation known as "Don's Hair Formula," to cease representing falsely in advertising that the great majority of cases of excessive hair fall and baldness are caused by disease of the scalp; that use of their preparation would cure such diseased condition and thereby prevent excessive hair fall and baldness, grow new hair, and cure baldness.

Mr. Ames W. Williams supporting the complaint.

Mr. Robert D. Allen, of Oklahoma City, Okla., for respondents.

INITIAL DECISION BY JOHN B. POINDEXTER, HEARING EXAMINER

On April 3, 1958, the Federal Trade Commission issued a complaint alleging that Alex Sales Company, a corporation, T. O. Whitten, Darwin Frayer, Gussie Singleton and Faye Whitten, individually and as officers of Alex Sales Company, hereinafter referred to as respondents, had violated the provisions of the Federal Trade Commission Act by making false, misleading and deceptive statements and representations in advertisements concerning their product "Don's Hair Formula" which they sell and distribute.

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 solely of the complaint and the agreement; respondents waive the requirement that the decision must contain a statement of findings of fact and conclusions of law; respondents waive further procedural