

Order

IN THE MATTER OF
EDUCATORS MUTUAL INSURANCE COMPANYORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF
THE FEDERAL TRADE COMMISSION ACT*Docket 6308. Complaint, Mar. 11, 1955—Order, Oct. 22, 1958*

Order dismissing, for lack of jurisdiction, following the ruling of the Supreme Court of the United States in *Federal Trade Commission v. National Casualty Company* and *Federal Trade Commission v. The American Hospital and Life Insurance Company*, 357 U.S. 560, complaint charging an insurance company in Lancaster, Pa., with false advertising of its health and accident policies.

Before Mr. Frank Hier, hearing examiner.

Mr. Francis C. Mayer for the Commission.

Mr. A. Alvis Layne, Jr. and Mr. T. S. L. Perlman, of Washington, D.C., for respondent.

FINAL ORDER

This matter having come on to be heard upon respondent's appeal from the hearing examiner's initial decision filed prior to the *per curiam* opinion of the United States Supreme Court in the combined cases of *Federal Trade Commission v. National Casualty Company* and *Federal Trade Commission v. The American Hospital and Life Insurance Company*, 357 U.S. 560 (decided June 30, 1958); and

Counsel for respondent additionally having filed a motion to dismiss the complaint, based primarily upon the aforesaid decision of the Supreme Court, which motion is unopposed by counsel supporting the complaint; and

The Commission having considered respondent's motion to dismiss and the record, and having concluded that this proceeding should be dismissed on jurisdictional grounds upon the authority of said ruling of the Supreme Court:

It is ordered, That the initial decision herein be, and it hereby is, vacated and set aside.

It is further ordered, That the complaint herein be, and it hereby is, dismissed.

IN THE MATTER OF
FIREMAN'S FUND INDEMNITY COMPANY

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

Docket 6310. Complaint, Mar. 11, 1955—Decision, Oct. 23, 1958

Order dismissing, for lack of jurisdiction, following the ruling of the Supreme Court of the United States in *Federal Trade Commission v. National Casualty Company* and *Federal Trade Commission v. The American Hospital and Life Insurance Company*, 357 U.S. 560, complaint charging an insurance company in San Francisco, Calif., with false advertising of its health and accident policies.

Mr. John W. Brookfield, Jr., for the Commission.

Orrick, Dahlquist, Herrington & Sutcliffe, by *Mr. Christopher M. Jenks*, of San Francisco, Calif., for respondent.

INITIAL DECISION BY J. EARL COX, HEARING EXAMINER

Counsel for respondent herein has submitted a Motion To Dismiss, based on the Supreme Court's decision of June 30, 1958, in the combined cases of *Federal Trade Commission v. National Casualty Company* and *Federal Trade Commission v. The American Hospital and Life Insurance Company*, and on the Commission's order of July 29, 1958, in the matter of *North American Accident Insurance Company*, Docket No. 6456, requesting that the complaint herein be dismissed, on the ground of lack of jurisdiction.

Counsel supporting the complaint, answering said motion, states that since the practices here involved are governed by the above-cited decisions of the Supreme Court, he offers no opposition to said Motion to Dismiss.

The hearing examiner is of the opinion that, in view of the circumstances stated, respondent's motion should be granted. Accordingly,

It is ordered, That the complaint herein be, and the same hereby is, dismissed.

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 23d day of October 1958, become the decision of the Commission.