

## Order

IN THE MATTER OF  
GIRARDIAN INSURANCE COMPANY, ET AL.ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF  
THE FEDERAL TRADE COMMISSION ACT

*Docket 6281. Complaint, Dec. 28, 1954—Order, Nov. 12, 1958*

Order dismissing on jurisdictional grounds, on the authority of the Supreme Court's per curiam opinion 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, complaint charging a Dallas, Tex., insurance company with falsely advertising the benefits of its accident and health insurance policies.

Before *Mr. J. Earl Cox*, hearing examiner.

*Mr. Francis C. Mayer* and *Mr. Eugene Kaplan* for the Commission.

*Blakley & Walker*, of Dallas, Tex., for respondents.

## FINAL ORDER

This matter having come on to be heard upon the appeal of counsel supporting the complaint from the hearing examiner's initial decision dismissing the complaint upon the grounds of (1) lack of jurisdiction in the Commission; (2) failure of proof of the allegations of the complaint; and (3) discontinuance of the practices alleged to be unlawful; and

It appearing that said appeal was filed prior to the per curiam opinion of the 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

The Commission having concluded that the proceeding should be dismissed solely on jurisdictional grounds on the authority of the aforesaid Supreme Court decision:

*It is ordered*, That the initial decision herein, filed January 20, 1956, be, and it hereby is, vacated and set aside.

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

Commissioners Kern and Tait not participating.

Order

55 F.T.C.

IN THE MATTER OF  
MITCHELL S. MOHR TRADING AS  
NATIONAL RESEARCH COMPANY, ET AL.

## MODIFIED CEASE AND DESIST ORDER

*Docket 6236. Order and Opinion, Nov. 14, 1958*

Order modifying Commission's desist order of June 1, 1956, 52 F.T.C. 1466, to require that respondent collection agencies' questionnaires, etc., "clearly reveal that the purpose for which the information is requested is that of obtaining information concerning delinquent debtors."

Before *Mr. Abner E. Lipscomb*, hearing examiner.

*Mr. Michael J. Vitale* for the Commission.

*Mr. Murray M. Chotiner*, of Beverly Hills, Calif., for respondents.

ORDER REOPENING PROCEEDING AND MODIFYING ORDER  
TO CEASE AND DESIST

The Commission, after due notice and a full hearing, having determined that the public interest requires that this case be reopened and the order to cease and desist heretofore entered herein modified in the manner set forth in the accompanying opinion:

*It is ordered*, That the proceeding be, and it hereby is, reopened for such purpose.

*It is further ordered*, That the hearing examiner's initial decision filed December 23, 1955, and the Commission's decision adopting it, issued June 1, 1956, be, and they hereby are, modified by striking from the order contained in said initial decision the paragraph numbered 1 and substituting therefor the following:

"1. Using, or placing in the hands of others for use, any forms, questionnaires or other materials, printed or written, which do not clearly reveal that the purpose for which the information is requested is that of obtaining information concerning delinquent debtors."

*It is further ordered*, That the respondents, Mitchell S. Mohr and Sidney Floersheim, 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 aforesaid order as modified hereby.