

Order

55 F.T.C.

IN THE MATTER OF
MUTUAL BENEFIT HEALTH & ACCIDENT ASSOCIATION

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

Docket 6248. Complaint, Oct. 14, 1954—Order, Jan. 16, 1959

Dismissal, for lack of jurisdiction following decision of the Supreme Court of the United States 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 (1958), of complaint charging an insurance company in Omaha, Nebr., with misrepresenting the benefits provided by its accident and health policies.

Before Mr. Abner E. Lipscomb, hearing examiner.

Mr. Paul R. Dixon, Mr. William A. Somers and Mr. R. D. Young, Jr. for the Commission.

Mr. L. E. Thorngren, of Omaha, Nebr., Mr. Horace E. Pascal, of New York City, and Mr. Burton K. Wheeler, of Washington, D. C., for respondent.

FINAL ORDER

This matter having come before the Commission upon the appeal of respondent from the hearing examiner's initial decision and upon briefs and oral argument in support of and in opposition thereto; and

The Commission having considered the record and the ruling of the Supreme Court of the United States in its *per curiam* opinion of June 30, 1958, in the combined cases of *Federal Trade Commission v. National Casualty Company* and *The American Hospital and Life Insurance Company*, 357 U.S. 560 (1958), entered subsequent to the filing of the instant appeal, and having concluded that the complaint herein should be dismissed:

It is ordered, That the initial decision herein, filed February 11, 1957, be, and it hereby is, vacated and set aside.

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

Commissioner Kern not participating.

Complaint

IN THE MATTER OF
JANTZEN, INC.CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION
OF SEC. 2(d) OF THE CLAYTON ACT*Docket 7247. Complaint, Sept. 4, 1958—Decision, Jan. 16, 1959*

Consent order requiring a clothing manufacturer in Portland, Ore., with annual sales in 1957 in excess of \$44,000,000, to cease discriminating in price by paying advertising allowances to certain favored customers—such as 50% of newspaper advertising costs for its summer wear and sweater lines, to the limit of 5% of purchases where the initial order for a season amounted to \$5,000 or more—without making such payments available to their competitors on proportionally equal terms.

COMPLAINT

The Federal Trade Commission, having reason to believe that the above-named respondent has violated Section 2(d) of the amended Clayton Act (U.S.C. Title 15, Sec. 13), hereby issues its complaint as follows:

PARAGRAPH 1. Respondent Jantzen, Inc., is a Nevada corporation with its offices and place of business located at Jantzen Center, 411 NE. 19th Avenue, Portland 8, Oreg.

PAR. 2. Respondent is principally engaged in the manufacture, distribution, and sale of clothing such as summer wear, sweaters, and children's wear.

PAR. 3. These products are sold by respondent for use, or resale within the United States. Respondent causes them to be shipped and transported from the State of location of their principal place of business to purchasers located in States other than the State wherein shipment or transportation originated.

Respondent maintains a course of trade in commerce in such products among and between the States of the United States.

PAR. 4. Respondent ships and sells throughout the United States and world markets to some twelve thousand active accounts. Respondent is licensed to do business in eight States, four in the Western United States and four in the Eastern United States. Distribution is exclusively to retailers located in the various market areas throughout respondent's territories, and sales to retailers are made direct.