

IN THE MATTER OF
R. H. MACY & CO., INC., ET AL.

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

Docket 7219. Complaint, Aug. 5, 1958—Decision, Jan. 30, 1959

Consent order requiring a corporate operator of retail stores in New York, together with the licensee of one of its departments, to cease advertising falsely in newspapers that automobile seat covers offered for \$15.94 and \$10.99, respectively, had sold recently at \$29.94 to \$39.94, and \$22.94.

Mr. Harry E. Middleton, Jr. for the Commission.
Howrey & Simon, by *Mr. William Simon*, of Washington, D.C.,
for respondents.

INITIAL DECISION BY FRANK HIER, HEARING EXAMINER

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission on August 5, 1958, issued and subsequently served its complaint in this proceeding against the above-named respondents.

On December 16, 1958, there was submitted to the undersigned hearing examiner an agreement between respondents and counsel supporting the complaint providing for the entry of a consent order. By the terms of said agreement, 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. By such agreement, respondents waive any further procedural steps before the hearing examiner and the Commission; waive the making of findings of fact and conclusions of law; and waive all of the rights they may have to challenge or contest the validity of the order to cease and desist entered in accordance with this agreement. Such agreement further provides that it disposes of all of this proceeding as to all parties; that the record on which this initial decision and the decision of the Commission shall be based shall consist solely of the complaint and this agreement; that the latter shall not become a part of the official record unless and until it becomes a part of the decision of the Commission. 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; and that the following order to cease

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

The hearing examiner having considered the agreement and proposed order, and being of the opinion that they provide an appropriate basis for settlement and disposition of this proceeding, the agreement is hereby accepted, the following jurisdictional findings made, and the following order issued.

1. Respondent R. H. Macy & Co., Inc., is a corporation existing and doing business under and by virtue of the laws of the State of New York, with its office and principal place of business located at 151 West 34th Street, New York, N.Y.

Respondents The Tire Mart, Inc., and The Tire Mart Stores Corp. are corporations organized and existing by virtue of the laws of the State of New York, with their executive offices located at 404 Fifth Avenue, New York, N.Y. The individual respondents are officers of said corporate respondents and have their principal place of business at the same address as the corporate respondents.

2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondents, and the proceeding is in the public interest.

ORDER

It is ordered, That the respondents R. H. Macy & Co., Inc., a corporation, The Tire Mart, Inc., a corporation, and The Tire Mart Stores Corp., a corporation, and their officers and respondents Harold Leitman, Hyman Kaufman and Max L. Leitman, individually and as officers of The Tire Mart, Inc., and The Tire Mart Stores Corp., and respondents' representatives, agents and employees directly or through any corporate or other device in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of automobile seat covers, automotive parts, accessories, and related products, do forthwith cease and desist from:

1. Representing directly or by implication that any amount is the price at which such merchandise is ordinarily or usually sold by respondents when such amount is in excess of the price at

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which such merchandise has been regularly sold by respondents in the recent regular course of business.

2. Representing directly or by implication that savings from respondents' ordinary or usual price will result from the purchase of such merchandise unless based upon the price at which such merchandise has been sold by respondents in the recent regular course of business.

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 30th day of January 1959, become the decision of the Commission; and, accordingly:

It is ordered, That the respondents herein 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.

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IN THE MATTER OF
NEW JERSEY RESEARCH BUREAU ET AL.CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF
THE FEDERAL TRADE COMMISSION ACT

Docket 7224. Complaint, Aug. 6, 1958—Decision, Jan. 30, 1959

Consent order requiring a collection agency in Newark, N.J., to cease using misrepresentations to obtain current information concerning delinquent debtors, including use of such terms as "World-Wide Inheritance Service," "Tracers of Missing Heirs," etc.

Mr. Brockman Horne for the Commission.

Mr. Louis C. Selenfriend, of Newark, N.J., for respondents.

INITIAL DECISION BY FRANK HIER, HEARING EXAMINER

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission on August 6, 1958, issued and subsequently served its complaint in this proceeding against the above-named respondents.

On December 3, 1958, there was submitted to the undersigned hearing examiner an agreement between respondents and counsel supporting the complaint providing for the entry of a consent order. By the terms of said agreement, 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. By such agreement, respondents waive any further procedural steps before the hearing examiner and the Commission; waive the making of findings of fact and conclusions of law; and waive all of the rights they may have to challenge or contest the validity of the order to cease and desist entered in accordance with this agreement. Such agreement further provides that it disposes of all of this proceeding as to all parties; that the record on which this initial decision and the decision of the Commission shall be based shall consist solely of the complaint and this agreement; that the latter shall not become a part of the official record unless and until it becomes a part of the decision of the Commission; that 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; and that the following order to cease and desist may be entered in this proceeding by the Commis-