

Decision

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. Selenfreund, 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-

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sion 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 New Jersey Research Bureau is a corporation existing and doing business under and by virtue of the laws of the State of New Jersey, with its office and principal place of business located at 24 Branford Place, Newark, N.J. The individual respondent Aaron C. Selenfriend is president of said corporation and directs, formulates, and controls its policies, acts and practices. His address is the same as that of the corporate respondent.

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 respondents New Jersey Research Bureau, a corporation, and its officers, and Aaron C. Selenfriend, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with obtaining information concerning delinquent debtors, or in the collection of monies from such persons, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication:

(a) That respondents are engaged in the business of locating heirs, next-of-kin, devisees, or legatees entitled to share in the estates of deceased persons.

(b) That a likelihood or possibility exists that the debtor, if he furnishes requested information, will share in the estate of a deceased person.

2. Using the words "World-Wide Inheritance Service" or any other words of similar import or meaning, or misrepresenting, in any manner, the territorial extent of their operations.

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3. 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.

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.

IN THE MATTER OF
JAMES BUGG TRADING AS
KIRBY CENTER OF WASHINGTON

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

Docket 7259. Complaint, Sept. 12, 1958—Decision, Jan. 30, 1959

Consent order requiring a dealer in Washington, D.C., engaged in selling vacuum cleaners by door-to-door salesmen and in his retail store, to cease selling used machines as new.

Mr. Michael J. Vitale for the Commission.

Mr. Jules H. Sigal, of Washington, D.C., for respondent.

INITIAL DECISION BY EARL J. KOLB, HEARING EXAMINER

The complaint in this proceeding issued September 12, 1958, charges the respondent with violation of the Federal Trade Commission Act in the sale and distribution of vacuum cleaners.

Respondent James Bugg is an individual, trading and doing business as Kirby Center of Washington. His office and principal place of business is located at 5511 14th Street, NW., Washington, D.C.

After the issuance of the complaint, respondent and his attorney entered into an agreement containing consent order to cease and desist with counsel in support of the complaint, disposing of all the issues in this proceeding, which agreement was duly approved by the director and assistant director of the Bureau of Litigation.

It was expressly provided in said agreement that the signing thereof is for settlement purposes only and does not constitute an admission by respondent that he has violated the law as alleged in the complaint.

By the terms of said agreement, the respondent admitted all the jurisdictional facts alleged in the complaint and agreed that the record herein may be taken as if the Commission had made findings of jurisdictional facts in accordance with the allegations.

By said agreement, the respondent expressly waived any further procedural steps before the hearing examiner and the Commission; the making of findings of fact or conclusions of law;