

Decision

55 F.T.C.

IN THE MATTER OF  
LESTER C. CARR

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

*Docket 7283. Complaint, Oct. 17, 1958—Decision, Mar. 6, 1959*

Consent order requiring a Washington, D.C., dealer in used automobiles to cease representing falsely in newspaper advertising and otherwise that the used automobiles he sold were financed at bank rates and were unconditionally guaranteed, and that the United States Government certified his sales to military personnel.

*Mr. John J. Mathias* for the Commission.

*Mr. Murray A. Kivitz*, of Washington, D.C., for respondent.

INITIAL DECISION BY FRANK HIER, HEARING EXAMINER

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission on October 17, 1958, issued and subsequently served its complaint in this proceeding against respondent Lester C. Carr, an individual.

On January 15, 1959, there was submitted to the undersigned hearing examiner an agreement between respondent and counsel supporting the complaint providing for the entry of a consent order. By the terms of said agreement, respondent admits all the jurisdictional facts alleged in the complaint and agrees that the record may be taken as if findings of jurisdictional facts had been duly made in accordance with such allegations. By such agreement, respondent waives any further procedural steps before the hearing examiner and the Commission; waives the making of findings of fact and conclusions of law; and waives all of the rights he 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 the agreement is for settlement purposes only and does not constitute an admission by respondent that he has violated the law as al-

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leged in the complaint; and that the following order to cease and desist may be entered in this proceeding by the Commission without further notice to respondent, 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 Lester C. Carr is an individual whose place of residence is located at 907 Tracy Drive, Silver Spring, Md.

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

## ORDER

*It is ordered,* That respondent Lester C. Carr, an individual, and his agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of automobiles or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. That he offers or makes available bank rate financing, or misrepresenting in any manner the terms under which his automobiles or other products are sold.

2. That the automobiles or other products sold by him are guaranteed, unless the nature and extent of the guarantee and the manner in which he will perform thereunder are clearly and truthfully set forth.

3. That the Government of the United States, or any branch or agency thereof, certifies or has any part in sales to military personnel.

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

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6th day of March 1959, become the decision of the Commission; and, accordingly:

*It is ordered,* That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

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IN THE MATTER OF  
THE GUMMED INDUSTRIES ASSOCIATION, INC., ET AL.

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

*Docket 7079. Complaint, Mar. 3, 1958—Decision, Mar. 7, 1959*

Order dismissing without prejudice as to respondent Minnesota Mining and Manufacturing Company, the complaint charging suppression of competition in the manufacture and distribution of flat gummed paper.

On Oct. 3, 1958, the Commission adopted a consent order disposing of the matter as to all other respondents, page 500 herein.

Mr. Andrew C. Goodhope and Mr. John Perechinsky for the Commission.

Connolly, Tucker, Post and Lyons, of St. Paul, Minn., by Mr. John L. Connolly, for Minnesota Mining and Manufacturing Company.

INITIAL DECISION DISMISSING COMPLAINT WITHOUT  
PREJUDICE AS TO RESPONDENT MINNESOTA MINING  
AND MANUFACTURING COMPANY BY  
EARL J. KOLB, HEARING EXAMINER

This proceeding is now before the undersigned hearing examiner for final consideration upon the complaint, answer of respondent Minnesota Mining and Manufacturing Company thereto, stipulation as to the facts entered into upon the record between counsel supporting the complaint and said respondent Minnesota Mining and Manufacturing Company, and motion to dismiss and briefs in support thereof filed by said respondent Minnesota Mining and Manufacturing Company, answer to said motion filed by attorneys in support of the complaint, and reply brief filed by said respondent.

The hearing examiner has given consideration to said stipulation, motion to dismiss and briefs filed in support of and in operation thereto, and the record herein, and being now fully advised in the premises makes the following findings as to the facts, conclusions drawn therefrom, and order:

FINDINGS AS TO THE FACTS

1. Respondent Minnesota Mining and Manufacturing Company is a corporation organized and existing under and by virtue