

IN THE MATTER OF
RICHARD GURNEY ET AL.
TRADING AS PIONEER BUSINESS SERVICE

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

Docket 7341. Complaint, Dec. 29, 1958—Decision, May 19, 1959

Consent order requiring a Council Bluffs, Iowa, real estate firm to cease making deceptive claims, in advertising and by their agents, to induce owners to list properties for sale with them and to increase their asking prices, thus assuring larger advance fees, by such representations as in the order below set forth.

Mr. John W. Brookfield, Jr. and Mr. Berryman Davis for the Commission.

Mr. Don H. Jackson and Mr. Robert C. Heithof, of Council Bluffs, Ia., for respondents.

INITIAL DECISION BY WALTER R. JOHNSON, HEARING EXAMINER

In the complaint dated December 29, 1958, the respondents are charged with violating the provisions of the Federal Trade Commission Act.

On March 5, 1959, the respondents and their attorneys entered into an agreement with counsel in support of the complaint for a consent order.

Under the agreement, the respondents admit the jurisdictional facts alleged in the complaint. The parties agree, among other things, that the cease and desist order there set forth may be entered without further notice and have the same force and effect as if entered after a full hearing, and the document includes a waiver by the respondents of all rights to challenge or contest the validity of the order issuing in accordance therewith. The agreement further recites that it is for settlement purposes only and does not constitute an admission by the respondents that they have violated the law as alleged in the complaint.

The hearing examiner finds that the content of the agreement meets all of the requirements of §3.25(b) of the Rules of the Commission.

The hearing examiner being of the opinion that the agreement and the proposed order provide an appropriate basis for disposi-

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Order

tion of this proceeding as to all of the parties, the agreement is hereby accepted and it is ordered that the agreement shall not become a part of the official record of the proceeding unless and until it becomes a part of the decision of the Commission. The following jurisdictional findings are made and the following order issued.

1. Respondents Richard Gurney and Merle E. Wood are individuals and copartners trading as Pioneer Business Service, with their office and principal place of business located at 30½ Pearl Street, in the city of Council Bluffs, State of Iowa.

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 Richard Gurney and Merle E. Wood, individually and as copartners trading as Pioneer Business Service, or under any other trade name or names, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale or sale of advertising in any advertising media, or of other services and facilities in connection with the offering for sale, selling, buying or exchanging of business or any other kind of property, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that:

1. Respondents have available ready buyers for properties sought to be listed;

2. The property listed with or advertised by respondents will be sold within a short period of time or at all;

3. The property is underpriced by the owner or that the asking price should be increased or that respondents can or will sell the property at the increased price;

4. Respondents will finance or assist in the financing of the purchase of the listed property;

5. The listing or advance fee paid to respondents will be refunded if the property is not sold;

6. Respondents will advertise the property of a prospective seller by any means that is not in accordance with the facts;

7. Respondents' services will culminate in the sale of the listed property.

Decision

55 F.T.C.

DECISION OF THE COMMISSION AND ORDER TO FILE
REPORT OF COMPLIANCE

The Commission having considered the initial decision of the hearing examiner wherein he accepted an agreement containing a consent order to cease and desist executed by the respondents and counsel in support of the complaint, service of which initial decision was completed on April 16, 1959; and

It appearing that the initial decision may be deficient in that it fails to incorporate the substance of certain pertinent provisions of the agreement of the parties:

It is ordered, That said initial decision be, and it hereby is, amended by inserting between the second and third paragraphs thereof the following paragraph:

Under the agreement, the respondents admit the jurisdictional facts alleged in the complaint. The parties agree, among other things, that the cease and desist order there set forth may be entered without further notice and have the same force and effect as if entered after a full hearing, and the document includes a waiver by the respondents of all rights to challenge or contest the validity of the order issuing in accordance therewith. The agreement further recites that it is for settlement purposes only and does not constitute an admission by the respondents that they have violated the law as alleged in the complaint.

It is further ordered, That the initial decision as so modified shall, on the 19th day of May 1959, become the decision of the Commission.

It is further ordered, That the respondents, Richard Gurney and Merle E. Wood, 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 contained in said initial decision.

Decision

IN THE MATTER OF
CARAVEL PRODUCTS, LTD., ET AL.CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF
THE FEDERAL TRADE COMMISSION ACT*Docket 7356. Complaint, Jan. 12, 1959—Decision, May 19, 1959*

Consent order requiring a New York City distributor of perfumes to cease representing falsely in advertising and on the labeling and packaging of their products that fictitious and excessive amounts were the usual retail prices; advertising that certain of their products were currently and regularly advertised in nationally distributed magazines, when any such advertisements appeared about 1951; and representing through use of French words and the French tricolor on labels and packaging that some of their products were compounded in France, when the major portion of the ingredients was of domestic origin.

Mr. Harry E. Middleton, Jr. for the Commission.

Mr. David Paris, of New York, N.Y., for respondents.

INITIAL DECISION BY WALTER R. JOHNSON, HEARING EXAMINER

In the complaint dated January 12, 1959, the respondents are charged with violating the provisions of the Federal Trade Commission Act.

On March 12, 1959, the respondents and their attorney entered into an agreement with counsel in support of the complaint for a consent order.

Under the agreement, respondents admit the jurisdictional facts alleged in the complaint. The parties agree, among other things, that the cease and desist order there set forth may be entered without further notice and have the same force and effect as if entered after a full hearing, and the document includes a waiver by respondents of all rights to challenge or contest the validity of the order issuing in accordance therewith. The agreement further recites that it is for settlement purposes only and does not constitute an admission by respondents that they have violated the law as alleged in the complaint.

The hearing examiner finds that the content of the agreement meets all of the requirements of Section 3.25(b) of the Rules of the Commission.

The hearing examiner being of the opinion that the agreement and the proposed order provide an appropriate basis for disposition of this proceeding as to all of the parties, the agreement