

Order

IN THE MATTER OF
UNION PHARMACEUTICAL CO., INC.ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF
THE FEDERAL TRADE COMMISSION ACT

Docket 7254. Complaint, Sept. 12, 1958—Decision, June 9, 1959

Order dismissing, following dissolution of respondent corporation, complaint charging false advertising of a laxative preparation designated "Saraka."

Mr. Harold A. Kennedy for the Commission.

Mr. Carson G. Frailey, of Washington, D.C., and *Mr. Richard J. Bennett*, of Bloomfield, N.J. for respondent.

INITIAL DECISION BY WILLIAM L. PACK, HEARING EXAMINER

The complaint in this matter was issued September 12, 1958. On October 20, 1958, respondent filed a motion seeking dismissal of the complaint on the ground that respondent had discontinued entirely the manufacture and distribution of the preparation involved in the proceeding, as well as all other products, such discontinuance having taken place prior to the issuance of the complaint.

On December 22, 1958, a hearing was held for the limited purpose of receiving evidence in connection with the motion to dismiss. At the hearing a considerable volume of testimony and other evidence was received, and subsequent to the hearing counsel for respondent forwarded to the hearing examiner a certified copy of the certificate of dissolution of the respondent. This document has been incorporated in the record as a part of the evidence on the motion to dismiss.

Counsel supporting the complaint has now filed a further answer to the motion to dismiss in which he states that in view of all of the circumstances disclosed by the record, including the dissolution of the respondent, he does not oppose the granting of the motion provided the dismissal be without prejudice.

In the circumstances it is evident that no useful purpose would be served by continuing with the proceeding; that no public interest is now present.

ORDER

It is therefore ordered, That the complaint be, and it hereby is, dismissed, without prejudice to the right of the Commission to

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take any further action in the matter in the future which may be warranted by the then existing circumstances.

DECISION OF THE COMMISSION

Pursuant to Section 3.21 of the Commission's Rules of Practice, the initial decision of the hearing examiner shall, on the 9th day of June 1959 become the decision of the Commission.

Decision

IN THE MATTER OF

A. E. TROUTMAN COMPANY ET AL.

CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF THE
FEDERAL TRADE COMMISSION AND THE FUR PRODUCTS LABELING ACTS

Docket 7403. Complaint, Feb. 6, 1959—Decision, June 9, 1959

Consent order requiring furriers in Greensburg, Pa., to cease violating the Fur Products Labeling Act by failing to comply with the labeling, invoicing, and advertising requirements; and, in advertisements in local newspapers, failing to disclose the names of animals producing certain furs or that certain furs were artificially colored, and representing prices as reduced without maintaining adequate records as a basis therefor.

Mr. Garland S. Ferguson for the Commission.

Sullivan and Cromwell, of New York, N.Y., for respondent A. E. Troutman Company.

Respondents B. Poverman, Inc., and B. Poverman, for themselves.

INITIAL DECISION BY J. EARL COX, HEARING EXAMINER

The Federal Trade Commission issued its complaint against the above-named respondents on February 6, 1959, charging them with having violated the Federal Trade Commission Act, and the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder.

On April 13, 1959, respondent A. E. Troutman Company and its counsel entered into an agreement with counsel in support of the complaint for a consent order; and on April 14, 1959, respondents B. Poverman, Inc. and B. Poverman entered into a similar agreement.

Under the agreements, the respondents admit the jurisdictional facts alleged in the complaint. The parties agree, among other things, that the cease and desist orders 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 documents include waivers by the respondents of all rights to challenge or contest the validity of the order issuing in accordance therewith. The agreements further recite that they are for settlement purposes only and do not constitute an admission by the respondents that they have violated the law as alleged in the complaint.