

IN THE MATTER OF
MAIN LINE LUMBER AND MILLWORK COMPANY, ET AL.

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

Docket 7442. Complaint, Mar. 12, 1959—Decision, July 4, 1959

Consent order requiring a distributor of prefabricated homes and garages in Wayne, Pa., to cease representing falsely in newspaper and other advertisements that its stated prices included certain appliances, features, equipment, materials, or services which were, in fact, extra cost items and for which purchasers were required to pay separately.

Mr. Edward F. Downs for the Commission.

Mr. Edwin P. Rome, of Philadelphia, Pa., for respondents.

INITIAL DECISION BY FRANK HIER, HEARING EXAMINER

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission on March 12, 1959, issued and subsequently served its complaint in this proceeding against the above-named respondents.

On May 6, 1959, 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.

Under the foregoing 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 Section 3.25(b) of the Rules of the Commission.

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, and it is ordered that said agreement shall not become a part of the official record 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. Respondent Main Line Lumber and Millwork Company, is a corporation existing and doing business under and by virtue of the laws of the State of Pennsylvania, with its office and principal place of business located at 107 North Aberdeen Avenue, Wayne, Pennsylvania.

Respondents Harry K. Madway, Ralph K. Madway, Sam Madway and Pauline M. Margolis are individuals and officers of the corporate respondent Main Line Lumber and Millwork Company, with their office and principal place of business located at the same address as 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 Main Line Lumber and Millwork Company, a corporation and its officers, and Harry K. Madway, Ralph K. Madway, Sam Madway and Pauline M. Margolis, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of prefabricated homes, garages, or other buildings, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Representing directly or by implication that an advertised or stated price includes appliances, fixtures, equipment, material or services that are not included in said advertised or stated price.

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 4th day of July, 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

JACK ROBINSON TRADING AS MONARCH CARNIVAL
SUPPLY COMPANY