

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

COMSTOCK CHEMICAL COMPANY, INC., ET AL.

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

Docket 7272. Complaint, Oct. 7, 1958—Decision, July 9, 1959

Consent order requiring New York City distributors to cease advertising falsely the quality, composition, characteristics, performance, endorsement, and guarantee of a chemically impregnated cleaning and polishing mitt for automobiles designated "ROLL-A-SHINE," by such statements as that the mitt had been developed by General Electric Company, had been used, tested, and approved by the Army and Navy and endorsed by Reader's Digest, was unconditionally guaranteed for three years and would last three years, etc.

Mr. Terral A. Jordan supporting the complaint.

Bass & Friend, by *Mr. Milton A. Bass* of New York, N.Y., for respondents.

INITIAL DECISION BY EVERETT F. HAYCRAFT, HEARING EXAMINER

On October 7, 1958, the Federal Trade Commission issued its complaint against the above-named respondents charging them with violating the provisions of the Federal Trade Commission Act by making false and misleading statements to the buying public representing the quality, composition, characteristics, performance, endorsement and guarantee of their products.

On May 21, 1959, the respondents and their attorney and counsel supporting the complaint entered into an agreement containing a consent order to cease and desist in accordance with Section 3.25(a) of the Rules of Practice and Procedure of the Commission.

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 shall have the same force and effect as if entered after a full hearing. The agreement includes a waiver by the respondents of all rights to challenge or contest the validity of the order issuing in accordance therewith; and recites that the said agreement shall not become a part of the official record.

Order

56 F.T.C.

unless and until it becomes a part of the decision of the Commission and 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 said agreement meets all the requirements of Section 3.25(b) of the Rules of Practice.

This proceeding having now come on for final consideration by the hearing examiner on the complaint and the aforesaid agreement for consent order, and it appearing that said agreement provides for an appropriate disposition of this proceeding as to all parties, the aforesaid agreement is hereby accepted and is ordered filed upon becoming part of the Commission's decision in accordance with Section 3.21 of the Rules of Practice; and in consonance with the terms of said agreement, the hearing examiner makes the following jurisdictional findings and order:

1. Respondent Comstock Chemical Company, Inc., is a corporation existing and doing business under and by virtue of the laws of the State of New York.

2. Respondents David L. Ratke and Herman Liebensohn are individuals and are respectively president and secretary of said corporate respondent.

3. Respondent Monroe Caine is an individual. The principal office and place of business of the respondents is located at 42 W. 38th Street, New York, New York, formerly located at 9 East 45th Street, New York, New York.

4. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondents hereinabove named. The complaint states a cause of action against said respondents under the Federal Trade Commission Act, and this proceeding is in the interest of the public.

ORDER

It is ordered, That respondents Comstock Chemical Company, Inc., a corporation, and its officers, and David L. Ratke and Herman Liebensohn, individually and as officers of said corporation, and Monroe Caine, an individual, and their agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of a mitt or cloth impregnated with a silicone and a wax or any substantially similar product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from directly or indirectly representing:

1. That use of said products eliminates automobile waxing, washing or polishing forever; or that said products are a substitute for,

or eliminate, the need for waxing, washing or polishing automobiles for a period of time or to an extent greater than that actually afforded by said products.

2. That said products have been endorsed or approved by Reader's Digest magazine; or that said products have been endorsed or approved by any other person, firm or corporation, unless such is the fact.

3. That a single treatment with said products imparts to the user's automobile a lustrous, rust-proof, protective coating durable for a period of six months; or that said products will provide a lustrous, rust-proof, or protective coating or finish to the object to which applied for a period of time greater than that actually provided.

4. That the finish or coating imparted by said products to the object to which applied is more durable than the finish or coating imparted by wax.

5. That the finish or coating imparted by said products to the object to which applied will withstand and be unaffected by the elements of weather.

6. That the finish or coating imparted by said products to the object to which applied will be unaffected by or impenetrable to grease, grime or other substances harmful to the finish of said objects.

7. That the protective coating imparted by said products to the object to which applied renders chrome rust-proof.

8. That said products were discovered or developed by the General Electric Company of Schenectady, New York; or that said products were developed by any other person, firm or corporation, unless such is the fact.

9. That said products have been tested, used or approved by the United States Army or the United States Navy; or that said products have been tested, used or approved by any other military or public organization, unless such is the fact.

10. That said products are guaranteed unless the nature and extent of the guarantee and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

11. That the amount, quantity, or size of a single unit of sale of said products is sufficient to provide the advertised or otherwise represented kind of service or performance for a period of time greater than will be in fact so provided when subjected to normal usage in the manner and for the purposes advertised or represented.

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 did, on the 9th day of July, 1959, become the decision of the Commission; and, accordingly,

It is ordered, That the respondents herein shall within sixty (60)