

H. W. GIVEN COMPANY ET AL.

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

Docket 7444. Complaint, Mar. 16, 1959—Decision, Aug. 28, 1959

Consent order requiring sellers in Ardmore, Pa., to cease advertising their
"Table King" margarine in such terms as to represent or suggest that it
was a dairy product.

Mr. Morton Nesmith for the Commission.

Mr. T. Ewing Montgomery. of Philadelphia, Pa., for respondents.

INITIAL DECISION BY WILLIAM L. PACK, HEARING EXAMINER

The complaint in this matter issued March 16, 1959, charges the respondents with making certain misrepresentations in connection with the advertising and sale of their oleomargarine, in violation of the Federal Trade Commission Act. An agreement has now been entered into by respondents and counsel supporting the complaint which provides, among other things, that respondents admit all of the jurisdictional allegations in the complaint; that the record on which the initial decision and the decision of the Commission shall be based shall consist solely of the complaint and agreement; that the inclusion of findings of fact and conclusions of law in the decision disposing of this matter is waived, together with any further procedural steps before the hearing examiner and the Commission; that the order hereinafter set forth may be entered in disposition of the proceeding, such order to have the same force and effect as if entered after a full hearing, respondents specifically waiving any and all rights to challenge or contest the validity of such order; that the order may be altered, modified, or set aside in the manner provided for other orders of the Commission; that the complaint may be used in construing the terms of the order; and that the agreement 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 having considered the agreement and proposed order and being of the opinion that they provide an adequate basis for appropriate disposition of the proceeding, the agreement is hereby accepted, the following jurisdictional findings made, and the following order issued:

1. Respondent H. W. Given Company is a corporation existing and doing business under the laws of the Commonwealth of Pennsylvania with its office and principal place of business located at 35 East Cricket Terrace, Ardmore, Pennsylvania. Respondent H. Woody Given, Jr., is an officer of said corporate respondent, and his address is the same as that of 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 H. W. Given Company, a corporation, and its officers, and H. Woody Given, Jr., individually and as an officer of said corporation, and respondents' agents, represen-

tatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of oleomargarine, do forthwith cease and desist from, directly or indirectly:

1. Disseminating, or causing to be disseminated, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any statement, word, grade designation, design, device, symbol, sound, or any combination thereof, which represents or suggests that said product is a dairy product;

2. Disseminating, or causing to be disseminated, as described in paragraph 1 of this order, any advertisement in which the words or words "milk," "churn," "dairy formula," are used, except as a part of a truthful, accurate and full statement of all the ingredients contained in said product;

3. Disseminating, or causing to be disseminated, by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said product, any advertisement which contains any of the representations prohibited in paragraphs 1 and 2 of this order.

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 28th day of August, 1959, become the decision of the Commission; and, accordingly:

It is ordered, That 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

BERNARD MORRIS DOING BUSINESS AS MORRIS MOULDED SHOE CO.