

IN THE MATTER OF
THE DoALL COMPANY

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

Docket 7415. Complaint, Feb. 19, 1959—Decision, Sept. 17, 1959

Consent order requiring a manufacturer of granite surface plates and gage blocks in Des Plaines, Ill., to cease making such false representations in trade journals, brochures, price lists, etc., as that Bureau of Standards tests revealed that its granite was superior to all others, and in a search for better granite found its black granite to be superior to all; that the Bureau made tests of granite taken from a particular quarry and that it was the owner and exclusive user of the granite quarried therefrom; that its granite was taken from the same quarry as the sample the Bureau tested; and that it was the sole producer of Class 1 Black granite as set out in Federal Specifications.

Mr. William A. Somers and Mr. Edward F. Downs supporting the complaint.

Mr. Adelor J. Petit, Jr., of Petit, Olin, Overmyer & Fazio, of Chicago, Ill., for respondent.

INITIAL DECISION BY JOHN B. POINDEXTER, HEARING EXAMINER

On February 19, 1959, the Federal Trade Commission issued its complaint charging the DoAll Company, a corporation, hereinafter referred to as respondent, with violation of the provisions of the Federal Trade Commission Act by making false, misleading and deceptive statements, with respect to the granite of which its products are made, in advertisements in trade journals, brochures, price lists and other media.

After issuance and service of the complaint, the respondent, its counsel and counsel supporting the complaint entered into an agreement for a consent order. The agreement has been approved by the Director and the Assistant Director of the Bureau of Litigation. The agreement disposes of the matters complained about.

The pertinent provisions of said agreement are as follows: Respondent admits all jurisdictional facts; the complaint may be used in construing the terms of the order; the order shall have the same force and effect as if entered after a full hearing and the said 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 record herein shall consist solely of the complaint and the agreement; respondent waives the requirement that the decision

must contain a statement of findings of fact and conclusions of law; respondent waives further procedural steps before the hearing examiner and the Commission, and the order may be altered, modified, or set aside in the manner provided by statute for other orders; respondent waives any right to challenge or contest the validity of the order entered in accordance with the agreement and the signing of said agreement is for settlement purposes only and does not constitute an admission by respondent that it has violated the law as alleged in the complaint.

The undersigned hearing examiner having considered the agreement and proposed order and being of the opinion that the acceptance thereof will be in the public interest, hereby accepts such agreement, makes the following jurisdictional findings, and issues the following order:

JURISDICTIONAL FINDINGS

1. Respondent, The DoAll Company, is a corporation organized, existing and doing business under and by virtue of the laws of the State of Illinois, with its principal office and place of business located at 254 North Laurel Avenue, Des Plaines, Illinois.

2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondent and the proceeding is in the public interest.

ORDER

It is ordered, That respondent The DoAll Company, a corporation, its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of granite products 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. The U.S. Bureau of Standards ascertained by tests, or in any other manner, that the granite used by respondent is superior over all other granites in density, hardness, compression strength and other properties.

2. The respondent is the exclusive producer of Class 1 Black granite as set out in Federal Specifications GGG-P-463; or any other specifications issued or published by a department, division, bureau or branch of the United States Government, unless such be the fact.

3. The U.S. Bureau of Standards made a search for better granites or that the said Bureau ascertained that the granite used by respondent was superior to all other granites.

4. The U.S. Bureau of Standards made tests of granite taken from a quarry named Quarry 115 or that respondent is the owner of the quarry from which the granite tested under Serial No. 115, as shown in Research Paper RP1320, was taken, or that respondent is the exclusive user of said granite.

5. The granite used by the respondent is from the same quarry as the sample tested by the U.S. Bureau of Standards as Serial No. 115 in its Research Paper RP1320.

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 17th day of September, 1959, become the decision of the Commission; and, accordingly:

It is ordered, That the respondent herein shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.
