

to the figure 280,376.

It is further ordered, That the hearing examiner's initial decision, filed January 27, 1959, as modified herein, be, and it hereby is, adopted as the decision of the Commission.

Chairman Kintner not participating.

IN THE MATTER OF
CHARLES FORD AND ASSOCIATES OF THE WEST, INC.,
ET AL.

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

Docket 7448. Complaint, Mar. 17, 1959—Decision, Oct. 28, 1959

Order dismissing—for the reason that corporate respondents had ceased activities prior to issuance of the complaint, and orders issued against individual respondents in another proceeding would adequately protect the public interest—complaint charging two Los Angeles sellers of real estate advertising with obtaining advance fees from would-be property sellers through deception.

Mr. John W. Brookfield, Jr., for the Commission.

Mr. Maxwell E. Greenberg, of Los Angeles, Calif., for respondents.

INITIAL DECISION BY ABNER E. LIPSCOMB, HEARING EXAMINER

The complaint herein was issued on March 17, 1959, charging Respondents with violation of the Federal Trade Commission Act by the use in newspapers and other advertising media of false, misleading and deceptive statements and representations in connection with their business of soliciting the listing for sale and advertising of real estate and other properties in commerce, and other services and facilities connected therewith.

Thereafter, on August 24, 1959, counsel supporting the complaint submitted a Motion To Dismiss Complaint, requesting that the com-

plaint herein be dismissed without prejudice, and stating his reasons therefor as follows:

"(1) Respondents have filed an affidavit, signed by all three individual respondents, showing that respondent corporation Charles Ford and Associates of the West, Inc., owned by the three individual respondents, was transferred to a Delaware corporation Charles Ford and Associates, Inc., also owned by said individual respondents, which transfer was effected April 1, 1956 * * *, and that thereafter no business was transacted by said corporation Charles Ford and Associates of the West, Inc. Said corporation's charter was voided, for nonpayment of taxes for two years, by the State of Delaware on April 1, 1959 * * *."

"(2) The corporation Charles Ford and Associates, Inc., a Delaware corporation, on March 14, 1957, by amendment to its Articles of Incorporation, changed its name to Business Mart of America, Inc. On January 27, 1958, Business Mart of America, Inc., entered into an agreement with the Real Estate Commissioner of the State of California to cease doing business in California and eight other western states, and ceased its activities entirely by July 1958. Business Mart of America, Inc. filed its Certificate of Dissolution with the Office of the Secretary of the State of Delaware on September 22, 1958 * * *."

Counsel supporting the complaint states that all of the above-described events occurred prior to the issuance of the complaint herein on March 17, 1959. He further states that the order issued against the three individual Respondents named herein In the Matter of Lenders Service Corporation, et al., Docket No. 7449, in which they are also named Respondents, will protect the public interest to the extent that no further proceedings in the instant matter are necessary.

The hearing examiner agrees with counsel supporting the complaint that there is no public interest in the further prosecution of the complaint herein. Accordingly,

It is ordered, That the complaint herein be, and the same hereby is, dismissed without prejudice to the right of the Commission to take such further action against respondents as future facts and circumstances may warrant.

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 28th day of October, 1959, become the decision of the Commission.

IN THE MATTER OF

CHARLES CAPPELL ET AL. TRADING AS CAPPELL
TRADING COMPANYCONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF THE
FEDERAL TRADE COMMISSION ACT*Docket 7541. Complaint, July 14, 1959—Decision, Oct. 28, 1959*

Consent order requiring New York City distributors of hosiery to cease selling without clear disclosure that it was not first quality, imperfect hosiery which they purchased and repaired, if required, and dyed and sold to retailers with no marking to indicate its imperfect quality.

Mr. Brockman Horne for the Commission.

Mr. Irving Markowitz, of New York, N.Y., for respondents.

INITIAL DECISION BY WALTER R. JOHNSON, HEARING EXAMINER

In the complaint dated July 14, 1959, the respondents are charged with violating the provisions of the Federal Trade Commission Act.

On August 26, 1959, the respondents entered into an agreement with counsel in support of the complaint for 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 being of the opinion that the agreement and the proposed order provide an appropriate basis for disposition of this proceeding as to all of the parties, the agreement is hereby accepted and it is ordered that the 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 following jurisdictional findings are made and the following order issued.

1. Respondents Charles Cappell, Israel Cappell and Jacob Cappell are individuals and co-partners trading as Cappell Trading Com-