

IN THE MATTER OF
DONALD E. ALDERMAN ET AL. TRADING AS
NATIONAL MENU COMPANY

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

Docket 7412. Complaint, Feb. 16, 1959—Decision, Nov. 17, 1959

Order dismissing without prejudice, complaint charging three Illinois individuals—whose present whereabouts was unknown—with collecting advance

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fees for restaurant menu advertising and then failing to deliver the menus at all or making delivery much later than promised.

Mr. Berryman Davis for the Commission.
Respondents not represented by counsel.

INITIAL DECISION BY EVERETT F. HAYCRAFT, HEARING EXAMINER

On May 1, 1959, the Federal Trade Commission issued its complaint against the above-named respondents charging them with violating the provisions of the Federal Trade Commission Act in connection with the offering for sale, to restaurants, restaurant supply houses and others, of menus containing advertisements of supply houses which respondents agree to have printed and thereafter furnish to owners and operators of restaurants and other types of eating places. On June 25, 1959, the hearing examiner issued an Initial Decision in which he accepted an agreement containing a consent order to cease and desist entered into by the respondents and counsel supporting the complaint, and ordered respondents to cease and desist from various acts and practices. By an order issued July 24, 1959, the Commission vacated and set aside this Initial Decision and ordered a remand of the case to the hearing examiner for further proceedings.

On September 22, 1959 counsel supporting the complaint filed a motion to dismiss the complaint without prejudice stating that on July 28, 1959, he was notified by the Assistant Secretary for Legal and Public Records that the Initial Decision could not be served by registered mail, and on August 14, 1959, he was notified that the aforesaid order of the Commission similarly could not be served. In view of the foregoing it is believed that the public interest does not warrant the expenditure of further time, effort and public funds in attempting to locate the respondents. 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 in the matter in the future as may be warranted by the then existing circumstances.

DECISION OF THE COMMISSION

Pursuant to Section 3.21 of the Commission's Rules of Practice, the initial decision of the hearing examiner did on the 17th day of November, 1959, become the decision of the Commission.

Decision

IN THE MATTER OF
UTICA CUTLERY COMPANY ET AL.

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

Docket 7427. Complaint, Feb. 27, 1959—Decision, Nov. 17, 1959

Consent order requiring Utica, N.Y., manufacturers of kitchen utensils, cutlery, stainless steel tableware, etc., to cease attaching to their merchandise, and furnishing to their customers for attachment, tickets printed with greatly exaggerated prices represented thus as the regular retail prices.

Charges of failing to disclose the foreign origin of tableware imported from Japan remain to be disposed of in separate proceedings.

Before *Mr. Everett F. Haycraft*, hearing examiner.

Mr. Ames W. Williams for the Commission.

Kernan and Kernan, of Utica, N.Y., for respondents.

INITIAL DECISION AS TO CERTAIN ALLEGATIONS OF THE COMPLAINT

On February 27, 1959, the Federal Trade Commission issued its complaint against the above-named respondents charging them with violating the provisions of the Federal Trade Commission Act in connection with the manufacture and sale of kitchen utensils, cutlery, stainless steel tableware, advertising specialties and other merchandise. On August 26, 1959, respondents Utica Cutlery Company, a corporation, Albert Edward Allen, individually and as an officer of said corporation, and Walter Joseph Matt, H. Robert Agne, and W. H. Van Vliet, as officers of said corporation, and their counsel and counsel supporting the complaint entered into an agreement containing a consent order to cease and desist, which disposes of certain allegations of the complaint, in accordance with Section 3.25(a) of the Rules of Practice and Procedure of the Commission.

This agreement disposes of all of this proceeding as to all parties except with respect to the allegations set forth in paragraphs 4, 5, 6 and 7 of the complaint and paragraphs 11 and 12 insofar as they pertain to paragraphs 4, 5, 6 and 7, which will be otherwise disposed of in another Initial Decision.

It is set out in the agreement that individual respondents Walter Joseph Matt, H. Robert Agne and W. H. Van Vliet, while officers and directors of the corporate respondent, are not concerned with the