

IN THE MATTER OF
LEO COFF DOING BUSINESS AS TOWNE & COUNTRY
COLOR PHOTOGRAPHERS OF TEXAS

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

Docket 7547. Complaint, July 23, 1959—Decision, Dec. 17, 1959

Consent order requiring a Dallas, Tex., photographer, selling color photographs through door-to-door solicitors, to cease misrepresenting the quality of his finished photographs and the time for sittings and showing of proofs, and claiming falsely that he would promptly deliver photographs purchased.

Mr. Charles W. O'Connell for the Commission.

Mr. William C. Odeneal, Jr., of Dallas, Tex., for respondent.

INITIAL DECISION BY JOHN B. POINDEXTER, HEARING EXAMINER

On July 23, 1959, the Federal Trade Commission issued its complaint charging that Leo Coff, an individual doing business as Towne & Country Color Photographers of Texas, had violated the provisions of the Federal Trade Commission Act. The complaint alleged that respondent in the course and conduct of his business had made false, misleading and deceptive statements and representations for the purpose of securing orders for color photographs.

After issuance and service of the complaint, the above-named respondent, his attorney, 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

664

Decision

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 he has violated the law as alleged in the complaint.

The undersigned hearing examiner having considered the agreement and proposed order hereby accepts such agreement, makes the following jurisdictional findings, and issues the following order:

JURISDICTIONAL FINDINGS

1. Respondent Leo Coff is an individual doing business as Towne & Country Color Photographers of Texas with his principal office and place of business located at 2632 Swiss Avenue, Dallas, Texas.
2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondent hereinabove named and the proceeding is in the public interest.

ORDER

It is ordered, That respondent Leo Coff, an individual doing business as Towne & Country Color Photographers of Texas, or under any other name or names, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of photographs in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

(a) That the respondent will take photographs at a designated time or on a specified date, or that proofs of photographs will be shown to the customer by a specified date or within a short time after the sitting; or within any other period of time, that is not in accordance with the fact;

(b) That respondent will promptly deliver photographs purchased;

(c) That respondent will furnish photographs of the same quality as sample photographs or color transparencies viewed by purchasers.

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 December, 1959, become the decision of the Commission; and, accordingly:

