

and 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
FILDERMAN CORPORATION ET AL.

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

Docket 7572. Complaint, Aug. 27, 1959—Decision, Dec. 30, 1959

Consent order requiring three affiliated corporations—engaged under the name of "Todd's" in the retail sale in the Washington, D.C., area of major appliances, minor appliances, and automobile accessories, respectively—to cease representing falsely in newspaper advertising that stated higher prices, some of them designated "Reg." or "Orig.," were the usual retail prices of merchandise and that purchasers realized savings in buying at the lower prices, and that certain prices for electrical appliances, including upright freezers, were current manufacturers' list prices; and requiring them also to cease overstating the cubic capacity of the freezers.

Mr. Edward F. Downs for the Commission.

Mr. Joseph B. Guildenhorn of *Miller, Brown & Guildenhorn*, of Washington, D.C., for *En-Kay Automotive, Inc.*, *Samuel L. Katz* and *Albert I. Nathanson*.

Filderman Corporation, F F & G Corporation, Wolfe Filderman and Dorrel Goldman, for themselves.

INITIAL DECISION BY HARRY R. HINKES, HEARING EXAMINER

The Federal Trade Commission issued its complaint against the above-named respondents on August 27, 1959 charging them with having violated the Federal Trade Commission Act in the sale of various types of merchandise.

Thereafter, on October 22, 1959 respondents En-Kay Automotive, Inc., Samuel L. Katz and Albert I. Nathanson and counsel supporting the complaint herein entered into an agreement containing a consent order to cease and desist. On the same date respondents Filderman Corporation, F F & G Corporation, Wolfe Filderman and Dorrel Goldman and counsel supporting the complaint herein entered into a similar separate agreement. These agreements provide, among other things, that respondents admit all the jurisdictional facts alleged 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 the agreements; that the making 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 this proceeding without further notice to the respondents and when entered shall have the same force and effect as if entered after a full hearing, respondents specifically waiving all the rights they may have to challenge or contest the validity of the order; that the order may be altered, modified, or set aside in the manner provided for other orders; that the complaint may be used in construing the terms of the order; that the agreements are for settlement purposes only and do not constitute an admission by respondents that they have violated the law as alleged in the complaint; and that the agreements shall not become a part of the official record unless and until they become a part of the decision of the Commission.

The hearing examiner having considered the agreements and proposed order and being of the opinion that they provide an adequate basis for appropriate disposition of the proceeding, the agreements are hereby accepted, the following jurisdictional findings made, and the following order issued:

1. Respondent Filderman Corporation is a corporation organized, existing and doing business under and by virtue of the laws of the State of Maryland with its principal office and place of business at

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1102 F Street, N.W., formerly located at 3045 V Street, N.E., Washington, D.C.

Respondent F F & G Corporation is a corporation organized, existing and doing business under and by virtue of the laws of the District of Columbia with its principal office and place of business at 1102 F Street, N.W., formerly located at 3045 V Street, N.E., Washington, D.C.

Respondents Wolfe Filderman and Dorrel Goldman are individuals and officers of corporate respondents Filderman Corporation and F F & G Corporation. They formulate, direct and control the acts and practices of said corporation. Their address is the same as that of the corporate respondents.

Respondent En-Kay Automotive, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Maryland with its principal office and place of business at 2109 Drexel Street, Hyattsville, Maryland, instead of 8801 Bellwood Road, Bethesda, Maryland, as alleged in the complaint.

Respondent Samuel L. Katz is an officer of En-Kay Automotive, Inc., and he participates in the formulation, direction and control of the acts and practices of said corporation. His address is the same as that of En-Kay Automotive, Inc.

Respondent Albert I. Nathanson was, at the time of the issuance of the complaint herein, an officer of En-Kay Automotive, Inc., and he participated in the formulation, direction and control of the acts and practices of said corporation. His address was the same as En-Kay Automotive, Inc.

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 En-Kay Automotive, Inc., a corporation, its officers and Samuel L. Katz and Albert I. Nathanson, individually and as officers of said corporation and respondents Filderman Corporation, a corporation, F F & G Corporation, a corporation, and their officers and Wolfe Filderman and Dorrel Goldman, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale or sale of any merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing directly or by implication:

(a) That a certain price is respondents' usual and customary price for merchandise when it is in excess of the price at which said mer-

chandise is usually and customarily sold by respondents in the normal course of business in the area or areas where the representations are made.

(b) That any saving is afforded in the purchase of merchandise unless the selling price constitutes a reduction from the price at which said merchandise is usually and customarily sold by respondents in the normal course of their business in the area or areas where the representations are made.

(c) That a stated price is the "Manufacturer's List Price" for any merchandise unless it is the current list price of the manufacturer for the identical merchandise to which such price is supplied.

2. Misrepresenting in any manner the amount of savings available to purchasers of respondents' merchandise, or the amounts by which the prices of said merchandise are reduced from the prices at which such merchandise is usually and customarily sold by respondents in the normal course of their business in the area or areas where any such representations are made.

3. Misrepresenting in any manner the size or capacity of any merchandise.

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 30th day of December, 1959, become the decision of the Commission; and, accordingly:

It is ordered, That the 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

GULF OIL CORPORATION