

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

IN THE MATTER OF

C. H. STUART & CO., INC., ET AL.

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

Docket 6634. Modified order, Jan. 7, 1960

Order further modifying desist order of June 7, 1957 (53 F.T.C. 1127 at 1131) by adding "unless such is the fact" to subparagraph (1)(i).

Mr. Jerome Garfinkel and *Mr. J. J. McNally* for the Commission.
Wright & Livingston, of Newark, N.Y.; *Harter, Calhoun, Lish-*
man & Williams, of Washington, D.C.; and *Mr. Clarence A.*
McGillen, Jr., of Washington, D.C., for respondents.

ORDER GRANTING RESPONDENTS' MOTION TO MODIFY ORDER TO
CEASE AND DESIST

This matter having been heard upon the respondents' amended motion to further modify the outstanding order to cease and desist herein; and

It appearing from the motion and from the evidence adduced at a hearing conducted pursuant to the Commission's order of May 19, 1959, reopening the proceeding and referring the case to a hearing examiner, that conditions of fact have so changed as to require the modification requested:

It is ordered, That the amended motion of respondents be, and it hereby is, granted.

It is further ordered, That the order to cease and desist be, and it hereby is, further modified by adding to subparagraph (1)(i) thereof the words "unless such is the fact," said subparagraph to read as follows:

"(i) The nursery stock received by the customer which fails to grow or bloom will be replaced without expense to the customer, unless such is the fact;"

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission

