

Decision

56 F.T.C.

IN THE MATTER OF
COLLINS MICROFLAT COMPANY, INC., ET AL.

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

Docket 7560. Complaint, Aug. 5, 1959—Decision, Jan. 14, 1960

Consent order requiring a company in Hawthorne, Calif., to cease representing falsely in brochures, technical manuals, etc., that the granite used in the granite surface plates it sold was taken from the same quarry as the sample the U.S. Bureau of Standards tested, that the Bureau had tested it and ascertained its desirable qualities, and that it was preferred over all others by the United States Government.

Mr. William A. Somers for the Commission.

Flam, Valensi & Rose, of Los Angeles, Calif., by *Mr. Stephen G. Valensi*, for respondents.

INITIAL DECISION BY EARL J. KOLB, HEARING EXAMINER

The complaint in this proceeding issued August 5, 1959, charges that respondents have violated the provisions of the Federal Trade Commission Act in the sale and distribution of granite surface plates.

Respondent Collins Microflat Company, Inc., is a corporation, existing and doing business under and by virtue of the laws of the State of California, with its office and principal place of business located at 3249 West El Sigundo Boulevard, Hawthorne, California.

The individual respondents, Lee Collins, Gilda Collins, and Helen N. Cates, are officers of said corporate respondent, and their business address is the same as that of the corporate respondent.

After the issuance of the complaint, respondents entered into an agreement containing consent order to cease and desist with counsel in support of the complaint, disposing of all the issues as to all parties in this proceeding, which agreement was duly approved by the Director and Assistant Director of the Bureau of Litigation.

It was expressly provided in said agreement that the signing thereof is for settlement purposes only and does not constitute an admission by respondents that they have violated the law as alleged in the complaint.

By the terms of said agreement, the respondents admitted all the jurisdictional facts alleged in the complaint and agreed that the record herein may be taken as if the Commission had made findings of jurisdictional facts in accordance with the allegations.

Order

By said agreement, the parties expressly waived any further procedural steps before the hearing examiner and the Commission; the making of findings of fact or conclusions of law; and all the rights they may have to challenge or contest the validity of the order to cease and desist entered in accordance with the agreement.

Respondents further agreed that the order to cease and desist, issued in accordance with said agreement, shall have the same force and effect as if made after a full hearing.

It was further provided that said agreement, together with the complaint, shall constitute the entire record herein; that the complaint herein may be used in construing the terms of the order issued pursuant to said agreement; and that said order may be altered, modified or set aside in the manner prescribed by the statute for orders of the Commission.

The hearing examiner has considered such agreement and the order therein contained, and, it appearing that said agreement and order provides for an appropriate disposition of this proceeding, the same is hereby accepted and is ordered filed upon becoming part of the Commission's decision in accordance with Sections 3.21 and 3.25 of the Rules of Practice, and, in consonance with the terms of said agreement, the hearing examiner finds that the Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondents named herein, that this proceeding is in the interest of the public, and issues the following order:

ORDER

It is ordered, That respondents Collins Microflat Company, Inc., a corporation, its officers, and Lee Collins, Gilda Collins and Helen N. Cates, individually and as officers of corporate respondent, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of granite products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that:

1. The granite used by respondents is from the same quarry as the sample tested by the U.S. Bureau of Standards as Serial No. 115 in the Research Paper RP1320.

2. The U.S. Bureau of Standards has made tests of the granite used by the respondents or has ascertained by tests the compressible strength, absorption by weight, true density, porosity, cubic weight or any other properties of the granite used by the respondents.

3. The granite used by the respondents is preferable over all

other granites by virtue of Federal Specification GGG-P-463; or any other specification issued or published by a department, division, bureau or branch of the United States Government, unless such is a fact.

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 14th day of January, 1960, become the decision of the Commission; and, accordingly:

It is ordered. That 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