

IN THE MATTER OF

A. PLACK CARR DOING BUSINESS AS
MICRO-LUBE SALESCONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF
THE FEDERAL TRADE COMMISSION ACT*Docket 7581. Complaint, Sept. 8, 1959—Decision, Mar. 2, 1960*

Consent order requiring a Dallas, Tex., distributor of an oil and gas additive designated "Micro-Lube," to cease advertising falsely that the United States Air Force officially approved of, endorsed, and recommended the product.

Mr. Thomas F. Howder supporting the complaint.

Mr. Frank C. Erwin, Jr. of Austin, Tex., for respondent.

INITIAL DECISION BY LEON R. GROSS, HEARING EXAMINER

On September 8, 1959 the Federal Trade Commission, pursuant to the provisions of the Federal Trade Commission Act, issued its complaint against A. Plack Carr, an individual doing business as Micro-Lube Sales (hereinafter referred to as respondent) charging said respondent with violating the Federal Trade Commission Act by making false, deceptive and misleading statements in selling, offering for sale and distributing an oil and gas additive under the brand name of "Micro-Lube," by giving or attempting to give the impression that the United States Air Force and/or other agencies or branches of the United States Government officially approve, endorse or recommend such products. A true and correct copy of said complaint was served upon respondent as required by law. After being served with the complaint, respondent appeared by counsel and entered into an agreement dated December 7, 1959, which purports to dispose of all of this proceeding as to all parties without the necessity of conducting a hearing. The agreement has been signed by the respondent, his counsel, and by counsel supporting the complaint; and has been approved by the Director and the Assistant Director of the Bureau of Litigation of this Commission. Said agreement contains the form of a consent cease and desist order which the parties have agreed is dispositive of the issues involved in this proceeding. On December 16, 1959 the said agreement was submitted to the above-named hearing examiner for his consideration, in accordance with Section 3.25 of the Commission's Rules of Practice for Adjudicative Proceedings.

Respondent, pursuant to the aforesaid agreement, has admitted all the jurisdictional facts alleged in the complaint and agreed that the record may be taken as if findings of jurisdictional facts had been

duly made in accordance with such allegations. Said agreement further provides that respondent waives any further procedural steps before the hearing examiner and the Commission, the making of findings of fact or conclusions of law, and all of the rights he may have to challenge or contest the validity of the order to cease and desist entered in accordance with such agreement. The parties have, *inter alia*, by such agreement agreed: (1) the order to cease and desist issued in accordance with said agreement shall have the same force and effect as if entered after a full hearing; (2) the complaint may be used in construing the terms of said order; (3) the record herein shall consist solely of the complaint and said agreement; (4) and that 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.

This proceeding having now come on for final consideration on the complaint and the aforesaid agreement of December 7, 1959, containing consent order, and it appearing that the order provided for in said agreement covers all of the allegations of the complaint and provides for an appropriate disposition of this proceeding as to all parties; the agreement of December 7, 1959 is hereby accepted and ordered filed at the same time that this decision becomes the decision of the Federal Trade Commission pursuant to Sections 3.21 and 3.25 of the Commission's Rules of Practice for Adjudicative Proceedings; and

The undersigned hearing examiner having considered the agreement and proposed order and being of the opinion that the acceptance thereof will be in the public interest, makes the following jurisdictional findings, and issues the following order:

JURISDICTIONAL FINDINGS

1. That the Federal Trade Commission has jurisdiction over the parties and the subject matter of this proceeding;
2. Respondent A. Plack Carr is an individual doing business as Micro-Lube Sales whose office and principal place of business is located at 8505 Directors Row in the City of Dallas, State of Texas.
3. Respondent is engaged in commerce as "commerce" is defined in the Federal Trade Commission Act;
4. The complaint herein states a cause of action against said respondent under the Federal Trade Commission Act, and this proceeding is in the public interest.

ORDER

It is ordered, That respondent A. Plack Carr, individually and doing business as Micro-Lube Sales, or under any other name, and

his agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of oil and gasoline additives or any other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. That the United States Air Force, or any other agency or branch of the United States Government officially approves of, endorses, or recommends such products.

2. Nothing in paragraph one of this order shall prevent respondent from truthfully representing the use, if any, which the United States Air Force, or any other agency or branch of the United States Government, makes of any ingredient of said products, provided that such representation does not violate the provisions of paragraph one herein.

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 2nd day of March, 1960, become the decision of the Commission; and, accordingly:

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

UNIVERSAL RECORD DISTRIBUTING CORPORATION
ET AL.