

stated, both allegations are sustained by the evidence.

In view of the foregoing, the appeal of counsel supporting the complaint is granted. The initial decision is set aside, and we are entering our own findings as to the facts, conclusions and order to cease and desist in conformity with this opinion.

Commissioner Tait did not participate in the decision of this matter.

IN THE MATTER OF
REICHART FURNITURE COMPANY ET AL.

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

Docket 7535. Complaint, July 13, 1959—Decision, Mar. 8, 1960

Consent order requiring retailers of furniture, home furnishings, electrical appliances, etc., in Wheeling, W. Va., to cease making deceptive pricing and savings claims for their merchandise by such advertisements as "Regularly \$16.95 BASE CABINET \$8.88 * * *"; "5-Pc. Day-O-Niter Outfit! Usually \$129.95! Save \$41.95 * * * At Reichart's Only \$88," in which the prices following the words "Regularly," "Usually," and, "List" were greatly in excess of the usual prices, and the purported savings were fictitious.

Mr. Morton Nesmith for the Commission.

Mr. J. T. McCamic of *McCamic & Tinker*, of Wheeling, W. Va., for respondents.

INITIAL DECISION BY LOREN H. LAUGHLIN, HEARING EXAMINER

The Federal Trade Commission (sometimes hereinafter referred to as the Commission) on July 13, 1959, issued its complaint herein, charging respondents with having violated the provisions of the Federal Trade Commission Act by the use of false, misleading and deceptive advertisements by mail and otherwise in interstate commerce in connection with the prices of furniture, home furnishings and electrical and other household appliances sold by them to the public. Respondents were duly served with process and thereafter on October 26, 1959, agreed to a motion to amend the complaint made by counsel supporting the complaint. This motion was found to be without prejudice to the public interest or to the rights of the parties, and it was sustained by an order of the hearing examiner

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Decision

ized magazines which are undeliverable, thus leading to the substitution of other magazines by the respondents. As previously stated, both allegations are sustained by the evidence.

In view of the foregoing, the appeal of counsel supporting the complaint is granted. The initial decision is set aside, and we are entering our own findings as to the facts, conclusions and order to