

It is ordered, That the initial decision of the hearing examiner, as so modified, be, and it hereby is, adopted as the decision of the Commission.

It is further ordered, That the respondent, Colgate-Palmolive Company, a corporation, shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order contained in said initial decision.

IN THE MATTER OF

W & J SLOANE

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

Docket 7579. Complaint, Sept. 8, 1959—Decision, Mar. 10, 1961

Order dismissing without prejudice—for the reason that the alleged unfair practices were committed by another company, since dissolved—complaint charging a New York City dealer with misrepresenting the price, composition, and size of its rugs.

Mr. Charles Donelan and Mr. Charles S. Cox for the Commission.
Goldstein, Judd & Gurfein, of New York, N. Y., for respondent.

INITIAL DECISION BY HARRY R. HINKES, HEARING EXAMINER

Respondent W & J Sloane, a New York corporation, is charged in a complaint issued by the Federal Trade Commission on September 8, 1959 with violations of the provisions of the Federal Trade Commission Act in connection with the advertising, offering for sale, sale and distribution of rugs. Pursuant to notice, hearings were held in New York City.

Counsel for the complaint now moves that this proceeding be dismissed without prejudice to the right of the Commission to institute further proceedings in this matter. He points out that the proceeding is directed against W & J Sloane, a corporation, incorporated under the laws of the State of New York; that no officer or other individuals were joined as parties respondent; that the acts and practices alleged in the complaint apparently occurred in December, 1957, and were committed by W & J Sloane, Inc., a corporation existing and doing business under the laws of the State of Delaware and not by respondent herein; that W & J Sloane, Inc. of Delaware was dissolved on February 2, 1960; and that on or about September

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1, 1957, the name of respondent herein was changed to W & J Sloane Realty Corporation.

The record taken at the hearings held in this proceeding confirms this recitation of corporate identities.

Under the circumstances, there does not appear to be any basis for a continuation of this proceeding against the named corporate respondent. The dismissal of the complaint should, however, in the hearing examiner's opinion, be without prejudice to the right of the Commission to take further action in the matter in the future should that course appear to be necessary.

ORDER

It is therefore ordered, That the complaint be, and the same hereby is, dismissed without prejudice to the right of the Commission to take any further action in the matter in the future which may be warranted by the then existing circumstances.

DECISION OF THE COMMISSION

Pursuant to Section 3.21 of the Commission's Rules of Practice, the initial decision of the hearing examiner as to the above-named respondent shall on the 10th day of March, 1961, become the decision of the Commission.
