

It is further ordered, That the respondent herein 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 this order.

IN THE MATTER OF

JOHN HAMILTON TRADING AS
JOHN HAMILTON AGENCY

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

Docket 8480. Complaint, Apr. 18, 1962—Decision, Aug. 4, 1962

Order requiring an individual in West Hollywood, Calif., engaged in selling printed forms designated as "Last Will and Testament" and "Will Planning Guide" to distributors for resale, to cease representing falsely in magazine advertisements bearing the names and addresses of said distributors, that his said products would afford the purchaser the legal knowledge necessary to enable him to prepare a will that would be valid in all states of the United States.

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act, and by virtue of the authority vested in it by said Act, the Federal Trade Commission, having reason to believe that John Hamilton, an individual trading as John Hamilton Agency, hereinafter referred to as the respondent, has violated the provisions of the said Act, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest, hereby issues its complaint stating its charges as follows:

PARAGRAPH 1. Respondent John Hamilton is an individual trading as John Hamilton Agency, with his office and place of business located at 7777 Sunset Boulevard, West Hollywood, Calif.

PAR. 2. Respondent is now, and for some time last past has been, engaged in the advertising, offering for sale, sale and distribution of printed forms designated as "Last Will and Testament" and "Will Planning Guide" to distributors for resale to the purchasing public.

PAR. 3. In the course and conduct of his business, respondent now causes, and for some time last past has caused, his said products, when sold, to be shipped from his place of business in the State of California to purchasers thereof located in various other States of the United States and maintains, and at all times mentioned herein has main-

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tained, a substantial course of trade in said products, in commerce, as "commerce" is defined in the Federal Trade Commission Act.

PAR. 4. In the course and conduct of his business and for the purpose of inducing the sale of said printed forms, respondent has prepared and placed in magazines of general circulation, advertisements bearing the names and addresses of said distributors and containing the following or similar statements:

HAVE YOU MADE A WILL?

(Pictures of the Will
Planning Guide and Last
Will and Testament)

PROTECT YOUR LOVED ONES!

Don't neglect this duty or your property, bank account, etc., (jointly owned or not), can be tied up in court for months, your wishes misinterpreted and your loved ones left without funds in their most desperate time of need. Order your will kit today, comes complete with easy planning guide legal in all states. Only \$1.00 ppd.

PAR. 5. By the aforesaid practices respondent has represented, and has placed in the hands of distributors and others the means and instrumentalities of representing, directly or by implication, that said products will afford the purchaser or user that degree of legal knowledge necessary to enable such person to prepare a last will and testament which would be valid and operative in any or all states of the United States.

PAR. 6. Said statements and representations are false, misleading and deceptive. In truth and in fact said products will not afford the purchaser or user that degree of legal knowledge necessary to enable such person to prepare a last will and testament which would be valid and operative in any or all states of the United States.

PAR. 7. In the conduct of his business at all times mentioned herein, respondent has been in substantial competition, in commerce, with corporations, firms, and individuals in the sale of will forms and other products of the same general kind and nature as those sold by respondent.

PAR. 8. The use by respondent of the aforesaid false, misleading and deceptive statements, representations and practices has had, and now has, the capacity and tendency to mislead members of the purchasing public into the erroneous and mistaken belief that said statements and representations were and are true and into the purchase of substantial quantities of respondent's products by reason of said erroneous and mistaken belief.

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PAR. 9. The aforesaid acts and practices of respondent, as herein alleged, were and are all to the prejudice and injury of the public and of respondent's competitors and constituted, and now constitute, unfair and deceptive acts and practices in commerce, in violation of Section 5(a) (1) of the Federal Trade Commission Act.

Mr. John J. McNally for the Commission.

No appearance filed for respondent.

INITIAL DECISION BY WILMER L. TINLEY, HEARING EXAMINER

The Federal Trade Commission, on April 18, 1962, issued its complaint, charging the respondent named in the caption hereof with violation of the Federal Trade Commission Act by misrepresentations in connection with the sale of printed forms designated as "Last Will and Testament" and "Will Planning Guide". The complaint was duly served upon respondent by registered mail on April 30, 1962, and the respondent has not filed his answer to the complaint within the time required, and is now in default. Pursuant to the provisions of Rule 4.5(2) (c) of the Commission's Rules of Practice for Adjudicative Proceedings, the hearing examiner hereby declares the respondent in default and now finds the facts to be as alleged in the complaint, and issues his initial decision containing such findings, appropriate conclusions drawn therefrom, and order to cease and desist.

FINDINGS OF FACT

1. Respondent John Hamilton is an individual trading as John Hamilton Agency, with his office and place of business located at 7777 Sunset Boulevard, West Hollywood, Calif.
2. Respondent is now, and for some time last past has been, engaged in the advertising, offering for sale, sale and distribution of printed forms designated as "Last Will and Testament" and "Will Planning Guide" to distributors for resale to the purchasing public.
3. In the course and conduct of his business, respondent now causes, and for some time last past has caused, his said products, when sold, to be shipped from his place of business in the State of California to purchasers thereof located in various other States of the United States and maintains, and at all times mentioned herein has maintained, a substantial course of trade in said products, in commerce, as "commerce" is defined in the Federal Trade Commission Act.
4. In the course and conduct of his business and for the purpose of inducing the sale of said printed forms, respondent has prepared and placed in magazines of general circulation, advertisements bear-

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ing the names and addresses of said distributors and containing the following or similar statements:

HAVE YOU MADE A WILL?

(Pictures of the Will Planning Guide and Last Will and Testament)

PROTECT YOUR LOVED ONES!

Don't neglect this duty or your property, bank account, etc. (jointly owned or not), can be tied up in court for months, your wishes misinterpreted and your loved ones left without funds in their most desperate time of need. Order your will kit today, comes complete with easy planning guide legal in all states. Only \$1.00 ppd.

5. By the aforesaid practices respondent has represented, and has placed in the hands of distributors and others the means and instrumentalities of representing, directly or by implication, that said products will afford the purchaser or user that degree of legal knowledge necessary to enable such person to prepare a last will and testament which would be valid and operative in any or all states of the United States.

6. Said statements and representations are false, misleading and deceptive. In truth and in fact said products will not afford the purchaser or user that degree of legal knowledge necessary to enable such person to prepare a last will and testament which would be valid and operative in any or all states of the United States.

7. In the conduct of his business at all times mentioned herein, respondent has been in substantial competition, in commerce, with corporations, firms, and individuals in the sale of will forms and other products of the same general kind and nature as those sold by respondent.

8. The use by respondent of the aforesaid false, misleading and deceptive statements, representations and practices has had, and now has, the capacity and tendency to mislead members of the purchasing public into the erroneous and mistaken belief that said statements and representations were and are true and into the purchase of substantial quantities of respondent's products by reason of said erroneous and mistaken belief.

CONCLUSION

The aforesaid acts and practices of respondent, as herein found, were and are all to the prejudice and injury of the public and of respondent's competitors and constituted, and now constitute, unfair and deceptive acts and practices in commerce, in violation of Section 5(a)(1) of the Federal Trade Commission Act.

ORDER

It is ordered, That respondent, John Hamilton, an individual, trading as John Hamilton Agency, or under any other name or names, and respondent's agents, representatives and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale and distribution, in commerce, as "commerce" is defined in the Federal Trade Commission Act, of printed forms designated as "Will Planning Guide" and "Last Will and Testament", or any other forms or products purportedly designed to enable the purchaser to prepare a legal document, do forthwith cease and desist from:

1. Representing, directly or by implication, that said products will afford the purchaser or user that degree of legal knowledge necessary to enable such person to prepare a last will and testament or other legal document which would be valid and operative in any or all states of the United States.

2. Furnishing or otherwise placing in the hands of distributors or dealers in said products the means and instrumentalities by and through which they may mislead or deceive the public in the manner or as to the things hereinabove prohibited.

DECISION OF THE COMMISSION AND ORDER TO FILE REPORT OF
COMPLIANCE

Pursuant to Section 4.19 of the Commission's Rules of Practice, effective June 1, 1962, the initial decision of the hearing examiner shall on the 4th day of August 1962, become the decision of the Commission; and, accordingly:

It is ordered, That 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.
