

affirmative defense.

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

IN THE MATTER OF
ENTERPRISE STORES, INC., ET AL.

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

Docket 8028. Complaint, June 27, 1960—Decision, Oct. 5, 1962

Order requiring the Boston operators of chains of department stores selling electrical appliances and other merchandise to the public, to cease their practice of using amounts designated as "list", "mfr's list", "orig. list", and "reg.", together with lesser amounts in their advertising, representing falsely thereby that the higher amounts were the usual retail prices in their trade areas and that the difference represented a saving to the purchaser.

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 Enterprise Stores, Inc., a Massachusetts corporation, J. M. Fields of Orlando, Inc., a Delaware corporation, J. M. Fields of Worcester, Inc., a Massachusetts corporation, J. M. Fields of Holyoke, Inc., a Massachusetts corporation, J. M. Fields of Tampa, Inc., a Delaware corporation, J. M. Fields of Hartford, Inc., a Massachusetts corporation, J. M.

Complaint

It is ordered, That the initial decision be modified by striking therefrom findings numbered 10 through 12, on pages 938 and 939 thereof, and substituting therefor the following finding:

10. Counsel supporting the complaint has not sustained the burden of proving that the payments induced by respondent for its TV program were unavailable on proportionally equal terms to respondent's competitors competing in the resale of goods purchased from suppliers who made such allowances.

It is further ordered, That the findings in the initial decision numbered 13 through 21 be renumbered 11 through 19, respectively.

It is further ordered, That the initial decision be modified by striking therefrom that portion beginning on page 941 with the phrase "The position of counsel supporting the complaint" and ending on page 946 with the phrase "it is unnecessary to consider respondent's affirmative defense."

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