

and assist.

IN THE MATTER OF
IMPERIAL RELAMPAGO CORP. ET AL.

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

Docket C-603. Complaint, Sept. 27, 1963—Decision, Sept. 27, 1963

Consent order requiring New York City distributors of drug preparations to cease representing falsely in advertising in newspapers and magazines, by radio and television and otherwise, that the three preparations concerned would, respectively, be of benefit in the treatment of (1) fever, colds, grippe and aching muscles; (2) bronchial coughs; and (3) nervous disturbances, headache and insomnia.

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 Imperial Relampago Corp., a corporation, and Murray Goldenstein and Rose Goldenstein, individually and as officers of said corporation, hereinafter referred to as respondents, have violated the provisions of the Federal Trade Commission 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 in respect thereof as follows:

PARAGRAPH 1. Respondent Imperial Relampago Corp. is a corporation organized, existing and doing business under and by virtue of the laws of the State of New York with its principal office and place of business located at 540 Ninth Avenue, New York 18, New York.

Respondents Murray Goldenstein and Rose Goldenstein are officers of the corporate respondent. They formulate, direct and control the acts and practices hereinafter set forth. Their address is the same as that of the corporate respondent.

PAR. 2. Respondents are now, and have been for more than a year last past, engaged in the sale and distribution of preparations containing ingredients which come within the classification of drugs as the term "drugs" is defined in the Federal Trade Commission Act.

The designations used by respondents for said preparations, the formulae thereof and directions for use are as follows:

Designation: Alcolado Relampago

Quantitative Formula:

	<i>Calculated Percent</i>
Menthol, 6 pounds, 4 ounces.....	0.83
Camphor, 10 pounds.....	1.33
Oil of Fir Siber, 10 ounces.....	.086
Oil Eucalyptus, 2 ounces, 240 minims.....	.022
Menta Green, 10 grains.....	.00019
Tartrazine, 20 grains.....	.00038
Blue #1, 15 grains.....	.00028
Iso Alcohol 91%, 70½ gallons.....	71.0
Water q.s., 90 gallons.....	

Directions for Use:

FOR EXTERNAL USE ONLY For the external relief of discomforts of muscular aches due to exposure to cold or fatigue. To relieve local congestions due to cold rub into throat, chest and back. Relieves tired feet and refreshing for simple headache.

Designation: Bronkomulsion Relampago

Quantitative Bulk Formula:

	<i>Calculated Amounts Per Dose</i>
Special Percolate, 154 gallons.....	
Granulated sugar, 1,820 pounds.....	11 Gm.
Caramel, 45 pints.....	0.3 cc
4000 U Vitamin A+30%, 100,000 M.U.....	1,320 U.
400 U Vitamin D+30%, 10,000 M.U.....	132 U.
Menthol, 7½ ounces.....	3 mg.
Benzoic acid, 2 pounds, 2 ounces.....	13 mg.
1% Alcohol, 3 gallons 1 pint 4 oz.....	1%
Acacia, 5 pounds.....	30 mg.
Oil of Orange 5 fold, 15 fluid ounces.....	.006 cc
Water q.s., 300 gallons.....	

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Special Percolate Formula:

Ground White Pine drug mixture, 120 pounds.....	750 mg.
Pine Tar (8.75 lb=1 gal.), 15 pounds.....	90 mg.
Rice Hulls, 19 pounds.....	
Solution of caustic soda, 2½ pints.....	
Water q.s., 154 gallons.....	

Ground White Pine Drug Mixture:

White Pine Bark
 Balm of Gilead Buds
 Wild Cherry Bark
 Sanquinaria
 Spikenard Root
 Sassafras
 Cudbear

Directions For Use:

Adults one (1) tablespoonful every three (3) hours.

Children from eight to twelve years of age two (2) teaspoonfuls every three (3) hours.

IMPORTANT—If cough persists or recurs frequently, or high fever, consult your physician.

SHAKE WELL.

Designation: Serabrina La France

Quantitative Bulk Formula:

	<i>Calculated Amounts Per Dose (15 cc)</i>
Sodium Bromide, 11 pounds.....	396 mg.
Potassium Bromide, 11 pounds.....	396 mg.
Ammonium Bromide, 5 pounds 8 ounces.....	198 mg.
Calcium Glycerophosphate, 1 pound.....	36 mg.
Iron Glycerophosphate, 4 ounces.....	9 mg.
Oil Cassia, 250 minums.....	.0012 cc.
Caramel, 2 gallons.....	.6 cc.
Sodium Benzoate, 8 ounces.....	18 mg.
Soluble Saccharin, 2 ounces.....	4.5 mg.
Sugar, 100 pounds.....	3.6 mg.
Water q.s., 50 gallons.....	15 cc.

Directions For Use:

ADULT DOSAGE: One tablespoonful three times daily but do not exceed four tablespoonfuls in 24 hours.

CAUTION: Use only as directed. Do not give to children or use in the presence of kidney disease. If skin rash appears or if nervous symptoms persists, reoccur frequently, or are unusual, discontinue use and consult physician. Keep this and other medicines out of the reach of children.

According to the bottle label EACH FLUID OUNCE CONTAINS:

Sodium Bromide.....	12 grs.
Potassium Bromide.....	12 grs.
Ammonium Bromide.....	6 grs.
With Iron and Calcium Glycerophosphates	

PAR. 3. Respondents cause said preparations, when sold, to be transported from their place of business in the State of New York, to purchasers thereof located in various other States of the United States and in the District of Columbia. Respondents maintain and at all times mentioned herein have maintained, a course of trade in said preparations in commerce, as "commerce" is defined in the Federal Trade Commission Act.

PAR. 4. In the course and conduct of their said business, respondents have disseminated, and caused the dissemination of, certain advertisements concerning the said preparation by the United States mails and by various means in commerce, as "commerce" is defined in the Federal Trade Commission Act, including, but not limited to, advertisements inserted in newspapers, magazines and other advertising media, and by means of television and radio broadcasts transmitted by television and radio stations located in various States of the United States, and in the District of Columbia, having sufficient power to carry such broadcasts across state lines, for the purpose of inducing and which were likely to induce, directly or indirectly, the purchase of said preparations; and has disseminated, and caused the dissemination of, advertisements concerning said preparations by various means, including but not limited to the aforesaid media for the purpose of inducing and which were likely to induce, directly or indirectly, the purchase of said preparations in commerce, as "commerce" is defined in the Federal Trade Commission Act.

PAR. 5. Among and typical of the statements and representations contained in said advertisements disseminated as hereinabove set forth are the following:

1. Fever, colds, grippe with body ache is quite common. For external, rapid, safe relief use the sensational Alcolado Relampago. Alcolado Relampago is different, not like any other. It is entirely medicinal. From the earth plant extracts, from the laboratory chemical substances to produce the penetrating medicinal Alcolado Relampago. Splendid for rubbing on the chest, shoulders and throat for relieving the aches of chest congestion. Effective for the external relief of the discomforts of fever. Wonderful for relieving aching muscles in the shoulders, arms, back and legs due to exposure, cold or fatigue. The best of them all, a beneficence in the home, superb medicinal alcolado, Alcolado Relampago, Alcolado Relampago.

2. For the bad bronchial cough that torments and chest congested due to a cold, Bronkomulsion Relampago. For aid in loosening and clearing phlegm from the heavy feeling, congested chest, Bronkomulsion. For hoarseness, irrita-

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tion and smarting of a dry, sore and painful throat, Bronkomulsion. Even for a strong bronchial cough of children or adults, direct, safe, amazingly rapid—Bronkomulsion, Bronkomulsion Relampago.

(Sound of Cough) Stop that cough! Wonderful relief from the first teaspoonful of the remedy that is prepared like a doctor's prescription—Bronkomulsion Relampago to loosen mucous due to chest congestion due to a cold, to soothe the irritation of a dry irritated throat, for coughs of adults and children—highly effective and safe, amazingly fast—Bronkomulsion Relampago. Direct, safe relief with the grand medicinal remedy Bronkomulsion Relampago.

3. For nervousness, irritability and restlessness—symptoms of functional nervous disturbances, the well known sedative—Serabrina La France. Calm tense nerves and for insomnia Serabrina. For nervous headache Serabrina. Take only as directed for calming agitated nerves and for restful sleep resulting in more energy and vitality. The grand tonic-sedative with glycerophosphates of iron and calcium—Serabrina La France.

Persons that suffer from functional nervous disturbance may suffer from these symptoms—irritability, restlessness, nervous tension headache or insomnia. At times they lose their calm easily, don't sleep well nor enjoy the repose that restores energy. How terrible long nights passed in insomnia, twisting and turning on the bed and sleep does not come. One arises with edgy nerves, feeling terribly tired. How is one to work and face the daily problems? As a result of this nervousness your family, your friends and the happiness of the home suffer the consequences. Calm nerves with Serabrina La France. Well known tonic-sedative with glycerophosphates of calcium, and iron for the blood. Serabrina, take only as directed. Serabrina La France. Serabrina.

PAR. 6. Through the use of said advertisements and others similar thereto not specifically set out herein respondents have represented and are now representing:

1. That Alcolado Relampago will relieve fever, grippe, colds and chest congestion;

2. That Bronkomulsion Relampago will relieve bad bronchial coughing, chest congestion, sore throat, and hoarseness, and will loosen and clear phlegm and mucous from a congested chest;

3. That Serabrina La France will calm tense nerves and be effective in relieving and treating functional nervous disturbances and nervousness, irritability, restlessness, nervous tension and headaches;

4. That Serabrina La France will correct insomnia, causing restful sleep resulting in more energy and vitality and improving the user's ability to work;

5. That the glycerophosphates of iron and calcium contained in Serabrina La France have tonic and sedative effects;

PAR. 7. In truth and in fact:

1. Alcolado Relampago will not be of benefit in the relief or treatment of grippe, colds or chest congestion, or the symptoms or discomforts thereof, or of fever;

2. Bronkomulsion Relampago will not be of benefit in the relief or treatment of bronchial cough, chest congestion or hoarseness; will

not be of any value in loosening or clearing phlegm from a congested chest or in loosening mucous due to chest congestion; and will have no beneficial therapeutic effect in excess of the temporary relief of a cough accompanying a common cold;

3. Serabrina La France will not be of benefit in the relief or treatment of any functional nervous disturbance, or of nervousness, irritability, restlessness, nervous tension or any other symptom of any functional nervous disturbance in excess of the temporary relief of such symptoms following several days of administration;

4. Serabrina La France is of no value in the relief or treatment of a headache;

5. Serabrina La France will be of no benefit in the relief and treatment of insomnia except the temporary relief thereof following administration for several days, and any sleep resulting from such administration will not increase energy or vitality, or improve ability to work;

6. Neither iron nor calcium glycerophosphates, in the amounts supplied by Serabrina La France, will be of any therapeutic value.

Therefore, the advertisements referred to in Paragraph Five were, and are, misleading in material respects and constituted, and now constitute, "false advertisements" as that term is defined in the Federal Trade Commission Act.

PAR. 8. The dissemination by the respondents of the false advertisements, as aforesaid, constituted, and now constitutes, unfair and deceptive acts and practices in commerce, in violation of Sections 5 and 12 of the Federal Trade Commission Act.

DECISION AND ORDER

The Commission having heretofore determined to issue its complaint charging the respondents named in the caption hereof with violation of the Federal Trade Commission Act, and the respondents having been served with notice of said determination and with a copy of the complaint the Commission intended to issue, together with a proposed form of order; and

The respondents and counsel for the Commission having thereafter executed an agreement containing a consent order, an admission by respondents of all the jurisdictional facts set forth in the complaint to issue herein, a statement that the signing of said agreement is for settlement purposes only and does not constitute an admission by respondents that the law has been violated as set forth in such complaint, and waivers and provisions as required by the Commission's rules; and

The Commission, having considered the agreement, hereby accepts same, issues its complaint in the form contemplated by said agreement, makes the following jurisdictional findings, and enters the following order:

1. Respondent Imperial Relampago Corp. is a corporation organized, existing and doing business under and by virtue of the laws of the State of New York, with its office and principal place of business located at 540 Ninth Avenue, in the city of New York, State of New York.

Respondents Murray Goldenstein and Rose Goldenstein are officers of said corporation and their address is the same as that of said corporation.

2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondents, and the proceeding is in the public interest.

ORDER

It is ordered, That respondents Imperial Relampago Corp., a corporation, and its officers and Murray Goldenstein and Rose Goldenstein, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of "Alcolado Relampago", "Bronkomulsion Relampago", "Serabrina La France", or any other preparations of similar composition or possessing substantially similar properties, do forthwith cease and desist from directly or indirectly:

1. Disseminating, or causing the dissemination of any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act which represents directly or by implication that:

(a) Alcolado Relampago will be of any benefit in the relief or treatment of fever, grippe, colds or chest congestion, or the symptoms or discomforts thereof, or of fever;

(b) Bronkomulsion Relampago:

(1) Will be of any benefit in the relief or treatment of bronchial cough, chest congestion or hoarseness;

(2) Will be of any value in loosening or clearing phlegm from a congested chest, or in loosening mucous due to chest congestion; or

(3) Has any beneficial therapeutic effect in excess of the temporary relief of a cough accompanying a common cold;

(c) Serabrina La France will be of any benefit in the relief or treatment of any functional nervous disturbance,

or of nervousness, irritability, restlessness, nervous tension, or any other symptom of any functional nervous disturbance unless clearly and conspicuously limited to the temporary relief of such symptoms following several days of administration;

(d) Serabrina La France will be of any value in the relief or treatment of a headache;

(e) Serabrina La France will be of any benefit in the relief or treatment of insomnia unless clearly and conspicuously limited to the temporary relief thereof following administration for several days, or that sleep then resulting will increase energy or vitality, or improve ability to work;

(f) The iron or calcium glycerophosphates supplied by Serabrina La France will be of any therapeutic value.

2. Disseminating, or causing to be disseminated, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of respondents' preparations, in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations prohibited in Paragraph 1 hereof.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission, Commissioner Elman not concurring.

IN THE MATTER OF

FAMILY PUBLICATIONS SERVICE, INC., ET AL.

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

Docket C-604. Complaint, Sept. 27, 1963—Decision, Sept. 27, 1963

Consent order requiring a corporate door-to-door seller of magazine subscriptions—jointly owned by Parents' Magazine Enterprises, Inc., and Time, Inc., and with branch offices located throughout the United States—to cease such unfair practices in attempts to collect delinquent accounts as representing falsely that such accounts had been referred to an independent collection agency through use of the fictitious name "UNITED STATES CIRCULATION CREDIT BUREAU"; sending to delinquents from their various branch offices letters and forms threatening to take legal action, when they had no such intention; and threatening in letters that the delinquent's employer would be informed of the debt, and that his wages would be attached or levied upon.

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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 Family Publications Service, Inc., a corporation, and Eugene J. Foley, Roy W. Titus and Richard G. Brown, individually and as officers of said corporation, hereinafter referred to as respondents, have violated the provisions of 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 in that respect as follows:

PARAGRAPH 1. Respondent Family Publications Service, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Delaware, with its office and principal place of business located at 52 Vanderbilt Avenue, New York 17, New York.

Respondent Family Publications Service, Inc., is an independent corporation owned equally by Parents' Magazine Enterprises, Inc., a New York corporation, with its principal office and place of business located at 52 Vanderbilt Avenue, New York 17, New York, and Time, Inc., a New York corporation with its principal office and place of business located in the Time-Life Building, Rockefeller Center, New York 20, New York.

Respondents Eugene J. Foley, Roy W. Titus and Richard G. Brown are officers of the corporate respondent. They formulate, direct and control the acts and practices of the corporate respondent including the acts and practices hereinafter set forth. Their addresses are the same as that of the corporate respondent, Family Publications Service, Inc.

PAR. 2. Respondents are now, and for some years past have been, engaged in the sale of magazine subscriptions on an installment basis to persons throughout the United States.

Respondents employ the following method of selling these subscriptions:

(a) A branch office is established in a locality by order, and under the control, of the respondents. Commission sales agents or representatives are employed by the branch office to sell magazine subscriptions door-to-door;

(b) When a sale is made, the purchaser signs a subscription form and makes an initial payment to the sales agent or representative who transmits the money received to his branch office. The branch office forwards the initial payment to respondents' offices in Bergenfield, New Jersey, and respondents notify the appropriate publishers to start service on the subscriptions.

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(c) The magazines are sent by mail from the publisher direct to the subscriber. The subscriber pays a monthly installment to a collector from the local branch office. The branch office sends the installment to respondents' Bergenfield, New Jersey office where the publishers' portions of the payment are forwarded to the individual publishers.

PAR. 3. Respondents, through their arrangements with magazine publishers, cause the magazines sold in the manner described in Paragraph 2 hereof, to be shipped from the States in which such magazines are printed or published to subscribers located in various States of the United States other than those in which such magazines are printed and published.

Respondents, through the branch offices of Family Publications Service, Inc., located throughout the United States, send through the mails invoices and other instruments of a commercial nature. Monies obtained from subscribers by personnel of such branch offices throughout the United States are transmitted to respondents' places of business in Bergenfield, New Jersey, and New York, New York. Respondents maintain, and at all times mentioned herein have maintained, a substantial course of trade in commerce, as "commerce" is defined in the Federal Trade Commission Act.

PAR. 4. In the course and conduct of their business, respondents have caused and cause to be sent, through the mails from their places of business located in the State of New Jersey and various other States of the United States letters, forms and other printed matter to subscribers whose accounts have become delinquent. Typical, but not all inclusive of such letters, forms and other printed matter is the following:

(SEAL)

UNITED STATES CIRCULATION CREDIT BUREAU

(Name of subscriber)

Date -----

Amount of claim -----

Contract No. -----

Dear -----,

As our efforts to effect collection of your past due account have brought no response, you are hereby informed that settlement must be made by -----
(Date inserted)

Otherwise claim will be placed in the hands of an attorney in your locality for prompt action.

You will save unnecessary expense by immediate payment.

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Remittances and communications should be sent to the Creditor, Family Publications Service, Inc.

Family Publications Service, Inc. (Local branch office address).

Your credit is invaluable—treat it as an asset

Respondents thereby represent that such delinquent accounts have been referred to an independent organization engaged in the business of collecting delinquent accounts.

In truth and in fact, "United States Circulation Credit Bureau" is a fictitious name used by respondents in collecting delinquent accounts and the accounts in question have not been referred to an independent organization engaged in the business of collecting delinquent accounts.

Therefore, the aforesaid representations are false, misleading and deceptive.

PAR. 5. In the course and conduct of their business, respondents cause, and have caused, to be sent from their various places of business throughout the United States letters, forms and other printed matter to subscribers whose accounts have become delinquent. Said letters, forms and other printed matter contain many statements or representations as to the action that has been taken or will be taken to effect the collection of such delinquent accounts.

Typical, but not all inclusive, of such statements are the following:

Our attorneys have just advised us that unless payment on your account is in this office by _____, legal action will be started.

Your account is being sent to our attorneys to take whatever action is necessary to protect our interest.

Copies of * * * OUR MONTHLY DELIQUENT REPORT * * * are sent to our Legal Department, our *Home Office* and to the *Local Credit Bureau*.

By means of the foregoing statements or representations, respondents represent, directly or by implication, that delinquent accounts not settled to respondents' satisfaction will be collected by legal action. In truth and in fact, respondents have no intention of collecting said accounts by legal action and do not resort to legal action to collect such accounts. Therefore, the aforesaid statements and representations were false, misleading and deceptive.

PAR. 6. In the course and conduct of their business, respondents cause, and have caused, to be sent from their various places of business throughout the United States many other letters, forms and items of printed matter to subscribers whose accounts have become delinquent. Said letters, forms and other printed matter also contain many statements or representations as to other action that has been taken or will be taken to effect the collection of such delinquent accounts.

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Typical, but not all inclusive, of such statements or representations are the following:

(a) As you have neglected to make your payments on the above mentioned account, we have no other alternative than to seize your salary.

(b) Attorney's action frequently means contact at place of employment.

(c) Dear Subscriber:

We feel that we have given you ample time to pay this small amount. Therefore, we suggest that if it meets with your approval, *WE BRING THIS MATTER TO THE ATTENTION OF YOUR EMPLOYER.*

It is possible that your employer will advance this sum, thereby saving you the additional costs and embarrassment that legal action may involve.

This will be our final communication to you regarding your account.

(Facsimile signature) Collection Manager

(d) Settlement in full must reach us within five days from the date shown below or your EMPLOYER WILL RECEIVE IMMEDIATE NOTICE FOR ATTACHMENT.

THIS IS FINAL AND UNCONDITIONAL.

Legal Department,
S. M. ATWELL

(e) Notice of Assignment of Wages.

YOU ARE HEREBY NOTIFIED—

1. That you have defaulted in the conditions of our conditional sales contract secured by ASSIGNMENT OF WAGES made and executed by you in favor of Family Publications Service, Inc. * * *

2. That there is still due and unpaid the sum of ----- * * *.

3. That unless you call at the Collection Department Office at Family Publications Service, Inc., 22 West Park Avenue, Suite 201, Oklahoma City, Oklahoma, within THREE DAYS from date hereof to make satisfactory arrangements to redeem this obligation, said ASSIGNMENT OF WAGES will be served upon employer to hold all wages, salaries, commission, and other compensation for services, present and future, together with costs of collection, subject to our order.

By means of the foregoing statements or representations, respondents represent, directly or by implication, that if delinquent accounts are not settled to respondents' satisfaction, the debtor's employer will be informed of the debt and the debtor's wages will be attached or levied upon to satisfy the debt.

In truth and in fact, respondents do not inform the employers of delinquent debtors of the existence of the aforesaid debts and respondents do not intend and make no effort to attach or levy upon the wages of delinquent debtors. Therefore, the aforesaid statements or representations were, and are, false, misleading and deceptive.

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PAR. 7. Certain of the letters, forms and other printed matter sent to delinquent debtors simulate legal process. By means of such simulated legal process, respondents represent, directly or by implication, that legal action has been instituted against said delinquent debtors. In truth and in fact, legal action has not been instituted against persons receiving such forms. Therefore, such representations are false, misleading and deceptive.

PAR. 8. By and through the acts and practices set forth in Paragraphs 4 through 7, hereof, respondents coerce and intimidate subscribers whose accounts respondents claim to be delinquent and lead such subscribers to believe that their accounts have been turned over to independent organizations engaged in the collection of past due accounts or to attorneys and that legal action has been or will be instituted or that subscribers' wages will be attached or levied upon, whereas respondents take none of these actions. Respondents' acts and practices constitute a scheme to induce subscribers to pay such accounts through deception and misrepresentation.

PAR. 9. The use by respondents as hereinabove set forth 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 public into the erroneous and mistaken belief that said statements and representations were and are true and to induce payment by respondents' subscribers whether or not the amounts claimed by respondents are, in fact, due and owing.

PAR. 10. The aforesaid acts and practices of respondents, as herein alleged, were and are all to the prejudice and injury of the public and constituted, and now constitute, unfair and deceptive acts and practices in commerce, in violation of Section 5 of the Federal Trade Commission Act.

DECISION AND ORDER

The Federal Trade Commission having initiated an investigation of certain acts and practices of the respondents named in the caption hereof, and the respondents having been furnished thereafter with a copy of a draft of complaint which the Bureau of Deceptive Practices proposed to present to the Commission for its consideration and which, if issued by the Commission, would charge respondents with violation of the Federal Trade Commission Act, and

The respondents and counsel for the Commission having thereafter executed an agreement containing a consent order, an admission by the respondents of all the jurisdictional facts set forth in the aforesaid draft of complaint, a statement that the signing of

said agreement is for settlement purposes only and does not constitute an admission by the respondents that the law has been violated as alleged in such complaint, and waivers and provisions as required by the Commission's rules; and

The Commission, having reason to believe that the respondents have violated the Federal Trade Commission Act, and having determined that complaint should issue stating its charges in that respect, hereby issues its complaint, accepts said agreement, makes the following jurisdictional findings and enters the following order:

1. Respondent, Family Publications Service, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Delaware, with its office and principal place of business located at 52 Vanderbilt Avenue, New York 17, New York.

Respondents Eugene J. Foley, Roy W. Titus and Richard G. Brown are officers of said corporation, and their address is the same as that of said corporation.

2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondents, and the proceeding is in the public interest.

ORDER

It is ordered, That respondent, Family Publications Service, Inc., a corporation, and its officers, and Eugene J. Foley, Roy W. Titus and Richard G. Brown, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the collection of accounts in commerce, as "commerce" is defined by the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the name "United States Circulation Credit Bureau" or any other trade or corporate name of similar import or meaning or otherwise representing, directly or by implication that delinquent accounts not referred for collection to an independent agency or organization engaged in the collection of past due accounts have been so referred;

2. Representing that past due accounts are being or have been referred for collection to an attorney when these accounts are not being nor have they been so referred;

3. Representing, directly or by implication, that a debtor's employer has been notified that any or all of the following actions have been or will be taken when no such action or actions have been or will be taken:

(a) Suit instituted against the debtor to collect the alleged sum due;

- (b) The debtor's wages attached;
- (c) The debtor's wages garnisheed.

4. Using forms or any other items of printed or written matter which simulate legal process.

It is further ordered That the respondents herein shall within