

Order

63 F.T.C.

IN THE MATTER OF
THE PULSE, INC.

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

Docket C-291. Modified order, Oct. 23, 1963

Order reopening proceeding and modifying order of Dec. 28, 1962, 61 F.T.C. 1480—
to conform its prohibitions more closely to those in orders issued against
two of respondent's competitors—by striking paragraphs 2 and 7 therefrom
and substituting more specific requirements.

ORDER REOPENING PROCEEDING AND MODIFYING ORDER TO CEASE AND
DESIST

Respondent, by motion filed July 5, 1963, having requested that the order to cease and desist, issued to it December 28, 1962, be modified to more closely conform its prohibitions to those in orders issued against two of respondent's competitors; and subsequent thereto pursuant to Commission direction, respondent and members of the Commission's staff entered negotiations with respect to respondent's request which resulted in the submittal of a stipulation signed October 3, 1963, providing, *inter alia*, for certain modifications in the outstanding order to cease and desist; and

The Commission having considered the pleadings and papers filed by the parties and having determined that the public interest requires reopening of this proceeding for the purpose of receiving the said stipulation as a part of the record and for modification of the order to cease and desist in accordance therewith:

It is ordered, That this proceeding be, and it hereby is, reopened and that the stipulation signed October 3, 1963, by representatives of respondent and Commission counsel be, and it hereby is, received as a part of the record herein.

It is further ordered, That the order to cease and desist issued December 28, 1962 [61 F.T.C. 1480], be, and it hereby is, modified by striking paragraphs 2 and 7 therefrom and substituting in their place the following:

2. Using data based upon general listening or viewing preferences as opposed to actual listening or viewing without clearly disclosing in each report that such data may have been based upon general listening or viewing preferences as opposed to actual listening or viewing.

7. Using data based upon hearsay reports, estimates or guesses without clearly disclosing in each report that such data may have been based upon hearsay reports, estimates or guesses.

PUZZLERS RESEARCH BUREAU, INC., ET AL.

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Complaint

It is further ordered, That with the exception of paragraphs 2 and 7 the order of December 28, 1962, shall in all respects and for all purposes remain final and unaffected by this reopening.