

Modified Order to Cease and Desist

IN THE MATTER OF

RAYEX CORPORATION ET AL.

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

Docket 7346. Complaint, Jan. 6, 1959—Decision, Apr. 13, 1964

Order modifying, in accordance with the directive of the Second Circuit dated May 7, 1963, 317 F. 2d 290 (7 S.&D. 696), by vacating as to one respondent and as to the portions of the order directed at preticketing—desist order of April 2, 1962, 60 F.T.C. 664, to require assemblers of sunglasses in Flushing, Queens, N.Y., to cease misrepresenting the diopter curve of their sunglasses and falsely claiming conformance with the standards and specifications of the U.S. Air Force or Department of Defense.

MODIFIED ORDER TO CEASE AND DESIST

Respondents having filed in the United States Court of Appeals for the Second Circuit a petition to review and set aside the order to cease and desist issued herein on April 2, 1962; and the court on May 7, 1963, having filed its decision and on May 22, 1963, having entered its final decree modifying and, as modified, affirming and enforcing said order to cease and desist; and the time allowed for filing a petition for certiorari having expired and no such petition having been filed;

Now, therefore, it is hereby ordered, That the aforesaid order to cease and desist be, and it hereby is, modified, in accordance with the said final decree of the court of appeals, to read as follows:

It is ordered, That the respondents, Rayex Corporation, a corporation, and Ray Tunkel and Harry Kramer, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of sunglasses, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

(a) That their sunglass lenses have a given dioptic curve unless such is the fact; provided, however, that in the case of ground and polished sunglass lenses a tolerance not to exceed minus or plus $\frac{1}{16}$ th diopters in any meridian and a difference in power between any two meridians not to exceed $\frac{1}{16}$ th diopter and a prismatic effect not to exceed $\frac{1}{8}$ diopter shall be allowed.

(b) That their sunglasses, or the lenses thereof, meet or comply with the specifications and standards of the United States Air Force or Department of Defense.