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IN THE MATTER OF
CONTINENTAL PRODUCTS, INC., ET AL.

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

Docket 8517. Complaint, June 29, 1962—Decision, Apr. 23, 1964

Order requiring Chicago sellers of various articles of merchandise, including jewelry, cameras, typewriters, hardware, sporting goods and appliances, to retailers and to the public direct, to cease representing falsely that their merchandise was offered for sale at wholesale prices by such statements in catalogs and circulars as “* * * a wholesale catalog * * * at the lowest wholesale prices * * * general wholesale merchandise * * *.” The evidence is insufficient to support the allegation in the complaint challenging respondent’s use of the term “retail price”.

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 Continental Products, Inc., a corporation, and Garrison Grawoig, Allen Grawoig, Earl W. Grawoig, Richard N. Grawoig and Paul M. Mayer, individually and as officers of said corporation, hereinafter referred to as respondents, have violated the provisions of said Act, and it appearing to the

paragraphs 32 and 33, paragraphs 63 through and including paragraph 80, paragraphs 91 through and including paragraph 104; by striking from the conclusions paragraph 6; and by substituting therefor the findings and conclusions of the accompanying opinion.

It is further ordered, That the initial decision as above modified and as modified in the accompanying opinion be, and it hereby is, adopted as the decision of the Commission.

Commissioner MacIntyre not concurring for the reason that he considers this to be a price discrimination case of a fundamental type where competitive opportunities of small business retailers are substantially adversely affected by a continuing 10% price discrimination in favor of the large chains with which they "keenly" compete and, consequently, believes that minimally this matter should be handled in the same manner as Federal Trade Commission Docket No. 8513, *In the Matter of Atlantic Products Corporation, et al* (December 13, 1963) [63 F.T.C. 2237]. Commissioner Reilly not participating for the reason that he did not hear oral argument.