

# FEDERAL TRADE COMMISSION DECISIONS

FINDINGS, OPINIONS, AND ORDERS, JULY 1, 1965, TO DECEMBER 31, 1965

## IN THE MATTER OF WESTERN RADIO CORPORATION ET AL.

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

*Docket 7468. Complaint, April 2, 1959—Decision, July 7, 1965*

Order modifying cease and desist order of Sept. 25, 1963, 63 F.T.C. 882, requiring manufacturers of portable radio transmitters in Kearney, Nebr., to cease falsely advertising the operational range of their products; the conditions of licensing and the terms of guarantee remain unchanged, in accordance with an opinion of the Court of Appeals, Seventh Circuit, of Nov. 23, 1964, 339 F. 2d 937, *cert. denied*, 381 U.S. 938 (1965), 7 S.&D. 1030.

### MODIFIED ORDER TO CEASE AND DESIST

Respondents having filed in the United States Court of Appeals for the Seventh Circuit a petition to review and set aside the order to cease and desist issued herein on September 25, 1963 [63 F.T.C. 882]; and the court on November 23, 1964 [339 F. 2d 937], having filed its decision, and on January 27, 1965, having entered its final decree modifying and as modified, affirming and enforcing said order to cease and desist; and the United States Supreme Court on June 1, 1965 [381 U.S. 938], having denied a petition for certiorari filed by respondents;

*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, as follows:

*It is ordered*, That respondents Western Radio Corporation, a corporation, and its officers, and Paul S. Beshore and W. P. Beshore, 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,

## Complaint

68 F.T.C.

sale and distribution of their products, including radio transmitters, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication:

(a) That their transmitters with or without the use of additional equipment have a satisfactory operational range of any specified distance unless respondents are able to establish that their devices in fact have the operational ranges specified.

(b) That no license or permit is required for any operational use of their radio transmitters unless the specific conditions under which such license or permit would be required are conspicuously set forth in conjunction therewith.

(c) That any product is guaranteed unless the terms and conditions of such guarantee are clearly and conspicuously set forth, including the amount of any service or other charge which is imposed.

*It is further ordered*, That respondents 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 the order set forth herein.

---