

Complaint

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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.

IN THE MATTER OF
1895 ASSOCIATES, INC., ET AL.

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

Docket C-985. Complaint, Sept. 2, 1965—Decision, Sept. 2, 1965

Consent order requiring New York City publisher of the newspaper National Jewish Chronicle, to cease and desist from publishing unordered or unauthorized advertisements and from making unlawful demands for payment of nonexistent debts.

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 1895 Associates, Inc., a corporation, and Bernard K. Hoffer, individually and as an employee 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 1895 Associates, Inc., 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 1133 Broadway in the city of New York, State of New York.

Respondent Bernard K. Hoffer is the principal employee of the corporate respondent and is editor-in-chief of the publication National Jewish Chronicle. He formulates, directs and controls the acts and practices of the corporate respondent, including the acts and practices hereinafter set forth. His address is the same as that of the corporate respondent.

PAR. 2. Respondents are now, and for some time last past have been, engaged in the solicitation of advertisements to be published in a tabloid size newspaper known as National Jewish Chronicle

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and in the collection of past due and allegedly past due accounts arising out of their said business.

PAR. 3. In the course and conduct of their business, respondents cause their publication to be circulated from its point of publication to subscribers and purchasers located in various other States of the United States. Further, in the course and conduct of their solicitation of advertisements, respondents engage in extensive commercial intercourse involving long distance telephone calls and the transmission of bills, invoices, bank checks and other business communications between and among various States of the United States, and 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 engaged in the unfair and deceptive practice of placing advertisements of various persons and companies in their publication without having received authorization therefor and then seeking to exact payment for said advertisements from said persons and companies.

PAR. 5. In the conduct of their business, at all times mentioned herein, respondents have been in substantial competition, in commerce, with corporations, firms and individuals likewise engaged in the publication of newspapers and other periodicals and in the sale of advertisements to be inserted therein.

PAR. 6. The unfair and deceptive practice engaged in by respondents of publishing unordered or unauthorized advertisements has subjected corporations, firms and individuals to harassment and unlawful demands for payment of nonexistent debts.

PAR. 7. The aforesaid acts and practices of respondents, as herein alleged, were and are all to the prejudice and injury of the public and of respondents' competitors and constituted, and now constitute, unfair methods of competition in commerce and unfair and deceptive acts and practices in commerce, in violation of Section 5 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

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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 1895 Associates, Inc., 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 1133 Broadway, in the city of New York, State of New York.

Respondent Bernard K. Hoffer is an employee of said corporation and his 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 1895 Associates, Inc., a corporation, and its officers, and Bernard K. Hoffer, individually and as an employee of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the soliciting, offering for sale or sale of advertising space in the newspaper designated as National Jewish Chronicle, or any other publication, whether published under that name or any other name, and in connection with the offering for sale, sale or distribution of said newspaper, or any other publication, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Placing, printing or publishing, or causing to be placed, printed or published, any advertisement on behalf of any person, firm or corporation in any publication without a prior authorization, order or agreement to purchase said advertisement.

2. Sending or causing to be sent, bills, letters or notices to any person, firm or corporation with regard to any advertisement which has been or is to be printed, inserted or

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published on behalf of said person, firm or corporation, or in any other manner seeking to exact payment for any such advertisement, without a prior authorization, order or agreement to purchase said advertisement.

It is further ordered, That the respondents herein shall, within sixty (60) days after service of this order, file with the