
IN THE MATTER OF
K-V BUILDERS, INC., ET AL.

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

Docket C-1003. Complaint, Oct. 20, 1965—Decision, Oct. 20, 1965

Consent order requiring a St. Louis, Mo., residential siding and roofing company to cease making deceptive savings and guarantee claims and other misrepresentations in advertisements, as indicated in the order below.

²¹ 329 F.2d at 708.

Syllabus

68 F.T.C.

seller within approximately the same period of time. Actual competition in the sale of the seller's goods may then be inferred even though one or both of the customers have other outlets which are not in geographical proximity to outlets of the other customer.²¹

While we do not comment on other issues involved in the examiner's findings that the remaining suppliers did not violate Section 2(d) of the amended Clayton Act when making payments to respondent, our silence is not to be construed as approval of the findings themselves or of the legal standards used in reaching these findings.

For the aforementioned reasons, an order will issue closing the proceedings. Should it appear that violations similar to those dealt with by the evidence herein have not been surely stopped, thus indicating that our conclusions with respect to respondent's good faith are misplaced, the Commission will reopen the proceeding and utilize the record as presently constituted together with the evidence of such future violations as a basis for further proceedings and, if appropriate, the issuance of an order to cease and desist.

FINAL ORDER

This matter having been heard by the Commission on appeal of counsel supporting the complaint from the initial decision of the hearing examiner dismissing the complaint, and upon briefs and argument in support thereof and in opposition thereto, and the Commission having concluded for the reasons stated in the accompanying opinion that the proceeding should be closed without the issuance of an order to cease and desist:

It is ordered, That the proceeding be, and it hereby is, closed.
