

manner and form in which they have complied with this order.

IN THE MATTER OF
RALPH DESALVO TRADING AS EASTERN GOLF COM-
PANY

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

Docket C-1038. Complaint, Jan. 25, 1966—Decision, Jan. 25, 1966

Consent order requiring a Bronx, N. Y., individual trading as Eastern Golf Co. to disclose affirmatively by proper labeling of packages and wrappers that the previously used golf balls he sells have been rewashed and repainted.

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act, and by virtue of the authority vested in it by the said Act, the Federal Trade Commission, having reason to believe that Ralph DeSalvo, hereinafter referred to as respondent, an individual trading as Eastern Golf Company, has violated the provisions of the 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 Ralph DeSalvo is an individual trading as Eastern Golf Company with his office and principal place of business located at 2537 Boston Road, Bronx 67, New York.

PAR. 2. Respondent is now, and for some time last past has been, engaged in the offering for sale, sale and distribution of previously used, rewashed and repainted golf balls to dealers for resale to the public.

PAR. 3. In the course and conduct of his business; respondent now causes, and for some time last past has caused, his said products, when sold, to be shipped and transported from his place of business in the State of New York to purchasers thereof located in various other States of the United States and maintains, and at all times mentioned herein has maintained, a substantial course of trade in said products in said products in commerce, as "commerce" is defined in the Federal Trade Commission Act.

PAR. 4. In the course and conduct of his business respondent rewashes and repaints, or causes to be rewashed and repainted, golf balls which have been previously used.

Respondent does not disclose either on the ball itself, on the wrapper or on the box in which the balls are packed, or in any other manner, that said golf balls are previously used balls which have been rewashed or repainted.

When such previously used golf balls are rewashed and repainted, in the absence of any disclosure to the contrary, or in the absence of an adequate disclosure, such golf balls are understood to be and are readily accepted by the public as new balls, a fact of which the Commission takes official notice.

PAR. 5. By failing to disclose the fact as set forth in Paragraph Four, respondent places in the hands of uninformed, unwary, and unscrupulous dealers means and instrumentalities whereby they may mislead and deceive the public as to the nature and condition of the said golf balls.

PAR. 6. In the conduct of his business, at all times mentioned herein, respondent has been in substantial competition, in commerce, with corporations, firms and individuals in the sale of products of the same general kind and nature as those sold by respondent.

PAR. 7. The failure of the respondent to disclose on the golf ball itself, on the wrapper or on the box in which they are packed or in any other manner, that they are previously used balls which have been rewashed or repainted has had, and now has, the capacity and tendency to mislead members of the purchasing public into the erroneous and mistaken belief that said golf balls were, and are, new in their entirety and into the purchase of substantial quantities of respondent's products by means of said erroneous and mistaken belief.

PAR. 8. The aforesaid acts and practices of respondent, as herein alleged, were and are, all to the prejudice and injury of the public and of the respondent's 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 Federal Trade Commission having initiated an investigation of certain acts and practices of the respondent named in the caption hereof, and the respondent having been furnished thereafter with a copy of a draft of complaint which the Bureau of Deceptive Practices proposed to present to the Commission for its consideration and which, if issued by the Commission, would charge respondent with violation of the Federal Trade Commission Act; and

The respondent and counsel for the Commission having thereafter executed an agreement containing a consent order, an admission by the respondent of all the jurisdictional facts set forth in the aforesaid draft of complaint, a statement that the signing of said agreement is for settlement purposes only and does not constitute an admission by the respondent that the law has been violated as alleged in such complaint, and waivers and provisions as required by the Commission's rules; and

The Commission, having reason to believe that the respondent has violated the Federal Trade Commission Act, and having determined that complaint should issue stating its charges in that respect, hereby issues its complaint, accepts said agreement,

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Order

makes the following jurisdictional findings and enters the following order:

1. Respondent Ralph DeSalvo is an individual trading as Eastern Golf Company. His office and principal place of business is located at 2537 Boston Road (Route #1), Bronx 67, New York.

2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondent, and the proceeding is in the public interest.

ORDER

It is ordered, That the respondent Ralph DeSalvo trading as Eastern Golf Company, or under any other trade name and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of used, rewashed or repainted golf balls in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Failing clearly to disclose on the boxes in which respondent's rewashed or repainted golf balls are packaged, on the wrapper and on said golf balls themselves, that they are previously used balls which have been rewashed or repainted: *Provided however*, That disclosure need not be made on the golf balls themselves if respondent establishes that the disclosure on the boxes and/or wrappers is such that retail customers, at the point of sale, are informed that the golf balls are previously used and have been rewashed or repainted.

2. Placing any means or instrumentality in the hands of others whereby they may mislead the public as to the prior use and rewashed or repainted nature of their golf balls.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Complaint

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IN THE MATTER OF

SOUTHERN PACIFIC SALVAGE COMPANY ET AL.

CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF THE
FEDERAL TRADE COMMISSION ACT*Docket C-1039. Complaint, Feb. 2, 1966—Decision, Feb. 2, 1966*

Consent order requiring California retailers of general merchandise to cease deceptively using the word "Salvage" in their trade name, or otherwise representing that they are authorized liquidators, adjusters or agents engaged in the sale of bankrupt, salvage, or otherwise distressed merchandise.

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 Southern Pacific Salvage Company, a corporation, and Jack Taff, individually and as an officer 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 Southern Pacific Salvage Company is a corporation organized, existing and doing business under and by virtue of the laws of the State of California, with its principal office and place of business located at 1133 S. La Cienega Boulevard, in the city of Los Angeles, State of California.

Respondent Jack Taff is an individual and an officer of the corporate respondent. He formulates, directs and controls the acts and practices of said corporation, 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 sale and distribution of watches, clocks, radios, tableware and other articles of merchandise to retailers and others for resale to the public and to members of the purchasing public.

PAR. 3. In the course and conduct of their business, respondents now cause, and for some time last past have caused, their said