

IN THE MATTER OF

LIBBEY-OWENS-FORD GLASS COMPANY ET AL.

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

Docket 7643. Complaint, Oct. 30, 1959—Decision, April 7, 1966

Order modifying a cease and desist order of the Commission dated September 20, 1963, 63 F.T.C. 746, 785, in accordance with an order of the Court of Appeals, Sixth Circuit, dated December 16, 1965, by deleting the phrase "or otherwise misrepresenting the grade or quality of glass used in any window" from the Commission's order.

MODIFIED ORDER TO CEASE AND DESIST

Respondents having filed in the United States Court of Appeals for the Sixth Circuit their petitions to review and set aside the order to cease and desist issued herein on September 20, 1963 [63 F.T.C. 746]; and the court on November 9, 1965 [7 S.&D. 1409], having rendered its decision and orders affirming and enforcing said order as to Libbey-Owens-Ford Glass Company and modify-

ing, and affirming and enforcing said order as modified as to General Motors Corporation; and respondents having filed in court petitions for rehearing; and the court on December 6, 1965, having issued its order modifying the order as to Libbey-Owens-Ford and having denied the petitions for rehearing in all other respects; and the court, on December 16, 1965, having issued its order affirming and enforcing the cease and desist order as modified as to Libbey-Owens-Ford Glass Company; and the time allowed for filing petitions for certiorari having expired and no such petition having been filed;

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 orders of the court of appeals, to read as follows:

It is ordered, That Libbey-Owens-Ford Glass Company, a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of its automotive glass products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that:
 - (a) The automobile safety plate glass used in the side windows of General Motors Corporation automobiles is of the same grade and quality as that used in windshields of such automobiles.
 - (b) The automobile safety sheet glass used in automobiles other than General Motors Corporation automobiles is of the same grade and quality as the sheet glass used in home windows.
2. Using in advertising any picture, demonstration, experiment or comparison, either alone or accompanied by oral or written statements, to prove the quality or merits of any such products, or the superiority of any such products over competing products, when such picture, demonstration, experiment or comparison is not in fact genuine or accurate and does not constitute actual proof of the claim because of the undisclosed use and substitution of a mock-up or prop instead of the product, article, or substance represented to be used therein.
3. Disparaging the quality or properties of any competing product or products through the use of false or misleading

pictures, depictions, demonstrations, or comparisons, either alone or accompanied by oral or written statements.

4. Misrepresenting in any manner the quality or merits of any such products, or the superiority of any such products over competing products.

It is further ordered, That General Motors Corporation, a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of its automotive glass products, sold either as part of an automobile or separately, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that:

(a) The automobile safety plate glass used in the side windows of its automobiles is of the same grade and quality as that used in windshields of such automobiles.

(b) The automobile safety sheet glass used in automobiles other than General Motors Corporation automobiles is of the same grade and quality as the sheet glass used in home windows.

2. Using in advertising any picture, demonstration, experiment or comparison, either alone or accompanied by oral or written statements, to prove the quality or merits of any such products, or the superiority of any such products over competing products, when such picture, demonstration, experiment or comparison is not in fact genuine or accurate and does not constitute actual proof of the claim because of the undisclosed use and substitution of a mock-up or prop instead of the product, article, or substance represented to be used therein.

3. Disparaging the quality or properties of any competing product or products through the use of false or misleading pictures, depictions, demonstrations, or comparisons, either alone or accompanied by oral or written statements.

4. Misrepresenting in any manner the quality or merits of any such products, or the superiority of any such products over competing products.

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 to cease and desist set forth herein.

Complaint

69 F.T.C.

IN THE MATTER OF

MERCK & CO., INC., TRADING AS QUINTON COMPANY ET
AL.ORDER, OPINION, ETC., IN REGARD TO THE ALLEGED VIOLATION OF THE
FEDERAL TRADE COMMISSION ACT*Docket 8635. Complaint, Aug. 7, 1964—Decision, April 8, 1966**

Order requiring a New Jersey drug manufacturer and its advertising agency to cease falsely representing in its television commercials or other media that its "Sucrets" or "Children's Sucrets" have any therapeutic effect upon throat infections in excess of temporary relief of minor pain.

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 Merck & Co., Inc., a corporation, trading as Quinton Company, and Doherty, Clifford, Steers & Shenfield, Inc., a 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 Merck & Co., Inc., trading as Quinton Company, is a corporation, organized, existing and doing business under the laws of the State of New Jersey, with its principal office and place of business located at 126 East Lincoln Avenue, in the city of Rahway, State of New Jersey.

Respondent Doherty, Clifford, Steers & Shenfield, Inc., is a corporation, organized, existing and doing business under the laws of the State of New York, with its principal office and place of business located at 530 Fifth Avenue, in the city of New York, State of New York.

PAR. 2. Respondent Merck & Co., Inc., is now and has been for more than one year last past, engaged in the sale and distribution of two preparations which are drugs as the term "drug" is defined in the Federal Trade Commission Act.

The designations used by respondent Merck & Co., Inc., for said preparations, the formulas thereof and directions for use are as follows:

*Modified on July 20, 1966, 70 F.T.C. 45, to make Needham, Harper & Steers, Inc., successor advertising agency, subject to certain prohibitions of this order.