

IN THE MATTER OF

MERCK & CO., INC., TRADING AS QUINTON COMPANY ET AL.

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

Docket 8635. Complaint, Aug. 7, 1964—Decision, July 20, 1966

Order modifying a final order dated April 8, 1966, 69 F.T.C. 526, which required a New Jersey drug manufacturer and its advertising agency to cease its deceptive television advertising of throat lozenges, by substituting as correspondent a successor advertising agency.

ORDER REOPENING PROCEEDING, ADDING
A STIPULATION TO THE RECORD THEREOF,
AND MODIFYING FINAL ORDER

On April 8, 1966 [69 F.T.C. 526], following an adjudicative proceeding, the Commission entered its final order directing Merck & Co., Inc., and Doherty, Clifford, Steers & Shenfield, Inc., to cease and desist from certain acts and practices, found to be in

violation of Sections 5 and 12 of the Federal Trade Commission Act, 15 U.S.C. §§ 45 and 52.

Petitions for review of the Commission's said final order of April 8, 1966, were filed on June 16, 1966, in the United States Court of Appeals for the Sixth Circuit by Merck & Co., Inc., and Doherty, Clifford, Steers, & Shenfield, Inc. The record in this proceeding has not yet been filed in the Court of Appeals.

On July 15, 1966, it was stipulated by and between counsel for Doherty, Clifford, Steers & Shenfield, Inc., Needham, Harper & Steers, Inc., and the Commission that Doherty, Clifford, Steers & Shenfield, Inc., an advertising agency named as a party respondent in the final order issued on April 8, 1966, was on December 31, 1964, merged with and into Needham, Louis & Brorby, Inc., at which time Doherty, Clifford, Steers & Shenfield, Inc., was dissolved and ceased existence as a corporation, and that the name of the resulting corporation is Needham, Harper & Steers, Inc., also an advertising agency, which is a Delaware corporation and has its principal place of business at Prudential Plaza, Chicago, Illinois.

By the said stipulation the parties also stipulated and agreed that the record in this proceeding might be reopened, that the stipulation might be made a part thereof, and that the final order issued by the Commission on April 8, 1966, might be amended to make Needham, Harper & Steers, Inc., subject to certain of its prohibitions.

Now, therefore, pursuant to the authorization of Section 5(b) of the Federal Trade Commission Act, 15 U.S.C. § 45(b), and Section 3.28(a) of the Commission's Rules of Practice for Adjudicative Proceeding, 16 CFR § 3.28(a) (Supp. 1966),

It is ordered, That this proceeding be, and it hereby is, reopened;

It is further ordered, That the said stipulation of July 15, 1966, be, and it hereby is, made a part of the record of this proceeding; and

It is further ordered, That the Commission's Final Order of April 8, 1966 [69 F.T.C. 526], be, and it hereby is, modified by striking therefrom the preamble on page 563 of such order and substituting therefor the following:

It is further ordered, That respondent Doherty, Clifford, Steers & Shenfield, Inc., a corporation, and Needham, Harper & Steers, Inc., a corporation, and their officers, agents, representatives, and employees, directly or through any

AUTOMATION INSTITUTE OF OMAHA, INC., ET AL.

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corporate or other device, in connection with the offering for sale, sale or distribution of throat lozenges or any similar preparation, do forthwith cease and desist from, directly or indirectly: * * *
