

IN THE MATTER OF  
NED R. BASKIN DOING BUSINESS AS  
HOLLYWOOD FILM STUDIOS

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

*Docket 4902. Complaint, Feb. 8, 1943—Decision, Oct. 28, 1966\**

Order reopening and modifying a cease and desist order, 47 F.T.C. 913, of January 26, 1951, against a Hollywood, Calif., photographic portrait studio by adding certain paragraphs which extend coverage of the order to prints, snapshots, negatives, slides, and color slides, and requiring respondent to make a clear disclosure of the prices for its coloring services.

ORDER REOPENING PROCEEDING AND MODIFYING ORDER TO CEASE  
AND DESIST

The Commission, on January 26, 1951 [47 F.T.C. 913], having issued its decision and order to cease and desist against respondent herein in this matter; and

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\*This order was vacated by the Commission on December 30, 1966, p. 1851 herein; cease and desist order of January 26, 1951, 47 F.T.C. 913, 928, was modified on May 10, 1968.

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The Commission, on September 14, 1966, having served upon respondent its order to show cause why this proceeding should not be reopened and the order modified by adding certain paragraphs therein set forth; and

Respondent not having responded to such order to show cause within the period provided in the Commission's Rules; and

The Commission being of the opinion that the public interest will be best served by reopening the proceeding herein and by modifying its order to cease and desist dated January 26, 1951:

*It is ordered*, That the proceeding herein be, and it hereby is, reopened and the Commission's order to cease and desist of January 26, 1951 [47 F.T.C. 913], be, and it hereby is, modified to read as follows:

*It is ordered*, That the respondent, Ned R. Baskin, an individual trading under the name of Hollywood Film Studios, or trading under any other name, and his agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of plain or colored photographs, or enlargements thereof, 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 any photograph or enlargement, colored or black and white, framed or unframed, will be made and delivered for a stipulated price, unless such photograph or enlargement will in fact be made and delivered for the stipulated price without the imposition or attempted imposition of any condition not clearly disclosed in the representation.

(2) Representing, directly or by implication, that any offer is for a limited time only, when such offer is not in fact limited in point of time, but is made by respondent in the regular course of business.

(3) Using the words "free" or "given," or any other word or term expressly or impliedly importing a like meaning, in advertising, to designate, describe, or refer to any article of merchandise which is not in fact a gift or gratuity or which is not given without requiring the purchase of other merchandise or the performance of some service inuring directly or indirectly to the benefit of the respondent.

(4) Using the name "Hollywood Film Studios," together with pictures of motion picture celebrities, on letterheads or in advertising matter; or otherwise representing that the

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respondent has any connection whatsoever with the motion picture industry.

*It is further ordered,* That respondent Ned R. Baskin, an individual doing business as Hollywood Film Studios, or under any other name or names, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the advertising, furnishing, offering for sale, sale or distribution of photographs, photographic enlargements, photographic coloring or enlargement services, or any other products or services in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Offering to furnish any photograph or any enlargement of a picture, photograph, print, snapshot, negative, slide, color slide, or similar article, either free of cost or for any stated amount or compensation,

- (a) unless the offered photograph or enlargement is in every instance furnished upon the request therefor, when accompanied by the stated amount or compensation, if any, and

- (b) unless the negative, slide or photograph forwarded pursuant to the offer is returned simultaneously with the offered photograph or enlargement, and

- (c) without the imposition or attempted imposition of any condition, and

- (d) without first sending to the requesting person any form of communication offering to sell respondent's coloring services or any other services.

2. Offering to furnish a black and white photograph or enlargement of a picture, photograph, print, snapshot, negative, slide, color slide, or similar article, either free of cost or for any stated amount or compensation, unless in immediate conjunction with such offer, in letters of equal size and prominence, the disclosure is made that the offered photograph or enlargement is black and white.

3. Requesting information for having any photograph, enlargement, or similar article colored, in any advertisement or in any other form of communication, unless in each instance in which such request for information is made

- (a) there is clear and conspicuous disclosure that forthcoming is an offer to sell respondent's coloring services and

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(b) there is clear and conspicuous disclosure of the full amount of respondent's charge for such coloring services.

4. Misrepresenting in any manner the terms of any offer or the services provided by respondent.

*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.

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