

ucts of like grade and quality by selling to any purchaser at net prices higher than the net prices charged any other purchaser who in fact competes with the purchaser paying the higher price.

IN THE MATTER OF

BROWN & WILLIAMSON TOBACCO CORPORATION ET AL.

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

Docket 7688. Complaint, Dec. 11, 1959—Decision, Feb. 26, 1968

Order modifying a consent order dated Feb. 24, 1960, 56 F.T.C. 956, permitting a Louisville, Ky., tobacco company and its New York City advertising agency to compare the tar and nicotine content of its filter cigarettes, based on government findings, with such content of other filter cigarettes.

ORDER MODIFYING ORDER TO CEASE AND DESIST

On September 28, 1967, respondents, Brown & Williamson Tobacco Corporation and Ted Bates & Company, Inc., filed a petition to reopen the proceeding for the purpose of modifying the order to cease and desist entered by the Commission on February 24, 1960 [56 F.T.C. 956]. They proposed that Paragraph 3 of the order be modified so as to permit representations of government findings concerning the tar and nicotine content of Brown & Williamson's filter cigarettes as compared

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with the smoke of other filter cigarettes. Complaint counsel filed an answer not opposing the petition.

On December 1, 1967 [72 F.T.C. 1026], the Commission issued an order reopening the proceeding and directing respondents to show cause why Paragraph 3 of the order to cease and desist should not be modified in the manner set out therein.

On December 29, 1967, respondents submitted a statement in which they opposed the modification set out in the Commission's show cause order, and supported the modification proposed in their petition, to which complaint counsel had not objected.

Upon further consideration, the Commission has concluded that the order should be modified in the manner proposed by respondents in their petition filed on September 28, 1967, which is not opposed by complaint counsel. Accordingly,

It is ordered, That Paragraph 3 of the order to cease and desist heretofore entered in this proceeding be, and it hereby is, modified to read as follows:

"3. Representing, directly or by implication, that the United States Government, or any agency thereof, has found that the smoke of Life Cigarettes, or any other filter cigarette, is lower in tar or nicotine content when compared with the smoke of other filter cigarettes, unless such Government or agency thereof in fact has so found."