

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.

IN THE MATTER OF

BRONDABROOKE PUBLISHERS, INC., ET AL.

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

Docket 8546. Complaint, Nov. 29, 1962—Decision, May 23, 1968

Order reopening and modifying a cease and desist order issued October 11, 1963, 63 F.T.C. 1023, prohibiting a New Jersey publishing firm from misrepresenting that its newspaper was affiliated with a labor union by adding a proviso that as a defense in any enforcement proceeding respondent, Joseph Harrow, may show that the newspaper "The New Jersey Teamsters News" is in fact labor union affiliated.

ORDER REOPENING PROCEEDING AND MODIFYING ORDER TO CEASE AND
DESIST

Respondent Joseph Harrow, on March 15, 1968, filed with the Commission a petition requesting that this proceeding be reopened for the purpose of modifying the order to cease and desist issued October 11, 1963 [63 F.T.C. 1023], prohibiting respondents named therein from representing that the newspaper designated "United Labor Management Press," or any similar publication, is endorsed by, affiliated with, or an official publication of, or otherwise connected with a labor union.

Order

73 F.T.C.

According to the petition, respondent Joseph Harrow is now president-treasurer of Harrow News-Feature Press, Inc., a firm which edits and publishes, under authority granted by Teamsters Joint Council No. 73 of New Jersey, a newspaper known as "The New Jersey Teamster News." The petition specifically requests that the order to cease and desist be modified so that it will not prohibit the truthful representation that said newspaper is edited and published under the authority of a labor union.

The Acting Director of the Bureau of Deceptive Practices, on April 15, 1968, filed an answer to the petition stating that it appeared from information obtained in a compliance investigation conducted in November 1966 that The New Jersey Teamsters News had been endorsed by Joint Council No. 73 and that if petitioner could show that said newspaper is still endorsed by the union there would be no reason to deny respondent's request to modify the order to cease and desist.

Subsequently, on May 8, 1968, respondent Joseph Harrow filed with the Commission a statement dated April 25, 1968, signed by Dominick Calabrese, president, Joint Council No. 73, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, advising that The New Jersey Teamsters News was originally endorsed and authorized at a regular membership meeting by Joint Council No. 73 on March 15, 1960, that this action was renewed by said Council and is so recorded in the minutes of the April 16, 1968, meeting.

For the foregoing reasons, the Commission has determined that this proceeding should be reopened pursuant to § 3.72(b) of the Commission's rules of practice and the order modified in accordance with respondent's request. Accordingly,

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

It is further ordered. That as to respondent Joseph Harrow, the order to cease and desist entered herein October 11, 1963, be, and it hereby is, modified by adding to paragraph 1 thereof the following proviso:

Provided, however, That in any enforcement proceeding instituted hereunder in connection with the representation that the newspaper known as "The New Jersey Teamsters News" is endorsed by or affiliated with a labor union, it shall be a defense for respondent Joseph Harrow to establish that said newspaper is endorsed by or affiliated with Joint Council No. 73, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America.

Complaint

IN THE MATTER OF

HEMCA, INC., ET AL.

CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF THE
FEDERAL TRADE COMMISSION ACT*Docket C-1342. Complaint, May 24, 1968—Decision, May 24, 1968*

Consent order requiring a Grand Prairie, Texas, franchiser of retail meat stores to cease using bait advertising in the sale of its meat products, misrepresenting the weight loss due to cutting and trimming, misbranding meat which is below U.S.D.A. grade standards, and furnishing its licensees with means of deception.

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 Hemca, Inc., a corporation, and Marvin J. Hutcheson, 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 Hemca, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Texas, with its principal office and place of business located at 111 NE. 11th Street, Grand Prairie, Texas.

Respondent Marvin J. Hutcheson is an officer of the corporate respondent. Said individual respondent formulates, directs, and controls the acts and practices of the corporate respondent, and certain of their franchised dealers, distributors, and licensees, including the acts and practices hereinafter set forth. His business 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 business of licensing and franchising the operation of stores in various States of the United States which sell meat and meat products to the public.

Respondents, by and through said franchised dealers, distributors and licensees, are now, and for some time last past have been engaged in the advertising, offering for sale, sale and distribution of meat and meat products, to members of the purchasing public. Said meat and meat products come within the classification of food, as "food" is defined in the Federal Trade Commission Act.