
IN THE MATTER OF
METOMIC MANUFACTURING CORPORATION, ET AL.

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

Docket C-1589. Complaint, Sept. 15, 1969—Decision, Sept. 15, 1969

Consent order requiring a Brooklyn, N.Y., manufacturer and distributor of eletctroplating kits to cease misrepresenting the quality or durability of the plating imparted by its process.

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 Metomic Manufacturing Corporation, a corporation, and Martin Zahler, 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 Metomic Manufacturing Corporation is a corporation organized, existing and doing business under and by virtue of the laws of the State of New York, with its office and principal place of business located at 92 Brighton 11th Street, Brooklyn, New York. Respondent Martin Zahler, is the sole officer of the corporate respondent. He formulates, directs and controls the acts and practices of the corporate respondent, including the acts and practices hereinafter set forth. His 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 manufacture, advertising, offering for sale and sale of electroplating kits to the public.

PAR. 3. In the course and conduct of their business, respondents now cause, and for some time last past have caused, their said electroplating kits when sold, to be shipped from their place of business in the State of New York to purchasers thereof located in various other States of the United States and maintain, and at all times mentioned herein have maintained, a substantial course of trade in said product in commerce, as "commerce" is defined in the Federal Trade Commission Act.

PAR. 4. In the course and conduct of their aforesaid business, and for the purpose of inducing the purchase of their electroplating kits, the respondents have made, and are now making, numerous statements and representations in promotional material with respect to the results to be achieved with their electroplating kits.

Typical and illustrative of said statements and representations, but not all inclusive thereof, are the following:

Professional Plating Results Obtained at Home for First Time.

YOU CAN DO YOUR OWN CHROMEPLATING PLUS 24 KT. GOLD PLATING.

YOU CAN NOW DO YOUR OWN REAL ELECTROPLATING * * *

PAR. 5. By and through the use of the above-quoted statements and representations, and others of similar import and meaning but not expressly set out herein, the respondents have represented, and are now representing, directly or by implication, that:

1. Purchasers of said electroplating kits can achieve the same finish and durability as imparted by commercial electroplating methods.

2. Purchasers of such electroplating kits can impart a chrome plating to any other material through the use of said kits.

3. Said kits actually produce results through an electroplating process.

4. Purchasers of such kits will be able to plate such objects as automobile bumpers, washing machines or any other large object with the materials supplied in said kits.

PAR. 6. In truth and in fact:

1. Respondents' kits do not supply the same finish and durability as commercial electroplating methods but instead produce the thinnest possible plating.

2. Respondents' kits do not impart a chrome plating to any other material, but instead contain a "chrome-like" solution, comprised of a small amount of chrome, some nickel and a large amount of tin.

3. Respondents' kits do not actually produce results through an electroplating process, but instead produce a plating through an "electroless" process.

4. Respondents' kits do not plate such objects as automobile bumpers, washing machines or any other large object but instead contain only enough of each plating solution to plate small objects.

Therefore, the statements and representations as set forth in Paragraphs Four and Five hereof were and are false, misleading and deceptive.

PAR. 7. In the course and conduct of their aforesaid business, and at all times mentioned herein, respondents have been, and now are, in substantial competition, in commerce, with corporations, firms and individuals in the sale of electroplating kits of the same general kind and nature as that sold by respondents.

PAR. 8. The use by respondents of the aforesaid false, misleading and deceptive statements, representations and practices has had, and now has, the capacity and tendency to mislead members of the purchasing public into the erroneous and mistaken belief that said statements and representations were and are true and into the purchase of substantial quantities of respondents' product by reason of said erroneous and mistaken belief.

PAR. 9. The aforesaid acts and practices of respondents, as herein alleged, were and are all to the prejudice and injury of the public and of respondents' competitors and constituted, and now constitute, unfair methods of competition in commerce and unfair and deceptive acts and practices in commerce in violation of Section 5 of the Federal Trade Commission Act.

DECISION AND ORDER

The Federal Trade Commission having initiated an investigation of certain acts and practices of the respondents named in the caption hereof, and the respondents having been furnished thereafter with a copy of a draft of complaint which the Bureau of Deceptive Practices proposed to present to the Commission for its consideration and which, if issued by the Commission, would

charge respondents with violation of the Federal Trade Commission Act; and

The respondents and counsel for the Commission having thereafter executed an agreement containing a consent order, an admission by the respondents of all the jurisdictional facts set forth in the aforesaid draft of complaint, a statement that the signing of said agreement is for settlement purposes only and does not constitute an admission by respondents that the law has been violated as alleged in such complaint, and waivers and other provisions as required by the Commission's Rules; and

The Commission having thereafter considered the matter and having determined that it had reason to believe that the respondents have violated the said Act, and that complaint should issue stating its charges in that respect, and having thereupon accepted the executed consent agreement and placed such agreement on the public record for a period of thirty (30) days, now in further conformity with the procedure prescribed in § 2.34(b) of its Rules, the Commission hereby issues its complaint, makes the following jurisdictional findings, and enters the following order:

1. Respondent Metomic Manufacturing Corporation is a corporation organized, existing and doing business under and by virtue of the laws of the State of New York, with its office and principal place of business located at 92 Brighton 11th Street, Brooklyn, New York.

Respondent Martin Zahler is an officer of said corporation and his address is the same as that of said corporation.

2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondents, and the proceeding is in the public interest.

ORDER

It is ordered, That respondent Metomic Manufacturing Corporation, a corporation, and its officers, and Martin Zahler, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of electroplating kits, 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 the coating produced by the use of said kits or components is

comparable in durability and other aspects to the finish imparted by commercial electroplating.

2. Representing, directly or by implication, that their kits or components are capable of imparting a chrome plating to any other material.

3. Representing, directly or by implication, that their kits or components produce results through an electroplating process.

4. Representing, directly or by implication, that their kits or components contain enough materials to completely plate such objects as automobile bumpers, washing machines or any other large object.

It is further ordered, That the respondents herein 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 this order.

By the Commission, with Commissioner Elman dissenting.
