

IN THE MATTER OF
GOLDEN FIFTY PHARMACEUTICAL CO., INC., ET AL.

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

Docket 8792. Complaint, July 17, 1969—Decision, March 16, 1970

Order requiring a Chicago, Ill., distributor of a vitamin and mineral preparation to cease falsely advertising that respondent manufactures its vitamin-mineral products, that additional quantities may be obtained "free," that offers are made only to a limited customer group, deceptively guaranteeing its products, shipping unordered merchandise, or attempting to collect therefor when recipient has refused delivery.

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 Golden Fifty Pharmaceutical Co., Inc., a corporation, and Michael Posen, 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 Golden Fifty Pharmaceutical Co., Inc., is a corporation organized, existing and doing business under and by

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virtue of the laws of the State of Illinois, with its principal office and place of business located at 5320 North Kedzie Avenue in the city of Chicago, State of Illinois.

Respondent Michael Posen is an individual and is an 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. For several years prior to the formation of the respondent corporation in 1967, he did business as Golden 50 Pharmaceutical Co., with his principal office and place of business at 5401 North Tripp Avenue, Chicago, Illinois.

PAR. 2. Respondents are now, and have been for some time last past, engaged in the sale and distribution of preparations containing ingredients which come within the classification of drugs and food as the terms "drug" and "food" are defined in the Federal Trade Commission Act.

The designation used by respondent for said preparation, the formula thereof and directions for use are as follows:

Designation: Golden 50 Tablets—A high potency vitamin and mineral food supplement.

Formula (One tablet) :	Percent M.A.D.R.
Vitamin A (palmitate) 10,000 USP units.....	250
Vitamin D (irr-ergosterol) 400 USP Units.....	100
Vitamin B-1 (mononitrate) 2 mg.....	200
Vitamin B-2 (riboflavin) 2 mg.....	157
Vitamin B-6 (pyridoxine Hcl) 2 mg.....	X
Vitamin B-12 (cyanocobalamine) 5 meg.	X
Vitamin C (ascorbic acid) 100 mg.....	333
Niacinamide 20 mg.....	200
Vitamin E (succinate) 20 I.U.....	X
Calcium pantothenate 10 mg.....	X
Iron (as ferrous fumarate) 20 mg.....	200
Iodine (as potassium iodide) 0.15 mg.....	150
Copper (as copper sulfate) 2.0 mg.....	X
Manganese (as manganese sulfate) 1.0 mg.....	XX
Choline bitartrate 50 mg.....	XX
Inositol 30 mg.....	XX
Biotin 30 mcg.....	XX
Dried yeast 25 mg.....	
Calcium (Di-Cal-Phos) 100 mg.....	13.3
Phosphorus (Di-Cal?Phos) 75 mg.....	10.0

Percent M.A.D.R.—Percent minimum adult daily requirement—Supplied.

X—M.A.D.R. not as yet established.

XX—Need in human nutrition is not as yet established.

Directions: ONE TABLET DURING OR AFTER BREAKFAST.

PAR. 3. Respondents cause the said preparation, when sold to be transported from its place of business in the State of Illinois to purchasers thereof located in various other States of the United States and in the District of Columbia. Respondent maintains, and at all times mentioned herein has maintained, a course of trade in said preparation in commerce as "commerce" is defined in the Federal Trade Commission Act. The volume of business in such commerce has been and is substantial.

PAR. 4. In the course and conduct of their business as aforesaid, respondents have disseminated, and caused the dissemination of, certain advertisements concerning the said preparation by the United States mails and by various means in commerce, as "commerce" is defined in the Federal Trade Commission Act for the purpose of inducing and which were likely to induce, directly or indirectly, the purchase of said preparation; and have disseminated, and caused the dissemination of, advertisements concerning said preparations by various means for the purpose of inducing and which were likely to induce, directly or indirectly, the purchase of said preparation in commerce, as "commerce" is defined in the Federal Trade Commission Act.

PAR. 5. Among and typical of the said advertisements disseminated as hereinabove set forth are those which were reproduced and attached to this complaint as attachments 1A-1B and 2A-2B [pp. 281-285 herein].

PAR. 6. Through the use of said advertisements and others similar thereto not specifically set out herein, respondents have represented and are now representing, directly and by implication:

1. That Golden Fifty Pharmaceutical Co., Inc., is a manufacturer of vitamin and/or mineral preparations with appropriate laboratory facilities to thereby assure the potency, purity and performance of such preparations.

2. That a 30-day supply of Golden 50 Tablets will be sent free to persons responding to respondents' advertisements.

3. That persons answering said advertisements will be under no obligation to purchase additional supplies of respondents' products.

4. That the "free" offer is good for only fifteen days.

5. That the Golden 50 Tablets are guaranteed.

6. That the drug "gift" package contains "14 famous name brand products."

7. That the products in the drug "gift" package are regular commercial size items.

PAR. 7. In truth and in fact:

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1. Golden Fifty Pharmaceutical Co., Inc., is not engaged in the manufacture of vitamin and/or mineral preparations, and has no laboratory facilities to assure the potency, purity and performance of such preparations.

2. The 30-day supply of respondents' product is not "free" for the reason that such offer is an inseparable part of a plan or scheme under which respondents, after the receipt of the 30-day supply by those who accept the offer, ships additional monthly supplies of their product to said persons and attempt to collect the price thereof.

3. Persons answering said advertisements are under an obligation to purchase additional supplies or to notify respondents to cancel further shipments. After the 30-day supply has been shipped, respondents ship additional supplies each month, mail statements requesting payment therefor and threaten a visit by "Our Representative in your Area" in an attempt to collect payment. In many instances persons who have received the 30-day supply of said product have notified respondents that they did not wish additional supplies to be sent and, in many instances have notified respondents that they wished the monthly shipments to be discontinued. Respondents have, in spite of such notification, continued to ship supplies of said product to such persons and attempted to collect the price thereof, in the manner set out above.

4. There is no time limit on respondents' "free" offer.

5. Respondents do not offer a meaningful guarantee to the purchasers of Golden 50 Tablets. Such purchasers cannot normally determine for themselves the potency or purity of such products. Nor do respondents set forth the nature and extent of the guarantee, the identity of the guarantor, or the manner in which the guarantor will perform thereunder.

6. The drug "gift" package does not contain 14 items nor does it contain all of the famous name brand items listed.

7. The products contained in the drug "gift" package are not regular commercial size items but are samples or trial size items.

Therefore, the advertisements referred to in Paragraph Five above, were, and are, misleading in material respects and constituted, and now constitute, "false advertisements" as that term is defined in the Federal Trade Commission Act.

PAR. 8. Respondents have engaged in the deceptive and misleading practice of causing shipments of said preparation to be sent to persons located in various States of the United States who have not ordered such merchandise and to persons located in various States of the United States who have notified respondents not to ship such

merchandise, and attempt, or cause to be attempted, the collection of the price thereof.

PAR. 9. 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 drugs and food of the same general kind and nature as those sold by respondents.

PAR. 10. The aforesaid acts and practices of respondents, as herein alleged, including the dissemination of the false advertisements as aforesaid 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 Sections 5 and 12 of the Federal Trade Commission Act.

ATTACHMENT 2B

THE BIG DIFFERENCE IN "GOLDEN-50"

ONE SINGLE "GOLDEN-50" TABULET gives folks over 50 more than the Minimum Daily Requirement for EVERY SINGLE VITAMIN LISTED ESSENTIAL FOR GOOD HEALTH, AND each Tabulet contains less than one calorie!

WHEN WILL YOU START TO FEEL BETTER?

If you follow this ONCE-A-DAY Rule you can feel assured of a high level of nutritional intake—THE ONLY SECRET IS *NEVER* MISS A SINGLE DAY—your body must have a constant supply of all the essential nutrients. If you do have a deficiency and you follow this ONCE-A-DAY Rule you may find that you feel HEALTHIER, STRONGER, PEPPIER within two or three weeks:

Our FREE GIFT gives YOU the chance—at our expense—to prove to yourself what a wonderful difference proper nutrition can make in your HEALTH AND HAPPINESS. We make this Valuable Gift because WE KNOW that once you try them—once you learn the amazing difference possible in your outlook on life—you'll become a "GOLDEN-50" Program Member for life—and bless the day you did!!

YOUR DOCTOR KNOWS BEST

"GOLDEN-50" TABULETS are different from the ordinary vitamin tablets available everywhere—THERE IS NO IDENTICAL FORMULA AVAILABLE ANYWHERE! Compare the "GOLDEN-50" Formulation with the most expensive vitamin-mineral preparations that you can find in a drug store—ASK YOUR DOCTOR IF THERE IS A BETTER FORMULA ANYWHERE.

YOUR EXTRA "GOLDEN-50" BENEFITS

As a Member you NEVER need pay in advance—you will be billed at the low price of \$3.00 made possible only through this Direct Buying Plan. If you had to purchase this "GOLDEN-50" Formulation in a store you would pay FAR MORE—for middlemen's profits, for salesmen's salaries, for store rents and high overhead. *We pass all these savings on to you as a club Member.*

(Attachment 2B continued on p. 285.)

Attachment: 1A

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ATTACHMENT 2A

Attachment 2A

REMARKABLE GIFT PACKAGE

PLUS: ONE FULL MONTH'S SUPPLY OF "GOLDEN 50" SUPER POTENCY VITAMIN-MINERAL TABLETS.

14 FAMOUS NAME BRAND PRODUCTS FOR ONLY \$1.00

Dear Friend:

Here's an unbelievable bargain you cannot afford to pass up. We make this remarkable offer to you as a final, irresistible incentive for you to re-join the "GOLDEN-50" Automatic Monthly Program.

YOU RECEIVE ALL THIS FOR ONLY \$1.00:

PLUS	
ABSORBINE, JR.	BUFFERIN
SUCARYL TABLETS	CHOOZ ANTIACID GUM
PHILLIPS MILK OF MAGNESIA	QUINSANA
F & F COUGH LOZENGES	LUDENS COUGH DROPS
MUM DEODORANT	SCORE HAIR CREAM
SEA AND SKI LOTION	AQUA VELVA

and many more useful items.

NOW - like more than a quarter of a million other Americans over the age of 50 - YOU can prove to yourself "GOLDEN-50's" simple inexpensive road to proper nutrition for **HAPPIER, HEALTHIER more ENERGETIC LIVING!**

Poor appetite, bad eating habits, difficulty chewing many important foods, may be causing you deficiencies in some of the **VITAL NUTRITIONAL ELEMENTS** you must have. . . **ELEMENTS ESSENTIAL TO YOUR HEALTH AND HAPPINESS** . . . elements that must be added to your body if they are missing from your normal everyday nutritional intake - to make you feel **HEALTHIER, STRONGER, more ENERGETIC!**

For some time scientists have known that many precious nutrients were often missing from diets formerly considered satisfactory. These missing food elements - vitamins and minerals - help us stay **HEALTHY, HAPPY, and ENERGETIC**. In many important cases these **VITAL NUTRIENTS** can't be stored up in the body. This means that they must be obtained, in sufficient quantity. EACH DAY-EVERY DAY!!!

(Attachment 2B Continued from p. 281.)

"GOLDEN-50" Tablets *never* sit on a store shelf or in a warehouse for months—growing old and stale—before they reach your home. As a Club Plan Member, "GOLDEN-50" Tablets—PURE, POTENT and FRESH from a Laboratory—are delivered right to your door each month by your postman, "regular as clockwork." The Club Guarantees you a Laboratory Fresh Supply of Super-Potency Tablets without ever missing even a single day. *That's why Tens of Thousands of folks like yourself are so thankful for our Automatic Monthly Program.*

Yours for better health,

MICHAEL KENNEDY, *President.*

P.S. Your Valuable GIFT PACKAGE—AND—your full month's supply of Super-Potency "GOLDEN-50" Tablets will be here waiting for you *for 14 days only*—don't miss out on this remarkable offer—mail your special GIFT CERTIFICATE TODAY SURE!! Avoid disappointment—DO IT NOW!!!

Mr. Leroy M. Yarnoff and Mr. Wallace S. Snyder, for the Commission.

Mr. R. Quincy White, Jr., Mr. Stephen P. Durschlag and Mr. Elroy H. Wolff, Liebman, Williams, Bennett, Baird and Minow, Chicago, Ill., attorneys for respondent, Golden Fifty Pharmaceutical Co., Inc.

Mr. William F. Weigel, Rogers, Hoge & Hills, New York, N.Y., attorney for respondent, Mr. Michael Posen.

INITIAL DECISION BY JOHN B. POINDEXTER,
HEARING EXAMINER

FEBRUARY 9, 1970

The complaint in this proceeding issued on July 17, 1969, charges that Golden Fifty Pharmaceutical Co., Inc., a corporation, and Michael Posen, individually and as an officer of said corporation, hereinafter called respondents, violated Sections 5 and 12 of the Federal Trade Commission Act.

Respondents, by and through their respective counsel, filed answers denying in substantial part the charging allegations of the complaint. At a prehearing conference held on October 14, 1969, hearings were scheduled to be held in Chicago, Illinois, beginning on December 9, 1969, and in Milwaukee, Wisconsin, on December 16, 1969.

A few days prior to the date hearings were to begin in Chicago, Illinois, counsel for one of the respondents informed the hearing examiner by long distance telephone that counsel for respondents and counsel supporting the complaint had reached an agreement to stipulate the facts and an order to be entered herein, thus rendering a formal hearing unnecessary.

After satisfying himself that the facts to be stipulated were those as alleged in the complaint herein and that the order agreed to by counsel was, in substantial part, the same as the order requested in the complaint issued herein, the hearing examiner cancelled the hearings which had been previously scheduled.

Subsequently, counsel executed and delivered to the hearing examiner the original and two copies of what counsel describe as a "Stipulation of Facts and Agreed Order" containing eight pages, a copy of which is attached hereto as an appendix.* The original was filed with the Secretary of the Commission on January 19, 1970. Said stipulation provides, among other things, that, upon its acceptance by the hearing examiner, respondents rest their cases and waive their rights to any further hearing before the hearing examiner.

Numbered Paragraphs 1 through 9 of the stipulation contain a recitation of the factual allegations as set forth in Paragraph 1 through 9 of the complaint herein. The form of order agreed to, beginning at the bottom of page 5 of the stipulation, is identical with the form of the order requested in the complaint, but with the addition of a provision that the respondents shall notify the Commission at least thirty days prior to any proposed change in the makeup of corporate respondent, which might affect the compliance obligations arising from the provisions of the order.

Being of the opinion that the acceptance of the "Stipulation of Facts and Agreed Order" will be in the public interest, the hearing examiner accepts such stipulation and, upon the basis of the entire record, makes the following findings of fact and conclusions of law, and issues the following order:

FINDINGS OF FACT

1. Respondent Golden Fifty Pharmaceutical Co., Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Illinois, with its principal office and place of business located at 5320 North Kedzie Avenue in the city of Chicago, State of Illinois.

2. Respondent Michael Posen is an individual and is an officer of the corporate respondent. He formulates, directs and controls the acts and practices of the corporate respondent. His address is the same as that of the corporate respondent. For several years prior to the formation of the respondent corporation in 1967, he did business

* Appendix A was omitted in printing.

as Golden 50 Pharmaceutical Co., with his principal office and place of business at 5401 North Tripp Avenue, Chicago, Illinois.

3. Respondents are now, and have been for some time last past, engaged in the sale and distribution of a preparation containing ingredients which come within the classification of drugs and food as the terms "drug" and "food" are defined in the Federal Trade Commission Act.

The designation used by respondents for said preparation, the formula thereof and directions for the use are as follows:

Designation: Golden 50 Tablets A high potency vitamin and mineral food supplement.

Formula (one tablet) :	Percent M.A.D.R.
Vitamin A (palmitate) 10,000 USP units.....	250
Vitamin D (irr-ergosterol) 400 USP units.....	100
Vitamin B-1 (Mononitrate) 2 mg.....	200
Vitamin B-2 (Riboflavin) 2 mg.....	157
Vitamin B-6 (Pyridoxine Hcl) 2 mg.....	X
Vitamin B-12 (Cyanocobalamin) 5 mcg.....	X
Vitamin C (Ascorbic Acid) 100 mg.....	333
Niacinamide 20 mg.....	200
Vitamin E (Succinate) 20 I.U.....	X
Calcium Pantothenate 10 mg.....	X
Iron (as ferrous fumarate) 20 mg.....	200
Iodine (as potassium iodide) 0.15 mg.....	150
Copper (as copper sulfate) 2.0 mg.....	X
Manganese (as manganese sulfate) 1.0 mg.....	XX
Choline bitartrate 50 mg.....	XX
Inositol 30 mg.....	XX
Biotin 30 mcg.....	XX
Dried Yeast 25 mg.....	
Calcium (Di-Cal-Phos) 100 mg.....	13.3
Phosphorus (Di-Cal-Phos) 75 mg.....	10.0

Percent M.A.D.R.—Per cent minimum adult daily requirement—Supplied.

X—M.A.D.R. not as yet established.

XX—Need in human nutrition is not as yet established.

Directions: ONE TABLET DURING OR AFTER BREAKFAST.

4. Respondents cause the said preparation, when sold, to be transported from its place of business in the State of Illinois to purchasers thereof located in various other States of the United States and in the District of Columbia. Respondents maintain, and at all times mentioned herein have maintained a course of trade in said preparation in commerce as "commerce" is defined in the Fed-

eral Trade Commission Act. The volume of business in such commerce has been and is substantial.

5. In the course and conduct of their business as aforesaid, respondents have disseminated, and caused the dissemination of, certain advertisements concerning the said preparation by the United States mails and by various means in commerce, as "commerce" is defined in the Federal Trade Commission Act, for the purpose of inducing and which were likely to induce, directly or indirectly, the purchase of said preparation; and have disseminated, and caused the dissemination of advertisements concerning said preparation by various means for the purpose of inducing and which were likely to induce, directly or indirectly, the purchase of said preparation in commerce, as "commerce" is defined in the Federal Trade Commission Act.

6. Among and typical of the said advertisements disseminated as hereinabove set forth are those which were reproduced and attached to the complaint in this matter as attachments 1A-1B and 2A-2B [pp. 281-285 herein].

7. Through the use of said advertisements and others similar thereto not specifically set out herein, respondents have represented and are now representing, directly and by implication:

a. That Golden Fifty Pharmaceutical Co., Inc., is a manufacturer of vitamin and/or mineral preparations with appropriate laboratory facilities to thereby assure the potency, purity and performance of such preparations.

b. That a 30-day supply of Golden 50 Tablets will be sent free to persons responding to respondents' advertisements.

c. That persons answering said advertisements will be under no obligation to purchase additional supplies of respondents' products.

d. That the "free" offer is good for only fifteen days.

e. That the Golden 50 Tablets are guaranteed.

f. That the drug "gift" package contains "14 famous name brand products."

g. That the products in the drug "gift" package are regular commercial size items.

8. In truth and in fact:

a. Golden Fifty Pharmaceutical Co., Inc. is not engaged in the manufacture of vitamin and/or mineral preparations, and has no laboratory facilities to assure the potency, purity and performance of such preparations.

b. The 30-day supply of respondents' product is not "free" for the reason that such offer is an inseparable part of a plan under which

respondents, after the receipt of the 30-day supply by those who accept the offer, ship additional monthly supplies of their product to said persons and attempt to collect the price thereof.

c. Persons answering said advertisements are under an obligation to purchase additional supplies or to notify respondents to cancel further shipments. After the 30-day supply has been shipped, respondents ship additional supplies each month, mail statements requesting payment therefor and threaten a visit by "Our Representative in your Area" in an attempt to collect payment. In many instances persons who have received the 30-day supply of said product have notified respondents that they did not wish additional supplies to be sent and, in many instances have notified respondents that they wished the monthly shipments to be discontinued. Respondents have, in spite of such notification, continued to ship supplies of said product to such persons and have attempted to collect the price thereof, in the manner set out above.

d. There is no time limit on respondents' "free" offer.

e. Respondents do not offer a meaningful guarantee to the purchasers of Golden 50 Tablets. Such purchasers cannot normally determine for themselves the potency or purity of such products. Nor do respondents set forth the nature and extent of the guarantee, the identity of the guarantor, or the manner in which the guarantor will perform thereunder.

f. The drug "gift" package does not contain 14 items nor does it contain all of the famous name brand items listed.

g. The products contained in the drug "gift" package are not regular commercial size items but are samples or trial size items.

9. Respondents have engaged in the practice of causing shipments of said preparation to be sent to persons located in various States of the United States who have not ordered such merchandise and to persons located in various States of the United States who have notified respondents not to ship such merchandise, and attempt, or cause to be attempted, the collection of the price thereof.

10. 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 drugs and food of the same general kind and nature as those sold by respondents.

CONCLUSIONS

It is concluded that the facts hereinabove found constituted, and now constitute, unfair methods of competition and unfair and decep-

tive acts and practices, in commerce, in violation of Sections 5 and 12 of the Federal Trade Commission Act; and that this proceeding is in the public interest.

ORDER

It is ordered, That respondents Golden Fifty Pharmaceutical Co., Inc., a corporation, and its officers, and Michael Posen, individually and as an officer of said corporation, and its agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the preparation designated "Golden 50 Tablets," or any food, drug, device or cosmetic do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing the dissemination of, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which:

(a) Represents directly or by implication that respondents are manufacturers of vitamin and/or mineral preparations or maintain laboratory facilities concerned with the formulation, testing or performance of vitamin and/or mineral preparations.

(b) Represents directly or by implication that any product is offered free or under any other terms when the offer is used as a means of enrolling those who accept the offer in a plan whereby additional supplies of the product are shipped at an additional charge unless all of the conditions of the plan are disclosed clearly and conspicuously and within close proximity to the "free" or other offer.

(c) Represents directly or by implication that an offer is made without "further obligation," or with "no risk," or words of similar import denoting or implying the absence of any obligation on the part of the recipient of such offer when in fact there is an obligation incurred by the recipient.

(d) Represents directly or by implication that an offer is made to only a limited customer group or for only a limited period of time when no such limitations are imposed by respondents.

(e) Represents directly or by implication that such products are guaranteed unless the nature and extent of the guarantee, the identity of the guarantor and the manner in

which said guarantor will perform thereunder are clearly and conspicuously disclosed therewith.

(f) Represents directly or indirectly that any product or combination of products identified, described or specified, directly or by implication, is being offered for sale, as a "gift" or otherwise, unless such offer does contain the items as specified, described or otherwise identified.

(g) Represents directly or indirectly that any product or combination of products which are offered for sale, "free," as a "gift," or otherwise is or are of regular commercial size when such product or products are of "trial," "sample," or otherwise less than regular commercial size.

2. Disseminating, or causing to be disseminated, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of respondents' products in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations or misrepresentations prohibited by Paragraph 1 hereof.

It is further ordered, That respondents Golden Fifty Pharmaceutical Co., Inc., a corporation, and its officers, and Michael Posen, 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 "Golden 50 Tablets" or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Shipping or sending any merchandise to any person without the prior authorization or prior consent of the person to whom such merchandise is sent and attempting, or causing to attempt, the collection of the price thereof.

2. Shipping or sending any merchandise to any person and attempting, or causing to attempt, the collection of the price thereof when a notification of refusal of such merchandise, or a notification of cancellation for any further shipments of merchandise, has been sent by such persons and received by respondents.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

DECISION AND ORDER

No appeal from the initial decision of the hearing examiner having been filed, and the Commission having determined that the case should not be placed on its own docket for review and that pursuant to Section 3.51 of the Commission's Rules of Practice (effective July 1, 1967), the initial decision should be adopted and issued as the decision of the Commission:

It is ordered, That the initial decision of the hearing examiner shall, on the 16th day of March, 1970, become the decision of the Commission.

It is further ordered, That respondents, Golden Fifty Pharmaceutical Company, Inc., a corporation, and Michael Posen, individually and as an officer of said corporation shall, within sixty (60) days after service of this order upon them, file with the Commission a report in writing, signed by such respondents, setting forth in detail the manner and form of their compliance with the order to cease and desist.

IN THE MATTER OF

ATLEE FABRICS, INC., ET AL.

CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF
THE FEDERAL TRADE COMMISSION AND THE WOOL PRODUCTS