



Complaint

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their products as nonhazardous, using the term "Safety" for products containing toxic substances, and failing to label their products with hazard warnings and first aid instructions.

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 the parties listed in the caption hereof and 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 H-S Enterprises, Incorporated (Isochem Resins Co.), is a corporation, existing and doing business under and by virtue of the laws of the State of Rhode Island and duly authorized to conduct business under that name with its principal office and place of business located at Cook Street, Lincoln, Rhode Island.

PAR. 2. Respondent Herman Selya is president and treasurer of said corporation. Mr. Herman Selya founded the respondent corporation and has been and is responsible for establishing, supervising, directing and controlling the business activities and practices of corporate respondent H-S Enterprises. Respondent Selya's office address is the same as that of said corporation.

PAR. 3. Respondents have been engaged in the advertising, offering for sale, sale and distribution of Stripper SX, formerly known as Safety Strip.

PAR. 4. In the course and conduct of their aforesaid business, respondents have caused, the product listed in Paragraph Three, when sold to be shipped from their place of business in the State of Rhode Island to purchasers thereof located in various other States of the United States, and have caused, said product to be shipped from the place of manufacture to various States of the United States other than the state of manufacture. Respondents, therefore, maintain, and at all times mentioned herein have maintained, a substantial course of trade in commerce as "commerce" is defined in the Federal Trade Commission Act.

PAR. 5. In the course and conduct of their aforesaid business, respondents have disseminated, and have caused the dissemination of certain advertisements, and/or promotional materials, and/or labels concerning the aforesaid product by the United States mails and by various other means in commerce as "commerce" is defined in the

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1. Typical and illustrative of said statements and representations contained in said promotional materials disseminated as hereinabove set forth are the following:

SAFETY STRIP: Odor-free, fume-free * * * completely NON-VOLATILE and NON-FLAMMABLE * * * Flash Point is 200° C., NON-IRRITATING, COMPLETELY SAFE.

COOK STREET, LINCOLN, RHODE ISLAND, 02865

Cust.

Part No.

ISOCHEM STRIP (Followed by name or product, e.g. SAFETY STRIP.)

Cust. Order No.	Lot No.	Quantity

Caution: Contains organic solvents and alcohols—care should be used to prevent prolonged breathing and contact with skin or eyes. Wash with clear water immediately and thoroughly after contact.

PAR. 6. 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, and by failing to properly label the aforesaid

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product as to its flammable, toxic, volatile and irritating natures, respondents have represented directly or by implication:

1. That STRIPPER SX, or as it was formerly called SAFETY STRIP, is non-flammable, non-volatile, non-toxic, non-irritating, with a flash point of 200° C., and a boil point of 175° C., and completely safe.

2. That according to its label STRIPPER SX, formerly known as SAFETY STRIP, requires ordinary care in its use and handling and requires only perfunctory first aid instructions if contact is made with any part of the handler's body by the respondents' product.

PAR. 7. In truth and in fact:

1. STRIPPER SX, formerly known as SAFETY STRIP, is flammable, volatile, toxic and irritating to the skin, eyes and mucous membranes, has considerably lower boiling and flash points than ascribed to it, and it is not completely safe.

2. STRIPPER SX, formerly known as SAFETY STRIP, requires moderate care in its use and handling and requires detailed first aid instructions in case of contact with the handler's body.

Therefore, the advertisements and promotional materials and the failure to properly label the product are misleading in material respect as to the safe use of the aforesaid product and they have constituted, and now constitute false, misleading and deceptive practices, and are in violation of Section 5 of the Federal Trade Commission Act, as amended.

DECISION AND ORDER

The Federal Trade Commission having initiated an investigation of certain acts and practices of the respondents named in the caption herein, and the respondents having been furnished thereafter with a copy of a draft of complaint which the Bureau of Consumer Protection 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 have 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 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 Section 2.34(b) of its rules, the Commission thereby issues its complaint, makes the following jurisdictional findings, and enters the following order.

1. Respondent H-S Enterprises, Incorporated, (Isochem Resins Co.) is a corporation organized, existing and doing business under and by virtue of the laws of the State of Rhode Island, with its office and principal place of business located at Cook Street, Lincoln, Rhode Island.

Respondent Herman Selya is president and treasurer of said corporation. Mr. Selya founded the respondent corporation and has been and is responsible for establishing, supervising, directing, and controlling the business activities and practices of corporate respondent H-S Enterprises. Respondent Selya's office 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

I. *It is ordered*, That the respondent H-S Enterprises, Incorporated (Isochem Resins Co.), a corporation, its directors, officers, agents, representatives, employees, successors and assigns, and respondent Herman Selya, individually, and as a director or officer of H-S Enterprises, Incorporated, his agents, representatives and employees directly or indirectly, or through any corporate or other device, in connection with the offering for sale, sale or distribution of goods or commodities in commerce, as "commerce" is defined in the Federal Trade Commission Act, shall forthwith cease and desist from:

1. Representing, directly or by implication in any advertisements, labels, promotional materials or product name that respondents' STRIPPER SX, formerly known as SAFETY STRIP; or any other substantially similar product:

- (a) Is Non-Flammable.
- (b) Is Non-Volatile.
- (c) Is Non-Toxic.
- (d) Is Non-Irritating.
- (e) Has a Flash Point of 200° C.
- (f) Has a Boil Point of 175° C.
- (g) Is Completely Safe.

2. Misrepresenting, directly or by implication, in any advertisements, labels or promotional materials, the flammable, volatile, toxic or irritating properties of any of the respondents' products and misrepresenting the boiling and flash points of any of the respondents' products.

3. Failing to properly label the respondents' product STRIPPER sx, formerly known as SAFETY STRIP, or any other substantially similar product in conspicuous lettering and type, as follows:

**WARNING! HARMFUL IF SWALLOWED, INHALED,
OR ABSORBED THROUGH SKIN**

Avoid breathing vapor.

Avoid contact with eyes, skin, and clothing.

Keep container closed.

Use with adequate ventilation.

Wash thoroughly after handling.

FIRST AID: If swallowed, induce vomiting and call a physician. Repeat until vomit is clear. For eyes, flush with plenty of water for 15 minutes. Never give anything by mouth to an unconscious person.

WARNING! FLAMMABLE

Keep away from heat, sparks, and open flame.

Keep container closed.

Use with adequate ventilation.

4. Using the word or term "Safety" or any other word or phrase of similar meaning on the label, or in any promotional materials for any of their products containing or composed of toxic substances.

II. *It is further ordered*, That respondents do forthwith cease and desist from disseminating, or causing the dissemination of, any advertisement or promotional material by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, for their product STRIPPER sx, formerly known as SAFETY STRIP, or any other substantially similar product, unless the flammable, volatile, toxic or irritating nature of such product, and the correct boil and flash points of such product are clearly and conspicuously disclosed in such advertisement or promotional material, for a period of two years from the date this order is served upon them.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents

engaged in the offering for sale, or sale of any of the aforesaid products, or any other substantially similar products and secure from such present or future personnel a signed statement acknowledging receipt of said order.

It is further ordered, That respondents notify the Commission at least thirty (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 this order.

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.

IN THE MATTER OF

ALL ORTHOPEDIC APPLIANCES, INC., ET AL.

CONSENT DECREE, ETC., IN REGARD TO THE ALLEGED VIOLATION OF THE