

which they have complied with the order to cease and desist contained herein.

IN THE MATTER OF
PPG INDUSTRIES, INC.

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

Docket C-2132. Complaint, Jan. 13, 1972—Decision, Jan. 13, 1972

Consent order requiring a Pittsburgh, Pa., seller of aviation fuel additive PRIST and other merchandise to cease misrepresenting that any of its products have been approved by the Federal Aviation Agency, that its fuel additive will eliminate carburetor icing, and that it meets the standards of the United States Air Force for its turbine aircraft engines.

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 PPG Industries, Inc., a corporation, hereinafter referred to as respondent, has 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 PPG Industries, Inc., is a corporation organized, existing, and doing business under and by virtue of the laws of the Commonwealth of Pennsylvania, with its office and

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principal place of business located at 1 Gateway Center, in the city of Pittsburgh, Commonwealth of Pennsylvania.

PAR. 2. Respondent is now, and for some time last past has been, engaged in the advertising, offering for sale, and sale of the aircraft fuel additive PRIST, and other articles of merchandise, to the public.

PAR. 3. In the course and conduct of its business, respondent now causes, and for some time last past has caused, PRIST, when sold, to be shipped from its manufacturing plant at Beaumont, Texas, operated by the Houston Chemical Company, a division of the respondent, to purchasers thereof located in various other States of the United States, and maintains, and at all times mentioned herein has 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 its aforesaid business, and for the purpose of inducing the purchase of said aircraft fuel additive, respondent has made numerous statements and representations in circulars, periodicals, and other materials with respect to the performance characteristics of said product and Federal Aviation Administration approval of said product.

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

In an action described as an aviation "milestone", the Federal Aviation Administration (FAA) has for the first time approved the use of PRIST anti-icing and biocidal fuel additive in reciprocating aircraft engines.

* * * * *

PRIST IS THE FIRST INFALLIBLE DE-ICER. It cannot fail. Your safety no longer depends on a mechanical function.

* * * * *

STOP Carburetor Icing. Use Prist.

* * * * *

Carburetor icing can occur when you least expect it. * * * What safeguard can you give your plane? A 6-1/2 ounce aerosol can of Lo-Flo Prist Anti-Icing and Biocidal Fuel Additive provides your safeguard. * * * So don't take chances with unexpected engine failure due to carburetor ice. Use Prist Additive at each refueling.

* * * * *

Ice is for igloos. Not carburetors. Use Prist.

* * * * *

With Lo-Flo PRIST, your reciprocating engine gets the same protection required by the Air Force for turbine jets, including Air Force One, the President's private plane.

* * * * *

PAR. 5. By and through the use of the above-quoted statements and representations, and others of similar import and meaning not expressly set out herein, respondent represents, and has represented, directly or by implication:

1. That the Federal Aviation Administration has approved PRIST as an effective anti-icing and biocidal fuel additive for use in reciprocating aircraft engines.

2. That PRIST will eliminate carburetor icing in reciprocating aircraft engines, thereby doing away with the need for other carburetor icing preventive measures.

3. That PRIST will provide reciprocating aircraft engines with the same anti-icing and anti-microbial protection as the United States Air Force requires for its turbine aircraft engines.

4. That each of the use or performance representations made by respondent for PRIST when used in reciprocating aircraft engines, has been substantiated by respondent through competent scientific tests or by authenticated, controlled, and duly recorded user tests, or both.

PAR. 6. In truth and in fact:

1. The Federal Aviation Administration acceptance of the use of PRIST in Lycoming reciprocating engines does not include approval of its functional effectiveness against carburetor icing or its anti-microbial effect. To the contrary, the Federal Aviation Administration approved the use of PRIST in Lycoming reciprocating engines from the standpoint of compatibility only.

2. PRIST will not eliminate carburetor icing in reciprocating aircraft engines. To the contrary, the use of PRIST does not replace carburetor heat or heaters and, thus, instructions provided in aircraft and reciprocating engine operating manuals regarding the use of carburetor heat must be strictly followed.

3. PRIST will not provide reciprocating aircraft engines with the same anti-icing and anti-microbial protection as the United States Air Force requires for its turbine aircraft engines.

4. Use or performance characteristics made by respondent for PRIST when used in reciprocating aircraft engines have not been substantiated by respondent through competent scientific tests or by authenticated, controlled, and duly recorded user tests.

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

PAR. 7. In the course and conduct of its aforesaid business, and at all times mentioned herein, respondent has been, and is now, in

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substantial competition, in commerce, with corporations, firms, and individuals in the sale of products of the same general kind and nature as those sold by respondent.

PAR. 8. The use by respondent of 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 such statements and representations were and are true and into the purchase of substantial quantities of respondent's product by reason of said erroneous and mistaken belief.

PAR. 9. The aforesaid acts and practices of respondent, as herein alleged, were and are all to the prejudice and injury of the public and of respondent's competitors and constituted, and now constitute, unfair methods of competition in commerce and unfair or deceptive acts or 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 respondent named in the caption hereof, and the respondent having been furnished thereafter with a copy of a draft of complaint which the Cleveland Regional Office proposed to present to the Commission for its consideration and which, if issued by the Commission, would charge respondent with violation of the Federal Trade Commission Act; and

The respondent and counsel for the Commission having thereafter executed an agreement containing a consent order, an admission by the respondent 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 respondent 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 respondent has 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 Section 2.34(b) of its rules, the Commission hereby issues its complaint, makes the following jurisdictional findings, and enters the following order:

1. Respondent, PPG Industries, Inc., is a corporation organized, existing, and doing business under and by virtue of the laws of the Commonwealth of Pennsylvania, with its office and principal place of business located at 1 Gateway Center, in the city of Pittsburgh, Commonwealth of Pennsylvania.

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

ORDER

It is ordered, That respondent, PPG Industries, Inc., a corporation organized, existing, and doing business under and by virtue of the laws of the Commonwealth of Pennsylvania, its successors and assigns, and respondent's agents, representatives, salesmen, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale, or distribution of the aircraft fuel additive PRIST, or any product, 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 aircraft fuel additive, PRIST, or any other product, has been approved by the Federal Aviation Administration or any other agency of the United States Government to be a functionally effective anti-icing agent or a functionally effective anti-microbial additive for use in reciprocating aircraft engines.

2. Representing, directly or by implication, that the aircraft fuel additive, PRIST, or any other product, will eliminate carburetor icing in reciprocating aircraft engines, thereby doing away with the need for other carburetor icing preventative measures such as carburetor heat or heaters, without affirmatively disclosing that instructions provided in aircraft and reciprocating aircraft engine operating manuals regarding the use of manufacturer-recommended carburetor icing preventative measures must be strictly followed.

3. Representing, directly or by implication, that the aircraft fuel additive, PRIST, or any product, will provide reciprocating aircraft engines with the same anti-icing and anti-microbial protection as the United States Air Force requires for its turbine aircraft engines.

4. Representing, directly or by implication, that the aircraft fuel additive, PRIST, or any product, has any use or performance characteristics or will accomplish any results when used in reciprocating aircraft engines, unless said uses, performance,

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or accomplishment claims have been fully and completely substantiated through competent scientific tests performed either by respondent or others, or by authenticated, controlled, and duly recorded user tests.

It is further ordered, That respondent shall notify the Commission at least thirty (30) days prior to any resumption by it, within three years from the date of this order, of any advertising of PRIST, or any other product, promoting its use in reciprocating aircraft engines, and shall submit to the Commission with such notification a copy of the proposed advertisement, together with its basis for all relevant claims therein.

It is further ordered, That respondent shall notify the Commission, at least thirty (30) days prior to any proposed change in its business organization such as dissolution, assignment, incorporation, or sale resulting from the emergence of a successor firm, partnership, or corporation, or any other change which may affect compliance obligations arising out of the order.

It is further ordered, That respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth, in detail, the manner and form in which it has complied with this order.

IN THE MATTER OF

JOAL FURNITURE CORP., ET AL.

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