

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.

4. Retain all receipts required to be obtained by this order for a period of five (5) years from the date of each said receipt.

IN THE MATTER OF

McDONALD'S CORPORATION, ET AL.-DOCKET C-1897
D'ARCY ADVERTISING COMPANY, ET AL.-DOCKET
C-1898

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

Complaints, April 12, 1971—Dismissal order, June 5, 1973.

Order reopening proceedings, vacating and setting aside orders to cease and desist, 78 F.T.C. 606 and 616 (36 F.R. 11,289 and 11,284) and dismissing proceedings against a major chain of hamburger restaurants and its advertising agency which charged them with unfair methods of competition and unfair and deceptive acts and practices in their use of a "sweepstakes" sales promotion device.

SEPARATE CONCURRING STATEMENT OF COMMISSIONERS PAUL RAND
DIXON AND MARY GARDINER JONES

Although we dissented from the Commission's dismissal of the complaint in *D. L. Blair Corp.*, we agree that because there is an identity of interest in the two matters before us and *D. L. Blair Corp.*, fairness requires that the order be set aside as to respondents herein. We therefore, concur that the proceedings herein be vacated and set aside, and that the proceedings be dismissed.

ORDER REOPENING PROCEEDINGS, SETTING ASIDE CEASE AND DESIST
ORDERS AND RULING ON PETITION TO STAY

McDonald's Corporation and McDonald's System, Inc., by a petition filed on March 26, 1973, and D'Arcy-MacManus & Masius, Inc., successor to D'Arcy Advertising Company by a petition filed on March 29, 1973, request, pursuant to Rule 3.72(b)(2) of the

Commission's Rules of Practice, that the Commission reopen these proceedings and set aside the orders to cease and desist against them which have become final [78 F.T.C. 606 and 616 for the respective cases].

Respondent D'Arcy-MacManus & Masius, Inc., has also filed a petition to stay all further requests for compliance reports pending the Commission's consideration of its petition.

The Acting Director of the Bureau of Consumer Protection and complaint counsel have filed answers to the petitions to reopen. In the answers, it is stated that complaint counsel joins with respondents in urging that the orders to cease and desist be set aside by the Commission.

The two cases have been consolidated by the Commission for the purpose of ruling on the petitions. The basis for the requests to reopen the proceedings and set aside the cease and desist orders is the Commission's action in *D. L. Blair Corp.*, 3 Trade Reg. Rep. ¶20,223 (D. 8837, 1973). There, the Commission after the hearing and initial decision by the administrative law judge, concluded that the facts did not demonstrate a violation of Section 5 of the Federal Trade Commission Act. Respondents in the instant proceedings were participants in the same activities involved in the *D. L. Blair Corp.*, matter and were initially named in the complaint. The respondents, however, instead of litigating the allegations in the complaint signed consent agreements which resulted in the cease and desist orders.

In view of the decision in the *D. L. Blair Corp.* matter and the identity of the facts as they relate to respondents, it is determined by the Commission that it is not in the public interest to continue the orders here. Accordingly,

It is ordered, That the proceedings be, and they hereby are, reopened and the orders to cease and desist heretofore entered in these matters be, and they hereby are, vacated and set aside and the proceedings be, and they hereby are, dismissed.

It is further ordered, That the petition by respondent D'Arcy-MacManus & Masius, Inc., to stay any further requests to file compliance reports is dismissed as moot.

Commissioners Dixon and Jones submitting a concurring statement.

Order

IN THE MATTER OF

THE PAPERCRAFT CORPORATION

MODIFIED ORDER IN REGARD TO THE ALLEGED VIOLATION OF SEC. 7 OF
THE CLAYTON ACT

Docket 8779. Complaint, April 10, 1969—Modified order, June 6, 1973.

Order modifying an earlier order dated June 30, 1971, 36 F.R. 15662, 78 F.T.C. 1352, as modified September 9, 1971, 79 F.T.C. 420, which required a major manufacturer and distributor of gift wrapping paper and ribbons with headquarters in Pittsburgh, Pa., to divest itself of an acquired gift wrapping firm, by deleting Paragraph IX of the modified order which prohibited the divesting company from selling to any direct customers of the divested company for a three-year period.

MODIFIED ORDER TO CEASE AND DESIST

Respondent having filed in the United States Court of Appeals for the Seventh Circuit a petition to review the order to cease and desist issued herein on June 30, 1971, and modified by the Commission on September 9, 1971; [79 F.T.C. 420] and [78 F.T.C. 1352] the Court on January 25, 1973, having rendered its decision, and on February 22, 1973, having entered its final order affirming and enforcing the Commission's order with modification by the deletion of Paragraph IX; and the time in which to file a petition for certiorari having expired without either party having filed such a petition;

Now therefore, it is ordered, That the aforesaid order to cease and desist be modified, in accordance with said final order of the Court of Appeals, to read as follows:

I

It is ordered, That respondent, the Papercraft Corporation, a corporation, and its officers, directors, agents, representatives, employees, subsidiaries, affiliates, successors and assigns, within six (6) months from the date of service upon it of this order, shall divest, absolutely and in good faith, subject to the approval of the Federal Trade Commission, all assets, properties, rights and privileges, tangible and intangible, including, but not limited to, all plants, equipment, machinery, inventory, customer lists, trade names, trademarks and goodwill, acquired by the Papercraft Corporation as a result of its acquisition of CPS Industries, Inc., together with all additions and improvements thereto, of whatever description, made since the acquisition.