

IN THE MATTER OF
THE GREAT ATLANTIC & PACIFIC TEA COMPANY,
INC.

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

Docket 8916. Complaint, Feb. 16, 1973 - Final Order, Mar. 25, 1975

Order requiring one of the nation's two largest supermarket chains, headquartered in Montvale, N.J., among other things to have advertised items readily available for sale at or below advertised prices.

Appearances

For the Commission: *Michael C. McCarey, Joel P. Bennett and Rosalind A. Lazarus.*

For the respondent: *Donald J. Mulvihill, Cahill, Gordon & Reindel, Wash., D.C.*

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act, and by virtue of the authority vested in it by that Act, the Federal Trade Commission, having reason to believe that The Great Atlantic & Pacific Tea Company, Inc., a corporation, hereinafter sometimes referred to as respondent, has violated the provisions of said Act, and it appearing to the Commission that a proceeding by it in respect thereto would be in the public interest, hereby issues its complaint stating its charges in that respect as follows:

PARAGRAPH 1. Respondent The Great Atlantic & Pacific Tea

text of the order requires substantiation for only two classes of claims: (1) those that deal with ability of a Crown product to reduce motor vehicle exhaust, and (2) claims regarding a "quality, performance ability or other characteristic" of a gasoline or gasoline additive product. Requiring supporting scientific tests for these two categories of claims is reasonably related to the violation found. Respondent's avowed concern that it will have to conduct scientific tests before mentioning even the "price" or "availability" of its gasoline in advertisements is misplaced. References to price and availability of its products are not quality or performance "characteristics" under the order.

It is ordered, That the aforesaid petition be, and it hereby is, denied.
