
IN THE MATTER OF
LUMBERJACK MEATS, INC., ET AL.

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

Docket C-2706. Complaint, July 21, 1975-Decision, July 21, 1975

Consent order requiring a Birmingham, Ala., manufacturer of packaged meat and meat soy protein concentrate products, among other things to cease misrepresenting that its product Bun Pals is all-meat or solely a meat product; exaggerating the products' protein content in comparison with other food products; understating the products' fat content in comparison with other food products; and making price comparisons between its products and other products only in equivalent units of quantity.

Appearances

For the Commission: *Truett M. Honeycutt.*

For the respondents: *Harold Delbaum, Tarrytown, N.Y.*

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 Lumberjack Meats, Inc., a corporation; and Harold Abroms, individually and as an officer of said corporation, have 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 Lumberjack Meats, Inc. is a corporation organized existing and doing business by virtue of the laws of the State of Alabama, with its office and principal place of business located at 210-26th Ave., West, Birmingham, Ala.

Respondent Harold Abroms 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 the corporate respondent.

PAR. 2. Respondent Lumberjack Meats, Inc., is now and for some time last past has been engaged in the sale and distribution of a chicken, meat byproduct, meat, and soy protein concentrate product known as Bun Pals.

PAR. 3. Respondent Lumberjack Meats, Inc., causes the said product, when sold, to be transported from its place of business in Alabama to purchasers located in various other States of the United States. Respondent Lumberjack Meats, Inc., maintains, and at all times mentioned herein has maintained a course of trade in said product 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, respondents have disseminated and caused the dissemination of certain advertisements concerning the said product by the United States mails and by various means in commerce as "commerce" is defined in the Federal Trade Commission Act, including but not limited to advertisements inserted in newspapers located in various States of the United States and having interstate circulation among readers located outside the respective states of their publication, for the purpose of inducing and which were likely to induce, the purchase of said product in commerce, as "commerce" is used in Sections 5 and 12 of the Federal Trade Commission Act, and as a result of such newspaper advertising and the mailing of advertising copy to newspapers for publication, and the mailing of newspapers containing such advertising to out of state

readers, respondents have disseminated and caused to be disseminated false advertising by United States mails within the meaning of Section 12(a)(1) of the Federal Trade Commission Act.

PAR. 5. Typical of the statements and representations in such advertisements, disseminated as aforesaid, but not all inclusive thereof, are the following: [see pp. 293-298]

PAR. 6. Through the use of the above advertisements, and others of similar import and meaning but not expressly set out herein, respondents have represented directly or by implication that:

1. Bun Pals is an all meat product in the same sense as pork chops, boneless round, chuck roast, steak, and roast beef.

2. The price of Bun Pals is approximately one half (1/2) or less than the price of the comparative meat product.

3. Bun Pals contain more protein than boneless round, canned ham, and roast beef and as much protein as pork chops, chuck roast and steak.

4. Bun Pals contain less fat than boneless round, boneless chuck roast and steak.

PAR. 7. In truth and in fact:

1. Bun Pals is not an all meat in the same sense as pork chops, boneless round, chuck roast and steak but instead the product is a combination of meat, meat byproducts, and soy protein concentrate which contains substantial quantities of non-meat ingredients.

2. The price of Bun Pals is substantially more expensive in relation to the comparative meat products than the ads depict. For example, Bun Pals are more than one half (1/2) the price of equal quantities of all comparative meat products shown in the aforementioned advertisements except steak. For the latter, the price is one third (1/3) as expensive rather than one fourth (1/4) as the ad depicts.

3. Bun Pals contain less protein than boneless round, canned ham, roast beef, pork chops, chuck roast and steak. In the instance of boneless round, the protein content of Bun Pals is less than one half (1/2) that of such product.

4. Bun Pals contain more fat than boneless round, boneless chuck roast and steak.

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

PAR. 8. Respondent, Lumberjack Meats, Inc., at all times mentioned herein, has been and is now in substantial competition with individuals, firms, and corporations engaged in the sale and distribution of meat, meat food products and soy concentrate products which are purchased by consumers to supply meat or a meat substitute in their diets.

PAR. 9. The use by corporate respondents of the aforesaid deceptive

statements, representations and practices has had, and now has the capacity and tendency to mislead members of the purchasing public into the mistaken belief that such statements and representations are true and complete, and into the purchase of substantial quantities of corporate respondents' product by reason of such erroneous and mistaken belief. As a result thereof, substantial trade has been and is being diverted to corporate respondents from its competitors.

PAR. 10. The aforesaid acts and practices of respondents as herein alleged, 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 or practices in commerce in violation of Sections 5 and 12 of the Federal Trade Commission Act.

DECISION AND ORDER

The Federal Trade Commission having initiated an investigation of certain acts and practices of the respondents named in the caption hereof, and the respondents having been furnished thereafter with a copy of a draft of complaint which the Atlanta Regional Office 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 having 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 consent agreement and placed such agreement on the public record for a period of sixty (60) days, now in further conformity with the procedure prescribed in Section 2.34(b) of its rules, the Commission hereby issues its complaint making the following jurisdictional findings, and enters the following order:

1. Respondent Lumberjack Meats, Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of Alabama, with its office and principal place of business located at 210-26th Ave., West, Birmingham, Ala.

Respondent Harold Abroms is an officer of said corporation. He formulates, directs and controls the policies, acts and practices of said corporation. His principal office and place of business is located at the above-stated address.

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

IT IS ORDERED, That respondents Lumberjack Meats, Inc., a corporation, its successors and assigns, and its officers, and Harold Abroms, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporation, subsidiary, division or other device in connection with the advertising, offering for sale or sale of the product "Bun Pals" or any other product in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing directly or indirectly that the product "Bun Pals" or any other soy protein concentrate product is all meat or solely a meat product.

2. Representing directly or indirectly, that the protein content of the product "Bun Pals" is equal to or higher than that of boneless round, canned ham, roast beef, pork chops, chuck roast and steak, or misrepresenting in any manner the protein content of respondents' products.

3. Representing directly or indirectly that the fat content of the product "Bun Pals" is equal to or less than that of boneless round, boneless chuck roast, and steak, or misrepresenting in any manner the fat content of respondents' products.

4. Comparing the price of any given quantity of the product "Bun Pals" or any other product with that of another product unless such price comparison is expressed in equal quantities using equivalent units whether the compared product be described in generic terms or as a particular brand.

IT IS FURTHER ORDERED, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

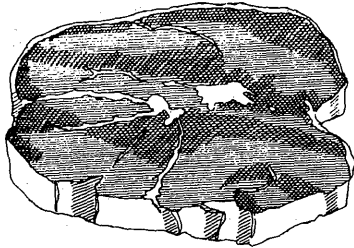
IT IS FURTHER ORDERED, That the individual respondent named herein shall promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or

employment in which he is engaged as well as a description of his duties and responsibilities.

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, partnership or other business entity, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the 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.

BONELESS ROUND
\$1.69 lb.



BUN PALS 59¢
 12 oz. pkg.



**BUN PALS ARE ROUND & BONELESS
 AND THEY FEEL GOOD
 WHEN YOU PAY FOR THEM.**

Bun Pals give your family the
 meat they crave, plus extra
 protein and less fat. What more
 could a mother ask for? Try
 Bun Pals!



BUN PALS

All the Protein Money Used to Buy.

BRESSLER Exhibit 3
 File DA 40001 Date 8/2/73
 T. D. Attorney
 Federal Trade Commission

Also try Flavor Pals Bacon, Smoked Sausage, Red Hots, and Lunch Pals.

PORK CHOPS
\$1.29 lb.



BUN PALS 59¢
12 oz. pkg.



HOW TO PUT MEAT ON THE TABLE AND KEEP SOME MONEY IN YOUR POCKET.

We don't claim Bun Pals taste like pork chops. They taste like Bun Pals! And they give your family plenty of protein and less fat. Plus a break for your budget. Serve 'em up!



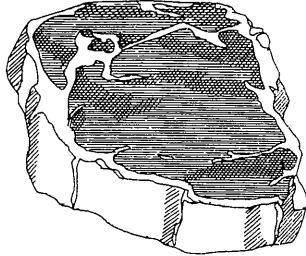
BUN PALS

All the Protein Money Used to Buy.

BRESSLER Exhibit 2
File DA 40001 Date 8/2/73
T.H. Attorney
Federal Trade Commission

Also try Flavor Pals Bacon, Smoked Sausage, Red Hots, and Lunch Pals.

BONELESS CHUCK ROAST \$1.59 lb.

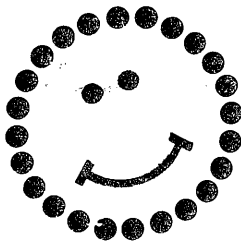


BUN PALS 59¢ 12 oz. pkg.



BEFORE YOU CHUCK MEAT ALTOGETHER, TRY BUN PALS.

O.K., not many people roast
Bun Pals. But they sure taste
good fried, broiled, or barbecued.
And they give you plenty of
protein and less fat. Especially
in the budget. Try 'em!

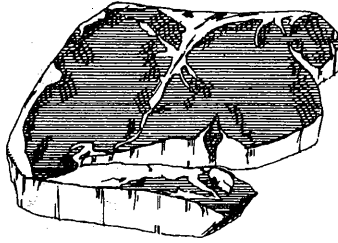


BUN PALS

All the Protein Money Used to Buy.

*DRESSLER Exhibit 4
File DAVCOOL Date 8/2/77
T. H. Attorney
Federal Trade Commission*

Also try Flavor Pals Bacon, Smoked Sausage, Red Hots, and Lunch Pals.

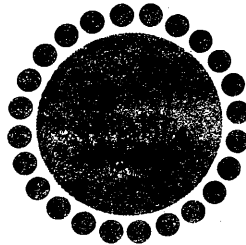
STEAK \$2.39 lb.**BUN PALS 59¢**

12oz. pkg.



THE HIGHER STEAK GOES THE MORE YOU'LL LIKE BUN PALS.

We don't claim Bun Pals taste like steak. But we do know that ounce for ounce, Bun Pals give your family as much protein and less fat. So serve 'em up! Your budget will taste the difference.

**BUN PALS**

All the Protein Money Used to Buy.

Also try Flavor Pals Bacon, Smoked Sausage, Red Hots, and Lunch Pals.

BRESSLER
P.O. BOX 40001
T.A. A.T. 8/2/73

CANNED HAM
\$1.29 lb.

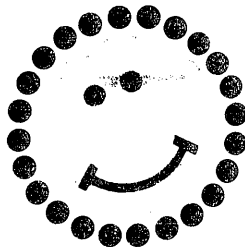


BUN PALS 59¢
 12 oz. pkg.



**THREE KIDS,
 A HUSBAND AND A BUDGET.
 AND BUN PALS.**

We have nothing against
 canned ham. Except the price.
 And so we offer Bun Pals as a
 mighty tasty substitute. Plus
 more protein and less fat. Try
 Bun Pals and see!



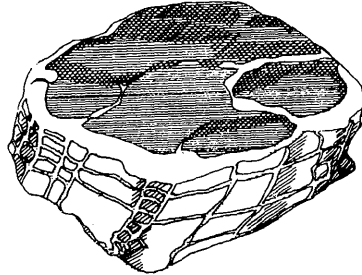
BUN PALS

All the Protein Money Used to Buy.

BAESSLER Exhibit 6
File DA4001 Date 8/2/73
Tr. Attorney Federal Trade Commission

Also try Flavor Pals Bacon, Smoked Sausage, Redi Hots, and Lunch Pals.

ROAST BEEF
\$1.59 lb.

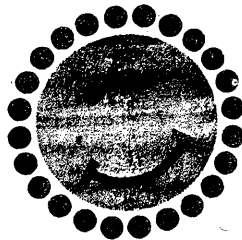


BUN PALS 59¢
12 oz. pkg.



**DON'T BEEF ABOUT
THE HIGH PRICE OF MEAT.
EAT BUN PALS!**

We don't think Bun Pals taste like roast beef. They taste like Bun Pals! And that's good! So is the extra protein and lower fat content. See if you don't like Bun Pals!



BUN PALS

All the Protein Money Used to Buy.

Also try Flavor Pals Bacon, Smoked Sausage, Red Hots, and Lunch Pals.

BAESSLER Exhibit 7
File DA 40001 Date 8/2/75
T. J. Attorney
Federal Trade Commission

IN THE MATTER OF
MORTON-NORWICH PRODUCTS, INC., ET AL.
CONSENT ORDER, ETC., IN REGARD TO ALLEGED VIOLATION OF
THE FEDERAL TRADE COMMISSION ACT

Docket C-2707. Complaint, July 21, 1975-Decision, July 21, 1975

Consent order requiring a Chicago, Ill., salt manufacturer and its advertising agency, among other things to cease failing to disclose in all advertisements for Morton Lite Salt that the product is not to be used by persons on sodium or potassium restricted diets, and misrepresenting that there is a connection between sodium intake and water retention or high blood pressure or that a reduction in sodium intake will promote or maintain good health.

Appearances

For the Commission: *Walter B. Fisherow.*

For the respondents: *McBride, Baker, Wienke & Schlosser*, Chicago, Ill. *Pepper, Hamilton & Scheetz*, Wash., D.C., and *Davis, Gilbert, Levine & Schwartz*, New York City.

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 Morton-Norwich Products, Inc., a corporation, and Needham, Harper & Steers Advertising, Inc., a corporation, hereinafter sometimes 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 Morton-Norwich Products, Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of Delaware, with its principal office and place of business located at 110 N. Wacker Drive, Chicago, Ill.

PAR. 2. Respondent Needham, Harper & Steers Advertising, Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of Delaware with its principal office and place of business located at 401 N. Michigan Ave., Chicago, Ill.

PAR. 3. Respondent Morton-Norwich Products, Inc. is now, and for some time last past has been, engaged in the manufacture, advertising, offering for sale, sale and distribution of Morton Lite Salt, a food product consisting of equal parts of sodium chloride and potassium chloride.