

IN THE MATTER OF
EXXON CORPORATION, ET AL.

Docket 8934. Order, Feb. 17, 1976

Commission vacates the administrative law judge's order of Feb. 10, 1976, regarding document preservation.

Appearances

For the Commission: *Roger B. Pool, Roger J. McClure, Rhett R. Krulla, Anne R. Schenof, Ira S. Nordlicht, Phillip M. Dantes, James H. Thessin, Patrick J. Quinlan, David I. Haberman, Harold L. Cushenberry, Jr., Brian H. Siegal, Joseph H. Mattingly, Karen E. Chandler, Sheldon C. Hofferman, Barry A. Pupkin, Robert J. Enders, Joan F. Hartman and Lewis K. Wise.*

For the respondents: *William Simon*, Washington, D.C. for Exxon Corporation. *Robert F. McGinnis*, New York City for Texaco, Inc. *Jesse P. Luton*, Houston, Tex. for Gulf Oil Corporation. *J. Wallace Adair*, Washington, D.C. for Shell Oil Company.

ORDER VACATING TEMPORARY PRESERVATION ORDER

Upon consideration of the Application for Commission Review of Administrative Law Judge's Order of February 10, 1976 re Document Preservation, the Commission has determined that the order should not have issued *ex parte*. The Commission's decision is without prejudice to complaint counsel's reapplying for a preservation order on notice to respondents and upon the factual showing described at p. 38 of the opinion entered in *Exxon Corp. v. Federal Trade Commission*, Civil Action No. 75-167 (D. Del.) on January 30, 1976. The Commission does not assume that respondents will permit potentially relevant evidence to be destroyed. Accordingly,

It is ordered, That the aforesaid order of February 10, 1976, be, and it hereby is, vacated.

Modifying Order

87 F.T.C.

IN THE MATTER OF

STEREO EQUIPMENT SALES, INC. T/A BALTIMORE
STEREO WHOLESALERS, ETC., ET AL.MODIFYING ORDER, ETC., IN REGARD TO ALLEGED VIOLATION
OF THE FEDERAL TRADE COMMISSION ACT*Docket C-2740. Decision, Oct. 21, 1975—Modifying Order, Feb. 17, 1976*

Order modifying an earlier order dated Nov. 19, 1975, 86 F.T.C. 930 40 F.R. 53552, by permitting respondents to omit the shipping weights of advertised items as long as respondents charge a flat percentage of the order price for shipping and handling.

Appearances

For the Commission: *Alan L. Cohen* and *Thomas J. Keary*.

For the respondents: *H. George Schweitzer, Heffelfinger, Schweitzer & Rabil*, Washington, D.C.

ORDER REOPENING PROCEEDING AND MODIFYING ORDER TO
CEASE AND DESIST

By petition dated December 18, 1975, respondents have requested the Commission to modify its order of October 21, 1975 [86 F.T.C. 930] to permit respondents to omit the shipping weights of advertised items as long as respondents charge a flat percentage of the order price for shipping and handling. The Bureau of Consumer Protection has filed an answer wherein it advises that it does not oppose respondents' request.

The Commission has duly considered respondents' request and has determined that it should be granted.

It is ordered, That the proceeding be, and it hereby is, reopened.

It is further ordered, That the order to cease and desist be, and it hereby is, modified by striking Paragraph Four and substituting therefor the following:

4. Failing to disclose, in any brochures, flyers, catalogs, letters, oral representations or other solicitations of orders which provide the purchaser with the means to order merchandise from respondents, the shipping weight of any of the items of merchandise offered; *provided, however*, That the shipping weight need not be set forth on any items of merchandise for which the respondents charge a flat percentage of the order price for shipping and handling if that fact is clearly disclosed in accordance with Paragraph 5 of this order.