

Order

87 F.T.C.

IN THE MATTERS OF

NATIONAL HOUSEWARES, INC., ET AL.—Docket 8733

EMDEKO INTERNATIONAL, INC., ET AL.—Docket 8973

Order, Feb. 26, 1976

Respondents' motion for an order that complaint counsel furnish them copies of three memoranda prepared by members of Commission's staff remanded to administrative law judge for decision and determination whether an immediate appeal would be appropriate.

Appearances

For the Commission: *Ralph E. Stone, Gerald E. Wright and John M. Porter.*

For the respondents: *Edwin S. Rockefeller and Alan M. Frey, Bierbower & Rockefeller, Washington, D.C.*

ORDER REMANDING MOTION TO ADMINISTRATIVE LAW JUDGE

Respondents have moved for an order that complaint counsel furnish them copies of three memoranda prepared by members of the Commission's staff. The administrative law judge had previously denied respondents' application for discovery of these documents on the grounds that they were not relevant to any of the issues in these cases and they were privileged. Respondents now claim that the question of the discoverability of the documents has been resolved because they were included in a file respondents were permitted to inspect.

The administrative law judge has certified the motion to the Commission on the ground that "only the Commission has the authority to direct complaint counsel to disregard [his] order * * *." Certification of Respondents' Motion for Appropriate Relief, February 3, 1976, p. 2. However, the original application for the staff memoranda was clearly within the law judge's authority to decide, as is the instant motion. See Rules of Practice Section 3.36. Interlocutory review of a law judge's denial of such motions is available only upon a determination by the judge "in writing with justification in support thereof, that the ruling involves a controlling question of law or policy as to which there is substantial ground for difference of opinion and that an immediate appeal from the ruling may materially advance the ultimate termination of the litigation or subsequent review will be an inadequate remedy." Rules of Practice, Section 3.23(b). The law judge should, therefore, decide the instant motion and then determine whether an

immediate appeal would be appropriate under Rule 3.23(b). See *J.J. Newberry Co.*, 80 F.T.C. 1037 (1972). Accordingly,

It is ordered, That the aforesaid motion be, and it hereby is, remanded to the administrative law judge.

Complaint

87 F.T.C.

IN THE MATTER OF
PUBCO CORPORATION, ET AL.

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

Docket C-2799. Complaint, Feb. 27, 1976—Decision, Feb. 27, 1976

Consent order requiring a Washington, D.C., publishing firm and its Cornwells Heights, Pa., subsidiary which sells and distributes encyclopedia and books, among other things to cease misrepresenting that delinquent accounts will be reported to credit bureaus; misrepresenting expenses incurred during the debt collection process must be borne by the alleged debtor; misrepresenting collection notices sent to debtors by respondent are from an independent collection agency; and using other deceptive means to collect delinquent accounts from purchasers of their products.

Appearances

For the Commission: *Robert G. Day.*

For the respondents: *Helen Lee Sheehan, Feldman & Sheehan,*
Washington, D.C.

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 Pubco Corporation, a corporation, and The Publishers Agency, Inc., a corporation, also trading and doing business as Consolidated Collection Agency, 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 Pubco Corporation is a corporation organized, existing and doing business under and by virtue of the laws of the State of Maryland with its principal office and place of business located at 1250 Connecticut Ave., N.W., Washington, D.C. Respondent Pubco Corporation dominates and controls the acts and practices of its wholly-owned subsidiary, The Publishers Agency, Inc. Respondent Pubco Corporation was formerly named Publishers Company, Inc.

Respondent The Publishers Agency, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the Commonwealth of Pennsylvania with its principal office and place of business located at 3399 Forrest Rd., Cornwells Heights, Pennsylvania.