

IN THE MATTER OF
DURA-HAIR INTERNATIONAL, INC.

Docket 8830. Order, May 18, 1976

Denial of respondent's petition to reopen proceeding and modify the order to cease and desist.

Appearances

For the Commission: *Gerald Wright.*

For the respondent: *Pro se.*

ORDER DENYING PETITION TO REOPEN

Respondent, by petitions to reopen this proceeding dated February 13, and March 9, 1976, requests the modification of the order entered October 23, 1973 [83 F.T.C. 570], by deleting from the order the first, third, fifth, sixth, seventh, eighth and ninth "*It is further ordered*" paragraphs, and the first three subparagraphs under the second "*It is further ordered*" paragraph. These provisions mandate that respondent disclose that its so-called system of attaching hair involves a surgical procedure requiring the use of a local anesthetic, and resulting in the implantation of sutures in the scalp. Additionally, the order provisions that respondent requests be deleted require that respondent disclose that, as a result of the surgical procedure, there is a risk of discomfort, pain, infection, scarring, and other skin disorders, and, to minimize these risks, special care is necessary. These provisions further require that these and other disclosures be made to prospective purchasers, licensees, and franchisees of the system.

Respondent asserts that the deletions are warranted, as the technique of tunneling under the scalp to form the grip for the permanently implanted sutures to which the hair is attached has been replaced by a technique that utilizes skin grafts to form tunnels through which removable clips are placed. The hair is attached to the clips. Respondent contends that since the scalp is not open, infections and other referred-to-above risks are avoided.

Complaint counsel, in its answer opposing the reopening, take the position that since respondent's assertions relate to medical matters, an affidavit from a qualified medical person, substantiating the claims, is necessary.

We agree. When the subject of an opinion is related to a professional field such as medicine, the person expressing the opinion must have sufficient knowledge and expertness in the field to give rise to the inference that the opinion is creditable and reliable. Respondent's

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unsubstantiated assertions, as a consequence, do not raise issues of fact that would warrant a modification of the order or, if necessary, our directing hearings to resolve the factual issues. Accordingly,

It is ordered, That respondent's request for reopening of this proceeding be, and it hereby is, denied.

IN THE MATTER OF

J. STRICKLAND AND COMPANY, INC., ET AL.

CONSENT ORDER, ETC., IN REGARD TO ALLEGED VIOLATION OF
SECS. 5 AND 12 OF THE FEDERAL TRADE COMMISSION ACT*Docket 9051. Complaint, Aug. 19, 1975—Decision, May 18, 1976*

Consent order requiring a Memphis, Tenn., manufacturer of depilatory products and their Nashville, Tenn., advertising agency, among other things to cease failing to disclose cautionary statements in advertising and on product labels; and to provide complete directions on labels and packaging for use of depilatory products.

Appearances

For the Commission: *Barry E. Barnes.*

For the respondents: *Edward G. Thompson, Pope & Thompson,* Memphis, Tenn., *William W. Royal, Sloane & Royal,* Washington, D.C., for J. Strickland and Company, Inc., and *Mildred B. Long, Charles L. Carnelius,* Nashville, Tenn., for Noble-Dury & Associates, Inc.

COMPLAINT

The Federal Trade Commission, having reason to believe that J. Strickland and Company, Inc., a corporation, Mildred B. Long, individually and as an officer of said corporation, and Noble-Dury and Associates, Inc., a corporation, hereinafter sometimes referred to as respondents, have violated Sections 5 and 12 of the Federal Trade Commission Act, as amended, and that a proceeding in respect thereof would be in the public interest, hereby issues this complaint, stating its charges as follows:

PARAGRAPH 1. Unless otherwise required by context, the following definition shall apply for purposes of this complaint and the accompanying order:

"Material facts" means facts material in light of representations made or material with respect to consequences which may result from the use of the commodity to which the advertisement or representations relate under such conditions as are customary or usual or under the conditions prescribed in the advertisement or representations.

All allegations in this complaint stated in the present tense include the past tense.

PAR. 2. Respondent J. Strickland and Company, Inc., hereinafter J. Strickland, is a Tennessee corporation with its office and principal place of business located at 1400 Ragan St., Memphis, Tennessee.

Respondent Mildred B. Long is an officer of J. Strickland. She