

IN THE MATTER OF
FORD MOTOR COMPANY

Docket 9001. Order, July 13, 1976

Denial of respondent's petition for reconsideration of portions of opinion and order issued April 13, 1976 [87 F.T.C. 756], granting summary decision on issues concerning message conveyed to consumers by advertisements challenged in this proceeding.

Appearances

For the Commission: *Wallace S. Snyder, Heidi P. Sanchez, and Ellis M. Ratner.*

For the respondent: *Wald, Harkrader & Ross, Washington, D.C. and David R. Larrouy, Dearborn, Mich.*

ORDER DENYING MOTION TO RECONSIDER

Ford Motor Company has petitioned the Commission to reconsider portions of its opinion and order entered April 13, 1976, granting summary decision on issues concerning the message conveyed to consumers by the advertisements challenged in this proceeding. In respondent's view, the Commission ignored defense evidence which it believes raised genuine issues of material fact and abused its expertise in determining the meaning of respondent's advertisements in the context of a summary decision. We have determined that respondent's motion should be denied.

In reviewing the evidence submitted by Ford, and for purposes of interpreting the meaning of these ads, the Commission is not obliged to ignore its own expertise simply because the questions concerning how an advertisement may be perceived by the public arise in the context of a summary decision. As respondent notes, the Commission may accept extrinsic evidence to supplement its expertise, but such evidence does not supplant our expertise. Consequently, in affirming the administrative law judge's evidence to supplement its expertise, but such evidence does not supplant ruling, the Commission, based on its own evaluation of the advertisements themselves, rejected respondent's extrinsic evidence. Because these ads, upon analysis, indisputably, in the judgment of the Commission, contain the representation alleged in the complaint, neither the Burke study nor the conflicting opinions of the experts based on the survey data provoke a genuine controversy necessitating resolution by further adjudication. Accordingly, the matter was remanded to the administrative law judge for hearings in the public interest on issues concerning whether or not respondent had a reasonable basis for its advertising claims.

The Commission has, therefore, determined that respondent's Motion for Reconsideration be, and it hereby is, denied.

Chairman Collier concurring for the reason set forth in attached statement.

CONCURRING STATEMENT BY CHAIRMAN COLLIER

Section 3.55 of the Commission's Rules of Practice provides that a petition for reconsideration must be confined to "new questions raised by the decision or final order and upon which the petitioner had no opportunity to argue before the Commission." Since Ford's petition does not meet this test, I concur in its denial.

IN THE MATTER OF

NEW ENGLAND TRACTOR TRAILER TRAINING OF
MASSACHUSETTS, INC., ET AL.

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

Docket 9026. Complaint, April 8, 1975—Decision, July 13, 1976

Consent order requiring a Quincy, Mass., and Somers, Conn., truck driver training school, among other things, to cease misrepresenting employment opportunities, placement services, the training their personnel have as vocational counselors, and the behind-the-wheel road-driving instruction furnished as part of their course. Further, respondents are required to disclose pertinent information regarding their courses of instruction; furnish prospective consumers with a three-day cooling-off period; search their files for previous purchasers, make refunds in accordance with the provisions of the order, and submit notarized affidavits attesting to those actions; and to institute and maintain a surveillance program to insure compliance with the order.

Appearances

For the Commission: *Martin J. Dolan, Jr., Charles M. La Due, David W. DiNardi, and Raymond J. McNulty.*

For the respondents: *Mack M. Roberts, Chestnut Hill, Mass.*

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 New England Tractor Trailer Training of Massachusetts, Inc., New England Tractor Trailer Training of Connecticut, Inc., corporations, and Arlan Greenberg, individually and as an officer of said corporations, hereinafter 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:

PAR. 1. Respondent New England Tractor Trailer Training of Massachusetts, Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the Commonwealth of Massachusetts, with its principal office and place of business located at 542 East Squantum St., in the city of Quincy, Massachusetts.

Respondent New England Tractor Trailer Training of Connecticut, Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of Connecticut, with its principal