

IN THE MATTER OF
JIM WALTER CORPORATION

Docket 8986. Order, Sept. 10, 1976

Denial of motion to postpone oral argument.

Appearances

For the Commission: *John J. O'Malley.*

For the respondent: *John J. Voortman, W. Donald McSweeney and Susan A. Henderson, Schiff, Hardin & Waite, Chicago, Ill. Dan L. Saltsman, Tampa, Fla.*

ORDER DENYING MOTION TO POSTPONE ORAL ARGUMENT

Respondent moves for a postponement of the oral argument in this matter from September 15, 1976, until some date after October 1976. According to the motion, respondent's lead attorney has been engaged in a trial in the United States District Court for the Eastern District of Wisconsin since May 3, 1976, and expects to be so engaged through a substantial part of October 1976.

While the Commission has been willing to grant short postponements to accommodate irreconcilable scheduling conflicts, a six-week postponement is unwarranted, especially in view of the lack of any showing that another attorney could not be assigned to argue the appeal. *See American General Insurance Co., Dkt. No. 8847, Order Denying Complaint Counsel's Motion to Postpone Oral Argument, June 8, 1976.* Furthermore, the motion is untimely since there is no indication that counsel could not have perceived his need for a continuance before this late date. Accordingly,

It is ordered, That the aforesaid motion be, and it hereby is, denied. Commissioner Dole not participating by reason of absence.

Complaint

88 F.T.C.

IN THE MATTER OF
SONOTONE CORPORATION

CONSENT ORDER, ETC., IN REGARD TO ALLEGED VIOLATION OF
SECS. 5 AND 12 OF THE FEDERAL TRADE COMMISSION ACT

Docket 9009. Complaint, Jan. 29, 1975 — Decision, Sept. 13, 1976

Consent order requiring an Elmsford, N.Y. manufacturer of hearing aids, among other things to cease making false, deceptive and unsubstantiated claims and representations concerning the benefits, characteristics, efficacy and uniqueness of its products. Further, the order prohibits respondent from disseminating or supplying promotional materials containing misleading and deceptive representations. Additionally, respondent is required to institute a reviewing program for all its advertising and maintain appropriate records.

Appearances

For the Commission: *William S. Busker* and *Mark A. Heller*.

For the respondent: *William Dzuork*, General Counsel, Sonotone Corporation.

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 Sonotone Corporation, hereinafter referred to as respondent, has 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 Sonotone Corporation is a corporation organized, existing and doing business under and by virtue of the laws of the State of New York with its principal place of business located at Saw Mill River Road, Elmsford, New York.

Sonotone is a wholly-owned subsidiary of Charles Pindyck, Inc. Charles Pindyck, Inc. has its principal office located at Saw Mill River Road, Elmsford, New York.

PAR. 2. Respondent is now, and for some time last past has been engaged in the advertising, offering for sale, sale and distribution of hearing aids which come within the classification of device as the term "device" is defined in the Federal Trade Commission Act, to dealers, distributors, licensees, retailers, salespersons, representatives or agents thereof, for resale to the public.

PAR. 3. In the course and conduct of its business as aforesaid, respondent causes, and for some time last past has caused, its devices