

Modified Order

90 F.T.C.

IN THE MATTER OF

CHRYSLER CORPORATION

MODIFIED ORDER, IN REGARD TO ALLEGED VIOLATION OF THE
FEDERAL TRADE COMMISSION ACT*Docket 8995. Final Order, Apr. 13, 1976 — Modified Order, Dec. 5, 1977*

This modified order to cease and desist replaces an earlier order issued on April 13, 1976, 41 FR 20653, 87 F.T.C. 719. In accordance with the decision and judgment rendered by the Court of Appeals for the District of Columbia on July 6, 1977, 561 F.2d 357 (1977), this order deletes Paragraphs 2 and 3 of the original order, which pertain to performance tests and results.

Appearances

For the Commission: *H. Robert Field, Carlton C. Eastlake and Richard Bloomfield.*

For the respondent: *Walter B. Maher and Hogan & Hartson, Washington, D. C.*

MODIFIED ORDER TO CEASE AND DESIST

Respondent having filed in the United States Court of Appeals for the District of Columbia on June 30, 1976, a petition to review an order to cease and desist issued on April 13, 1976 [87 F.T.C. 719]; and the Court having rendered its decision and judgment on July 6, 1977, affirming and enforcing the Commission's order with the deletion of Paragraphs 2 and 3, and respondent not having filed a petition for certiorari within the time permitted by law;

Now, therefore, it is hereby ordered, That the aforesaid order to cease and desist be, and it hereby is, modified in accordance with the decision and judgment of the Court to read as follows:

ORDER

It is ordered, That respondent Chrysler Corporation and its officers, representatives, and agents and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of products sold by the respondent in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, by reference to a test or tests, that any of respondent's automobiles are superior with

regard to fuel economy to any other automobiles whether manufactured by respondent or others unless:

a. such superiority has been demonstrated as to the model(s) for which it is claimed by such test or tests with respect to each sample, or the valid average of all identical samples, of each model represented to have been tested; or

b. the valid test results for each sample, or the valid average of all identical samples, of each model so compared, including the advertised model as well as such makes and models to which the advertised model is compared, are clearly and conspicuously disclosed.

For the purpose of this order, "sample" shall mean an actual automobile tested.

2. Misrepresenting in any manner the fuel economy of any automobile or the superiority of any automobile over competing products in terms of fuel economy.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondent notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That respondent shall, within sixty (60) days after this order becomes "final," file with the Commission a report, in writing, setting forth in detail the manner and form of its compliance with this order.

Complaint

90 F.T.C.

IN THE MATTER OF
PERPETUAL FEDERAL SAVINGS & LOAN ASSOCIATION
ORDER, OPINION, ETC., IN REGARD TO ALLEGED VIOLATION OF
THE FEDERAL TRADE COMMISSION ACT

Docket 9083. Complaint, May 13, 1976 — Final order, Dec. 6, 1977

This order, among other things, requires a Washington, D.C. savings and loan association to cease having as directors individuals who simultaneously serve, or may serve, as directors for the American Security and Trust Co., National Bank of Washington, Union First Bank of Washington, or any other competitive financial institution.

Appearances

For the Commission: *Roger J. McClure, Peter L. Feldman and Alan Proctor.*

For the respondent: *Samuel Scrivener, Jr., Scrivener, Parker, Scrivener & Clarke, Edward F. Howrey, A. Duncan Whitaker, John DeQ. Briggs, III and Raymond A. Jacobsen, Jr., Howrey & Simon, all of Washington, D. C.*

COMPLAINT

The Federal Trade Commission having reason to believe that the above-named respondent has violated Section 5 of the Federal Trade Commission Act, and that a proceeding in respect thereof would be in the interest of the public, issues this complaint, stating its charges as follows:

PARAGRAPH 1. The following definitions apply in this complaint:

(a) "Residential loans" are loans secured by mortgages or other liens on non-farm property containing 1-4 dwelling units.

(b) "Savings deposits" are deposits on which the "passbook" rate of interest or a lesser rate of interest is paid.

PAR. 2. Respondent Perpetual Federal Savings & Loan Association ("Perpetual") is a corporation organized and existing under and by virtue of the laws of the United States of America. It maintains its principal place of business at 500 11th St., N.W., Washington, D.C. Perpetual has capital, surplus and undivided profits aggregating more than \$71 million. [2]

PAR. 3. American Security and Trust Company ("American Security") is a corporation organized and existing under and by virtue of the laws of the United States of America. It maintains its principal place of business at 15th and Pennsylvania Ave., N.W.,