

Modifying Order

91 F.T.C.

IN THE MATTER OF

NOSOMA SYSTEMS, INC., ET AL.

MODIFYING ORDER IN REGARD TO ALLEGED VIOLATION OF THE
FEDERAL TRADE COMMISSION ACT*Docket C-2841. Final Order, Sept. 28, 1976 — Modifying Order, June 12,
1978*

This order modifies an order to cease and desist issued on September 28, 1976, 41 FR 50810, 88 F.T.C. 459, by adding particular language to the fourth paragraph of the original order to prevent conflict with the Fair Debt Collection Practices Act.

ORDER GRANTING PETITION TO REOPEN PROCEEDING AND
MODIFY ORDER TO CEASE AND DESIST

By letter filed on March 27, 1978, petitioners have requested the Commission to modify the consent order to cease and desist. This request is being treated as a petition to reopen the proceeding and modify the order under Rule 3.72(b)(2) of the Commission's Rule of Practice.

Petitioners seek to modify Paragraph Four of the order so that it is not in conflict with the Fair Debt Collection Practices Act. The Bureau of Consumer Protection does not oppose the modification. Therefore,

It is ordered, That the proceeding be reopened for the purpose requested.

It is further ordered, That Paragraph Four be modified by the addition of the following language:

Provided, however, that nothing in this paragraph, shall be interpreted as violating the order when in acquiring location information, as that term is defined in Section 803(f) of the Fair Debt Collection Practices Act, the caller identifies his employer, when expressly requested to do so pursuant to Section 804(1) of said Act.

Complaint

IN THE MATTER OF

HIKEN FURNITURE COMPANY

CONSENT ORDER, ETC., IN REGARD TO ALLEGED VIOLATION OF THE
FEDERAL TRADE COMMISSION AND TRUTH IN LENDING ACTS

Docket C-2923. Complaint, June 12, 1978 — Decision, June 12, 1978

This consent order, among other things, requires a Belleville, Ill. furniture retailer to cease employing bait and switch tactics, and misrepresenting or failing to make relevant disclosures regarding prices, products and service, cooling-off periods, cancellation and refund rights, and the availability of arbitration to resolve consumer disputes. The order further prohibits the use of unfair or deceptive means to induce payment from allegedly delinquent debtors, and requires respondent to provide, in the extension of credit, those materials and disclosures required by Federal Reserve regulations. Additionally, respondent is required to furnish its advertising media with copies of Commission's press release setting forth the terms of the order.

Appearances

For the Commission: *Richard A. Palewicz.*

For the respondent: *Neil N. Bernstein, St. Louis, Mo.*

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act, and of the Truth in Lending Act and the implementing regulation promulgated thereunder, and by virtue of the authority vested in it by said Acts, the Federal Trade Commission, having reason to believe that Hiken Furniture Company, a corporation, hereinafter sometimes referred to as respondent, has violated the provisions of said Acts, and the implementing regulation promulgated under the Truth in Lending 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 Hiken Furniture Company is a corporation organized, existing and doing business under and by virtue of the laws of the State of Illinois, with its principal office and place of business located at 218 West Main St., Belleville, Illinois.

PAR. 2. Respondent is now, and for some time last past has been engaged in the advertising, offering for sale, sale and distribution of household furniture and appliances, and services in connection therewith to the general public.