

TRADE COMMISSION DECISIONS

Interlocutory Order

93 F.T.C.

IN THE MATTER OF

PROPOSED TRADE REGULATION RULE FOR THE
HEARING AID INDUSTRY

Docket 215-44. Interlocutory Order, June 7, 1979

ORDER DENYING MOTION OF THE HEARING INDUSTRIES
ASSOCIATION

The Hearing Industries Association on May 30, 1979, filed a Motion to Prohibit Ex Parte Communications Between the Commission and the FTC Staff in the above-captioned proceeding. HIA's motion relied upon and incorporated by reference the National Hearing Aid Society's Motion to Prohibit Ex Parte Communications Between the Commission and the FTC Staff filed May 22, 1979. HIA similarly incorporates by reference in support of its motion pp. 534-542 of Volume IV of its "Final Comments" filed on February 19, 1979.

HIA's motion raises no legal or policy arguments different from those set forth in the NHAS motion. The Commission's order denying that motion is attached. For the reasons set forth therein, HIA's motion is hereby denied.

IN THE MATTER OF
HOWARD ENTERPRISES, INC., ET AL.

FINAL ORDER, OPINION, ETC., IN REGARD TO ALLEGED
VIOLATIONS OF THE FAIR CREDIT REPORTING AND FEDERAL
TRADE COMMISSION ACTS

Docket 9096. Complaint, Feb. 8, 1977 — Final Order, June 12, 1979

This order, among other things, requires a Nampa, Idaho firm and its corporate president, engaged in compiling, publishing and distributing consumer reports through franchises and otherwise, to cease disseminating such reports without following reasonable procedures to ensure that reported information is accurate and will be used for permissible purposes. They are prohibited from furnishing "Alert Lists" (lists of consumers who have allegedly passed bad checks) to subscribers who do not have a legitimate business need for information regarding all listed consumers, unless such lists are coded to protect consumers' identity until a subscriber's need has been established. A statement advising recipients of statutory requirements and prohibitions must accompany each disseminated consumer report. Additionally, the order requires respondents to obtain from all franchisees and prospective franchisees a written agreement obligating them to comply with the terms of the order.

Appearances

For the Commission: *Dennis D. McFeely and Sharon S. Armstrong.*

For the respondents: *L. Kim McDonald, Smith & McDonald,*
Nampa, Idaho.

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act, and the Fair Credit Reporting Act, and by virtue of the authority vested in it by said Acts, the Federal Trade Commission, having reason to believe that Howard Enterprises, Inc., a corporation, and Ralph R. Howard, individually and as an officer of said corporation, hereinafter sometimes referred to as respondents, have violated the provisions of said Acts, 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 as follows (all allegations hereinafter made in the present tense shall include the past tense):

PARAGRAPH 1. Howard Enterprises, Inc. is a corporation organized and doing business under and by virtue of the laws of the State of Idaho, with its principal office and place of business located at 11 Third Ave., Nampa, Idaho.