

IN THE MATTER OF

CROWN TUFT, INC., ET AL.

Docket C-1192. Interlocutory Order, June 26, 1979

ORDER DENYING MOTION TO MODIFY OR VACATE CONSENT
ORDER

By letter dated May 9, 1979 individual respondent Arthur B. E. Lauman petitioned the Federal Trade Commission to reopen the proceeding in the above-docketed matter to vacate the order as it pertains to him as an individual and as it pertains to the named corporation, dissolved sometime after 1971.

Mr. Lauman states that he had "no personal knowledge" of and he did not "condone in any fashion, any of the charges contained within the consent order agreement;" he sold Crown Tuft, Inc. to Johns-Manville Corporation in 1968; he was employed by Crown Tuft until 1971; he is "no longer engaged by or associated with either the existing company or the company to which Crown Tuft, Inc. was sold;" to the best of his knowledge, Crown Tuft, Inc. was dissolved and Johns-Manville Corporation "disposed of the carpet division some years ago."

The order issued against the respondents on April 11, 1967 (see 71 F.T.C. 646) forbids them from misbranding textile fiber products and requires them to disclose the names and amount of constituent fibers contained in carpets, on labels, tags, invoices, and advertisements, pursuant to the provisions of the Textile Fiber Products Identification Act and the rules and regulations promulgated thereunder.

It is axiomatic that corporations can only act through individuals, and it is well settled that the Commission may properly name officers, directors, and sole stockholders of corporate respondents in their official as well as their individual capacities in order to prevent the evasion of its order. *F.T.C. v. Standard Education Society*, 86 F.2d 692 (2d Cir. 1936), *rev'd. on other grounds*, 302 U.S. 112, 120 (1937); *Abel Allan Goodman v. F.T.C.*, 211 F.2d 7, 14-15 (2d Cir. 1954). The purpose of doing so is to make the order fully effective in preventing recurrence of the practices found to be unlawful, for the Commission has recognized that a corporate respondent is not the only vehicle through which individuals, who have been personally involved in unlawful practices, may in the future continue to engage in such practices. *Tractor Training Service v. F.T.C.*, 227 F.2d 420, 425 (9th Cir. 1955), *cert. denied*, 350 U.S. 1005 (1956); *Consumer Sales Corp., v. F.T.C.*, 198 F.2d 404, 407-408 (2d Cir. 1952), *cert. denied*, 344 U.S. 912

Interlocutory Order

93 F.T.C.

(1953). The U.S. Court of Appeals for the Fourth Circuit stated in *Pati-Port, Inc. v. F.T.C.*, 313 F.2d 103, 105 (1963):

. . . it would seem in cases of this sort to be a futile gesture to issue an order directed to the lifeless entity of a corporation while exempting from its operation the living individuals who were responsible for the illegal practices.

There was, accordingly, no miscarriage of justice in making the order effective against individual respondent Lauman, and there is no overriding public interest in vacating the order now.

Where the illegal practice is capable of being resumed, the Commission may take measures to prevent any possible invasion of its orders, even upon a showing that the corporation has been dissolved, and that the named individual has not been for several years and is not now engaged in the sale of carpets.

Petitioner has not set forth any changed condition of fact or law in support of his request, nor has he advanced any argument to demonstrate how the public interest would be served by setting aside this order. Accordingly, the petition is hereby denied.

1087

**Revocation of Advisory Opinion issued to Don Odessky, Inc., 87
F.T.C. 1426. [File No. 763 7002, Don Odessky, Inc.]**

Letter Denying Stay of Revocation

January 22, 1979

Dear Mr. Meisburg:

This responds to your letter of January 16, 1979, on behalf of Don Odessky, Inc., requesting an immediate stay of the Commission's order of January 11, 1979 revoking its advisory opinion in the above-referenced matter and publication of that order.

Having given careful consideration to your request, the Commission has determined that it should be denied. The request advances no basis on which the revocation should be reconsidered, and the Commission is aware of none. Moreover, the Commission is of the opinion that its revocation is a discretionary act not subject to review in the Court of Appeals or otherwise. See 15 U.S.C. Section 45(c); *Florsheim v. Engman*, 494 F.2d 949 (D.C. Cir. 1973). In addition, the Commission believes that a delay in publication would be contrary to the public interest in promptly informing the public of its official acts.

By direction of the Commission.

Revocation Letter

January 11, 1979

Dear Mr. Meisburg:

On January 27, 1976, the Commission issued to Don Odessky, Inc., an advisory opinion concerning a tripartite promotional assistance plan, featuring aisle-end displays.¹ The Commission conditioned this advisory opinion on the following reporting requirement:

¹ 85 F.T.C. 1426.

To assure that the plan is implemented so as to provide allowances to all competing purchasers on proportionally equal terms, Don Odessky, Inc., should report to the Commission, after the plan has been in operation for one year, the full extent of retailer and supplier participation, including time periods and products involved, and the total allowances paid to each participating retailer by each supplier under the plan.²

Pursuant to this reporting requirement, on March 3, 1977, the Commission received a submission from Don Odessky, Inc.

The Commission has determined that this submission failed to disclose "the full extent of retailer and supplier participation," "the time periods and products involved," and "the total allowances paid to each participating retailer by each supplier under the plan." Based on the information provided, therefore, the Commission is unable to determine whether competing purchasers receive payments under the program on equal terms.

Due to the failure and refusal of Don Odessky, Inc., to comply with the reporting requirements of the Commission's opinion, the Commission has decided to revoke the advisory opinion. By this action, the Commission's advisory opinion to Don Odessky, Inc. is rendered null and void. After the date of service of this letter, representations by Don Odessky, Inc. that the Federal Trade Commission in any manner condones or approves any business proposal by that firm would be deceptive and untrue, and could result in such further action by the Commission as would be in the public interest.

By direction of the Commission.

² *Id.* at 1427.

Proposed statistical reporting program entailing the forecasting of annual sales and captive use of selected thermoplastic resins.
[793 7002, Society of the Plastics Industry, Inc.]

May 1, 1979

Dear Mr. Bercovici:

This responds to your request for an advisory opinion on the use by the Society of the Plastics Industry (SPI) of a proposed statistical reporting program entailing the forecasting of annual sales and captive use of selected thermoplastic resins.

The Commission understands that SPI is a trade association with membership open to all firms in the industry upon payment of annual dues graduated according to sales volume, and that current membership accounts for approximately 95% of the total domestic production of plastics raw materials. The Commission further understands that under the proposed program, resin suppliers would be invited to report their respective forecasts for the current year and each of the following four years to an independent accounting firm, which would compute the mean and median of the reported forecasts and publish the low forecast, the high forecast, the mean, and the median (not broken down by type or grade). There would be no exchange or disclosure whatever of individual firm data and no narrative or interpretation will be placed on the compiled figures. Nonmember producers would be invited to participate in the program on the same basis as members and will receive copies of the forecasts. The reports would also be available by subscription to the public after a trial period. No forecast would be reported, however, unless at least four industry members, excluding any firm with more than 65% of any reporting category, submit forecasts. Initially, the program would encompass six of the major plastics materials: polyvinyl chloride (PVC); low density polyethylene (LDPE); high density polyethylene (HDPE); polypropylene; polystyrene; and acrylonitrile-butadiene-styrene (ABS).

Some types of forecast arrangements among competitors do raise serious antitrust concerns in particular market environments. On the basis of available information concerning the slowing rate of growth, the degree of concentration, the relatively small number of firms engaged in the manufacture of the individual thermoplastic resins,

93 F.T.C.

and the specifics of the proposed plan, the Commission is of the view that there is a significant risk that SPI's program could be used to foster an anticompetitive consensus on production levels. The Commission is therefore unable to approve use of the proposed statistical reporting program.

By direction of the Commission.

Letter of Request

January 31, 1978

Dear Mr. Thomas:

On behalf of the Committee on Resin Statistics of the Society of the Plastics Industry, Inc., we respectfully request that the Commission issue an advisory opinion, pursuant to Section 1.1 of its rules of General Procedures, concerning the statistical program described below which the Committee contemplates implementing in 1978.

The Society of the Plastics Industry, Inc. (SPI), is the major national trade association of the plastics industry. It is comprised of more than 1200 member companies which supply raw materials, fabricate manufactured plastics components and products, engineer or construct molds or similar accessory equipment for the plastics industry, and engage in the manufacture of machinery used to make plastic products or materials of all types. Its membership is responsible for an estimated 95% of the total production of some 27 billion pounds of plastics raw materials in this country.

The Committee on Resin Statistics (CRS) is one of 52 operating units of SPI. The Committee is charged with the responsibility to develop meaningful, timely and accurate statistics concerning plastic resins for use by members of the industry, government agencies and other interested parties. The Committee also gathers information from other trade sources and government sources and compiles and publishes an annual volume of "Facts & Figures of the Plastics Industry". A copy of the 1977 edition of "Facts and Figures" is associated herewith.

The CRS presently conducts statistical programs for approximately forty specific plastics materials or groups of plastics materials.¹

¹The following major materials are included in the CRS programs: ●

Epoxy, polyester, urea
melamine, phenolic

engineering and specialty plastics
isocyanates

(footnote continued)

For each of these materials, data is compiled and reported describing both Production and Sales & (Captive) Use, in reporting units based upon weight. Reports are compiled on a monthly, quarterly, semi-annual or annual basis, depending upon the specific materials or group of materials involved. Additionally, for certain of these materials, data is compiled and reported concerning inventory, capacity and/or total dollar value of sales. All present statistical programs report the historical experience pertaining to the included materials.²

The Committee on Resin Statistics is presently contemplating, and by this letter requests the Commission's advice concerning, the institution of a statistical reporting program entailing forecasting of annual sales and captive use of selected plastic resins. Such a program is not presently being conducted by CRS; and the institution of such a program, entailing forecasting rather than the reporting of historical data, would represent a departure from current practice.

To develop the proposed annual sales forecast, members of the industry will be requested to voluntarily submit their best estimates of *total* United States demand for plastic resins, i.e., the category presently identified as Sales & Use in SPI's statistical reports.³ Demand would be forecast in thousands of pounds, for the then-current year and for each of the next four years, for each of the materials the company produces which is included in the program. The data collected and compiled will thus be projected total demand, not directly influenced by such proprietary information as the reporting companies' corporate planning with respect to expanded or constricted production, new marketing programs, etc.

(continued from previous page)

low density polyethylene
high density polyethylene
polypropylene
ABS
SAN
polystyrene
nylon
polyvinyl acetate

polyols
polyurethane products
styrene butadiene latexes
other styrene-based latexes
other styrene-based polymers
PVC
polyvinyl alcohol
other vinyl resins

² One minor variant is that capacity figures are reported annually on the basis of capacity both as of December 31 of the year just ended and also as adjusted to December 31 of the current year, with the latter figure incorporating publicly announced plant expansions or contractions.

³ The "use" element of the Sales & Use category pertains to internal consumption by the resin producer.

The individual company figures will be directly submitted to Ernst & Ernst, the independent public accountants which presently serve all of the CRS statistical programs. Ernst & Ernst will compile and distribute the reports, showing the high and low forecasts and the mean and median averages. There will be no narrative or interpretation placed upon the compiled figures; nor will the reported figures disclose the identity of the participants responsible for the specific forecasts. Moreover, in accordance with the "disclosure" rules governing the CRS programs, no figures will be reported unless there is participation by at least four members of the industry, no one of which is so dominant as to represent more than 65% of any reporting category. Additionally, according to CRS policy for this proposed program, in order to assure that the forecasts represent a valid cross-section of the industry, no program will proceed unless a minimum percent of the present producers participate in the report for each material. That minimum participation, originally established at 70%, is subject to revision. Furthermore, these reports would be available by subscription to the general public, as are other CRS reports.⁴ Copies of the draft reporting instructions and format for dissemination of the compiled information are also associated herewith.

Initially, the annual sales forecasting program will encompass six of the major plastics materials. Those materials, and the present volume (sales & use) and number of producers are, as follows:

Material	Sales & Use ⁵ (millions of lbs.)	Number of Producers ⁵
polyvinyl chloride	4,638	21
low density polyethylene	5,765	14
high density polyethylene	3,127	14
polypropylene	2,536	10
polystyrene	3,145	19
acrylonitrile-butadene-styrene (ABS)	925	7

Other materials may be added at a later date.

⁴As with any newly instituted reporting program, reports are not placed on subscription availability until completion of an initial "shake-down" period, generally one or two reporting periods, to allow evaluation of reporting instructions, etc.

⁵Source: Facts and Figures of the Plastics Industry—1977 Edition, The Society of the Plastics Industry, Inc., New York, 1977. Further information concerning these and other plastics materials is contained in the associated copy of Facts and Figures.

The Committee on Resin Statistics foresees substantial benefits flowing from its proposed annual sales and use forecasting survey. Presently there is no source of information of this nature available on a continuous and credible basis. It is understood that consultants have prepared demand forecasts for plastic resins. These reports, however, are sporadic rather than periodic, limited to the sponsors or subscribers and not generally available to the public, and quite expensive. Moreover, in that the forecasting techniques utilized by the consulting firms for such reports are not disclosed, there is no basis for confidence in the reports or comparability among such reports.

From an industry standpoint, the availability of this data may assist the resin producers to better define the capacity needs of the plastics industry by improving upon their understanding of market demand. Fabricators of component or finished plastic products, including users such as the automotive industry, may better be able to plan for their future materials (resins) supplies and requirements by better understanding total projected industry demand *vis-a-vis* present production capacity. Similarly, such projections will assist suppliers to the industry of equipment such as processing (fabricating) machinery, hopper cars, storage silos, conveyers, etc., to plan to serve the future requirements of the plastics industry. Improvement in the long range planning capability is beneficial and desirable in view of the long lead time between planning and start-up of new production facilities and should thereby improve the efficiency at all levels of the supplier, consumer and allied industries.

In addition, to the potential benefits to the plastics industry and its suppliers, the availability of projected demand for plastics resins will be of assistance to those departments and agencies of the Federal Government having responsibility for planning for future energy requirements. Such data will assist with respect to planning for both the consumptive use of energy in the production of plastics materials and products and the productive use of energy in that plastics materials are derivatives of petroleum products. In the event of future critical shortages of petroleum products, such data will assist with respect to the impact analysis pertaining to matters such as feedstock allocation and energy allocation, to the extent that such measures may be necessary. Such forecasts will also be of benefit with respect to projecting future employment levels within the industry and of assistance to the financial community in analyzing the long range prospects of the chemical and plastics industries.

93 F.T.C.

As hereinbefore described, the contemplated course of conduct described herein is not presently being followed by SPI's Committee on Resin Statistics; nor, to the knowledge and information of the staff and officers of the Committee, is such course of conduct being followed by other operating units of SPI. Additionally, neither the Committee staff nor officers are aware of any pending investigation or other proceeding by the Commission or any other governmental agency concerning the matter described herein.

The Committee on Resin Statistics of the Society of the Plastics Industry, Inc., respectfully requests the advice and comments of the Federal Trade Commission with respect to the conduct of the annual sales forecasting program described herein. Any questions concerning the program described herein or any requests for further information necessary for the Commission to reach a conclusion with respect to this matter may be directed to the undersigned.

Respectfully submitted,

/s/ *Martin W. Bercovici*

Assistant General Counsel to
The Society of the Plastics
Industry, Inc.

Second Letter of Request

May 25, 1978

Dear Mr. Garvey:

We are pleased to respond to your inquiry dated April 26, 1978, requesting clarification with respect to the Request for Advisory Opinion submitted to the Commission on behalf of the Committee on Resin Statistics of the The Society of the Plastics Industry, Inc., pertaining to a proposed statistical reporting program entailing forecasting of annual sales and use of selected plastic resins. The specific issues raised in your letter are addressed, as follows:

- (1) Sales and captive use will be the only data which will be collected in the proposed forecasting program.

- (2) In essence, sales and captive use is the same as production plus or minus adjustments to inventory.* Variances of a minor nature may occur between production and inventory adjustments on the one hand and sales and captive use on the other due to such factors as product loss which may occur in packaging operations or due to contamination; however, the Committee on Resin Statistics does not address such factors in its statistical programs. The sales and captive use terminology has been employed by the Committee simply as a convenient means of collecting statistical data due to the commonality of the use of these measurements among the various companies. One reason for this is that the six categories of plastic materials which will be encompassed within this program are manufactured in a continuous process, rather than in a batch process. Accordingly, the figures for sales and captive use are more precise than the statistics measuring production itself.
- (3) In forecasts of future sales and captive use, it is not anticipated that adjustment for future inventory will be a material consideration. Inventory adjustments are the net differential between production (and imports) on the one hand and sales and captive use on the other; and the objective of the proposed program is to forecast trends in sales and captive use (i.e., demand) rather than production.
- (4) The term "demand" as used in our request of January 31 is intended merely as another term for sales and captive use. Other than being added to inventory, plastic resins either may be sold by the producers to fabricators or to other parties (e.g., exporters, compounders), or said resins may be used by the producers in captive fabrication operations. Thus, sales and captive use together describe the demand for the particular resins. Demand relates to supply from the standpoint of the latter entailing the availability of plastic resins to meet the demand through production and inventory.

*The program as planned is based solely on domestically produced resins and thereby excludes imports. Sales of imported materials may, however, cause a minor variance in a comparison of sales and captive use v. production and inventory adjustments. At present, imports of plastics resins are not a significant factor in the domestic market.

- (5) The proposed statistical program will entail the collection of data on projected sales and captive use, i.e., demand projections, from resin suppliers only rather than from fabricators. Consistent with the underlying goal of the Committee in the conduct of all programs to develop as complete and meaningful data as possible, non-members of The Society which produce plastic resins will be invited to participate in this program on the same basis as member companies.
- (6) SPI has no specific knowledge of the techniques utilized by the resin producers to prepare market forecasts for their own internal corporate purposes; however, it has no reason to believe that data projections as contemplated by the proposed program are presently collected from customers by producers of the six designated plastics raw materials. It is not contemplated that producers will seek such information from their customers as part of the proposed program.
- (7) Based upon available statistics, such as the Census of Manufacture published by the Department of Commerce, it is believed that there are approximately 25,000 establishments which fabricate plastic products in the United States. These firms run the gamut in size from very small individual proprietorships to multi-national corporations; and they vary from those which engage solely in plastics fabrications operations to those which fabricate component parts for assembly in goods manufactured of other materials to those which employ relatively small amounts of liquid plastic resin as a binder or other component of manufacture of various products (e.g., paint, fiberglass, etc.). Of these approximately 25,000 establishments, probably less than 5%, numerically, belong to The Society of the Plastics Industry, Inc. Accordingly, forecasting demand on the basis of sampling or other survey techniques would be quite expensive and time consuming and may or may not lead to valid results. On the other hand, the Committee on Resin Statistics believes the producers are in an adequate position to furnish this information. Through their requirements for remaining alert to economic conditions, socio-economic considerations (e.g., increased use of plastics to less automobile weight to conserve gasoline), product innovation and other factors similarly af-

fecting demand, it is believed that the producers, by the contemplated consensus procedure, will be able to meaningfully forecast trends and future demand requirements.

- (8) Under the proposed program, suppliers will forecast total market demand for the materials which they produce. This projection will be unrelated to the individual producer's plans relating to each company's position as a supplier in the market. For example, a supplier's position may be related to its plant capacity, the level of plant capacity at which the producer operates, its plans and capability for expansion of plant capacity, its supply of feedstocks, its alternate use of those feedstocks, its desire to grow—or even continue to serve—an individual resins market, and its plans and ability to switch production from one resin to another. For the foregoing factors, and considering the procedures to govern the conduct of the program, the Committee believes that individual projections of position will not enter into the data the respondents are requested to furnish.
- (9) The reporting instructions, a draft of which was associated with our request of January 31, do not address the manner in which the respondents will prepare their projections. Accordingly, and consistent with the response to item number 8 above, the answer to item 9 is that the nature of the influence of the described information will not be direct.
- (10) With respect to the benefits to be derived from the program, the Committee on Resin Statistics desires to develop meaningful data so that producers, fabricators, users, equipment suppliers, etc., may individually develop better insights into the marketplace to improve future planning by having the benefit of the collective judgment of the supplier industry as to the potential future of each resin segment. The interpretation and use of the information will be at the sole discretion and judgment of each interested party. Inasmuch as the proposed program will be one source of information, among many, it is believed that the influence of the described information on individual decision-making will not be direct.

We trust the foregoing is responsive to your inquiry. Should you have further questions or desire further information or elaboration, please feel free to contact the undersigned.

Cordially yours,

/s/ Martin Bercovici

Third Letter of Request

September 6, 1978

Dear Ms. Melman:

This will serve to respond to your recent request for additional data relative to the request for Advisory Opinion we submitted to the Commission on behalf of the Committee on Resin Statistics of the Society of the Plastics Industry, Inc., dated January 31, 1978.

Associated herewith, please find production data for the year 1977 for the six categories of plastics materials encompassed within the contemplated forecasting program. This data is derived from the statistical program conducted by the Committee on Resin Statistics as compiled by Ernst & Ernst. Secondly, we are enclosing abstracts from prior editions of "Facts & Figures of the Plastics Industry" showing estimated capacity, by product and manufacturer, as of January 1, 1973-76. 1973 was the first year of publication of "Facts & Figures" and therefore is the earliest such figures are available. The estimated capacity by manufacturer for 1977 is shown in the 1977 edition of "Facts & Figures," copies of which were submitted with the January 31 request. Additionally, the estimated capacity figures to be published in the 1978 edition of "Facts & Figures" are also enclosed. Please note that the 1978 edition will reflect estimated capacity as of December 31 of the year just ended rather than January 1 of the year of the edition of the "Facts & Figures" publication.

With respect to the capacity information, please note that total capacity, by material, is derived from the Committee's annual survey of capacity compiled by Ernst & Ernst. The figures shown for capacity by individual manufacturing company are derived from publically available sources, such as corporate annual reports, corporate news and publicity releases, trade magazines and other like sources. Any differential between the sum total of the estimated capacity by individual manufacturers and the total as derived through the Committee's statistical program is reconciled by the SPI staff through "guestimated" adjustments to the figures shown for the individual companies. Such a reconciliation procedure is necessary inasmuch as the Committee's statistical programs are conducted on a confidential basis, with all data being reported to Ernst & Ernst, the SPI staff having no access to such data.

1089

We trust the foregoing is responsive to your request. In the event that further information may be required, please feel free to communicate with the undersigned.

Very truly yours,

/s/ Martin Bercovici

TABLE OF COMMODITIES*

DECISIONS AND ORDERS

	Page
Aerosol packaging	295
Automobiles	02, 553, 873
Basic refractories	64
Consumer appliances	89
Consumer credit	9
Consumer products	4, 449, 618
Consumer reports	09
Cooperative advertising programs	4
Correspondence courses	58
Credit authorization equipment	325
Dental health care services	392
Electrical devices	537
Fee schedules	519
Frozen prepared pizza	966
Home study courses	32
Household furniture and appliances	422
Industrial tools	1051
Labor	739
Land sales	559
Machine-made glassware	318
Maternity wearing apparel	1077
Medical services	101
Mobile homes	214, 1061, 1068
Motor vehicles	402, 860
Organic pigments	883
Pest control goods and services	23
Portland cement	459
Pressed wool products	308
Public safety and communication equipment	222
Residential aluminum siding	743
Residential housing	235
Roofs	868
Soft drink products	1044
Split system heat pumps	949
Toy products	749
Wearing apparel	545
Wine	110

* Commodities involved in dismissing or vacating orders are indicated by *italicized* page reference.

DECISIONS AND ORDERS

	Page
Acquiring corporate stock or assets—Federal Trade Commission Act	295, 308, 459, 764, 883, 1051
Advertising Falsely or Misleadingly:	
Availability of merchandise and/or facilities	32, 235, 559, 860
Knowingly by advertising agent	32
Business status, advantages or connections—	
Business methods and policies	32, 58, 235, 422, 559
Connections or arrangements with others	559
Contracts and obligations	32, 422, 559
Financing activities	422
Government connection	235
Institutional connections	58
Nature	32
Personnel or staff	58, 422
Properties and rights	559
Prospects	32, 58, 559
Reputation, success, or standing	58
Service	422
Stock, product, or service	32, 422, 559
Comparative data or merits	873
Competitors and their products—competitors' products	873
Composition of goods	235
Condition of goods	235, 422, 559
Demand, business or other opportunities	32, 58, 559
Earnings and profits	32, 58, 559
Endorsements, approvals and testimonials	58
Fictitious or misleading guarantees	235, 553, 1061, 1068
Formal regulatory and/or statutory requirements	235, 1061, 1068
Truth in Lending Act	422
Government approval, action, connection or standards—	
Accreditation of correspondence courses, etc.	58
Federal Housing Administration	235
Standards, specifications, or source	235
History of product or offering	32, 58, 559, 860
Jobs and employment service	32
Limited offers or supply	32, 235
Operation	537 749
Opportunities	32, 58, 559

*Covering practices and matters involved in Commission orders. References to matters involved in vacating or dismissing orders are indicated by *italics*.

	Page
Prices—	
Additional charges unmentioned	32, 235, 422, 559
Product or quantity covered	235
Terms and conditions	235
Truth in Lending Act	9, 422
Promotional sales plans	32, 58, 235, 537, 559, 749, 860, 873
Qualities or properties of product or service	749
Economizing or saving	537, 873
Heating	537
Quality of product or service	32, 58, 235, 559
Refunds, repairs, and replacements	235, 422, 559
Results	32, 58, 537, 749
Safety—Investment	559
Scientific or other relevant facts	32, 58, 235, 422, 537, 553, 559, 749, 860, 873, 1061, 1068
Scientific tests	873
Source or origin—history	860
Success, use or standing	32, 58, 559
Surveys	873
Terms and conditions	235, 422, 553, 1061, 1068
Undertakings, in general	559
Value	32, 58, 559
Boycotting Seller-Suppliers	94
Claiming or Using Endorsements or Testimonials Falsely or Misleadingly: users, in general	58
Coercing and intimidating:	
Customers or prospective customers	392, 545, 1077
Customers or prospective customers of competitors	214
Delinquent debtors	422
Distributors	23, 545, 618
Members	101, 392, 868, 889
Suppliers and sellers	94, 739
Collecting, Assembling, Furnishing or Utilizing Consumer Reports:	
Confidentiality, accuracy, relevancy, and proper utilization—Fair Credit Reporting Act	909
Formal regulatory and/or statutory requirements—Fair Credit Reporting Act	909
Combining or Conspiring:	
To control allocations and solicitation of customers	222, 618, 889
To control employment practices	739
To control marketing practices and conditions	4, 23, 101, 214, 392, 449, 519, 545, 618, 739, 868, 889, 1077
To discriminate unfairly or restrictively in general	23, 618, 889
To eliminate competition in conspirators' goods	23
To enforce or bring about resale price maintenance	4, 545, 618, 889, 1077
To enhance, maintain or unify prices	23, 449, 519, 545, 618, 868, 1077
To exchange future price information	1077
To limit distribution or dealing to regular, established or acceptable channels or classes	449, 889

	Page
To restrain or monopolize trade	4, 23, 214, 222, 449, 519, 618, 868, 1077
To restrain cooperatives' activities	889
To restrain competition in buying	101, 222
To submit collusive bids	222
To submit sham or fictitious bids or price quotations	222
To terminate or threaten to terminate contracts, dealings, franchises, etc.	545, 1077
Controlling, Unfairly, Seller-Suppliers	23, 449, 868
Corrective Actions and/or Requirements:	
Arbitration	235
Destruction of records and/or data	559
Disclosures	9, 23, 32, 58, 101, 222, 235 392, 402, 422, 537, 553, 559, 749, 860, 868, 889, 949, 1061, 1068, 1077
Displays, in-house	235, 422, 537
Employment of independent agencies	58
Formal regulatory and/or statutory requirements	422, 1061, 1068
Maintain records	23, 32, 58, 94, 214, 222, 235, 402, 422, 537, 545, 559, 1061, 1068, 1077
Advertising substantiation	873
Recall of merchandise, advertising material, etc.	519, 537
Refunds, rebates and/or credits	32, 58, 235, 422, 559, 949
Release of general, specific, or contractual constrictions, requirements, or restraints	23, 101, 392, 559, 868, 889
Renegotiation and/or amendment of contracts	545
Warranties	422, 553, 949, 1061, 1068
Cutting Off Access to Customers or Market:	
Contracts restricting customers' handling of competing products	214
Forcing goods	214
Government specifications	222
Interfering with distributive outlets	4, 449, 618
Interfering with advertising mediums	23, 449
Interfering with competitors' bid or price quotations	222
Organizing and controlling seller-suppliers	23
Withholding supplies or goods from competitors' customers	214
Cutting Off Supplies or Service:	
Advertising contacts	23, 889
Cutting off supplies or service	4, 214, 545, 1077
Refusing sales to, or same terms and conditions	889
Threatening disciplinary action or otherwise	545, 889, 1077
Delaying or withholding corrections, adjustments or action owed	422, 559, 618, 1077
Delaying or failing to deliver goods or provide services or facilities	32, 559, 618
Discriminating Between Customers—Federal Trade Commission Act	545, 889
Discriminating in Price Under Section 5, Federal Trade Commission Act:	
Knowingly inducing or receiving discriminating payments	94
Unequal discounts	889
Dismissal Orders	110, 318, 966, 1044

	Page
Disseminating Advertisements, Etc.	743
Enforcing Dealings or Payments Wrongfully	94, 422
Failing to Maintain Records—accurate	873
Failing to Provide Foreign Language Translations	9, 559
Fair Credit Reporting Act—Collecting, assembling, furnishing or utilizing consumer reports	909
Furnishing Means and Instrumentalities of Misrepresentation or Deception	58
Interfering with Competitors or Their Goods	449
Interlocking Directorates Unlawfully	325
Interlocutory Orders	1, 31, 211, 213, 220, 231, 302, 323, 905
Maintaining Resale Prices:	
Contracts and agreements	618, 889, 1077
Cutting off supplies	889
Discrimination	889
Against price cutters	4, 545, 618, 1077
In favor of price maintainers	545
Penalties	618
Price schedules and announcements	519, 545, 1077
Refusal to sell	545, 889
Systems of espionage	618, 848
Requiring information of price cutting	23, 545, 1077
Misrepresenting Oneself and Goods:	
Business status, advantages or connections—	
Authorities and personages connected with	58, 559
Business methods, policies and practices	32, 58, 235, 422, 559
Connections and arrangements with others	559
Financing activities	422
History	58, 559
Personnel or staff	58, 422
Qualifications	58
Reputation, success or standing	58, 559
Services	422
Stock, product or service	422, 559
Goods:	
Availability of advertised merchandise and/or facilities	32, 235, 559, 860
Comparative data or merits	873
Comparative inferiority	873
Composition	235
Condition of goods	235, 559
Demand for or business opportunities	32, 58, 559
Earnings and profits	32, 58, 559
Endorsements	58
Formal regulatory and/or statutory requirements	235, 1061, 1068
Truth in Lending Act	9, 422
Free goods or services	32
Government inspection	235

	Page
Government standards or specifications	235
Guarantees	235, 553, 1061, 1068
History of product	32, 58, 860
Jobs and employment	32, 58
Law or legal requirements	422
Qualities or properties	32, 58, 537, 559, 749, 873
Quality	32, 58, 235
Refunds	235, 422, 559
Results	32, 58, 537, 749
Scientific or other relevant facts	32, 58, 235, 422, 537, 553, 559, 749, 873
Source or origin—maker or seller	860
Special or limited offers	235
Style or type	860
Success, use or standing	32, 58, 749
Surveys	873
Terms and conditions	553, 1061, 1068
Sales contract	32, 58, 235, 422, 559
Tests, purported	873
Undertakings, in general	559
Value	32, 58, 559
Prices—	
Additional costs unmentioned	32, 235, 422, 559
Terms and conditions	235
Truth in Lending Act	9, 422
Promotional Sales Plans	32, 58, 235, 537, 559, 749, 860, 873
Services—	
Cost	422
Terms and conditions	422
Modifying Orders	467
Neglecting, Unfairly or Deceptively, To Make Material Disclosure:	
Composition	235
Content	235
Formal regulatory and/or statutory requirements	235, 1061, 1068
Textile Fiber Products Identification Act	422
Truth in Lending Act	9
History of products	32, 58, 860
Instruments' sale to finance companies	559
Limitations of product	32, 58, 235, 537, 559, 749
Prices—additional prices unmentioned	32, 235, 422, 559
Qualities or properties	32, 58, 537, 559, 749, 873
Quality, grade or type	235, 860
Risk of loss	559
Sales contract, right-to-cancel provision	32, 422, 559
Commencing contractual obligations prior to end of cooling-off period	58
Scientific or other relevant facts	32, 58, 235, 422, 537, 553, 559, 749, 860, 873, 1061, 1068
Source or origin	860
Terms and conditions	553, 559, 1061, 1068,
Insurance coverage	9

	Page
Sales contract	32, 58, 235, 422, 559
Truth in Lending Act	9, 422
Offering Unfair, Improper and Deceptive Inducements to Purchase or Deal:	
"Degrees," "certificates," etc.	58
Earnings and profits	32, 58, 559, 618
Free goods	559
Free service	32
Guarantee, in general	235
Job guarantee and employment	32, 58
Limited offers or supply	32, 235
Offers deceptively made and evaded	235, 559
Opportunities in product or service	32, 58, 559, 618
Returns and reimbursements	559
Scientific or other relevant facts	32, 58, 235, 537, 559, 618, 749
Television "mock ups," etc.	749
Terms and conditions	235
Undertakings, in general	559
Securing Agents or Representatives by Misrepresentation:	
Earnings	618
Scientific or other relevant facts	618
Submitting Sham or Fictitious Bids or Price Quotations	222
Substituting Product Inferior to Offer	235
Textile Fiber Products Identification Act—statutory requirements	422
Threatening Suits, Not in Good Faith—delinquent debt collection	422
Truth in Lending Act:	
Advertising falsely	9, 422
Misrepresenting	9, 422
Neglecting	9, 422
Statutory requirements	9, 422
Terms and conditions	9, 422
Using Deceptive Techniques in Advertising—television depictions	749

	Page
Revocation of Advisory Opinion issued to Don Odessky, Inc., 87 F.T.C. 1426. [<i>File No. 763 7002, Don Odessky, Inc.</i>]	1087
Proposed statistical reporting program entailing the forecasting of annual sales and captive use of selected thermoplastic resins. [793 7002, <i>Society of the Plastics Industry, Inc.</i>]	1089