

Dismissal Order

IN THE MATTER OF

BOC INTERNATIONAL LIMITED

formerly known as

THE BRITISH OXYGEN COMPANY LIMITED, ET AL.

DISMISSAL ORDER IN REGARD TO ALLEGED VIOLATION OF SEC. 7 OF
THE CLAYTON ACT AND THE FEDERAL TRADE COMMISSION ACT

Docket 8955. Complaint, Feb. 26, 1974—Dismissal Order, May 14, 1980*

This order reopens the proceeding and dismisses the complaint issued on February 26, 1974 charging a London, England manufacturer of industrial gases with violating the Federal Trade Commission Act, and Section 7 of the Clayton Act.

ORDER REOPENING PROCEEDING AND DISMISSING COMPLAINT

Upon the joint motion of the parties, this matter was withdrawn from adjudication for settlement purposes by an order of the Commission issued on March 21, 1980. Having considered the proposed settlement reached between the staff of the Commission and the respondents, the Commission determined not to accept the settlement and to dismiss the Complaint. Accordingly,

It is ordered, That the proceeding be, and it hereby is, reopened.

It is further ordered, That the Complaint in Docket No. 8955 be, and it hereby is, dismissed.

* For order issued in disposition of this proceeding, see 86 F.T.C. 1241.

FEDERAL TRADE COMMISSION DECISIONS

Modifying Order

95 F.T.C.

IN THE MATTER OF

PORTER & DIETSCH, INC., ET AL.

MODIFYING ORDER IN REGARD TO ALLEGED VIOLATION OF THE
FEDERAL TRADE COMMISSION ACT*Docket 9047. Decision, Dec. 20, 1977—Modifying Order, May 23, 1980*

This order amends a final order issued Dec. 20, 1977, 90 F.T.C. 770, 32 FR 9141, against a St. Paul, Minn. drug distributor by modifying the health risk disclosure requirement to include only those products containing phenylpropanolamine hydrochloride. Previously, the requirement included products containing methylcellulose as well. This modification brings the order into conformance with a Seventh Circuit Court of Appeals decision on review (605 F.2d 294, Aug. 8, 1979).

ORDER AMENDING ORDER TO CEASE AND DESIST

On December 20, 1977, following a complaint and proceeding thereon, the Commission issued its Decision and Order to Cease and Desist against the several named respondents in this matter. The respondents subsequently petitioned the United States Court of Appeals for the Seventh Circuit to review that Decision and Order, and that court issued its decision in the matter on August 8, 1979, requiring modification of the Order in certain respects. *Porter & Dietsch, Inc., et al. v. FTC*, 605 F.2d 294, 308-310. Respondents subsequently filed petitions for *certiorari* in the Supreme Court (79-731 and 79-1090), which were denied on March 31, 1980.

Accordingly, we hereby amend our order of December 20, 1977, in the following respects to conform to the mandate of the court of appeals:

First, we strike the existing paragraph I.E. and insert the following paragraphs I.E. and I.F:

E. Disseminating or causing to be disseminated by the United States mails or by any means in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement for any such product containing phenylpropanolamine hydrochloride or similar ingredients with similar properties, or methylcellulose (whether or not such products contain other ingredients as well) or any product held out as a diet remedy or other remedy for the reduction of human body weight unless such advertising "clearly and conspicuously" (in print at least as large as the largest print appearing in the advertising, or in an oral presentation, in speech as clear and distinct as that delivered in the rest of the presentation) discloses the following statement, with nothing to the contrary or in mitigation of this statement:

"DIETING IS REQUIRED"

F. Disseminating or causing to be disseminated by United States mails or by any means in or affecting commerce, as "commerce" is defined in the Federal Trade