

Decision and Order

IN THE MATTER OF

GENERAL MOTORS CORPORATION, ET AL.

CONSENT ORDER, ETC., IN REGARD TO ALLEGED VIOLATION OF
SEC. 5 OF THE FEDERAL TRADE COMMISSION ACT*Docket 9074. Complaint* Feb. 10, 1976—Decision, July 7, 1980*

This consent order requires, among other things, Chuck Olson Chevrolet, Inc. (Olson), an Oregon Motor vehicle dealer with its principal place of business located in Seattle, Wash., to adopt and adhere to "Repossession Accounting Procedures" maintained by General Motors Corporation; furnish all appropriate supervisory personnel with a copy of the procedures; and establish to the reasonable satisfaction of the Commission that it has paid all surpluses realized on repossessed vehicles returned by financing institutions other than General Motors Acceptance Corporation (GMAC) since February 10, 1973. (Surpluses generated from Olson vehicles which have been repossessed by GMAC must be paid by GMAC.)

Appearances

For the Commission: *Randall H. Brook, Ivan L. Orton and Dean A. Fournier.*

For the respondents: *Robert C. St. Louis, Aiken, St. Louis & Siljeg, Seattle, Wash.*

DECISION AND ORDER

The Commission having heretofore issued its complaint charging the respondents named in the caption hereof with violation of Section 5 of the Federal Trade Commission Act, as amended, and the respondents having been served with a copy of that complaint together with a proposed form of order; and

Respondent Chuck Olson Chevrolet, Inc., its attorney, and counsel for the Commission having thereafter executed an agreement containing a consent order, an admission by said respondent as to the Commission's jurisdiction, a statement that the signing of said agreement is for settlement purposes only and does not constitute an admission by respondent that the law has been violated as alleged in the complaint, and waivers and other provisions in accordance with the Commission's Rules; and

The Secretary of the Commission having thereafter, in accordance

* Complaint previously published at 95 F.T.C. 825.

with Section 3.25(c) of its Rules, withdrawn this matter from adjudication as to Chuck Olson Chevrolet, Inc.; and

The Commission having considered the matter and having thereupon accepted the executed consent agreement and placed such agreement on the public record for a period of sixty (60) days, now in further conformity with the procedure prescribed in Section 3.25(f) of its Rules, the Commission hereby makes the following jurisdictional findings and enters the following order:

1. Respondent Chuck Olson Chevrolet, Inc. is an Oregon corporation with its office and principal place of business located at 17545 Aurora Ave. North, Seattle, Washington.
2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding as to Chuck Olson Chevrolet, Inc., and of said respondent, and the proceeding is in the public interest.

ORDER

I.

It is ordered, That respondent Chuck Olson Chevrolet, Inc., a corporation, and its successors, assigns, officers, agents, representatives and employees, and any corporation, subsidiary, division or device through which they act directly or indirectly (including Viking Service Corporation doing business as Olson Triumph), shall forthwith (A) adopt and adhere to the "Repossession Accounting Procedures" maintained by General Motors Corporation pursuant to the disposition of Docket 9074 as to General Motors Corporation, and (B) deliver a copy of the Repossession Accounting Procedures to all appropriate supervisory personnel.

II.

It is further ordered, That respondent shall, no later than 60 days after service of this Order:

A. Establish to the reasonable satisfaction of the Commission that all surpluses (if any) generated from repossessed vehicles returned to respondent by financing institutions other than General Motors Acceptance Corporation between February 10, 1973 and the date of service of this Order have been paid.

B. File with the Commission a written report setting forth in detail the manner and form in which it has complied with this Order.

III.

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

Modifying Order

96 F.T.C.

IN THE MATTER OF

C. ITOH & CO. (AMERICA), INC.

MODIFYING ORDER IN REGARD TO ALLEGED VIOLATION OF THE
FEDERAL TRADE COMMISSION AND WOOL PRODUCTS LABELING
ACTS*Docket C-2586. Decision, Oct. 22, 1974—Modifying Order, July 7, 1980*

This order modifies a previous order to cease and desist issued October 22, 1974 against a New York City importer and distributor of fabrics (84 F.T.C. 1187, 40 FR 6482). The Commission has modified the order by limiting the bond provision to recycled wool products only. The order previously required posting of a bond on all wool products imported.

ORDER MODIFYING CEASE AND DESIST ORDER

In its request filed on April 30, 1980, the respondent petitioned the Commission, pursuant to Section 2.51 of its Rules of Practice, to reopen the proceedings and modify the order of October 22, 1974, entered in Docket C-2586. Respondent asks that the second "*It is further ordered*" paragraph be deleted from the order. The paragraph in question reads as follows:

It is further ordered, That respondent, C. Itoh & Co. (America), Inc., a corporation, its successors and assigns, and its officers, and respondent's representatives, agents, and employees, directly or through any corporation, subsidiary, division, or other device, do forthwith cease and desist from importing or participating in the importation of wool products into the United States except upon filing bond with the Secretary of the Treasury in a sum double the value of said wool products and any duty thereon, conditioned upon compliance with the provisions of the Wool Products Labeling Act of 1939.

In support of its request, the respondent has advanced a number of considerations intended to show changed conditions of fact since the order was issued and to show that the public interest will best be served by granting its request. It states that it has ensured that its imported wool products are correctly labeled by investigating the reputations of its overseas suppliers and purchasing only from those with an established record of exercising proper care and diligence in determining the fiber content of their merchandise and labeling it properly. As the result of its self-policing, it states that there have been no complaints with regard to the labeling of any of its importations of wool products in the five and one-half years that the order has been in effect. The respondent advised Commission staff, by letter dated May 5, 1980, that it is no longer importing the