

Modifying Order

97 F.T.C.

IN THE MATTER OF

REVLON, INC., ET AL.
and
DELUXOL LABORATORIES, INC., ET AL.

MODIFYING ORDER IN REGARD TO ALLEGED VIOLATION OF
SECTIONS 5 AND 12 OF THE FEDERAL TRADE COMMISSION ACT

Dockets C-2868 and C-2869. Decision, Jan. 3, 1977—Modifying Order, Feb. 24, 1981.

This order reopens the proceeding and modifies the Commission order issued on January 3, 1977, 42 FR 17108, 89 F.T.C. 1, by amending Paragraph IA4 to permit conditioning and manageability claims with proper substantiation.

ORDER GRANTING REQUEST TO REOPEN THE PROCEEDING AND
MODIFYING ORDER TO CEASE AND DESIST

Revlon, Inc., on behalf of itself and its subsidiaries Revlon-Realistic Professional Products, Inc. and Deluxol Laboratories, Inc., having requested on December 4, 1980 that the Commission reopen the proceedings in Dockets C-2868 and C-2869 for the purpose of modifying the Order to Cease and Desist entered in those dockets; and

The Commission having placed such request, together with supporting documents attached thereto, upon the public record for a period of thirty (30) days, pursuant to Section 2.51 of its Rules; and

The Commission having duly considered the comments filed thereafter by interested persons; and

The Commission being of the opinion that the public interest would be served by such reopening of the proceedings;

Now, therefore, it is ordered, That the proceedings in Dockets C-2868 and C-2869 be, and they hereby are, reopened; and

It is further ordered, That the Order in Dockets C-2868 and C-2869 be modified by amending Paragraphs IA4 as follows:

4. Any hair straightening product conditions or helps condition or improves condition of hair or makes or helps make hair more manageable, unless, at the time the representation is made, respondents have in their possession a reasonable basis, consisting of competent and reliable controlled tests, to support such representation.

It is further ordered, That the foregoing modifications shall be effective upon service of this order.

IN THE MATTER OF
BENTON & BOWLES, INC.

CONSENT ORDER, ETC., IN REGARD TO ALLEGED VIOLATION OF
SECTIONS 5 AND 12 OF THE FEDERAL TRADE COMMISSION ACT

Docket C-3055. Complaint, March 4, 1981—Decision, March 4, 1981

This consent order requires, among other things, a New York City advertising agency to cease, in connection with the advertising and sale of Encare or any similar over-the-counter vaginal contraceptive suppository product, misrepresenting or failing to substantiate claims relating to the product's effectiveness, safety and performance characteristics. The firm is further prohibited from disseminating advertisements using performance or quality heightening modifiers such as "highly," or "extremely," in conjunction with words like "effective" or "reliable." Additionally, the order requires the company to disclose in print, radio and TV consumer advertising, certain facts material to contraceptive suppository use; and to maintain business records for a period of three years.

Appearances

For the Commission: *Shirley F. Sarna and Paula K. Stein.*

For the respondent: *Stuart L. Friedel, Davis & Gilbert, New York City.*

COMPLAINT

The Federal Trade Commission, having reason to believe that Benton & Bowles, Inc., a corporation (hereinafter "respondent"), has violated Sections 5 and 12 of the Federal Trade Commission Act, and that a proceeding in respect thereof would be in the public interest, hereby issues its complaint, stating its charges as follows:

PARAGRAPH 1. Benton & Bowles, Inc. is a New York corporation with its principal place of business at 909 Third Ave., New York, New York.

Allegations stated in the present tense include the past tense.

PAR. 2. For purposes of this complaint the following definitions shall apply:

(1) A "vaginal contraceptive suppository" is a spermicidal contraceptive product which is inserted into the vagina prior to coitus. Body temperature or vaginal secretions dissolve the suppository and spread its sperm killing agent through the vaginal cavity.

(2) "Use effectiveness" means that level of effectiveness which is obtained when the contraceptive method is used by large numbers of