

IN THE MATTER OF

ENERGY EFFICIENT SYSTEMS, INC., ET AL.

CONSENT ORDER, ETC., IN REGARD TO ALLEGED VIOLATION OF
SEC. 5 OF THE FEDERAL TRADE COMMISSION ACT*Docket C-3062. Complaint, April 9, 1981—Decision, April 9, 1981*

This consent order requires, among other things, a Middletown, Conn. corporation and two corporate officers engaged in the advertising, sale and distribution of an electric space heater known as the "Boekamp Quartz Heater" to cease misrepresenting the efficiency, energy savings, performance characteristics and durability of the product. The order further prohibits respondents from making any energy-related advertising claim without reliable substantiation, and bars them from using the term "energy saver," or similar terms in product names. Additionally, respondents are required to send a copy of a prescribed letter to all individuals or business entities engaged in the sale of the Boekamp Quartz Heater advising them of the terms of the order and requesting the return of all advertisements and promotional materials which contain prohibited claims or which fail to include required disclosures.

Appearances

For the Commission: *Joan Gerrity, John B. Gatlin and Douglas M. Husid.*

For the respondent: *Michael Steres, Feldman & Steres, San Diego, Calif., and John T. Coyne and William Barton, Carr, Jordan, Coyne & Savits, Washington, D.C.*

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act, and of the Energy Policy and Conservation Act, as amended, and by virtue of the authority vested in it by those Acts, the Federal Trade Commission, having reason to believe that Energy Efficient Systems, Inc., a corporation, and John P. White and Elaine B. Owen, individually and as officers of the corporation, hereinafter sometimes referred to collectively as respondents, have violated the provisions of the 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 in that respect as follows:

PARAGRAPH 1. Respondent Energy Efficient Systems, Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of Connecticut with its principal office

and place of business located at 330 Middle St., Middletown, Connecticut.

Respondents John P. White and Elaine B. Owen are officers of the corporate respondent named herein. Together they formulate, direct and control the policies, acts and practices of the corporate respondent hereinafter set forth. Their business address is the same as that of the corporate respondent.

PAR. 2. Respondents are now, and for some time last past have been, engaged in the purchasing, advertising, promotion, offering for sale, sale and distribution of a product known as the Boekamp Quartz Energy Saver Heater ("Boekamp Heater") and other products for which energy related claims are made.

PAR. 3. In the course and conduct of their business, respondents now cause, and for some time last past have caused, the Boekamp Heaters to be shipped from their place of business in the State of Connecticut to purchasers throughout the United States. Respondents now disseminate or cause the dissemination of, and for some time last past have disseminated or caused the dissemination of, certain advertisements and promotional materials concerning the Boekamp Heater by use of the United States mail and have advertised the Boekamp Heater in newspapers of interstate circulation. Accordingly, respondents maintain, and have maintained, a substantial course of business, including the acts and practices as hereinafter set forth, which are in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act.

PAR. 4. The advertisements and promotional materials referred to in Paragraph Three include, but are not limited to, the materials marked as Appendix A and attached hereto.

I

PAR. 5. By and through the use of the aforementioned advertisements and promotional materials, respondents have represented and are now representing, directly or by implication, that:

- a. the Boekamp Heater is twice as efficient as conventional electric resistance heaters;
- b. the Boekamp Heater will provide two to three times as much heat as conventional electric resistance heaters of similar wattage;
- c. the Boekamp Heater provides "free" heat because its quartz tubes do not cool down during the Boekamp Heater's off cycle;
- d. the Boekamp Heater is capable of heating objects which are far away from it in a short period of time;

- e. the Boekamp Heater evenly distributes heat throughout a typical room;
- f. the quartz tubes contained in the Boekamp Heater intensify and magnify the heat generated by the electricity sent through the resistance coils enclosed in the tubes;
- g. the quartz tubes contained in the Boekamp Heater are durable components.

PAR. 6. In truth and in fact, contrary to respondents' representations set forth in Paragraph Five:

- a. the Boekamp Heater is not twice as efficient as conventional electric resistance heaters. All electric resistance heaters produce the same number of British Thermal Units ("BTUs") of heat per watt;
- b. the Boekamp Heater will not provide two to three times as much heat as conventional electric resistance heaters of similar wattage;
- c. the quartz tubes contained in the Boekamp Heater do cool down during the Boekamp Heater's off cycle and the Boekamp Heater does not provide "free" heat for the foregoing reason or for any other reason;
- d. the Boekamp Heater is not capable of heating objects which are far away from it in a short period of time. The Boekamp Heater will only be able to heat objects far away from it if the Boekamp Heater has been operated for a lengthy period of time so that the air space between the Boekamp Heater and the object has itself been heated;
- e. the Boekamp Heater does not evenly distribute heat throughout a typical room;
- f. the quartz tubes contained in the Boekamp Heater do not intensify or magnify the heat generated by the electricity sent through the resistance coils enclosed in the tubes. The quartz tubes only transfer the heat generated by the resistance coils;
- g. the quartz tubes contained in the Boekamp Heater are not durable components. The quartz tubes are fragile elements which shatter easily on impact when the tubes are hot.

Therefore, said advertisements and promotional materials were, and are, false, deceptive, misleading or unfair.

II

PAR. 7. By and through the use of the aforementioned advertise-

ments and promotional materials, respondents have represented and are now representing, directly or by implication, in addition to those representations set forth in Paragraph Five, that:

- (a) a typical user of a Boekamp Heater will save 50% over his/her prior home heating costs;
- (b) a typical user of a Boekamp Heater will drastically reduce his/her fuel bills while maintaining personal comfort;
- (c) users of the Boekamp Heater report dramatic utility bill savings;
- (d) a single Boekamp Heater will raise the temperature in an unheated room of typical size to a comfortable temperature in twenty minutes;
- (e) when the outside temperature is 5 degrees Fahrenheit, one 1500 watt Boekamp Heater will maintain a room temperature of 72 degrees Fahrenheit under certain stated conditions;
- (f) the Boekamp Heater will heat a typical room more quickly than conventional electric resistance heaters;
- (g) the Boekamp Heater provides special comfort to arthritics and others suffering from similar ailments.

PAR. 8. At the time respondents made the representations alleged in Paragraphs Five and Seven they did not possess and rely upon a reasonable basis for such representations. Therefore, the aforementioned advertisements and promotional materials were, and are, unfair, deceptive or misleading.

PAR. 9. By and through the use of the aforementioned advertisements and promotional materials, respondents have represented and are now representing, directly or by implication, that they had a reasonable basis for the representations alleged in Paragraphs Five and Seven at the time they were made. In truth and in fact, respondents had no reasonable basis for the representations alleged in Paragraphs Five and Seven. Therefore, said advertisements and promotional materials were, and are, deceptive, misleading or unfair.

III

PAR. 10. In the course and conduct of their business, respondents have used the term "Quartz Energy Saver" to refer to the Boekamp Heater in the aforementioned advertisements and promotional materials. By and through the use of that term, respondents have represented and are now representing, directly or by implication,

that the Boekamp Heater consumes less electricity than other electric resistance heaters in providing the same amount of heat.

PAR. 11. In truth and in fact, contrary to respondents' representation set forth in Paragraph Ten, the Boekamp Heater provides the same number of BTUs per watt as any other electric resistance heater. Therefore, the use of the term "energy saver" to refer to the Boekamp Heater was, and is, deceptive, misleading or unfair.

IV

PAR. 12. By and through the use of the aforementioned advertisements and promotional materials, respondents have represented and are now representing, directly or by implication, that the Boekamp Heater will quickly and efficiently heat a whole room. In contrast, the operating instructions for the Boekamp Heater, which are provided to consumers after they purchase a Boekamp Heater, caution users to avoid trying to heat a whole room with the Boekamp Heater.

PAR. 13.

(a) The operating instruction referred to in Paragraph Twelve is a material fact in light of the representation made in advertisements and promotional materials as set forth in Paragraph Twelve. The aforementioned advertisements and promotional materials fail to disclose this material fact. Therefore, said advertisements and promotional materials were, and are, deceptive, misleading or unfair.

(b) The operating instruction referred to in Paragraph Twelve is materially inconsistent with the representation made in advertisements and promotional materials as set forth in Paragraph Twelve. Therefore, said advertisements and promotional materials were, and are, deceptive, misleading or unfair.

V

PAR. 14. The Boekamp Heater is an unvented electric resistance heater which falls within the category of products defined as "unvented home heating equipment" in 10 C.F.R. 430.2 and as such is a "covered product" as that term is defined in Sections 321(a)(2) and 322 of the Energy Policy and Conservation Act, 42 U.S.C. 6291(a)(2) and 6292.

PAR. 15. In the course and conduct of their business, on and after November 10, 1978, respondents have made, and continue to make, representations, directly or by implication, respecting the energy

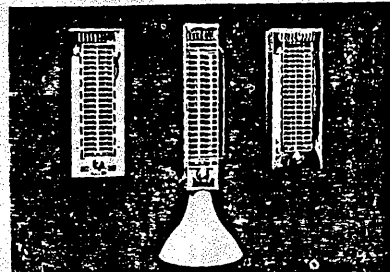
consumption of the Boekamp Heater or the cost of energy consumed by the Boekamp Heater, including the representations set forth at subparagraphs (a), (b) and (c) of Paragraph Five.

The aforementioned representations do not fairly disclose the results of tests conducted on the Boekamp Heater in accordance with the test procedures applicable to "unvented home heating equipment" as prescribed by the Secretary of the Department of Energy at 10 C.F.R. 430.22(g) and 10 C.F.R. Subpart B, Part 430, Appendix G. Therefore, and pursuant to 42 U.S.C. 6293(c) and 6303(c), said representations were, and are, deceptive, misleading or unfair.

PAR. 16. In the course and conduct of their business, and at all times mentioned herein, respondents have been, and now are, in substantial competition in or affecting commerce with individuals, firms, and corporations engaged in the distribution and sale of space heaters and other products for which energy related claims are made.

PAR. 17. The use by respondents of the aforementioned false, deceptive, misleading or unfair representations has had, and now has, the capacity and tendency to mislead members of the public into the erroneous and mistaken belief that the representations were and are true and complete, and into the purchase of substantial quantities of the Boekamp Heater by reason of this erroneous and mistaken belief.

PAR. 18. The acts and practices of respondents, as herein alleged, were and are to the prejudice and injury of the public and of respondents' competitors and constituted, and now constitute, unfair methods of competition and unfair or deceptive acts or practices in or affecting commerce in violation of Section 5 of the Federal Trade Commission Act. The acts and practices of respondents, as herein alleged, are continuing and will continue in the absence of the relief herein requested.



MODEL 201
CEILING MOUNT MODEL
This unit features a built-in Energy Controller with a built-in thermostat. It is designed for use in homes, schools, and businesses. It is a compact, efficient heater that can be used in any room. It is a built-in unit that can be used in any room. It is a built-in unit that can be used in any room.

MODEL 202
PORTABLE MODEL
This unit is a portable heater that can be used in any room. It is a compact, efficient heater that can be used in any room. It is a built-in unit that can be used in any room. It is a built-in unit that can be used in any room.

MODEL 201-A
SURFACE MOUNT MODEL
This unit is a surface mount heater that can be used in any room. It is a compact, efficient heater that can be used in any room. It is a built-in unit that can be used in any room. It is a built-in unit that can be used in any room.

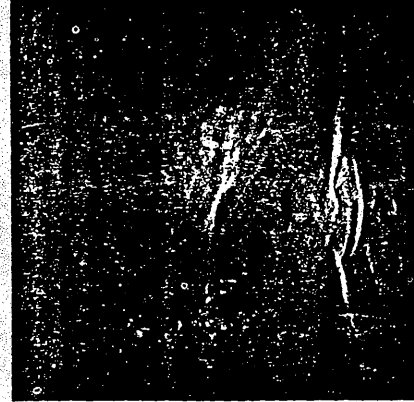
The Energy Controller on the front of all models is a special feature found only on the Quartz Energy Heater. It allows the user to control the heat output of the heater. The heater is designed to operate at 100% efficiency. The Energy Controller allows the user to select the ON part of the cycle for any number from 1% to 99% of the time. In the OFF part of the cycle the heater stops its output.

All Quartz Energy Heater are UL Listed, and have a 5-year warranty for the entire unit. The heater is designed to operate at 100% efficiency. The Energy Controller allows the user to select the ON part of the cycle for any number from 1% to 99% of the time. In the OFF part of the cycle the heater stops its output.

Boekamp, Inc.
8540 Quaker Street
La Mesa, CA 92041
714/558-4148

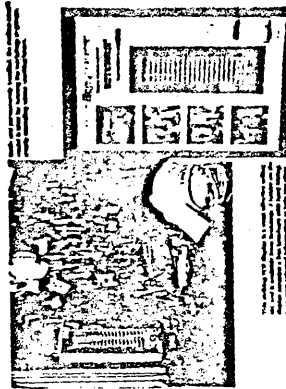
FACTORY NO. 67/01773 for Product

Introducing a Space Heater
Like You've Never Sold Before



Boekamp, Inc.

Quartz Energy Saver Heater



Quartz Heaters Are Different...

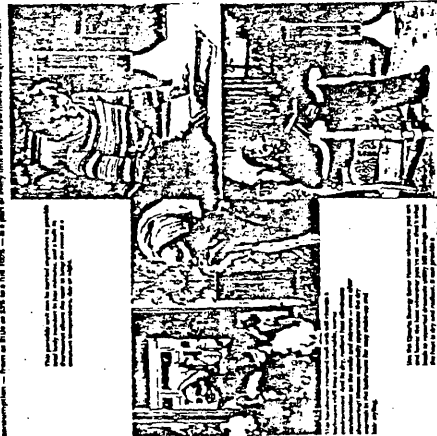
Quartz's new Quartz Energy Saver Heater is a new product that really works. The reason for this is that it is a quartz heater, not a conventional heater. Quartz heaters are different from conventional heaters in many ways. They are more efficient, more durable, and more economical. They are also safer and more reliable. Quartz heaters are the only heaters that can be used in any room, including bedrooms and bathrooms. They are also the only heaters that can be used in any climate, from hot to cold. Quartz heaters are the only heaters that can be used in any home, from small to large. They are the only heaters that can be used in any way, from heating to cooling. Quartz heaters are the only heaters that can be used in any way, from heating to cooling. Quartz heaters are the only heaters that can be used in any way, from heating to cooling.

Quartz Heaters

- 1. Quartz heaters are different from conventional heaters in many ways.
- 2. They are more efficient, more durable, and more economical.
- 3. They are also safer and more reliable.
- 4. Quartz heaters are the only heaters that can be used in any room, including bedrooms and bathrooms.
- 5. They are also the only heaters that can be used in any climate, from hot to cold.
- 6. Quartz heaters are the only heaters that can be used in any home, from small to large.
- 7. They are the only heaters that can be used in any way, from heating to cooling.
- 8. Quartz heaters are the only heaters that can be used in any way, from heating to cooling.
- 9. Quartz heaters are the only heaters that can be used in any way, from heating to cooling.
- 10. Quartz heaters are the only heaters that can be used in any way, from heating to cooling.

Convection Heaters

- 1. Convection heaters are different from quartz heaters in many ways.
- 2. They are less efficient, less durable, and less economical.
- 3. They are also less safe and less reliable.
- 4. Convection heaters are the only heaters that can be used in any room, including bedrooms and bathrooms.
- 5. They are also the only heaters that can be used in any climate, from hot to cold.
- 6. Convection heaters are the only heaters that can be used in any home, from small to large.
- 7. They are the only heaters that can be used in any way, from heating to cooling.
- 8. Convection heaters are the only heaters that can be used in any way, from heating to cooling.
- 9. Convection heaters are the only heaters that can be used in any way, from heating to cooling.
- 10. Convection heaters are the only heaters that can be used in any way, from heating to cooling.

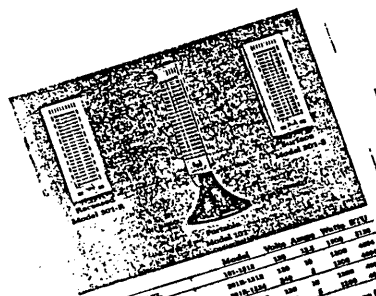


The Quartz Energy Saver Heater is a new product that really works. The reason for this is that it is a quartz heater, not a conventional heater. Quartz heaters are different from conventional heaters in many ways. They are more efficient, more durable, and more economical. They are also safer and more reliable. Quartz heaters are the only heaters that can be used in any room, including bedrooms and bathrooms. They are also the only heaters that can be used in any climate, from hot to cold. Quartz heaters are the only heaters that can be used in any home, from small to large. They are the only heaters that can be used in any way, from heating to cooling. Quartz heaters are the only heaters that can be used in any way, from heating to cooling. Quartz heaters are the only heaters that can be used in any way, from heating to cooling.

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Model	Wattage	Approx. Btu/hr.	ETL
Model 100	100	1000	ETL
Model 150	150	1500	ETL
Model 200	200	2000	ETL
Model 250	250	2500	ETL
Model 300	300	3000	ETL
Model 350	350	3500	ETL
Model 400	400	4000	ETL
Model 450	450	4500	ETL
Model 500	500	5000	ETL
Model 550	550	5500	ETL
Model 600	600	6000	ETL
Model 650	650	6500	ETL
Model 700	700	7000	ETL
Model 750	750	7500	ETL
Model 800	800	8000	ETL
Model 850	850	8500	ETL
Model 900	900	9000	ETL
Model 950	950	9500	ETL
Model 1000	1000	10000	ETL

PORTABLE MODEL
WALL MOUNTED MODEL
RECESSED MOUNT MODEL

All models feature the exclusive Energy Controller and are fully UL Listed. Portable model features 3 prong grounded plug. Designed to help you combat the high cost of energy while providing comfort and style in localized heating... get your Bockamp Quartz Energy Saver Heater today!

- USES:
- Living Room
- Bedroom
- Workshop
- Stables/Barns
- RVs/Boat Houses
- Family Rooms
- Offices
- Petite
- Boats
- Mobile Homes

Quartz Energy Saver Heater
Bockamp, Inc.
San Diego, California

Available from:

Introducing a Space Heater
Like You've Never Used Before



Bockamp

© 1988 BOCKAMP, INC.

Made in U.S.A.

Form No. 10079

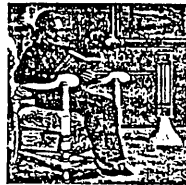
Boekamp...The ORIGINAL Quartz Energy Saver Heater

Designed and developed to combat the high costs of energy, the U.S. made Boekamp Heater is the sensible solution to effective, efficient heating. Features:

- Total personal comfort in just minutes
- Deeply pleasing, infrared radiant heat

- Heat projected by polished reflector — no fan or blower necessary
- Localized warmth allows temperature and cost of heating rest of house to drop
- Exclusive Energy Controller offers precise control of heat output and energy consumption

Quickly and permanently installed, the surface mount model is ideal for keeping you warm in the garage or workshop.



This portable unit can be carried anywhere to provide body warmth in just minutes, and features a Tip-Over Safety Switch that shuts the heater off if it is knocked over.

The attractive recessed wall model adds warmth and heating efficiency to a living room, study room, bathroom or wherever you wish to install one.



Quartz Heaters are Different . . .

BOEKAMP QUARTZ ENERGY SAVER®

- Room is quickly warmed to an even, comfortable temperature
- Heat is efficiently projected through the air to solid objects by highly polished reflector; there's no need for circulating air
- Temperature difference between floor and ceiling — usually less than 10°
- Average coil temperature — approximately 1800°
- Room comfort is achieved quickly because people and objects are warmed directly
- Room comfort is maintained easily because objects are heated and re-emit heat; natural air leaks have a minimal effect on comfort maintenance

OLD-FASHIONED CONVECTION HEATERS

- Room is slowly heated from top down because hot air rises
- Heat is directed into the room by fan, or rising hot air only; the air must then heat the objects in the room
- Temperature difference between floor and ceiling — usually 30° to 50°
- Average coil temperature — approximately 1800°
- Room comfort is achieved slowly because air must first be heated, then objects and people are heated
- Room comfort is maintained inefficiently because of heat loss through the ceiling and natural air leaks throughout the room

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APPENDIX A-3

COMPARATIVE ANALYSIS

QUARTZ HEATER vs. CONVENTIONAL-TYPE HEATERS

Prepared by:

Malcolm D. Campbell
Senior Staff Scientist
Materials Research

Conducting tests to quantitatively compare the performance of quartz heaters versus convection-type heating is difficult because of the infinite number of possible combinations of variables. This is further complicated by the difficulty of assessing human responses. However, any heater serves only one purpose — to provide comfort to people and herein lies the basic difference between the Bookamp Quartz Energy Saver Heater and the typical convection-type electric heater.

Most electric heaters circulate a small portion of the room air over the heating elements. This is accomplished with either natural convection or a fan which pulls cold air into the heater and pushes warm air out. Convection is the vertical movement of warm air as it heats and becomes lighter and is then replaced by air flowing cold air. It requires large heater areas to move sufficient air to produce reasonable temperature elevation. Fan-driven designs are noisy, but can be more compact in size.

Both types produce a comfortable living environment by raising the temperature of the entire volume of air in the room. In the process, however, they must also heat the contents of the room over which the air flows. Once the room is warmed, the heater continues to consume power to make up for inherent heat losses from the area.

A convection-type heater raises the air being heated as it passes through the heater. The hot air, being lighter in density, rises to the ceiling. Although objects are warmed by the circulating air, the room, in general, heats from the top down. When the air temperature just a few feet off the floor is comfortable for people, the air temperature near the ceiling (where it is not needed) may be as much as 30 degrees higher. This results in a high percentage of the energy consumed being lost through ceilings and upper walls.

The quartz infra-red heater consists of a coil of special resistance wire enclosed in a quartz tube. The coil is heated to a temperature range between 1800 and 2000 degrees Fahrenheit — a temperature that exceeds the coil temperature of a convection-type heater by as much as 150 degrees. At these temperatures, most of the electrical energy supplied is converted into electromagnetic radiation, which is emitted from the coil. The "glow" of any hot wire is the radiation which is in the visible range, i.e., detectable by the human eye. However, this is less than one percent of the total radiation emitted. Most of the remainder is in the "infra-red" region.

Quartz is used for several specific reasons: 1) It supports and protects the hot coil and will survive the excessive operating temperatures; 2) It is totally heat efficient, virtually eliminating any heat loss from the coil and 3) It is relatively transparent to the infra-red radiation.

The quartz elements are mounted in front of a high-efficiency reflector so that nearly all of the radiant heat generated is beamed in the desired direction. Contrary to the mode of operation of the typical convection-type heater, very little of the room air is heated directly. However, the radiation emitted from the quartz heater passes through the air with only minimal energy (heat) loss and strikes any solid object in its path. When this happens, the radiation is "absorbed" and objects are heated. These objects, in turn, emit heat.

The basic difference in mode of operation: Quartz versus Convection, accounts in several ways for the reduced cost of operating a quartz heater. First, with quartz heat, the objects in the room (including people) are heated to comfortable levels long before the room temperature would provide a comfortable environment. Thus, the quartz heater uses less energy to provide body comfort. There is a tremendous advantage in the energy savings since the instant response of the quartz heater eliminates the costly effects of pre-heating an area to be comfortable.

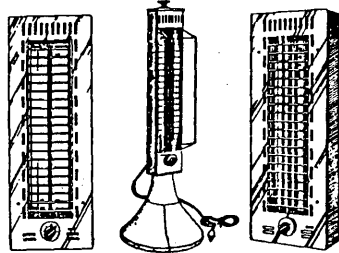
Only a small amount of the energy consumed by a well-designed quartz heater is expended in excessive heating of the air in the vicinity of the heater. Therefore, there is much less of a temperature difference from floor to ceiling and the ceiling temperature and heat losses are considerably less. With the people being heated directly by radiant heat, the overall air temperature can be very low, which minimizes heat losses through the walls and ceilings, as well as floors. These facts are primarily responsible for the lower power consumption required to maintain the comfort level once it has been reached.

As with any heating system, quartz heaters must be properly installed and used to the full advantage of their inherent features. Since radiant heat is directional heat, use of two small quartz heaters with energy saving features, to heat a large room from both directions is more efficient than one large heater. They should also be directed away from windows and all other sources of great heat loss. These practices will further enhance the efficiency of the unit.

In conclusion, in a typical residential situation, advanced design quartz infra-red heaters, such as those manufactured by Bookamp, Inc., can provide satisfactory comfort levels at half or less the normal operating costs of other types of electric heating. The unparalleled performance of the quartz heater enables the user to achieve immediate local comfort levels without the anticipated and costly luxury of having to heat the whole house to be comfortable in just one room or area.

APPENDIX A-4

The ORIGINAL Boekamp Quartz Energy Saver Heater...



All Other Space Heaters Are Suddenly Old-Fashioned!

The Boekamp Quartz Energy Saver is like no other heater you've ever used... designed in Europe and built in the USA, this unique quartz heater keeps you toasty warm while saving you money!

- Personal thermostat calibrated for your comfort
- Deeply glowing radiant heat
- Exclusive Energy Controller
- Completely UL Listed
- Full 1 year Warranty
- 3 attractive models to choose from

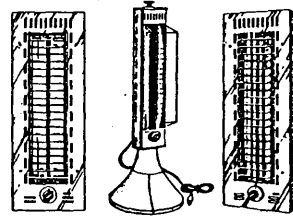
Two quartz tubes in front of a polished reflector protect everything, radiate warmth — no need for a fan or blower to consume additional energy!

The heater of the future is here... get yours today!!

ONLY \$

YOUR
IMPRINT
HERE

QUARTZ Makes the Difference!



The Boekamp Quartz Energy Saver Heater...

is different from any other space heater you've ever used, because it keeps you warm while saving you money... features:

- Deeply glowing, radiant heat
- Exclusive Energy Controller
- Completely UL Listed
- Full 1 year Warranty
- 3 Models to choose from

The unique Boekamp design features two quartz tubes in front of a polished reflector, protecting everything, radiate warmth — no need for a fan or blower to consume additional energy!

Get the Boekamp Quartz Energy Saver...

ONLY \$

YOUR
IMPRINT
HERE

"QUARTZ HEATING" the heating
system in efficient, effective heating

BASIC FACTS ON THE NEWLY-DESIGNED "QUARTZ ENERGY SAVER"

HEATING EFFICIENCY

The Quartz Energy Saver heats objects instead of air. Every object (metal, stone, wood, etc.) absorbs and puts off heat. This unique concept in heating is common in Europe, but relatively new in the United States.

HEATING INSTANT HEAT

The Quartz Energy Saver achieves maximum heating capacity in less than one minute. This eliminates the necessity to pre-heat rooms to comfort levels prior to use, thereby reducing your cost of energy.

HEATING EFFICIENCY

Test reports indicate the Quartz Energy Saver produces twice as much heat as conventional convection electric heating systems of similar ratings. No energy is wasted in the Quartz Energy Saver, and no fan (which cools down heaters) is required to move heat to far away objects. The combination of Quartz and radiant heat has produced a Quartz Energy Saver capable of providing up to three times as much heat over conventional fan driven electric heaters.

HEATING FACTORS

The Quartz Energy Saver operates on the highest level of the infrared spectrum, providing temperatures up to 2,000 degrees Fahrenheit within the quartz elements. The heat is radiated from the elements and the reflection screen at an angle of 170 degrees off the face of the heater. Radiant heat still not heat around corners and objects in direct line of sight will absorb greater amounts of heat. The Quartz Energy Saver is capable of radiating heat to objects 30' away.

HEATING SAFETY CONTROLS

The Quartz Energy Saver is equipped with a controller which time cycles power to the quartz elements. The electrical input can be controlled in 15 positions from the low to high setting, permitting the flow of electrical current from 25 to 100% of the time. This permits the user to set their desired comfort level. Quartz elements do not cool down during the off (no energy) cycle, thereby "free" heat is provided during this time period. The Quartz Energy Saver does not surge beyond its rated capacity. The higher the controller setting, the longer the heater is on and the more heat it produces.

HEATING COST

The Economy Portable model #901 Quartz Energy Saver is rated at 120 Watts, 1,500 watts, 12.5 amps, and uses 110¢ per hour of operation, or the high setting. If the heater is operated at one-half capacity, (the average users setting) it would operate at 5¢ capacity and consume 5¢ per hour. Electrical rates vary within such ranges, however it costs approximately 1¢ per hour to operate the Quartz Energy Saver on the high setting in HARTFORD, CT. To determine the exact operating cost in other regions of the country, check your utility company's cost per 25 hour, and multiply this rate by 11 (1,500 watts).

FACTS: Page 2.

HEATING AREA COVERAGE

The Quartz Energy Saver is designed to provide a 72 degree F comfort level in a home insulated for electric heat under the following conditions:

Outside temperature - -5 degrees
Ceiling height - 8'-0"

Exterior glass: thermopane or storm windows not exceeding 25% of exterior wall surfaces.

QUARTZ COVERAGE: 18 to 24 sq. ft. per 100 watts.
Model #901 F is designed to heat approximately 360 sq. ft. under the above conditions. Many users exceed this coverage.

HEATING EFFECTIVE WAY TO USE THE QUARTZ ENERGY SAVER

Position unit in the room where it will radiate directly to the most objects. Point away from windows and other non-absorbing items. Turn the controller on high, remote call from room, and turn down to desired comfort level.

SAFETY OF THE QUARTZ ENERGY SAVER

Quartz Energy Savers have been extensively tested and approved for use by Underwriters Laboratory (UL). Portable models contain tip-over switches to automatically turn the unit off if knocked over, and a safety thermostat to regulate the room temperature.

QUARTZ ENERGY SAVERS REDUCE HEATING COSTS

Yes, Quartz Energy Savers are twice as efficient as conventional electric heat, and there's that oil report extolling savings. Many customers that purchased an initial heater have purchased others to heat major portions of their home. Numerous customers now heat their entire home with QUARTZ ENERGY SAVERS. They are doing this because it is economical.

Quartz Energy Savers will save you money, we believe as high as 50% over existing home heating costs, however this is a direct function of your control over the room you heat, and how often you heat them. The Quartz Energy Saver permits you to decide when you want to heat a specific room. It is your own control.

PRODUCT WARRANTY

The Quartz Energy Saver is under warranty for one year from date of purchase, except for breakage of the quartz elements. It is designed for long life, with elements tested for over 5,000 heating hours. The quartz elements are replaceable at a current replacement cost of \$14.00 per tube. Each unit contains two quartz elements.

201

Eliminate your concerns over potential fuel shortages, the high cost of home heating oil, deregulation of fuel oil and natural gas, and use the QUARTZ ENERGY SAVER, powered by low cost, readily available electricity. The QUARTZ ENERGY SAVER is clean, quiet and the sensible solution to efficient, effective heating.

To Effective and Efficient Heating.

BASIC FACTS ON QUARTZ HEATING AND ANSWERS TO QUESTIONS REGARDING IT.

WHY CONSIDER QUARTZ HEATING?

Conventional sources of energy (oil, electric baseboard, natural gas and firewood) are expensive. QUARTZ HEATERS are designed to provide instant heat, negating the need to extensively pre-heat areas to achieve comfort, thereby saving money for the user. QUARTZ HEATERS permit the user to heat living space only when in use.

WHO DEVELOPED QUARTZ HEAT?

German scientists developed QUARTZ HEATERS ten years ago to combat Europe's high cost of energy, resulting in efficient and effective heating used extensively today.

WHAT IS THE BASIC PRINCIPLE OF QUARTZ HEATING?

QUARTZ is one of four (Diamonds, rubies, charcoal and quartz) known elements in the world that produces pure radiant heat.

QUARTZ HEATERS utilize conventional electric resistance coils encased in quartz tubes to magnify and intensify heat, reflect it off a polished shield and radiate it to surrounding areas. This carefully designed combination of components produces instantaneous heat.

ARE QUARTZ HEATERS SAFE?

Yes. QUARTZ HEATERS have been extensively tested and approved for use by Underwriters Laboratories (UL).

HAS QUARTZ HEATING BEEN TESTED IN THE UNITED STATES?

QUARTZ HEATING has been used for residential and commercial purposes for four years in the United States with an extensive test market conducted in the Northeast during the winter of 1977-78. All users have been extremely satisfied with the results.

HOW DO QUARTZ HEATERS SAVE MONEY?

QUARTZ HEATERS provide instant heat within one minute of operation, rapidly raising room temperatures to the comfort level in 20 minutes, permitting users to reduce heating levels in unoccupied rooms until their planned use.

Each model QUARTZ HEATER contains a QUARTZ ENERGY SAVER CONTROLLER which cycles the flow of energy to the heating elements to reduce power consumption.

WHERE ARE QUARTZ HEATERS MOST EFFECTIVE?

In any living space. Users initially purchase QUARTZ HEATERS to solve specific heating problems in cold rooms. After initial use, they discover that QUARTZ HEAT is an economical solution to heating the entire house.

QUARTZ HEAT, for example, eliminates condensation on bathroom mirrors while showering.

HOW MANY QUARTZ HEATERS ARE REQUIRED TO EFFECTIVELY HEAT A HOUSE?

This requirement varies depending on the house, its room sizes, amount of heat loss, ceiling heights, room configuration, etc. Suggests 100 watts per 18 to 22 sq. ft. for planning purposes.

recommends purchasing one QUARTZ HEATER for use in your most frequently occupied room. When the QUARTZ HEATER'S effectiveness is self proven then consider purchasing additional QUARTZ HEATERS for other areas. Keep in mind, each 1200 watt heater utilizes 10 AMPS of available capacity of a typical 15 or 20 AMP circuit.

IS SERVICE READILY AVAILABLE FOR QUARTZ HEATERS?

Yes. QUARTZ HEATERS are guaranteed for one year from date of purchase, but are specifically designed for a long lifespan. Replacement parts and service is available, if necessary, for

OTHER APPLICATIONS FOR QUARTZ HEATERS:

QUARTZ HEATERS are designed for effective use any place that people are cold. They should be considered for use in professional offices, restaurants, pleasure boats, mobile homes, garage workshops, laundry areas, patios, summer cottages and other areas.

"QUARTZ" HEATING

The sensible solution to effective ECONOMICAL heating.

The QUARTZ ENERGY SAVER™, EUROPE'S answer to efficient heating with high cost energy is now available in the United States.

Introducing the world's only vertical QUARTZ TUBE PORTABLE heater and built-in and surface mounted wall units.

They contain:

- Built-in ENERGY SAVING CONTROLLER for selection of desired comfort level to control and minimize consumption of electricity.
- Thermostatic control and safety TIP-OVER switch (portable models).
- Quality in design and workmanship.

Operates at 100% capacity for 8 1/2 hour (based on Hartford, CT utility rate).
Designed for SAFETY, COMFORT, ECONOMY and a long lifespan.

Even distribution of heat.

Total comfort achieved in one minute.

Adequate heat for any room in the house. Ideal for 1000 uses.

No installation required, just plug in any wall outlet. (Wall models designed for cord or direct wiring)

Effectively used, tested and proven in the Northeast.

ELIMINATES NEED TO MAINTAIN CONSTANT HEAT IN LIVING AREAS UNTIL ROOM IS IN USE.

CALL FOR. NO OBLIGATION. HOME DEMONSTRATION.

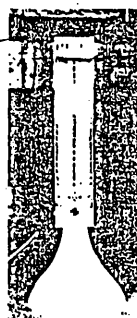
UL approved — Guaranteed for one year.

SPECIFICATIONS AND COST:

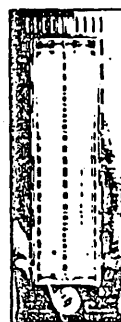
MODEL #	WATTS	VOLTS	AMPS	BTU	PRICE
101P	1500	110	12.8	5120	\$67.95
301R-120	1200	110	10	4094	60.95
301R-240	1200	220	5	4094	60.95
301S-120	1200	110	10	4094	74.95
301S-240	1200	220		4094	74.95

Exclusively distributed by

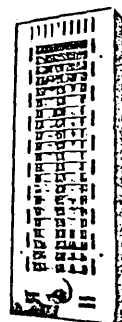
PORTABLE
MODEL #101P



NEW PRODUCT
"Quartz Energy Saver"



RECESSED
MODEL
#301R



SURFACE
MOUNTED
MODEL #301S

Complaint

97 F.T.C.

**New Construction/Room-Addition
Beat The Oil Shortage**
with the
QUARTZ ENERGY SAVER

The QUARTZ ENERGY SAVER is the sensible solution to efficient, economical heating.

- No SAFETY, COMFORT, EFFICIENCY
- Designed in EUROPE to hot heating
- operates at 100% capacity for 24 hrs.
- ENERGY SAVING CONTROLLER for selection of desired ambient level
- maintains heat for one minute
- Substantially reduces fuel bills
- Heat heat 10 ft. away in 2 minutes
- 2,000 certified customers
- Model #301 will heat 240 sq. ft.
- U.S. Listed—two year guarantee

ALSO AVAILABLE IN
RECESS & PORTABLE MODELS

SPECIFICATIONS:
1200 WATTS, 120V, 10 AMP
1200 WATTS, 240V, 5 AMP
4024 BTU

SURFACE QUARTZ HEATER
Model # 301 S
1200 WATTS, 120V/240V
4024 B.T.U. 12A AMP

RECESSED.....16 1/2" SURFACE.....16 7/8" PORTABLE.....17 1/8"

ALSO IDEAL FOR: COTTAGES, BOATS, MOBILE HOMES, VANS, GREENHOUSES, PORCHES, OFFICES, ETC.

WRITE OR CALL FOR DEMONSTRATION

ECONO HEAT OF CROMWELL
P.O. Box 62, Cromwell, Ct. 635-2800
WE WILL SHIP ANYWHERE IN U.S.

374031 Econo Heat of Cromwell REAL ESTATE home sect.

may 27 dec-43 46 proofs to 25 margo

New Concept In Efficient Heating
Reduce Home Heating Costs
 and be totally comfortable

QUARTZ HEAT
 The sensible solution to effective
 ECONOMICAL HEATING:

- For SAFETY, COMFORT, EFFICIENCY
- developed in EUROPE to cut heating costs
- operates at 100% capacity for 5W/7s (based on Hartford region electric rate)
- ENERGY SAVING CONTROLLER for selection of desired comfort level
- thermostatic control
- safety TIP-OVER switch
- maximum heat in one minute
- NO INSTALLATION, plug in any outlet
- designed as principal heat system
- will solve any heating problem
- proven in NORTHEAST, winter 77-78
- UL listed one year guarantee

ECOM HEAT CHOWVILLE CT 06416
 P.O. BOX 62 (203) 633-7800

Please rush me:
☐ One Portable QUARTZ HEATER model #101 or purchase price of \$72.50 plus \$2.00 shipping & handling.

Enclosed is ☐ check or ☐ money order for \$
 CHARGE (I): ☐ VISA ☐ MASTER CHARGE
 Credit Card # _____
 Exp. date _____ / _____
 Conn. res. please add 7% sales tax
 Name _____
 Address _____
 City _____
 State _____ Zip _____

PORTABLE QUARTZ HEATER
 Model # 101
 1500 WATTS 120V
 \$72.50
 30-Day Money-Back
 GUARANTEE

You must be satisfied with your QUARTZ HEATER's performance or return anytime within 30 days for prompt refund of purchase price (except shipping & handling)

ECOM HEAT 33 HALLS CHOWVILLE CT

Complaint

97 F.T.C.

NEW PRODUCT

Quartz Energy Saver™

Reduce Heating Expense Without Sacrificing Comfort



Introducing "Quartz Energy Saver"™ — a revolutionary new device that reduces heating expense without sacrificing comfort. It's the only device that works by reflecting heat back into the room, instead of letting it escape through the walls.

Quartz Energy Saver is a revolutionary new device that reduces heating expense without sacrificing comfort. It's the only device that works by reflecting heat back into the room, instead of letting it escape through the walls.

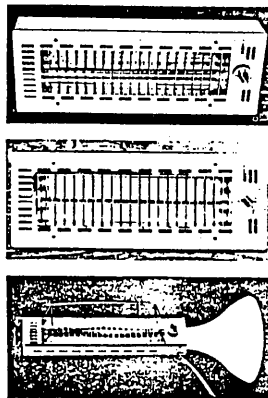
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Total Comfort in One Minute

Quartz Energy Saver is a revolutionary new device that reduces heating expense without sacrificing comfort. It's the only device that works by reflecting heat back into the room, instead of letting it escape through the walls.



APPENDIX A-10

MODEL 301-4	MODEL 301-3	MODEL 301-2
INSTALLATION	INSTALLATION	INSTALLATION
For maximum efficiency, Quartz Energy Saver should be installed in the center of the wall, above the radiator, and below the ceiling. It should be installed in a room with a minimum of 100 sq. ft. of floor space.	For maximum efficiency, Quartz Energy Saver should be installed in the center of the wall, above the radiator, and below the ceiling. It should be installed in a room with a minimum of 100 sq. ft. of floor space.	For maximum efficiency, Quartz Energy Saver should be installed in the center of the wall, above the radiator, and below the ceiling. It should be installed in a room with a minimum of 100 sq. ft. of floor space.
RECOMMENDATIONS	RECOMMENDATIONS	RECOMMENDATIONS
Quartz Energy Saver is recommended for use in rooms with a minimum of 100 sq. ft. of floor space. It is not recommended for use in rooms with a minimum of 50 sq. ft. of floor space.	Quartz Energy Saver is recommended for use in rooms with a minimum of 100 sq. ft. of floor space. It is not recommended for use in rooms with a minimum of 50 sq. ft. of floor space.	Quartz Energy Saver is recommended for use in rooms with a minimum of 100 sq. ft. of floor space. It is not recommended for use in rooms with a minimum of 50 sq. ft. of floor space.
WARRANTY	WARRANTY	WARRANTY
Quartz Energy Saver is warranted for one year against defects in materials and workmanship. It is not warranted against damage caused by fire, flood, or other causes.	Quartz Energy Saver is warranted for one year against defects in materials and workmanship. It is not warranted against damage caused by fire, flood, or other causes.	Quartz Energy Saver is warranted for one year against defects in materials and workmanship. It is not warranted against damage caused by fire, flood, or other causes.

Quartz Energy Saver is a revolutionary new device that reduces heating expense without sacrificing comfort. It's the only device that works by reflecting heat back into the room, instead of letting it escape through the walls.

Quartz Energy Saver is a revolutionary new device that reduces heating expense without sacrificing comfort. It's the only device that works by reflecting heat back into the room, instead of letting it escape through the walls.

Quick Change SumpTM are perfect for heavy-duty applications. They are available in 100, 200, 300, 400, 500, 600, 700, 800, 900, 1000, 1200, 1500, 1800, 2000, 2500, 3000, 3500, 4000, 4500, 5000, 6000, 7000, 8000, 9000, 10000, 12000, 15000, 18000, 20000, 25000, 30000, 35000, 40000, 45000, 50000, 60000, 70000, 80000, 90000, 100000, 120000, 150000, 180000, 200000, 250000, 300000, 350000, 400000, 450000, 500000, 600000, 700000, 800000, 900000, 1000000, 1200000, 1500000, 1800000, 2000000, 2500000, 3000000, 3500000, 4000000, 4500000, 5000000, 6000000, 7000000, 8000000, 9000000, 10000000, 12000000, 15000000, 18000000, 20000000, 25000000, 30000000, 35000000, 40000000, 45000000, 50000000, 60000000, 70000000, 80000000, 90000000, 100000000, 120000000, 150000000, 180000000, 200000000, 250000000, 300000000, 350000000, 400000000, 450000000, 500000000, 600000000, 700000000, 800000000, 900000000, 1000000000, 1200000000, 1500000000, 1800000000, 2000000000, 2500000000, 3000000000, 3500000000, 4000000000, 4500000000, 5000000000, 6000000000, 7000000000, 8000000000, 9000000000, 10000000000, 12000000000, 15000000000, 18000000000, 20000000000, 25000000000, 30000000000, 35000000000, 40000000000, 45000000000, 50000000000, 60000000000, 70000000000, 80000000000, 90000000000, 100000000000, 120000000000, 150000000000, 180000000000, 200000000000, 250000000000, 300000000000, 350000000000, 400000000000, 450000000000, 500000000000, 600000000000, 700000000000, 800000000000, 900000000000, 1000000000000, 1200000000000, 1500000000000, 1800000000000, 2000000000000, 2500000000000, 3000000000000, 3500000000000, 4000000000000, 4500000000000, 5000000000000, 6000000000000, 7000000000000, 8000000000000, 9000000000000, 10000000000000, 12000000000000, 15000000000000, 18000000000000, 20000000000000, 25000000000000, 30000000000000, 35000000000000, 40000000000000, 45000000000000, 50000000000000, 60000000000000, 70000000000000, 80000000000000, 90000000000000, 100000000000000, 120000000000000, 150000000000000, 180000000000000, 200000000000000, 250000000000000, 300000000000000, 350000000000000, 400000000000000, 450000000000000, 500000000000000, 600000000000000, 700000000000000, 800000000000000, 900000000000000, 1000000000000000, 1200000000000000, 1500000000000000, 1800000000000000, 2000000000000000, 2500000000000000, 3000000000000000, 3500000000000000, 4000000000000000, 4500000000000000, 5000000000000000, 6000000000000000, 7000000000000000, 8000000000000000, 9000000000000000, 10000000000000000, 12000000000000000, 15000000000000000, 18000000000000000, 20000000000000000, 25000000000000000, 30000000000000000, 35000000000000000, 40000000000000000, 45000000000000000, 50000000000000000, 60000000000000000, 70000000000000000, 80000000000000000, 90000000000000000, 100000000000000000, 120000000000000000, 150000000000000000, 180000000000000000, 200000000000000000, 250000000000000000, 300000000000000000, 350000000000000000, 400000000000000000, 450000000000000000, 500000000000000000, 600000000000000000, 700000000000000000, 800000000000000000, 900000000000000000, 1000000000000000000, 1200000000000000000, 1500000000000000000, 1800000000000000000, 2000000000000000000, 2500000000000000000, 3000000000000000000, 3500000000000000000, 4000000000000000000, 4500000000000000000, 5000000000000000000, 6000000000000000000, 7000000000000000000, 8000000000000000000, 9000000000000000000, 10000000000000000000, 12000000000000000000, 15000000000000000000, 18000000000000000000, 20000000000000000000, 25000000000000000000, 30000000000000000000, 35000000000000000000, 40000000000000000000, 45000000000000000000, 50000000000000000000, 60000000000000000000, 70000000000000000000, 80000000000000000000, 90000000000000000000, 100000000000000000000, 120000000000000000000, 150000000000000000000, 180000000000000000000, 200000000000000000000, 250000000000000000000, 300000000000000000000, 350000000000000000000, 400000000000000000000, 450000000000000000000, 500000000000000000000, 600000000000000000000, 700000000000000000000, 800000000000000000000, 900000000000000000000, 1000000000000000000000, 1200000000000000000000, 1500000000000000000000, 1800000000000000000000, 200000000000000

DECISION AND ORDER

The Federal Trade Commission having initiated an investigation of certain acts and practices of the respondents named in the caption hereof, and the respondents having been furnished thereafter with a copy of a draft of complaint which the Boston Regional Office proposed to present to the Commission for its consideration and which, if issued by the Commission, would charge respondents with violation of the Federal Trade Commission Act and the Energy Policy and Conservation Act, as amended; and

The respondents, their attorneys, and counsel for the Commission having thereafter executed an agreement containing a consent order, an admission by the respondents of all jurisdictional facts set forth in the aforesaid draft of complaint, a statement that the signing of said agreement is for settlement purposes only and does not constitute an admission by respondents that the law has been violated as alleged in such complaint, and waivers and other provisions as required by the Commission's Rules; and

The Commission having thereafter considered the matter and having determined that it had reason to believe that the respondents have violated the said Acts, and that complaint should issue stating its charges in that respect, and having thereupon accepted the executed consent agreement and placed such agreement on the public record for a period of sixty (60) days, and having duly considered the comments filed thereafter by interested persons pursuant to Section 2.34 of its Rules, now in further conformity with the procedure prescribed in Section 2.34 of its Rules, the Commission hereby issues its complaint, makes the following jurisdictional findings and enters the following order:

1. Respondent Energy Efficient Systems, Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of Connecticut, with its office and principal place of business located at 330 Middle St., in the City of Middletown, State of Connecticut.

Respondents John P. White and Elaine B. Owen are officers of said corporation. They formulate, direct, and control the policies, acts and practices of said corporation, and their principal office and place of business is located at the above stated address.

2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondents, and the proceeding is in the public interest.

ORDER

I

For the purposes of this Order, each of the terms listed below, as applied to the respondents named herein, is defined as follows:

1. A *competent and reliable scientific test* is one in which one or more persons, qualified by professional training, education and experience, formulate and conduct a test and evaluate its results in an objective manner using testing procedures which are generally accepted in the professions to attain valid and reliable results. The test may be conducted or approved by (a) a reputable and reliable organization that conducts such tests as one of its principal functions, (b) by an agency or department of the state or federal government, or (c) persons employed or retained by respondents if they are qualified (as defined above in this paragraph) and can conduct and evaluate the test in an objective manner.

2. An *energy related claim* is any oral or written, general or specific, representation that, directly or by implication, describes or refers to the energy cost saving capability, energy saving capability, efficiency, conservation quality or insulating property of any product, or otherwise refers to the energy consumed or generated by any product.

II

It is ordered, That respondents, Energy Efficient Systems, Inc., a corporation, its successors and assigns, and its officers, and John P. White and Elaine B. Owen, individually and as officers of the corporate respondent, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, promotion, offering for sale, sale or distribution of the electric resistance heater now known as the Boekamp Quartz Energy Saver Heater ("Boekamp Heater"), or any other product for which an energy related claim is made, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, shall forthwith cease and desist from:

A. Representing orally or in writing, directly or by implication, including through the use of testimonials that:

(i) the Boekamp Heater is more efficient or produces more heat than other electric resistance heaters of similar wattage;

- (ii) the Boekamp Heater provides "free" heat of any kind at any time;
- (iii) the Boekamp Heater is capable of heating objects which are far away from it in a short period of time;
- (iv) the Boekamp Heater evenly distributes heat throughout a typical room;
- (v) the quartz tubes contained in the Boekamp Heater are durable components;
- (vi) the quartz tubes contained in the Boekamp Heater intensify or magnify the heat generated by the electricity sent through the resistance coils enclosed in the tubes, or that the quartz tubes in any way increase the amount of heat generated by the Boekamp Heater.

B. Making any representation, orally or in writing, directly or by implication, including through the use of testimonials, which relates to the heating capabilities, energy saving potential or other performance capabilities of the Boekamp Heater or making any energy related claim for any other product unless: (1) such representation is true, and (2) at the time of making such representation, the representation is fully and completely substantiated in writing by competent and reliable scientific tests which remain available for inspection by the staff of the Federal Trade Commission for at least three (3) years following the final use of the representation.

C. Making any representation, orally or in writing, directly or by implication, including through the use of testimonials, respecting the energy consumption of or the cost of energy consumed by the Boekamp Heater or any other covered product (as "covered product" is defined in Sections 321(a)(2) and 322 of the Energy Policy and Conservation Act, 42 U.S.C. 6291(a)(2) and 6292 or any amendment thereto) unless: (1) such substantiation includes tests conducted on the Boekamp Heater or other covered product in accordance with test procedures prescribed by the Secretary of the Department of Energy pursuant to Section 323 of the Energy Policy and Conservation Act, 42 U.S.C. 6293 or any amendments thereto, with complete written documentation of such tests remaining available for inspection by the staff of the Federal Trade Commission for at least three years following final use of the representation, and (2) such representation fairly discloses the results of such tests.

D. Misrepresenting orally or in writing, the purpose, content, or conclusion of any test or study pertaining to the Boekamp Heater or any product for which an energy related claim is made.

E. Using the term "energy saver", or any other words or phrases

of similar import or meaning, to name or designate the Boekamp Heater.

F. Representing orally or in writing, directly or by implication, including through the use of testimonials, that use of the Boekamp Heater or any product for which an energy related claim is made will result in any energy savings or energy costs savings unless there is clear and conspicuous disclosure, in close conjunction with such representation, of all circumstances and conditions that must be met if the purchaser is to experience similar savings.

G. Making any representation, orally or in writing, directly or by implication, including through the use of testimonials, in connection with the advertisement or promotion of the Boekamp Heater or any product for which an energy related claim is made, which is inconsistent in any material respect with any representation concerning the Boekamp Heater or other said product made, directly or by implication, in post-purchase materials supplied to the purchasers of the Boekamp Heater or other said product.

H. Making any representation, orally or in writing, directly or by implication, including through the use of testimonials, regarding the durability or life span of the Boekamp Heater, including representations regarding warranties or guarantees for the Boekamp Heater, or regarding any life tests performed on the quartz tubes or resistance coils, without disclosing in close conjunction therewith, in print at least as large as the print in which the representation is made, or in an oral presentation, in speech as clear and distinct as that delivered in the rest of the presentation, that the quartz tubes are: (1) fragile unless the quartz tubes are supported or protected in such a manner that they will not break when the Boekamp Heater is tipped over, and (2) not covered by the warranty or guarantee unless the quartz tubes are covered under the warranty or guarantee.

I. Representing, orally or in writing, directly or by implication, including through the use of testimonials, that the Boekamp Heater can heat or raise the temperature of a room, without disclosing in close conjunction therewith the following statement in print at least as large as the print in which the representation is made, or in an oral presentation, in speech as clear and distinct as that delivered in the rest of the presentation, with nothing to the contrary or in mitigation of this statement:

HEATING OR RAISING THE TEMPERATURE OF A ROOM IS ONLY POSSIBLE AFTER EXTENDED, CONTINUOUS USE OF THE BOEKAMP HEATER.

J. For the purpose of this Part II of the Order, when representations are made in television advertising which give rise to a required

disclosure, such disclosure must be made simultaneously in both audio and visual without any distracting sounds and with a clear background.

III

It is further ordered, That each respondent, within twenty (20) days from the date of service of this Order, send a copy of the letter attached hereto and marked as Exhibit A via first class mail to each individual, partnership, corporation or other business entity engaged in the resale or distribution of the Boekamp Heater to whom the respondents sent advertisements or promotional materials relating or referring to the Boekamp Heater which contained a representation or testimonial prohibited by this Order or omitted a disclosure required by this Order and whom respondents are able to locate. Respondents shall use their best efforts to locate all such individuals, partnerships and corporations.

IV

It is further ordered, That respondents forthwith deliver a copy of this Order to: (1) all present and future employees, agents and representatives engaged in any way in the advertising, promotion, offering for sale, sale or distribution of the Boekamp Heater or any other product for which an energy related claim is made; and (2) all present and future individuals, partnerships, corporations or other business entities to whom any of the respondents sell or distribute the Boekamp Heater or any other apparatus designed to provide heat or warmth and which are engaged in the resale or distribution of the Boekamp Heater or other said product; and that respondents secure a signed statement acknowledging receipt of the Order from each such person or entity referred to herein.

V

It is further ordered, That each individual respondent named herein promptly notify the Commission of the discontinuance of his/her present business or employment and of his/her affiliation with a new business or employment. In addition, for a period of ten (10) years from the date of service of this Order each individual respondent shall promptly notify the Commission of his/her affiliation with a new business or employment whose activities include the manufacture, purchase, advertising, promotion, offering for sale, sale or distribution of any product for which an energy related claim

265

Decision and Order

is made, or of his/her affiliation with a new business or employment in which his/her duties and responsibilities involve the manufacture, purchase, advertising, promotion, offering for sale, sale, or distribution of any product for which an energy related claim is made. Such notice shall include each respondent's new business address and a statement of the nature of the business or employment in which the respondent is newly engaged, as well as a description of all duties and responsibilities in connection with the business or employment. The expiration of the notice provision of this paragraph shall not affect any other obligation arising under this Order.

VI

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

VII

A. *It is further ordered,* That respondents shall maintain all records that relate to any compliance obligations arising out of this Order for a period of not less than three (3) years and shall make such records available to the staff of the Commission.

B. *It is further ordered,* That each respondent shall within sixty (60) days after service upon them of this Order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this Order.

Date

330 Middle Street

Middletown, Connecticut 06457

(203) 635-2800

RE: Recall of Advertisements and Promotional Materials

Dear Customer:

Some time ago as the distributor for Boekamp, Inc. we distributed

to you advertisements and promotional materials concerning the Boekamp Quartz Energy Saver Heater. These materials contained a number of performance claims about the Boekamp Heater. As a result of an investigation regarding these claims by the Federal Trade Commission, we have entered into the enclosed Consent Agreement and Order.

We have agreed to recall all past advertisements and promotional materials regarding the Boekamp Heater which contain claims prohibited by the Order or which omit the disclosures required by the Order. To assure that no prohibited advertisements or promotional materials continue to be utilized, it is important that you return to us whatever advertisements and promotional materials you have received from us in the past.

Thank you for your attention.

Sincerely,

John P. White, President
Energy Efficient Systems, Inc.

Complaint

IN THE MATTER OF
BOEKAMP, INC., ET AL.CONSENT ORDER, ETC., IN REGARD TO ALLEGED VIOLATION OF
SEC. 5 OF THE FEDERAL TRADE COMMISSION ACT*Docket C-3063. Complaint, April 9, 1981—Decision, April 9, 1981*

This consent order requires, among other things, a San Diego, Calif. firm and its corporate officer engaged in the manufacture, sale and distribution of an electric space heater known as the "Boekamp Quartz Heater" to cease misrepresenting the efficiency, energy savings, performance characteristics and durability of the product. Respondents are further prohibited from making any energy-related advertising claim without reliable substantiation and barred from using the term "energy saver" or similar terms in product names. The order additionally requires respondents to send a copy of a prescribed letter to all individuals or business entities engaged in the sale of the Boekamp Quartz Heater advising them of the terms of the order and requesting the return of all advertisements or promotional material which contain prohibited claims or which fail to include required disclosures.

Appearances

For the Commission: *Joan Gerrity, John B. Gatlin and Douglas M. Husid.*

For the respondent: *Michael Steres, Feldman & Steres, San Diego, Calif., and John T. Coyne and William Barton, Carr, Jordan, Coyne & Savits, Washington, D.C.*

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act, and of the Energy Policy and Conservation Act, as amended, and by virtue of the authority vested in it by those Acts, the Federal Trade Commission, having reason to believe that Boekamp, Inc., a corporation, and Konrad Boekamp, individually and as an officer of the corporation, hereinafter sometimes referred to collectively as respondents, have violated the provisions of the 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 in that respect as follows:

PARAGRAPH 1. Respondent Boekamp, Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of California with its principal office and place of business located at 8221 Arjons Drive, San Diego, California.

Respondent Konrad Boekamp is an officer of the corporate