

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

respondent named herein. He formulates, directs and controls the acts and practices of the corporate respondent hereinafter set forth. His 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 manufacture, advertising, promotion, offering for sale, sale and distribution of a product known as the Quartz Energy Saver Heater ("Heater").

PAR. 3. In the course and conduct of their business, respondents now cause, and for some time last past have caused, the Heaters to be shipped from their place of business in the State of California to purchasers throughout the United States. Respondents now disseminate and cause the dissemination of, and for some time last past have disseminated and caused the dissemination of, certain advertisements and promotional materials concerning the Heater by use of the United States mail and have advertised the 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 Heater is twice as efficient as conventional electric resistance heaters;
- b. the Heater will provide two to three times as much heat as conventional electric resistance heaters of similar wattage;
- c. the Heater provides "free" heat because its quartz tubes do not cool down during the Heater's off cycle;
- d. the Heater is capable of heating objects which are far away from it in a short period of time;
- e. the Heater evenly distributes heat throughout a typical room;
- f. the quartz tubes contained in the 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 Heater are durable components.

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

- a. the 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 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 Heater do cool down during the Heater's off cycle and the Heater does not provide "free" heat for the foregoing reason or for any other reason;
- d. the Heater is not capable of heating objects which are far away from it in a short period of time. The Heater will only be able to heat objects far away from it if the Heater has been operated for a lengthy period of time so that the air space between the Heater and the object has itself been heated;
- e. the Heater does not evenly distribute heat throughout a typical room;
- f. the quartz tubes contained in the 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 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 advertisements 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 Heater will save 50% over his/her prior home heating costs;
- b. a typical user of a Heater will drastically reduce his/her fuel bills while maintaining personal comfort;
- c. users of the Heater report dramatic utility bill savings;
- d. a single 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 Heater will maintain a room temperature of 72 degrees Fahrenheit under certain stated conditions;

f. the Heater will heat a typical room more quickly than conventional electric resistance heaters;

g. the 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 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 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 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 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 Heater will quickly and efficiently heat a whole room. In contrast, the operating instructions for the Heater, which are provided to consumers after

they purchase a Heater, caution users to avoid trying to heat a whole room with the 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 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 Heater or the cost of energy consumed by the Heater, including the representations set forth at subparagraphs (a), (b) and (c) of Paragraph Five.

The aforesaid representations do not fairly disclose the results of tests conducted on the 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), the 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 manufacture, distribution and sale of space heaters and other products for which energy related claims are made.

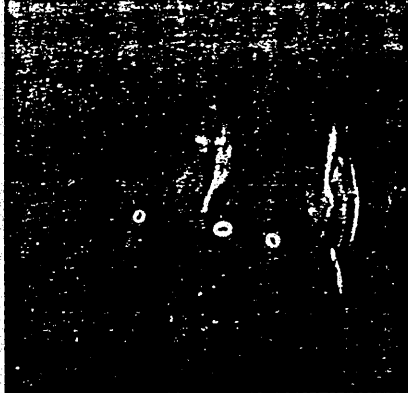
PAR. 17. The use by respondents of the aforementioned false, deceptive, misleading or unfair representations, has had, and now has, the capacity and tendency to mislead members of the public into the erroneous and mistaken belief that the representations were and are true and complete, and into the purchase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

APPENDIX A

[illegible]

Introducing a Space Heater
Like You've Never Sold Before



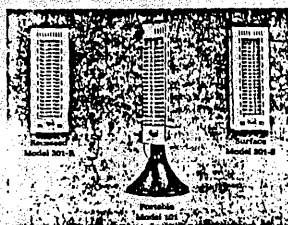
Boekamp, Inc.

[illegible]

Brothering is now Quora Energy Inc.'s TM answer to a new product that really sells. The superior engineering resulting from 5 years of development and testing have yielded a UL Listed heater of unmatched quality and durability. And the profits make it an incredible to sell as it is the year customer to buy. It saves energy, saves money and sells with ease. — here's why:

- | Quartz Headers | Corrosion Headers |
|--|---|
| • Means solid adhesion without etching/acid etch | • Means total etch/adhesion of etch in resin, means adhesion |
| • Means adhesion to the resin is an issue, undesirable | • Means resin does not bond to quartz – therefore not an issue |
| • Temperature differences between resin and etching – usually from 100 to 150 | • Temperature differences between resin and etching – usually from 100 to 150 |
| • Resin is sufficiently – retained by highly polished KJ20 | • Resin is sufficiently – retained by highly polished KJ20 |
| • Resin removal is not required quickly because of the intense etching/powder being removed otherwise | • Resin removal is not required quickly because the resin is not in the etched region, thus the adhesion and polish |
| • Resin removal is not required quickly and is sufficiently retained by the etch – usually from 100 to 150 | • Resin removal is not required quickly because of the intense etch/adhesion of etch in resin, means adhesion |

APPENDIX A-2



	Model	Volts	Amperes	Watts	BTU
PORTABLE MODELS	201-121A	120	12.5	1500	5100
INCREASED WALL MOUNTS	201B-121B	120	10	1200	4000
	201C-121C	120	8	1000	3500
SURFACE MOUNT MODELS	201D-121D	120	10	1200	4000
	201E-121E	240	8	1800	6000

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

USES:

Living Rooms	Stables/Homes	Petals
Bathrooms	RVs/Motorhomes	Boats
Workshops	Family Rooms	Mobile Homes
	Offices	

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

Available from:

*Introducing a Space Heater
 Like You've Never Used Before*



Boekamp

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

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



This portable unit can be moved 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.



- 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

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 1°
- 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-radiate 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 40°
- 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

AP 117 "C" 01/01/73 in Present

COMPARATIVE ANALYSIS

QUARTZ HEATERS vs. CONVENTIONAL-TYPE HEATERS

Prepared by:

Malcolm D. Cassell
Senior Staff Scientist
Materials Research

Comparative tests to quantitatively compare the performance of quartz heaters versus convection-type heaters 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 Bostone 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 warmed air out. Convection is the vertical movement of warm air as it heats and becomes lighter and is then displaced by the heavier cold air. It requires large heater areas to move sufficient air to produce reasonable temperature elevation. Fan-driven designs use energy, 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 relies on 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 20 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 encased in a quartz tube. The coil is heated to a temperature range between 1800 and 2000 degrees Fahrenheit -- a temperature that exceeds the cold temperature of a convection-type heater by as much as 500 degrees. At these temperatures, some 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. It supports and protects the hot coil and will survive the excessive operating temperatures. It is highly heat efficient, virtually eliminating any heat loss from the coil and 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 heaters, 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.

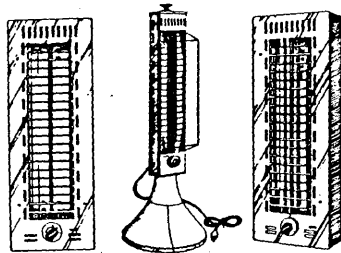
Only a small amount of the energy consumed by a well-designed quartz heater is expended in excessive heating of the air in the vicinity of the heater. Therefore, there is much less of a temperature difference from floor to ceiling and the ceiling temperature and heat losses are considerably less. With 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 doors. 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 Bostone, Inc., can provide satisfactory comfort levels at half or less the normal operating costs of other types of electric heating. The substantiated performance of the quartz heater enables the user to achieve immediate local comfort levels without the expenditure and costly luxury of having to heat the whole house to be comfortable in just one room or area.

APPENDIX A-4

The ORIGINAL Bockamp Quartz Energy Saver Heater...



All Other Space Heaters Are Suddenly Old-Fashioned

The Bockamp Quartz Energy Saver is the only heater you've ever used... designed in Europe and built in the USA. This unique quartz heater keeps you cozy warm while saving you energy!

- Personal comfort without in just minutes
- Deeply pleasuring radiant heat
- Exclusive Energy Controller
- Completely UL Listed
- Full 1 year Warranty
- 3 Attractive models to choose from

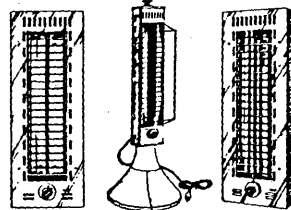
Two quartz tubes in front of a polished reflector project something, radiant warmth -- no need for a fan or blower to consume additional energy!

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

ONLY \$

YOUR
IMPRINT
HERE

QUARTZ Makes the Difference!



The Bockamp Quartz Energy Saver Heater...

is different from any other space heater you've ever used. Because it keeps you warm while saving you energy... instant.

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

The unique Bockamp design features two quartz tubes in front of a polished reflector, projecting something, radiant warmth -- no need for a fan or blower to consume additional energy!

Get the Bockamp Quartz Energy Saver...

ONLY \$

YOUR
IMPRINT
HERE

[illegible]

EXHIBIT "H"

APPENDIX A-6

new
from:

Boekamp, Inc.

press release by



6733 Hollywood Avenue
Suite 201
San Diego, California 92121

QUARTZ ENERGY SAVER HEATER INTRODUCED BY BOEKAMP

The new Quartz Energy Saver Heater has just been released by Boekamp, Inc. of La Mesa, California after 5 years of development and testing. Quartz heaters, an effective and efficient means of localized heating, have been used in Europe for over 15 years to combat the high costs of heat and energy. Of the few quartz heaters manufactured in the U.S., none were designed to operate in the upright or vertical position. But the unique Quartz Energy Saver Heater, which is fully UL Listed, does operate vertically. It carries a 1 year limited warranty for domestic use, and is now available for warming the home, office, patio, workshop, or wherever localized heating is desired.

The heater functions by electrically heating two quartz tube elements that produce a deep-heating, radiant heat. The quartz tubes are positioned in front of a highly polished, corrosion-resistant aluminum reflector which effectively projects the heat into the room, eliminating the need for a fan or blower. The heater quickly and effectively heats everything in its path, including furniture, carpets, draperies, and people, providing total localized comfort in just minutes. As the heater creates a comfortable environment in the part of the house being occupied, the heat level in the rest of the house is allowed to drop, offering potentially tremendous savings in utility expenses.

The Quartz Energy Saver Heater, with suggested retail prices ranging from \$59.90 to \$79.90, is available in three models, including one free-standing floor model and two wall models. Of the two wall units, Model 301 mounts flush or recessed and model 301-B attaches to the surface of the wall. These two can run on either 120V or 240V current, are rated at 1200 Watts, and have a BTU rating of 4094.

Free-standing Model 101 comes with its own attractive stand and runs on regular 120V house current. With its 1500 Watt current draw, it is rated at 5120 BTUs and has a thermostat which can be set to prevent overheating. In addition, it features a Tip-Over Safety Switch that automatically shuts the unit off in the event the heater is accidentally upset.

The Energy Controller mounted on the face of all three models offers the user wide control over the heat output and energy consumption of the Quartz Energy Saver Heater. It works by cycling the heater on and off over a 30-second period, allowing the heater to be in the on part of the cycle from 25% to 100% of the time. And even though there is no current draw when the heater is in the off part of the cycle, the radiant heat from the hot quartz tubes continues to warm the environment. The Energy Controller can also offer substantial savings in the heater's consumption of electricity. For example, the floor model left on for one hour at a 50% setting would draw only 750 Watts/hour instead of the full 1500 Watts/hour. With most users finding that the heater maintains a comfortable personal environment at a setting of 50% or less, these savings can really add up.

For more information on the Quartz Energy Saver Heater and where to find one, contact:

BOEKAMP, INC.
8140 Center Street
La Mesa, CA 92041

EXHIBIT "A" 03/01/73 to Present

APPENDIX A-7

BOEKAMP INC.8400 Magnolia Avenue, Suite "1" • San Jose, California 95071
Telephone (714) 562-2931**FACT SHEET****BOEKAMP QUARTZ -- QUIET COMFORT**

Why buy the Boekamp quartz heater when a conventional heater with a blower can be purchased at a lesser cost? A logical question which requires sound, logical answers; and here they are.

The Boekamp quartz heater is a high-value, worthwhile buy for so many reasons. Here are just a few: the type of heat; the quantity of heat; the trouble-free, long-life characteristics of the heater and the economical operation of the unit.

The heater produces radiant, dry heat; heat that warms objects in its path -- people -- almost instantly. Personal comfort is obtained immediately without heating large quantities of space; though the space is subsequently warmed as a result. The heater is designed for people and because the heat is dry and radiant, it's of great comfort to arthritics and others suffering from similar body discomforts. Quiet comfort; no blower, no noise. Because no blower is used, evaporative cooling of wet surfaces (the human body) is minimized and not increased by the constant movement of air. And the radiant, dry heat serves to prevent mirrors from fogging; eliminates sagging hair styles and ladies' make-up problems.

The quartz heater generates more heat because it operates at higher temperatures than the conventional electric heater and the surface area of the quartz tubing is much greater than that of an electric strip or coil heater. The superior quality of wire used in the element of the Boekamp heater and the inherent heating capabilities of the quartz permit much higher operating temperatures without jeopardizing the efficiency or the life of the unit. The two quartz tubes offer more than 40 square inches of radiant heat source area. The heat source area of the conventional heater does not compare.

Our heater is trouble-free. The best available electrical components and the quartz tubes are long-life items. There is absolutely no blower motor to fail.

The Boekamp heater is most economical to operate. The energy-saving controller permits ON/OFF cycling of the unit, and you pay the utility company ONLY for the "ON" time -- ONLY for the heat that you need. The quartz elements retain and radiate heat during the "OFF" cycle, thus "ON" time can be held to a minimum. Likewise, energy consumption is held to a minimum. At the same time, optimum room temperature is attainable.

The ease of installation of the wall units and the true portability of the portable units, combined with their attractive appearance and their energy-saving capabilities make them valuable and worthwhile investments. But these things are obvious -- those mentioned above may not be.

*QUIET, RADIANT HEAT **INTENSE HEAT ***TROUBLE-FREE ****ECONOMICAL

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

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

- For SAFETY, COMFORT, EFFICIENCY
- developed in EUROPE to cut heating costs
- operates at 100% capacity for 24 hrs.
- ENERGY SAVING CONTROLLER for protection of desired comfort level
- maintains heat to one minute
- Directly reduces fuel bills
- Fuel burn 10 ft. away in 3 minutes
- A 5000 certified customer
- Model #2015 will heat 240 sq. ft.
- 16. Limited-time year guarantee

ALSO AVAILABLE IN
RECESS & PORTABLE MODELS

SPECIFICATIONS:
1200 WATTS, 120V, 10 AMP
1200 WATTS, 240V, 5 AMP
4094 BTU

SURFACE QUARTZ HEATER
Model # 2015
1200 WATTS, 120V/240V
4094 B.T.U. 12W AMP

RECESSED 16"2"
SURFACE 16"7" PORTABLE 17"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. 633-2800
WE WILL SHIP ANYWHERE IN U.S.

374051 Econo Heat of Cromwell REAL ESTATE home sect.

sun, may 27 dan-43 46 proofs to 25 margo

Complaint

97 F.T.C.

APPENDIX A-9

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 on 100% capacity for 344/74 (based on Hartford region electric rate).
- ENERGY SAVING CONTROLLER for selection of desired comfort level.
- thermostat control.
- safety TRIP-OVER switch.
- maximum heat in one minute.
- NO INSTALLATION plus in any boiler.
- designed as principal heat system.
- will solve any heating problem.
- proven in MONTREAL, winter 77-78.
- 16. fixed one year guarantee.

ECONO HEAT CHAMWILL CT 06416
 P.O. BOX 62 (203) 633-2600

Please rush me:

☐ One Portable QUARTZ HEATER, model #101 at purchase price of \$72.50 plus \$2.00 shipping & handling.

Enclosed is ☐ check or ☐ money order for \$_____

CHARGE IT!
☐ VISA ☐ MASTER CHARGE

Credit Card # _____

Exp. date _____

Conv. 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).

ECONO HEAT IS QUARTZ CHAMWILL CT

"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 hours (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:

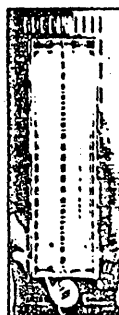
MODEL #	WATTS	VOLTS	AMPS	BTU	PRICE
101P	1600	110	12.5	9120	\$62.00
301R-120	1200	110	10	4094	69.98
301R-240	1200	220	5	4094	69.98
301S-120	1200	110	10	4094	74.98
301S-240	1200	220	5	4094	74.98

Exclusively distributed by

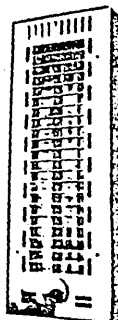
PORTABLE
MODEL #101



APPENDIX A-10
NEW PRODUCT
"Quartz Energy Saver"



RECESSED
MODEL
#301R



SURFACE
MOUNTED
MODEL #301S

97 F.T.C.

WATERBURY, CT

exterior glass-thermospan or storm windows not exceeding 50% of exterior wall surface.

CEILING COVERAGE-18 to 26 sq. ft. per 100 sq. ft. under Model M10. P is designed to last approximately 560 sq. ft. under the above conditions. Many users exceed this coverage.

DO NOT WINDSHIELD GLASS TO SAVE THE CEILING. EVERY SAVED:

[illegible]

PRODUCT GUARANTEE:

The **Therms Barrier Server** 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 9,000 heating hours. The quartz elements are replaceable at a current replacement cost of \$100.00.

and the sensible solution is efficient, effective heating.

100

[illegible]

"QUARTZ HEATING" is the most important feature in efficient, practical

BASIC FACTS ON THE ROULEAU "QUARTZ HEAT" SYSTEM

Test reports indicate the Quartz Berry Server produces twice as much heat as conventional electric heating systems of similar ratings. No energy is wasted in the Quartz Berry Server, thereby reducing your cost of energy.

red spectrum, promoting temperatures in 2,000 degrees Fahrenheit within the quartz elements. The heat is radiated from the elements of the reflection screen at an angle of 170 degrees off the face of the heater. Radiant heat will not heat curved corners and objects in direct line of sight still absorb greater amounts of heat. The X-ray Energy Server is capable of radiating heat to objects 30' away.

OPERATING COST:

The Indusium 7501 Quartz Energy Server is rated at 120 volts, 1,200 watts, 12.5 amps, and costs \$135 per hour of operation, on the high setting. If the heater is operated at one-half capacity, the longer the heater is on and the more heat it produces.

Quartz Heating, The Sensible Solution To Effective and Efficient Heating.

APPENDIX A-18

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?

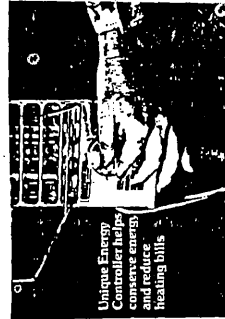
Yes. QUARTZ HEATERS are guaranteed for one year from date of purchase, but are specifically designed for a long lifespan. Replacement parts and service is available, if necessary, for

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.

Complaint

97 F.T.C.



The First & The Finest

Boekamp

Quartz Energy

Saver

Heater

We are changing the way people keep warm.

Heats People — Not Air
No moving parts to wear out
No maintenance
No-Nonsense Warranty
One Year
Highly Polished Reflector
Twin Quartz Elements
Quartz Guard
Heats people, not air

UL LISTED

APPENDIX A-13

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

Respondent Konrad Boekamp is an officer of said corporation. He formulates, directs, and controls the policies, acts and practices of said corporation, and his 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, Boekamp, Inc., a corporation, its successors and assigns, and its officers, and Konrad Boekamp, individually and as an officer 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 Quartz Energy Saver Heater ("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 Heater is more efficient or produces more heat than other electric resistance heaters of similar wattage;
- (ii) the Heater provides "free" heat of any kind at any time;

- (iii) the Heater is capable of heating objects which are far away from it in a short period of time;
- (iv) the Heater evenly distributes heat throughout a typical room;
- (v) the quartz tubes contained in the Heater are durable components;
- (vi) the quartz tubes contained in the 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 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 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 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 amendments thereto) unless: (1) such substantiation includes tests conducted on the 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 the 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 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 Heater.

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

any product for which an energy related claim is made will result in any energy savings or energy cost savings unless there is clear and conspicuous disclosure, in close conjunction with such representation, of all the 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 Heater or any product for which an energy related claim is made, which is inconsistent in any material respect with any representation concerning the Heater or other said product made, directly or by implication, in post-purchase materials supplied to the purchasers of the 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 Heater, including representations regarding warranties or guarantees for the 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: (1) the quartz tubes contained in the Heater are fragile, unless the representation relates to a Heater in which the tubes are supported or protected in such a manner that they will not break when the Heater is tipped over; and (2) the quartz tubes contained in the Heater are not covered by the warranty or guarantee for the Heater, unless the quartz tubes are in fact covered by the warranty or guarantee.

I. Representing, orally or in writing, directly or by implication, including through the use of testimonials, that the 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 presentation 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 HEATER.

J. For purposes 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 respondents, within twenty (20) days from the date of service of this Order, send a copy of the letter as set forth in Exhibit A hereto via first class mail to each individual, partnership, corporation or other business entity to whom advertisements or promotional materials relating or referring to the Heater which contained a representation or testimonial prohibited by this Order or omitted a disclosure required by this Order were disseminated in the past 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 Heater or any other product for which an energy related claim is made; and (2) all present and future individuals, partnerships or corporations to whom the respondents sell or distribute the Heater or any other product for which an energy related claim is made, and which are engaged in the resale or distribution of the 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 the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. In addition, for a period of ten (10) years from the date of service of this Order the individual respondent shall promptly notify the Commission of his 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 is made, or of his affiliation with a new business or employment in which his 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 the 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; *provided, however,* that in the event the giving of notice thirty (30) days prior to a proposed transfer, sale or assignment of all or a substantial part of the business or assets of the corporate respondent would prevent the consummation of such transfer, sale or assignment, respondents will be deemed to have complied with this Part VI of the Order if the respondents:

(a) give the Commission as much advance notice as possible regarding the proposed transfer, sale or assignment; and

(b) obtain a signed written agreement from the transferee, purchaser or assignee to be bound by the terms of this Order and file such agreement with the Commission prior to the consummation of the transfer, sale or assignment.

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 respondents herein 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
8221 Arjons Drive
San Diego, California 92126
(714) 578-3710

RE: Recall of Advertisements and Promotional Materials

Dear Customer:

Some time ago 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 Quartz 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 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,

Konrad Boekamp, President
Boekamp, Inc.

Complaint

97 F.T.C.

IN THE MATTER OF
TELEDYNE, INC., ET AL.

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

Docket 9131. Complaint, Nov. 27, 1979—Decision, April 13, 1981

This consent order requires, among other things, a Los Angeles, Calif. manufacturer of oral irrigating devices and other consumer products to cease misrepresenting the content, results or conclusions of any survey or opinion research; failing to base preventive or therapeutic claims about devices upon other than competent and reliable scientific tests or other evidence; and claiming that the American Dental Association recommends the Water Pik unless such claim is in fact authorized by the ADA. Further, the order requires that claims regarding the ability of a device to prevent, mitigate or treat periodontal disease be based upon clinical tests which are well-controlled using acceptable testing procedures and that the firm maintain records substantiating its claims for three years after disseminating advertisements affected by this order.

Appearances

For the Commission: *Randell C. Ogg, John Clewett, Roberta L. Gross and David Axelrad.*

For the respondent: *Peter K. Bleakley, Daniel M. Lewis, Maxwell J. Mehlman, Carol A. Cichowski, and Vicki J. Divoll, Arnold & Porter, Washington, D.C.*

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act, as amended and by virtue of the authority vested in it by said Act, the Federal Trade Commission, having reason to believe that Teledyne, Inc., Teledyne Industries, Inc., and J. Walter Thompson Company, hereinafter sometimes referred to as Respondents, have violated the provisions of said Act, 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 Teledyne, Inc., (Teledyne) is a corporation, organized, existing and doing business under and by virtue of the laws of the State of Delaware with its executive office and principal place of business located at 1901 Avenue of the Stars, Los Angeles, California.

Respondent Teledyne Industries, Inc. is a corporation, organized,