

IN THE MATTER OF
GODFREY COMPANY

MODIFYING ORDER IN REGARD TO ALLEGED VIOLATION OF SEC. 5
OF THE FEDERAL TRADE COMMISSION ACT AND SEC. 7 OF THE
CLAYTON ACT

Docket C-3066. Order, May 14, 1981—Modifying Order, Dec. 3, 1981

This order reopens the proceeding and modifies the Commission's order issued on May 14, 1981 (46 F.R. 29458; 97 F.T.C. 457), by modifying Paragraph I(G) of the Order to relieve respondent from the obligation of divesting a specified retail grocery store.

ORDER MODIFYING CEASE AND DESIST ORDER ISSUED MAY 14, 1981

The Federal Trade Commission having considered respondent Godfrey Company's petition filed on August 5, 1981 to reopen this matter and to modify the consent order to cease and desist issued by the Commission on May 14, 1981, and having determined that reopening and modification of the order is warranted:

It is ordered, That this matter be, and it hereby is reopened and that Paragraph I(G) of the Commission's order be and it is hereby modified to read as follows:

(G) The "disposition stores" means the following Godfrey ("G") stores and Jewel ("J") stores:

1. G-427 (3045 S. 13th St., Milwaukee, WI.)
2. G-607 (6077 S. Packard Ave., Cudahy, WI.)
3. G-810 (3939 S. 76th St., Milwaukee, WI.)
4. J-1201 (1201 N. 35th St., Milwaukee, WI.)
5. J-729 (719 S. Layton Blvd., Milwaukee, WI.)
6. J-15182 (N81 W. 15182 Appleton Ave., Menomonee Falls, WI.).

Modifying Order

98 F.T.C.

IN THE MATTER OF
GROLIER INCORPORATED, ET AL.

MODIFYING ORDER IN REGARD TO ALLEGED VIOLATION OF SEC. 5
OF THE FEDERAL TRADE COMMISSION ACT

Docket 8879. Order, March 13, 1978—Modifying Order, Dec. 10, 1981

This order reopens the proceeding and modifies the Commission's order issued on March 13, 1978 (91 F.T.C. 315; 43 F.R. 18652), by changing the disclosure requirements contained in Paragraphs II(A), (B), (D), and (E), so as to give respondents a choice of several approved methods of making required disclosures in advising those who reply to respondents' solicitations that they may be contacted directly by a salesperson; and allows sales personnel to present a business card containing prescribed information when making a sales visit.

ORDER MODIFYING CEASE AND DESIST ORDER

On August 13, 1981, the Commission issued an order denying respondents' motion to disqualify the Administrative Law Judge who rendered the Initial Decision in this proceeding. In its order, the Commission also invited the parties in this matter to file before the Commission their views as to whether the original Final Order of the Commission, 91 F.T.C. 315 (1978), should be modified to conform to the modified order in *Encyclopaedia Britannica*, 96 F.T.C. 778 (1980).

On September 30, 1981, respondents filed a response to the Commission's order. In this submission, respondents first proposed modifying the *Grolier* order to incorporate modifications made in *Britannica* on October 28, 1980. Second, respondents asked for guarantees that any future modifications in *Britannica* also be granted to respondents here. Third, respondents moved that the instant proceeding be stayed until the Commission takes action on a pending motion for further modifications in the *Britannica* order. Finally, respondents also seek a stay on the ground that a trade regulation rulemaking, rather than an adjudication, is the appropriate manner to conduct further proceedings involving *Grolier*.

Complaint counsel, on October 14, 1981, filed its answer to respondents' submission, pursuant to the August 13 order. Complaint counsel do not oppose modification of the *Grolier* order to conform with modifications already made in *Britannica*. But, they pose any assurances of future modifications on the ground that in the event of such modifications, the Commission's rules afford *Grolier* an appropriate procedural vehicle, Rule 2.51(b), by which *Grolier* may petition for further modifications in its order. An