

Complaint

99 F.T.C.

IN THE MATTER OF

D'ARCY-MACMANUS & MASIUS, INC.

CONSENT ORDER, ETC., IN REGARD TO ALLEGED VIOLATION OF
SEC. 5 AND 12 OF THE FEDERAL TRADE COMMISSION ACT*Docket C-3083. Complaint, Feb. 12, 1982—Decision, Feb. 12, 1982*

This consent order requires a St. Louis, Missouri advertiser, among other things, to cease disseminating advertisements for any denture product, toothache drop or gel, which contain representations that contradict or negate the health, safety or efficacy statements appearing on the product's label. Any claims regarding the duration of use of such products trigger a disclosure of any labeling warning. The order further requires that any representation that Snug Denture Cushions can be worn "for weeks" or any other period of time, must be accompanied by a statement that denture cushions should only be used "temporarily, until a dentist can be seen."

Appearances

For the Commission: *Leslie E. Rossen.*

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

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act and by virtue of the authority vested in it by said Act, the Federal Trade Commission, having reason to believe that D'Arcy-MacManus & Masius, Inc. ("D'Arcy-MacManus"), a corporation, hereinafter referred to as respondent, has violated the provisions of the Federal Trade Commission Act, and that a proceeding with respect to such violations would be in the public interest, hereby issues its complaint, setting forth its charges as follows:

PARAGRAPH 1. D'Arcy-MacManus is a corporation organized, existing, and doing business under and by virtue of the laws of the State of Delaware, with its principal office and place of business located at One Memorial Drive, St. Louis, Missouri.

PAR. 2. Respondent D'Arcy-MacManus is now and has been an advertising agency of Mentholum. It has, in the past, and is now engaged in the preparation for publication, dissemination and distribution of advertising materials, including but not limited to the advertising referred to herein to promote the sale of Snug Denture Cushions.

PAR. 3. In the course and conduct of its business, respondent has

disseminated or caused the dissemination of various advertisements for Snug Denture Cushions across state lines by various means in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, including advertisements inserted in magazines and newspapers and also advertisements broadcast on national television networks. The purpose of all these advertisements has been to induce, directly or indirectly, the purchase of Snug Denture Cushions, and it is likely that these advertisements have succeeded in inducing consumers to purchase this product.

PAR. 4. Typical, but not all inclusive, of the statements and representations in said advertisements are those found in Exhibits A-G attached to this complaint, including such representations as the following:

a. Newspaper and magazine advertisements

(1) ELIMINATES DAILY DENTURE 'FIXINGS' FOREVER-Snug Cushions hold dentures comfortably tight for weeks.

(2) HOLDS DENTURES FIRM WITHOUT DAILY 'FIXINGS'-Snug Cushions hold dentures comfortably tight for weeks.

(3) NEW FREEDOM FROM DAILY DENTURE 'FIXINGS'-Snug Cushions hold dentures comfortably tight for weeks.

b. Television advertisements

(1) Sara: Didn't I tell you about Snug? It's different—you don't need to apply it everyday . . . Snug lasts for weeks. And it'll hold your dentures firm and comfortable. . . . At a point later in time Sara: Didn't you switch to Snug? Helen: Sure . . .

(2) Thousands of denture wearers have long suffered with loose, wobbly, uncomfortable plates. Now many use Snug Brand Denture Cushions. . . .

PAR. 5. Through the use of said advertisements and others similar thereto not specifically set out herein, disseminated as aforesaid, respondent has made or is making the following representations:

- (a) that Snug Denture Cushions are appropriate for long term use;
- (b) that Snug Denture Cushions are for use other than temporary use only until a dentist can be seen.

PAR. 6. In fact, the labeling on Snug Cushions states:

(a) On the package:

Caution: Long term use of an ill-fitting denture, reliner, pad or cushion may lead to swelling, faster bone resorption, or continuing irritation. Use Snug temporarily until you can see your dentist.

(b) On the package insert:

(1) Snug Denture Cushions are for *temporary* use only. . . .

(2) Dentures that do not fit properly cause irritation and injury to the gums and faster bone loss which is permanent and may require a completely new denture. Changes in the gums caused by dentures that do not fit properly may require surgery for correction. Continuing irritation and injury may lead to tumors in the mouth. Use of denture reliners, pads, and cushions may temporarily decrease the discomfort. However, their use will not make the denture fit properly. Special training and tools are needed to fit properly. You must see your dentist for a new denture or a repair as soon as possible.

PAR. 7. The representations referred to in Paragraph Five are inconsistent with, negate, and contradict the labeling on respondent's product as set forth in Paragraph Six hereof. Such inconsistency, negation, and contradiction has the tendency and capacity to mislead and deceive purchasers of said product as to its proper duration of use, and to negate the import and purposes of and to detract from the effectiveness of the warnings, cautions, limitations and instructions for use found in the labeling.

Therefore, the advertisements, acts and practices, referred to in Paragraph Five above were and are unfair and deceptive.

PAR. 8. Furthermore, in their advertising for Snug Denture Cushions, respondent has been and now is making claims as to the duration of use of said product without clearly and conspicuously disclosing to the purchasing public that the labeling for Snug Denture Cushions states that said product should be used only on a temporary basis until a dentist can be seen.

PAR. 9. The existence and substance of the above-mentioned labeling warning is a material fact in light of the representations set forth in Paragraphs Four and Five regarding duration of use, in that disclosure of the warning to consumers would be likely to affect their decisions of whether or not to purchase said product and of how properly to use it. Respondent's failure to disclose this material fact has the tendency and capacity to mislead and deceive consumers into the mistaken belief that no such warning exists.

Therefore, the advertisements, acts and practices referred to in Paragraphs Four and Five above were and are false, deceptive, and unfair.

PAR. 10. In the course and conduct of aforesaid business, and at all times mentioned herein, respondent D'Arcy-MacManus has been, and now is, in substantial competition in commerce with other advertising agencies.

PAR. 11. The aforesaid unfair and deceptive acts and practices of respondent have had and now have, the capacity to induce members of the purchasing public to purchase substantial quantities of said product.

PAR 12. The aforesaid acts and practices of respondents, as herein alleged, were and are all to the prejudices and injury of the public and of respondent's competitors and constituted and now constitute, unfair and deceptive acts and practices and unfair methods of competition in or affecting commerce, in violation of Sections 5 and 12 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.

SNUG DENTURE CUSHIONS
SEE INSTRUCTIONS INSIDE

SNUG DENTURE CUSHIONS

SNUG[®]
BRAND
DENTURE CUSHIONS

Ever-soft Plastic Cushions

Snug makes loose false teeth fit firm and tight. Sometimes sore spots due to loose fitting dentures. Removable to plate. Easy to apply or remove. Caution: Long term use of an ill fitting denture, reliner, pad or cushion may lead to swelling, faster bone resorption, or continuing irritation. Use SNUG temporarily until you can see your dentist.

For Upper or Lower Plates

Contents
2 Cushions




THE MENTHOLATUM CO., BUFFALO, N. Y. 14213

Masius, Wynne-Williams, Street & Finney, Inc.

Page 1
EDITORIAL DEPARTMENT

IDENTIFICATION NO.

ADVERTISER The Mentholatum Company
FOR SNUG DENTURE CUSHIONS
"POWDERS & STICKUPS" (A)
(#SN-11-30C)

DATE August 22, 1969

JOB NO. 100TV33
As filmed: 8/19/69
As recorded: 8/22/69

VIDEO

1. OPEN ON CAN OF ADHESIVE POWDER, POURING POWDER ONTO LIMBO SURFACE.
2. PULL BACK - ACTION CONTINUES.
3. HAND SETS CAN ON SURFACE BEHIND SPRINKLE OF POWDER.
4. BESIDE PILE OF POWDER, RIBBON OF ADHESIVE CREAM IS SQUEEZED OUT ONTO LIMBO SURFACE.
5. TUBE OF CREAM IS SET DOWN BEHIND RIBBON. NOW BOTH PRODUCTS AND THEIR CONTENTS ARE SEEN SIDE BY SIDE.
6. THE CAN AND PILE OF POWDER POPS OFF.
7. THE TUBE AND RIBBON OF CREAM POP OFF.
8. CU PKG OF SNUG.
9. PULL BACK AS HAND REMOVES CUSHION WITH BOTH LINENS ON FROM BOX.
SUPER: "LASTS FOR WEEKS".
10. WITH ONE LINEN ON BACK, SHOWING SNUG CUSHION ON TOP, HAND BEGINS TO CUT SHAPE OF DENTURE.

AUDIO

1. ANNCR: (VO) Some people with lo
wobbly dentures____
2. ANNCR: (VO) use adhesive powder
every morning and
3. ANNCR: (VO) every night. _____
4. ANNCR: (VO) Others use cream _____
5. ANNCR: (VO) day after day.
6. ANNCR: (VO) But some never bot
7. ANNCR: (VO) with daily fixing--
8. ANNCR: (VO) they line their de
with Snug Brand De
Cushions.
9. ANNCR: (VO) One lining lasts f
weeks.
10. ANNCR: (VO) Apply Snug at home
minutes.

Complaint

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IDENTIFICATION NO.

ADVERTISER The Xantholatus Company
FOR SMUG DENTURE CUSHIONS

"POWDERS & STICKERS" (A)
(#SN-11-30C)

Page 2.

DATE August 4, 1967
JOB NO. 1007733
As filmed: 8/19/69
As recorded: 8/22/69

VIDEO

11. NOW "U" SHAPE OF DENTURE IS HELD IN HAND, WHILE BACKING LINEN IS REMOVED.
SUPER: "HOLDS DENTURES TIGHT".
12. HAND FLEXES CUSHION.
13. CUT BACK TO SET UP OF POWDER AND CREAM WITH CONTAINERS.
14. POWDER IS POPPED OFF.
15. CREAM IS POPPED OFF.
16. CUT SMUG PACKAGE. SUPER: "HOLD DENTURES TIGHT". THEN POP ON: "2 CUSHIONS \$1.50".

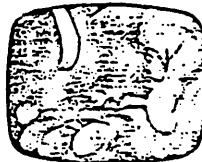
AUDIO

11. ANNCR: (VO) It holds dentures tight
12. ANNCR: (VO) and cushions the gum lasts for weeks
13. ANNCR: (VO) without daily fixing
14. ANNCR: (VO) Try the no-mess
15. ANNCR: (VO) no-bother way ...
16. ANNCR: (VO) get Smug to hold dentures tight.

SNUG DENTURE CUSHIONS
TELEVISION COMMERCIAL, 1976-77
"SPOKESMAN"



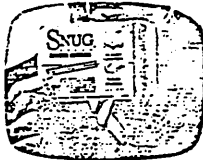
1. SPOKESMAN: (DV) What do you use to hold loose wobbly dentures comfortably tight?



2. Powder?



3. Cream?



4. Or long-lasting Snug Brand Denture Cushions.



5. Snug is a cushion -



6. not only holds plates tight, but makes them feel so comfortable.



7. (VO) Easy to fit.



8. Snug sticks to your plates... lasts for weeks...



9. so no daily fixing...no mess... no after taste.



10. Easily cleaned or removed.



11. (DV) To hold dentures comfortably tight for weeks...



12. (VO) get Snug Denture Cushions!

MASTUS, WYNNE-WILLIAMS INC.

CLIENT THE MENTHOLATUM COMPANY

TITLE "SPOKESMAN" (C) (#MVS2123)

:30 TV COMM'L.

DATE SEPT. 15, 1972 70 w

SEPT. 15, 1972

SNUG DENTURE CUSHIONS

As Produced: 8/30/72

As Filmed: 8/17/72

OPEN ON CU SPOKESMAN

SPOKESMAN (OC): What do you use to hold
loose, wobbly dentures
comfortably tight?

CUT TO CU AS HE SHAKES
POWDER ON HIS PALM

Powder?

CU AS HE SQUEEZES CREAM
ON PALM

Cream?
Or long-lasting

CUT TO CU SNUG PKG AS HE
PICKS IT UP

Snug Brand Denture
Cushions.

HOLD CU AS HANDS SLIP OUT
SNUG

Snug is a cushion --

PULL BACK TO MCU MAN

not only holds plates
tight...but makes them
feel so comfortable.

CUT TO CU MAN'S HANDS CUTTING
SNUG INTO SHAPE WITH SCISSORS

Easy to fit...

DISS TO HIS HANDS FITTING U-SHAPED
SNUG ONTO CLEAR LUCITE U-SHAPE

Snug sticks to your pla
lasts for weeks...so no
daily fixing...no mess.
no after-taste.

PAN AS HIS HANDS SCRUB SNUG ON
LUCITE U-SHAPE, WITH TOOTHBRUSH
UNDER RUNNING FAUCET

Easily cleaned or remov

CUT TO CU MAN

To hold dentures com-
fortably tight for week

CUT TO CU SNUG PKG

get Snug Denture Cushio

SNUG DENTURE CUSHIONS
TELEVISION COMMERCIAL,
"SPOKESWOMAN"



1. SPOKESWOMAN: (DV)
Thousands of denture
wearers have long
suffered



2. with loose, wobbly, un-
comfortable plates.



3. Now many use Snug Brand
Denture Cushions and



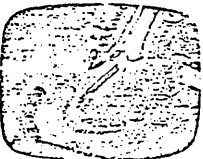
4. are so grateful for the way
Snug holds dentures
tight.



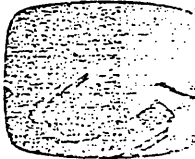
5. and being a cushion, Snug
makes dentures feel so
comfortable.



6. (VO) Easy to fit --



7. Snug sticks to your plates...
lasts for weeks --



8. so no daily fixing -- no
mess -- no after-taste.



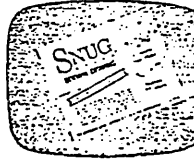
9. (SFX) Easily cleaned



10. or removed.



11: (DV) To hold dentures
comfortably tight for
weeks.



12. (VO) get Snug Denture
Cushions.

MASIUS, WYNNE-WILLIAMS INC. Page 4

CLIENT THE MENTHOLATUM COMPANY
 TITLE "SPOKESWOMAN" (C) (#MVS2133)
 :30 TV COMM'L
 DATE SEPT 15, 1972

SNUG DENTURE CUSHIONS
 As Produced: 8/30/72
 As Filmed: 8/17/72

75 w

OPEN ON CU SPOKESWOMAN

SPOKESWOMAN (OC): Thousands of denture wearers have long suffered with loose, wobbly, uncomfortable plates.

SHE PICKS UP SNUG PKG

Now many use...

CUT TO CU PKG IN HER HAND

Snug Brand Denture Cushion and are so grateful

CUT TO CU WOMAN

for the way Snug holds dentures tight...and being a cushion, Snug makes dentures feel so comfortab

CUT TO CU WOMAN'S HANDS CUTTING SNUG INTO SHAPE WITH SCISSORS

Easy to fit...

GLASS TO HER HANDS FITTING U-SHAPED SNUG ONTO CLEAR LUCITE U-SHAPE

Snug sticks to your plates lasts for weeks... so no daily fixing...no mess... no after-taste.

AN AS HER HANDS SCRUB SNUG ON LUCITE U-SHAPE, WITH TOOTHBRUSH UNDER RUNNING FAUCET

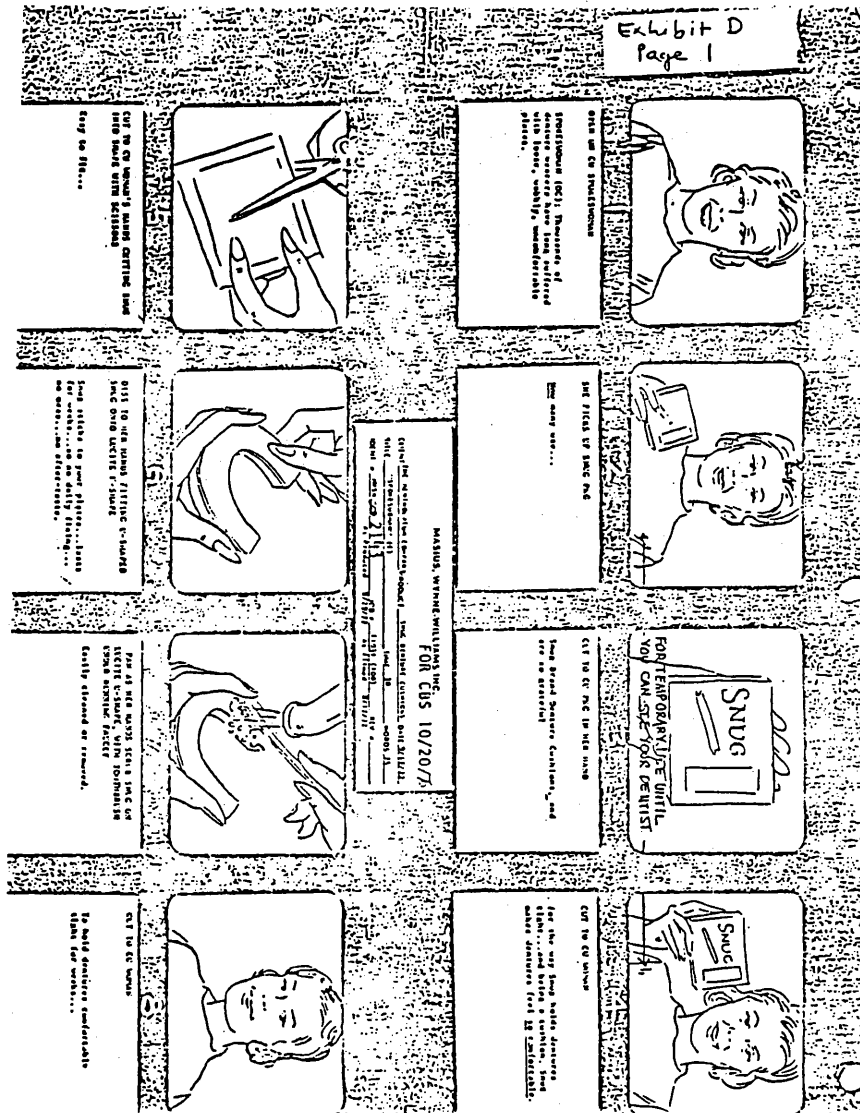
Easily cleaned or removed.

CUT TO CU WOMAN

To hold dentures comfortably tight for weeks...

CUT TO CU SNUG PKG

get Snug Denture Cushions.



[illegible]

Not a paste! Not a powder! Not a cream or wax pad! But amazing soft plastic adhesive cushions that hold loose, wobbly dentures comfortably tight and firm. Snugg[®] Brand Denture Cushions are the long-lasting, clean way to hold loose dentures tight. Snugg lasts for weeks... does away with bothersome mess of daily "fixing." Snugg Cushions are easy to shape and fit... stick to your plate not to your gums. Easy to clean or remove... won't wash off and can't flake away. Get Snugg Denture Cushions to hold your dentures tight for weeks... in comfort. At all drug counters.

The Mentalstatum Co.—U.S. (Snug) Ad No. SN 75-702
1/20 Page (14 x 3")
Sunday Supplements—1975
Job No. 74-108
Printed in U.S.A.
DARCY, MACMANUS & MASJUS, Inc., New York

Not a passer! Not a powder! Not a cream or was pad! But amazing soft plastic adhesive cushions that hold loose, wobbly dentures comfortably *light and firm*. Snug[®] Brand Denture Cushions are the long-lasting, clean way to hold loose dentures light. Snug lasts for weeks... does away with bothersome mess of daily "fixing." Snug Cushions are easy to snap and fit... stick to your plate not to your gums. Easy to clean or remove... won't wash off and can't flake away. Get Snug Denture Cushions to hold your dentures light for weeks... in comfort. At all drug counters.

The Menhollatum Co.—U.S. (Sauc) Ac No. SN 73-704
1/20 Page (1 1/4 x 3")
Sunday Supplement—1975
Job No. 74-109
Printed in U.S.A.
DARCY, MACMANUS & MASLUS, Inc., New York

Not a messy paste, powder, cream or wax pad—but an amazing soft plastic adhesive cushion. Snugg's Brand Denture Cushions hold loose, wobbly dentures comfortably tight for weeks. With Snugg there's no need to bother with messy daily "lacing." It lasts for weeks, sticks to your plate not to your gums, is easy to clean or remove. Get Snugg Denture Cushions to hold your dentures tight and firm for weeks...in comfort. At all drug counters.

The Mentholatum Co.—U.S. (Snug) Ad No. EN 75-703
30 lines (11" x 10")
Sunday Supplements—1975
Job No. 14-168A
Printed in U.S.A.
DARCY, MAXIMANUS & MASIUS Inc., New York

Not a messy paste, powder, cream or wax pad—but an amazing new plastic adhesive cushion. Snugg® Brand Denture Cushions hold loose, wobbly dentures comfortably tight for weeks. With Snugg there's no need to bother with messy daily "fixing." It lasts for weeks, sticks to your plate not to your gums, so easy to clean or remove. Get Snugg Denture Cushions to hold your dentures tight and firm for weeks...in comfort. At all denture centers.

The Mentalist Co.—U.S. (Saucy) Ad No. EN 71.703
28 lines (11" x 29")
Sunday Supplements—1973
Job No. 74-108A
Printed in U.S.A.
D'ARCY, MACHIANUS & MASLUS, Inc., New York

**NEW FREEDOM
FROM DAILY
DENTURE "FIXINGS"**

Snug Cushions hold dentures comfortably tight for weeks.

No more denture "fixings" every morning. No more messy powder or cream. Even if your denture needs "fixing" after every meal, here's important news. Snug Cushions hold your dentures comfortably tight for weeks. Snug the soft, effective temporary aid, actually forms a "cushion bond" between dentures and gums. Snugs in dentures, not in gum. You can insert, scrub or wash Snug from your dentures. It's easy to remove...but not to get out. Snug the cushion that holds dentures comfortably tight for weeks.

Snug!
BETTER CUSHIONS

The Manufacturer Co.—U.S. (Long Ad No. 34 11 199)
Page 11, 13
Printed in U.S.A.
© 1959 The Manufacturer Co., New York

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**HOLDS DENTURES
FIRM WITHOUT
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BETTER CUSHIONS

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Page 11, 13
Printed in U.S.A.
© 1959 The Manufacturer Co., New York

Page 1

D'Arcy-MacManus & Masius

437 MADISON AVENUE
NEW YORK, NEW YORK 10022

Television Continuity

The Mentholatum Co.
ACCOUNT
Snug Denture Cushion
PRODUCT
"Movie"
TITLE
:30
LENGTH
MVSN 2153
SCRIPT NUMBER

As filmed 11/28/77

VIDEO	AUDIO
OPEN ON TWO WOMEN EXITING MOVIE HOUSE ONTO STREET	<u>HELEN:</u> They don't make movies like they used to.
WOMEN WALK DOWN STREET	<u>SARA:</u> Let's have some of my pecan pie, that never changes.
CUT TO HELEN'S FACE, LOOKING EMBARRASSED.	<u>HELEN:</u> Uh-Uh... It's been a while since I fixed my dentures... they're loose again.
2-SHOT AS SARA TALKS TO HELEN.	<u>SARA:</u> Didn't I tell you about Snug?
ECU OF SNUG PACKAGE. WOMAN'S HAND PULLS CUSHION OUT. <u>SUPER: 'FOR TEMPORARY USE UNTIL YOU SEE YOUR DENTIST. '</u>	<u>SARA:</u> It's different -- you don't need to apply it every day.
CUT TO HAND HOLDING DENTURE SHAPED LUCITE AS OTHER HAND PRESSES SHAPED CUSHION ONTO LUCITE.	<u>SARA:</u> It's a cushion you just shape
PALM DOWN HAND PRESSES AGAINST TOP OF LUCITE WHICH CLINGS TO HAND WITHOUT ANY OTHER SUPPORT.	<u>SARA:</u> Snug lasts for weeks. And it hold your dentures firm and comfortable.
DISSOLVE TO SIMILAR SCENE AT A POINT LATER IN TIME.	<u>SARA:</u> Pecan pie? <u>HELEN:</u> Uh -- Uh -- <u>SARA:</u> Didn't you switch to Snug?

Complaint

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D'Arcy-MacManus & Masius

437 MADISON AVENUE
NEW YORK, NEW YORK 10022

Television Continuity

The Mentholatum Co.
ACCOUNT
Snug Denture Cushio
PRODUCT
"Movie"
TITLE
:30
LENGTH
MYSN 2153
SCRIPT NUMBER

VIDEOAUDIO

SCENE CONTINUES

HELEN: Sure --SARA: Well?HELEN: I'm on a diet.

ECU SNUG PACKAGE

SUPER: SNUG LASTS WEEKS
HOLDS DENTURES FIRM

Page 3

CLIENT: MENTHOLATUM
PRODUCT: SNUG
TITLE & FILM NO: "MOVIE" - MVS2153
FIRST USE: 3/7/78
LENGTH: 30 SECONDS

Darcy-MacManus & Masius
Advertising

1. HELEN: They don't make
me feel like I used to.
My dentures are loose.
My picnic plan, that never
changes.

2. HELEN: Uh-uh... my
dentures... they're
loose again.

3. SARA: Didn't I tell you
about Snug? It's all-
ferant -

4. You don't need to apply
any glue. Snug every day.

5. It's a cushion you just
shape.

6. Snug last for weeks.

7. And it'll hold your
dentures firm and com-
fortable.

8. Pleasant? HELEN:
Uh-uh -

9. SARA: Didn't you switch
to Snug?

10. HELEN: Sure - SARA:
Well?

11. HELEN: I'm on a diet.
SARA: Oh.

12. (SILENT)

DECISION AND ORDER

The Federal Trade Commission having initiated an investigation of certain acts and practices of the respondent named in the caption hereof, and the respondent having been furnished thereafter with a copy of a draft of complaint which the Bureau proposed to present to the Commission for its consideration and which, if issued by the Commission, would charge respondent with violation of the Federal Trade Commission Act; and

The respondent, its attorneys, and counsel for the Commission having thereafter executed an agreement containing a consent order, an admission by the respondent of all the 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 respondent 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 respondent has violated the said Act, 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, 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 D'Arcy-Macmanus is a corporation organized, existing, and doing business under and by virtue of the laws of the State of Delaware, with its principal office and place of business located at One Memorial Drive, St. Louis, Missouri.

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

ORDER

I.

It is ordered, That respondent, D'Arcy-MacManus & Masius, Inc., a corporation, its successors and assigns, and its officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device (hereinafter "respondent"), in connection with the advertising, offering for sale, sale or distribution

of any denture product or toothache drops or gel, forthwith cease and desist from disseminating or causing the dissemination of any advertisement by any means in or affecting commerce which makes any representation directly or indirectly that is inconsistent with, negates or contradicts any statement concerning matters of health, safety or efficacy set forth on the labeling of any such product or which in any way limits or qualifies any such statement appearing on the labeling of any such product.

II.

It is further ordered, That respondent, in connection with the advertising, offering for sale, sale or distribution of any denture product or toothache drops or gel (except denture cushions as provided for in Paragraph 3) shall, in disseminating or causing the dissemination by any means in or affecting commerce of an advertisement which makes any representation directly or indirectly (other than those prohibited in I above) regarding duration of use of any such product, disclose clearly and conspicuously any labeling warning regarding duration of use of such a product.

It is agreed, for the purpose of this Order, that in the event a label or packaging warning regarding duration of use is no longer utilized for any such product, advertisements for said product need not bear a disclosure regarding duration of use.

III.

It is further ordered, That respondent, in connection with the advertising, offering for sale, sale or distribution of the product Snug Denture Cushions or any other denture cushion, when making any representation regarding the duration of use of said product (other than those prohibited in I, above), shall disclose clearly and conspicuously that said product is only appropriate for short-term use until a denture wearer is able to see a dentist for the adjustment of his or her loose or ill-fitting dentures. For the purposes of this Order, it is agreed that respondent may use the term "for weeks" in the advertising of denture cushion products so long as the terms "temporary" and "only until a dentist can be seen" are included, and the advertisement does not imply the product should be used on a long term basis.

For the purposes of this order, in the event that the Snug Denture Cushion product is no longer regarded by the Federal Food and Drug Administration as suitable only for short-term, nonregular use, the

respondent may seek from the Commission amendment of this portion of this Order.

IV.

It is further ordered, That respondent shall forthwith distribute a copy of this Order to each of its operating divisions.

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

It is further ordered, That respondent shall, within sixty (60) days after this Order becomes final, and annually thereafter for three (3) years, file with the Commission a report, in writing, signed by respondent, setting forth in detail the manner and form in which it has complied with this Order.

IN THE MATTER OF

CHRYSLER CORPORATION, ET AL.

MODIFYING ORDER, IN REGARD TO ALLEGED VIOLATION OF SEC.
5 OF THE FEDERAL TRADE COMMISSION ACT*Docket 9072. Final Order, Feb. 18, 1981—Modifying Order, Feb. 17, 1982*

This order reopens the proceedings and modifies the Commission's order issued on February 18, 1981, 97 F.T.C. 139; 45 FR 70883. The modification sets a single effective date for implementing both sets of retail installment contract revisions.

ORDER REOPENING AND MODIFYING CONSENT ORDER

On February 18, 1981 the Commission issued a Decision and Order against respondents Chrysler Corporation and Chrysler Credit Corporation¹ in connection with the extension and enforcement of motor vehicle retail credit obligations and the disposition of repossessed motor vehicles. There is now before the Commission a request by Chrysler Credit Corporation (filed December 4, 1981) for reopening and modification of that Order pursuant to Section 2.51 of the Commission's Rules of Practice, 16 C.F.R. 2.51.

The Order (Paragraph VI.C) required Chrysler Credit to cease, by February 18, 1982, all use of retail installment contract forms which erroneously state debtors' liability for a deficiency upon repossession. Another provision required such Chrysler Credit contracts to include recitals of debtors' rights to any repossession surplus. Under Paragraph VI.B, contract forms reflecting the latter revision were to be distributed for dealer use within a year after Commission issuance of a final rule or adjudicated order relative to such rights.

Desirous of making the necessary changes at once rather than in successive steps, Chrysler Credit's request asks that April 1, 1982 be fixed as the date for effectuation of both sets of retail installment contract revisions required of it by our February 18, 1981 Order.² With respect to deficiency recitals this would involve a delay of approximately six weeks; with respect to the recitals of surplus rights it would advance the required implementation date by an indeterminable number of months.³

¹ A separate consent order issued simultaneously as to a correspondent, Aurora Chrysler-Plymouth, Inc., is not involved in the modification request addressed herein.

² Because the timing of the actions specified in Paragraphs VI.A and D depends on Paragraphs VI.B and C, no modification of Paragraphs A and D is necessary to accomplish Chrysler Credit's desired result. Chrysler Credit has abandoned its request for change of Paragraphs VI.A and D.

³ Our only adjudicated order concerning repossession surpluses is not yet final. *Francis Ford, Inc. v. FTC*, 654 F.2d 599 (9th Cir. 1980), petition for rehearing pending.