

IN THE MATTER OF
FOREMOST DAIRIES, INC.

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

Docket C-1161. Consent Order, Jan. 23, 1967—Modifying Order, Feb. 17, 1983

This order reopens the proceeding and modifies the Commission's order issued on Jan. 23, 1967 (71 F.T.C. 56), by deleting Paragraph V from the order, so as to relieve respondent of the obligation of obtaining Commission approval prior to making certain acquisitions.

ORDER MODIFYING CEASE AND DESIST ORDER ISSUED JANUARY 23, 1967

By a petition dated July 9, 1982, and supplements thereto dated October 14, 1982, November 16, 1982, and January 11, 1983, respondent Foremost-McKesson, Inc. (successor to Foremost Dairies, Inc.) ("Foremost") requests that the Commission reopen the proceeding in Docket No. C-1161 and delete Paragraph V of the order issued by the Commission on January 23, 1967. Pursuant to Section 2.51 of the Commission's Rules of Practice, the petition was placed on the public record for comments. No comments were received.

Upon consideration of Foremost's petition and supporting materials, and other relevant information, the Commission now finds that the public interest warrants reopening and modification of the order. The Commission has determined that absent special circumstances an order provision that requires prior Commission approval of acquisitions by the respondent should not exceed ten years in duration. The order in this case has been in effect for 16 years and the record does not demonstrate that continued prior approval of respondent's acquisitions is necessary.

Accordingly,

It is ordered, That this matter be, and it hereby is reopened and that Paragraph V of the Commission's order be and it is hereby deleted.

IN THE MATTER OF

PLASKOLITE, INC.

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

Docket C-3104. Complaint, Feb. 23, 1983—Decision, Feb. 23, 1983

This consent order requires a Columbus, Ohio manufacturer and seller of interior-mounted plastic storm windows, among other things, to cease misrepresenting the performance capabilities of storm windows; the amount of savings that will result from installation of storm windows on a house already equipped with prime and storm windows; and the purpose, content or conclusions of tests or surveys used by the company to substantiate energy-related claims. Respondent is further barred from using the words "up to" or similar terms in energy-related claims, unless the maximum level of performance can be achieved by a significant number of consumers under normal circumstances, and the class of persons who can achieve this level of performance is disclosed. Additionally, respondent is required to retain documentation for energy-related claims for a period of three years.

Appearances

For the Commission: *Marilyn J. Holmes* and *Robert C. Cheek*.

For the respondent: *Eric F. Stoer*, Washington, D.C. and *G. Robert Lucas, Porter, Wright, Morris & Arthur*, Columbus, Ohio.

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act, and by virtue of the authority vested in it by that Act, the Federal Trade Commission, having reason to believe that Plaskolite, Inc., a corporation, hereinafter sometimes referred to as respondent, has violated the provisions of Section 5 of the Federal Trade Commission Act, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest, hereby issues this complaint, stating its charges in that respect as follows:

PARAGRAPH 1. Respondent Plaskolite, Inc., is a corporation organized, existing, and doing business under and by virtue of the laws of the State of Ohio, with its principal office and place of business located at 1770 Joyce Avenue, Columbus, Ohio.

PAR. 2. Respondent has been engaged in the manufacture, advertising, promotion, offering for sale, sale and distribution of interior mounted plastic storm windows under the brand name "In-Sider."

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