

IN THE MATTER OF
SOUTHWEST SUNSITES, INC., ET AL.

Docket 9134. Interlocutory Order, Feb. 24, 1983

ORDER ESTABLISHING PROCEDURES FOR SUBMISSION OF
PORTER REALTY CONSENT AGREEMENT

On February 11, 1981, complaint counsel and respondents, Irvin Porter and Porter Realty, Inc. ("broker respondents") executed an Agreement Containing Consent Order to Cease and Desist ("consent"). Thereafter, pursuant to a joint motion by the parties, the Administrative Law Judge ("ALJ") stayed the litigation with respect to these respondents. Trial of the remaining respondents ("subdivider respondents") was conducted from April 1981 into February 1982. On July 29, 1982, the ALJ issued an initial decision dismissing the complaint as to subdivider respondents. However, complaint counsel has acknowledged that the executed consent and supporting staff recommendation were not submitted to the Bureau of Consumer Protection for final approval so that the matter, as to broker respondents, could be withdrawn from adjudication in a timely fashion. *See* Complaint Counsel's January 24, 1983 Response to Commission's Order Directing Submission of Briefs at 2, Rules of Practice, Section 3.25(c), 16 C.F.R. 3.25(c).

Section 4.7(f) of the Commission's Rules of Practice, 16 C.F.R. 4.7(f), permit *ex parte* communications between complaint counsel and the Commission for the purpose of evaluating proposed consent settlements that are executed by some, but not all, respondents. However, to avoid any appearance that complaint counsel has obtained an advantage because of the status of the proposed consent, *it is hereby ordered* that all communications from complaint counsel to the Commission concerning the proposed consent signed by Porter Realty, Inc. and Irvin Porter be made on the record. Complaint counsel is also ordered to submit the consent agreement and any recommendations concerning it within sixty (60) days following issuance of this order. The proposed consent agreement will then be considered in conjunction with the adjudicative case now pending before the Commission.

IN THE MATTER OF
MORTON THIOKOL, INC., ET AL.

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

Docket C-2707. Consent Order, July 21, 1975—Modifying Order, Feb. 28, 1983

This order reopens the proceeding and modifies the Commission's order issued on July 21, 1975 (86 F.T.C. 299). The modified order eases certain restrictions concerning the advertising of Lite Salt; gives the company more flexibility when making disclosures in advertising; and requires that Lite Salt labels state that it is "Not To Be Used By Persons On Sodium Or Potassium Restricted Diets Unless Approved By A Physician."

ORDER REOPENING THE PROCEEDING AND
MODIFYING CEASE AND DESIST ORDER

On July 23, 1982, Morton-Norwich Products, Inc.¹ and Needham, Harper & Steers Advertising, Inc., respondents in the above-captioned matter, filed a petition pursuant to Rule 2.51 of the Commission's Rules of Practice to reopen the proceeding and modify the consent order entered on July 21, 1975.

The consent order involves Morton Lite Salt® Mixture (Lite Salt)², a blend of equal amounts of sodium chloride and potassium chloride, or any product of similar composition. Petitioners marketed Lite Salt for people who desire to or should limit their sodium intake. The order prohibits claims that medical research has established a connection between sodium intake and high blood pressure or water retention, and that a reduction in sodium intake would promote or maintain good health. The Complaint charged that these claims had not been established to the satisfaction of the scientific community. In addition, the order requires a warning in all Lite Salt advertisements that the product is "Not To Be Used By Persons On Sodium Or Potassium Restricted Diets Unless Approved By A Physician."

The petition of July 23, 1982, requests five changes in the consent order, which it summarized as follows:

(1) a change in the consent order's preamble to make clear that the order's advertising and labeling restrictions apply only to Morton's consumer-oriented promotional efforts and sales, rather than to the industrial food processing trade;

¹ Morton-Norwich, Inc., changed its name to Morton Thiokol, Inc., after it filed the petition.

² Petitioners requested a change in the preamble language substituting "Morton Lite Salt® Mixture" for "Morton Lite Salt" to protect their trademark. The Commission has no objection to the change.