

IN THE MATTER OF
XEROX CORPORATION

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

Docket 8909. Consent Order, July 29, 1975—Modifying Order, Aug. 22, 1983

This order reopens the proceeding and modifies paragraph XVI of the Commission's order issued on July 29, 1975 (86 F.T.C. 364, *modified*, 91 F.T.C. 728, *modified further*, 100 F.T.C. 455), by deleting provisions that prohibited the company from promoting or taking orders for the sale or lease of any new office copier more than 3 months before its commercial availability.

ORDER MODIFYING CEASE AND DESIST ORDER ISSUED ON JULY 25, 1975

By a petition filed on April 22, 1983, respondent Xerox Corporation ("Xerox") requests that the Commission reopen the proceeding in Docket No. 8909 and modify Paragraph XVI of the order issued in this case to terminate approximately two years early its prohibition against Xerox promoting new copiers more than three months before their commercial availability. Paragraph XVI presently is scheduled to expire on July 29, 1985. 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 Xerox's request and supporting materials, and other relevant information, the Commission finds that the public interest warrants reopening and modification of the order.

In view of the changes that have taken place in the United States copier industry over the last decade, including the entry of numerous new competitors and Xerox's diminished market position, the order's prohibition against advance product announcement and promotion by Xerox is no longer needed to assure competition in the United States copier market. Advance new product announcements by Xerox, in light of these industry changes, no longer pose any danger of allowing Xerox to gain or perpetuate a monopoly or otherwise limit competition in the relevant market. Moreover, continuation of the order's prohibition against advance product announcement and promotion by Xerox appears to hamper Xerox's ability to compete and, consequently, reduces interbrand competition and deprives buyers of the opportunity to make informed decisions concerning their copier needs.

Accordingly,

It is ordered, That this matter be, and it hereby is, reopened and

that Paragraph XVI of the Commission's order be modified to read as follows:

XVI

It is further ordered, That during the period ending 10 years after the date of issuance of this Order at the time *Xerox* announces that it will take orders for the lease of an *office copier* in the United States, it shall also announce the selling price of such *office copier*.

IN THE MATTER OF
TRANS UNION CREDIT INFORMATION COMPANY

CONSENT ORDER IN REGARD TO ALLEGED VIOLATION OF THE FEDERAL
TRADE COMMISSION AND FAIR CREDIT REPORTING ACTS

Docket C-3114. Complaint, Aug. 25, 1983—Decision, Aug. 25, 1983

This consent order requires a Chicago-based computerized consumer credit reporting agency and its credit bureaus, among other things, to review its credit reporting system to detect and remedy, where feasible, significant inaccuracies in information maintained or reported by the system. The company is prohibited from furnishing reports to investigative agencies, government law enforcement agencies and others who are not properly certified, or to those whom respondent has reason to believe would use the information for impermissible purposes. The company must advise users of the reports that anyone obtaining credit information under false pretenses is subject to a fine and/or imprisonment under federal law. In making file disclosures to properly identified consumers, respondent must disclose the nature and substance of all information retained on the consumer, however recorded. The company must also reinvestigate disputed credit information; advise the consumer of the results of its reinvestigation; and record corrected information within a reasonable period of time. Reports must also contain clear and accurate dispute statements or summaries of such statements filed by consumers. Further, when responding to a telephonic request for information, respondent must read the dispute statement prior to disclosing the challenged information. Additionally, respondent is prohibited from purging any consumer file containing credit account information that is solely non-derogatory and whose most recent date of activity is less than five years old, unless it advises users of the reports that such purges are performed periodically.

Appearances

For the Commission: *David Federbush, Marie A. Meyer and C. Lee Peeler.*

For the respondent: *Oscar Marquis, in-house counsel, Chicago, Ill. and Elroy Wolff, Sidley & Austin, Washington, D.C.*

COMPLAINT

The Federal Trade Commission, hereinafter referred to as the "Commission," pursuant to the provisions of the Federal Trade Commission Act, 15 U.S.C. 41, *et seq.*, as amended, the Fair Credit Reporting Act, Public Law 91-508, 15 U.S.C. 1681 *et seq.*, and by virtue of the authority vested in it by said Acts, having reason to believe that Trans Union Credit Information Company, hereinafter referred to as "respondent," has violated the provisions of said Acts, and believing that