

IN THE MATTER OF
DIAMOND CRYSTAL SALT COMPANY

MODIFYING ORDER IN REGARD TO ALLEGED VIOLATION OF
SECTION 7 OF THE CLAYTON ACT

Docket 7323. Final Order, Feb. 4, 1960—Modifying Order, July 30, 1984

This order reopens the proceeding and modifies the Commission's order issued on February 4, 1960 (56 F.T.C. 818), by deleting the provision that required the company to give the Commission 90 days' notice of any acquisition of a salt producer or distributor.

ORDER MODIFYING FINAL ORDER

On February 4, 1960, the Federal Trade Commission, pursuant to Section 7 of the Clayton Act, issued the Order in this case against Diamond Crystal Salt Company. The Commission has determined that the public interest would be served by deleting the provision of that Order that requires Diamond Crystal to give the Commission 90 days' notice of any acquisition of a salt producer or distributor. Respondent has no objection to this modification.

Accordingly,

It is ordered, That this matter be, and it hereby is, reopened and that the Order in Docket No. 7323 be modified so that the reporting requirement contained in Paragraph 5 terminates on the date of service of this order.

FEDERAL TRADE COMMISSION DECISIONS

Complaint 104 F.T.C.

IN THE MATTER OF

CYNEX MANUFACTURING CORPORATION

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

Docket C-3139. Complaint, Aug. 6, 1984—Decision, Aug. 6, 1984

This Consent Order requires a Hillside, N.J. manufacturer and seller of a power factor controller (a device claimed to reduce the amount of electricity used by any motorized electrical home appliance or tool), among other things, to cease making any energy-related claim for its product unless the claim is based on competent and reliable substantiation. The order also bars respondent from making energy-related claims using the term "up to" or words of similar import, unless a significant number of consumers can achieve the maximum levels of savings or performance claimed; and where consumers cannot reasonably foresee the major factors or conditions affecting the maximum levels of savings or performance, respondent is required to clearly and prominently disclose the class of consumers who can achieve those levels. The firm is further prohibited from misrepresenting the purpose, content or conclusions of any test or study; and required to retain records substantiating claims for a period of three years.

Appearances

For the Commission: *Brinley H. Williams* and *Mitchell Paul*.

For the respondent: *Maurice H. Bitner*, Parsippany, N.J.

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act, as amended, and by virtue of the authority vested in it by said Act, the Federal Trade Commission, having reason to believe that Cynex Manufacturing Corporation, hereinafter referred to as respondent, has violated the provisions of said Act, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest, hereby issues its complaint stating its charges in that aspect as follows:

PARAGRAPH 1. Respondent is a corporation organized, existing and doing business under and by virtue of the laws of the State of New Jersey, with its office and principal place of business located at 28 Mercer Place, Hillside, New Jersey.

PAR. 2. Respondent is now, and at all times relevant to this complaint has been, engaged in the manufacture and sale to the public of