

IN THE MATTER OF
YOUNG & RUBICAM/ZEMP, INC.

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

Docket C-3154. Complaint, May 10, 1985—Final Order, May 10, 1985

This consent order requires a St. Petersburg, Fla. advertising agency, among other things, to cease, in connection with the advertising and sale of the Ecologizer CA/90 Series 2000 Air Treatment, representing falsely through the use of terms such as "eliminates," or by other means, that the portable household air cleaning appliance removes substantially all or most formaldehyde gas and tobacco smoke from the air people breathe under household living conditions. The order also bars the firm from misrepresenting the ability of any such appliance or equipment to clean the air of formaldehyde gas or tobacco smoke, and from representing the performance characteristics of any air cleaning appliance unless it possesses and relies upon competent and reliable substantiating evidence for such claims. Respondent is additionally required to cease failing to maintain written records of both substantiating materials and materials that contradict or qualify performance claims for a period of three years.

Appearances

For the Commission: *Judith Wilkenfeld*

For the respondent: *Sidney S. Rosdeitcher, Paul, Weiss, Rifkind, Wharton & Garrison*, Washington, D.C.

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 Young & Rubicam/Zemp, Inc., 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 respect as follows:

PARAGRAPH 1. Respondent Young & Rubicam/Zemp, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Florida, with its office and principal place of business located at 1213 16th Street North, St. Petersburg, Florida.

PAR. 2. Respondent was at all times relevant to this complaint an advertising agency of Rush-Hampton Industries Inc.

PAR. 3. Respondent caused to be prepared and placed for publication and caused the dissemination of advertising and promotional material, including but not limited to the advertising referred to herein, to promote the sale of a portable, electric household air cleaning appliance, the Ecologizer CA/90 Series 2000 Air Treatment System (hereinafter referred to in the complaint as "air cleaning appliance").

PAR. 4. Respondent operates in various States of the United States and in the District of Columbia. Respondent's dissemination of advertisements for the air cleaning appliance mentioned herein constituted maintenance of a substantial course of trade in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act.

PAR. 5. In the course and conduct of its business and for the purpose of promoting the sale and distribution of household air cleaning appliances, respondent disseminated and caused the dissemination of advertising for household air cleaning appliances in national magazines, newspapers and catalogs distributed by the mail and across state lines, and in radio broadcasts transmitted by radio stations located in various States of the United States and in the District of Columbia, having sufficient power to carry such broadcasts across state lines. Respondent also placed air cleaning appliance advertisements with television stations having sufficient power to broadcast across state lines and into the District of Columbia. In addition, respondent distributed by mail or other means, product brochures and other sales literature directly to consumers or to dealers for display or distribution to consumers prior to or at the time of sale.

PAR. 6. Typical statements and representations in said advertisements and promotional materials, disseminated as previously described, but not necessarily inclusive thereof, are found in advertisements and promotional materials attached hereto as Exhibits A, B, C, D, E, F, G, H and I.

PAR. 7. Through the use of the statements and representations referred to in Paragraph Six, and other representations contained in advertisements and promotional materials not specifically set forth herein, respondent represented, directly or by implication, the following claims:

a. The air cleaning appliance "gets rid of" or eliminates formaldehyde gas and tobacco smoke from the air people breathe under household living conditions.

b. The air cleaning appliance cleans the air of or removes most formaldehyde gas and tobacco smoke from the air people breathe under household living conditions.

PAR. 8. In truth and in fact, the direct or implied representations set forth in Paragraph Seven are false, for reasons including but not limited to the following:

a. The air cleaning appliance does not eliminate and does not remove most formaldehyde gas from the air people breathe under household living conditions. Tests conducted by Rush-Hampton Industries and independent tests, when extrapolated by generally accepted procedures to advertised room conditions, show that the air cleaning appliance optimally can remove no more than 5% of formaldehyde gas from the indoor air people breathe.

b. The air cleaning appliance does not eliminate and does not remove most tobacco smoke from the air people breathe under household living conditions. Independent tests, when extrapolated by generally accepted procedures to advertised room conditions, show that the air cleaning appliance optimally can remove no more than 15% of tobacco smoke from the indoor air people breathe.

Therefore, the direct or implied representations set forth in Paragraph Seven are false and misleading.

PAR. 9. As the representations referred to above are false, and respondent knew or should have known that they were false at the time of their dissemination, such representations are deceptive, misleading, and unfair.

PAR. 10. Through the use of the advertisements and promotional materials referred to in Paragraph Six, and other advertisements and promotional materials not specifically set forth herein, respondent represented, directly or by implication, that it possessed and relied upon a reasonable basis for the representations set forth in Paragraph Seven at the initial dissemination of the representations and each subsequent dissemination. In truth and in fact, respondent did not possess and rely upon a reasonable basis for making such representations, and respondent knew or should have known that it did not possess and rely upon a reasonable basis. Therefore, respondent's representations are false and misleading.

PAR. 11. The use by respondent of the aforesaid false and misleading representations, and the placement in the hands of others of the means and instrumentalities by and through which others may use the aforesaid representations, had the capacity and tendency to mislead consumers into the erroneous and mistaken belief that said representations are true and complete and to induce such persons to purchase air cleaning appliances sold by Rush-Hampton Industries, Inc. by reason of said erroneous and mistaken belief.

PAR. 12. The aforesaid acts and practices of respondent, as herein alleged, were all to the prejudice and injury of the public, and con-

stituted unfair and deceptive acts or practices in or affecting commerce in violation of Section 5 of the Federal Trade Commission Act, as amended.

EXHIBIT A

TRANSCRIPT OF RADIO COMMERCIALS

1. "Socks"

A: Hello, this is Good Air Talk, you're on the air.
B: Good Air Talk.
A: Go ahead, sir, go ahead.
B: Listen, I have this great idea I want to talk to you about.
A: Well, does it have anything to do with good air?
B: Yes it does.
A: Okay, go ahead.
B: Well you know all the tobacco smoke, dust, odors and pollen in your indoor air?
A: You mean inside your house?
B: Right. What if somebody invented a thing to get rid of all that stuff?
A: They have sir. It is called the ECOLOGIZER*, it's an indoor air treatment system—
B: You know, something you just plug into the wall, I mean, with all the tobacco smoke—
A: Sir, it already exists. Its called the ECOLOGIZER*.
B: What do I know, maybe this thing could even get rid of unseen harmful gases?
A: You mean like formaldehyde and ammonia that you're probably breathing right now?
B: That's the idea.
A: Look, besides tobacco smoke, dust, odors and pollen, the ECOLOGIZER* with CA/90* also gets rid of those harmful gases. It's the only one that does. That's why it's worth more.
B: I'm no science guy, but I know that that technology has to exist.
A: Look, it does exist, sir, and its all in the ECOLOGIZER* CA/90*.
B: Now if you don't like this idea, here's another one.
A: Go ahead.
B: How come nobody's invented digital socks yet, I'm asking.
A: Look, you are just going to have to call Digital Socks Talk, okay?
B: How's that?
A: And that's it for Good Air Talk.
B: Hello?

ANNOUNCER:

Now get a bonus CA/90* filtering system with purchase of an ECOLOGIZER*

2. "Snooze"

A: Hello, this is Good Air Talk.
B: Is this Good Air Talk?
A: Good Air Talk—

* Registered trademark.

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B: Now listen, give me one good reason to buy that ECOLOGIZER* air treatment system you always talk about.

A: Okay, CA/90*.

B: CA/90*?

A: Right, CA/90* is a powerful, natural odor-absorbing substance that makes the ECOLOGIZER* better than anything else going.

B: You mean its better than—

A: Right.

B: Well what about—

A: It's much better. It's the only air treatment system that removes harmful gases.

B: Gases?

A: Right. Like formaldehyde and ammonia.

B: Formaldehyde? Hold on.

A: [Sotto voice] He's holding on.

B: I don't see any formaldehyde in here.

A: Of course you don't. But it's there.

B: Where?

A: In just about every indoor environment. You're probably breathing it right now.

B: You mean I'm breathing harmful gases right now?

A: Probably.

B: Boy, how can I get rid of them?

A: Listen to me. Get an ECOLOGIZER*. It's the only air treatment system with CA/90*.

B: And that'll get rid of indoor gases?

A: Right. Plus tobacco smoke, dust, odors and pollen.

B: Now listen, what does it cost?

A: Well, an ECOLOGIZER* costs a little bit more but, believe me, it's worth it.

B: Yeah. I know what you mean. I tried to save a few bucks once on a cheap alarm clock.

A: Uh-huh.

B: But every time I pushed the snooze alarm the clock fell asleep.

A: Yes, and that's it for Good Air Talk.

B: I like your show by the way.

ANNOUNCER:

Now get a bonus CA/90* filtering system with purchase of an ECOLOGIZER*.

Complaint

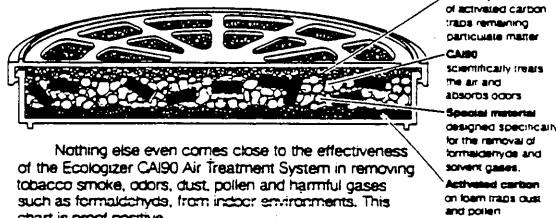
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EXHIBIT B

GOOD TRY
NORELCO
POLLENEX
REVINGTON
ROBESON
SUNBEAM
VAPORTEK.

BUT NOT GOOD ENOUGH

Only the new Second Generation CA90[®] Air Filtering System removes harmful gases, formaldehyde, acetic acid, ammonia and other solvents from indoor air.



Nothing else even comes close to the effectiveness of the Ecologizer CA90 Air Treatment System in removing tobacco smoke, odors, dust, pollen and harmful gases such as formaldehyde, from indoor environments. This chart is proof positive.

You'll see that Ecologizer is scientifically superior to anything else on the market. No doubt about it.

Here's laboratory tested proof.

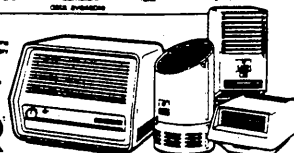
	Section 5-1 Resistance to Microorganisms	Section 5-2 Odor Control H ₂ S Absorption Hydrogen Sulfide	Section 5-3 Noise Level	Section 5-4 Toxicity	Section 5-6 Formaldehyde Gas Absorption % Reduction
HEP Criteria G-10	passes	passes	passes	passes	passes
Ecologizer CA90 Air Treatment System	passes	passes	passes	passes	passes
Norelco Clean Air Machine	fail	fail	fail	insufficient data available	fail
Pollenex Pure Air "30"	insufficient data available	fail-no gas absorption capabilities	Low speed fail High speed fail	insufficient data available	fail
Revington Air Purifier	fail	fail-no gas absorption capabilities	Low speed fail High speed fail	insufficient data available	fail
Sunbeam Fresh Airways	insufficient data available	passes	Low speed fail High speed fail	insufficient data available	fail
Robeson Country Fresh Air	fail	fail	fail	insufficient data available	fail
Revington Air Purifier	insufficient data available	fail	fail	insufficient data available	fail

*Not designed to be resistant to microorganisms

COMPARATIVE TEST RESULTS Conducted in chambers and microscopes at Rush-Hempden Industries Laboratory. All tests were conducted under steady state conditions and procedures. Rush-Hempden Industries will discuss or submit detailed data relating to the test procedures and results to any interested party. Standards for at least 90% formaldehyde reduction, achieved by the Ecologizer CA90 Air Treatment System, are required for the National Sanitation Foundation G-10 Criteria for Quality Air Treatment Claims. Section Five. The National Sanitation Foundation is an independent organization and the test results conducted by Rush-Hempden Industries gives no preference or discrimination to any manufacturer's product.

ECOLOGIZER

CA 90 AIR TREATMENT SYSTEMS NOW MORE THAN EVER, ANYTHING ELSE IS LESS.



Rush-Hempden Industries, Inc. Longwood, Florida

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That's the way just. Lots of air cleaners can more or less do that.

Then the air passes through a layer of CAPB-formaldehyde with activated carbon. Here's where the science comes in. The CAPB-formaldehyde layer is designed to adsorb and remove the formaldehyde and other pollutants. The CAPB-formaldehyde layer then removes odors caused by household pets and cooking fumes. A special gas absorbing layer removes acid, solvent gas, and others. Then, one last pass through formaldehyde removes many particles still in the air.

At the end of the Ecologizer system is a whole lot of water. A whole lot of water.



The other guys.

Of course there are other air cleaners on the market. At best, they offer but a solution. They may help reduce a particular matter or two, but they don't get at the source of the problem. The Ecologizer actually adds to the air nothing in the way of the formaldehyde and other pollutants.

'Maybe I'll just quit breathing.'

Well, that's one solution. But here's a better one. Ecologizer's air treatment system. They're the only system that do the total indoor air treatment job. They continuously remove the indoor pollutants we've been taking about from the air. They remove the odors, dust, pollen, and harmful gases.

Science that magic.

It wasn't easy to solve the tough problem of indoor air pollution. It's not as simple as taking a fan and putting it in a plastic bag. Ecologizer's air cleaner handles the problem. Ecologizer's air cleaner handles the problem. Ecologizer's air cleaner handles the problem.

Development of the Ecologizer.

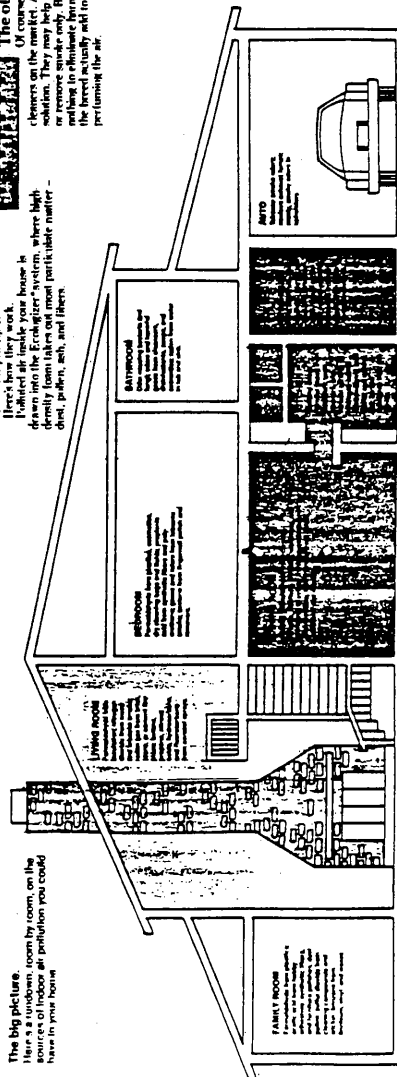
Ecologizer's air cleaner handles the problem. Ecologizer's air cleaner handles the problem. Ecologizer's air cleaner handles the problem.

Increased air flow.

By creating a constant flow of air from outside, you can reduce many common indoor pollutants. Sometimes, however, you exchange indoor air for polluted outdoor air. And, in addition to the pollutants, outside air flow is bad. It's bad. It's bad. It's bad.

Eliminate the source.

Reduce the use of certain chemicals and certain types of building materials that help. But it is virtually impossible to eliminate all pollution-causing elements from our indoor environments.



The big picture.

When you look at the big picture, you can see the source of indoor air pollution. You can see the source of indoor air pollution. You can see the source of indoor air pollution.

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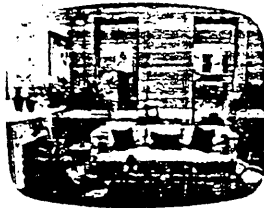
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EXHIBIT D

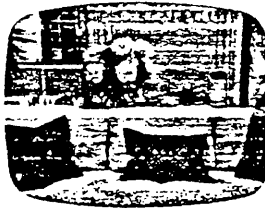
**STOCK UP ON THE
ONLY SERIOUS SOLUTION
TO INDOOR AIR POLLUTION.
YOUR CUSTOMERS WILL ASK
FOR IT BY NAME:
ECOLOGIZER® CA 90® AIR TREATMENT SYSTEMS.
ANYTHING ELSE IS LESS.**



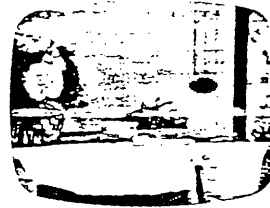
Rush-Hampton Industries, Inc.
1000 North St. 2nd Fl.
Longwood, Florida 32750
(407) 834-1000



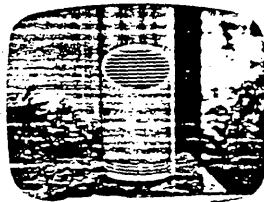
Music up under



Music up under



Music up under



The only serious solution to indoor air pollution.



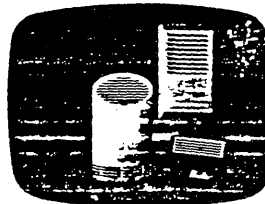
Ecologizer® CA 90® Air Treatment Systems.



The unique CA 90 natural cleansing system is scientifically superior to anything else.



It removes tobacco smoke, odors, dust and pollen from the air continuously.



Ecologizer CA 90 Air Treatment Systems for home, office and auto.



Anything else is less.

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EXHIBIT E

Network television
emphasizes the
superiority of the
Ecologizer® with
the CA 90® Air
Filtering System



Rush-Hampton Industries, Inc.
3000 Industrial Park
Longwood, Florida 32750
305/834-3000



MILLIE YELLING FROM KITCHEN:
Did you get the right air cleaner, Harry?
-HARRY: Got the Ecologizer®



MILLIE: That's the one that costs more,
Harry.
HARRY: That's because it does more, Millie.
It takes tobacco smoke, dust, odors and
pollen.



MILLIE: That's what the cheaper ones said
too, Harry.



-HARRY: The cheaper ones don't have
CA90® and that's the difference. It does a
better job removing formaldehyde.



MILLIE: Do we have formaldehyde?
HARRY: Almost any home could have
formaldehyde and other household
gases.



MILLIE: The Ecologizer® you got the right
air cleaner, Harry.



-ANNOUNCER V.O.:
You did get the right air cleaner, Harry. And
right now you'll get a bonus filter with the
Ecologizer.



ECOLOGIZER
CA 90 AIR TREATMENT SYSTEMS



MILLIE: formaldehyde

Complaint

EXHIBIT F

The Good-Air CA90 ECOLOGIZER
Recirculating Air Cleaner Deodorizer
 Removes unpleasant odors, tobacco smoke, dust and pollen continuously.

Unique dual filter contains CA90 powerful deodorizer plus activated carbon.

CONTENTS: ONE AIR-PURIFIER APPLIANCE.

Unique dual filtering system with CA90® removes unpleasant odors, tobacco smoke, dust and pollen from indoor air continuously.
Even kills odors caused by harmful fungi and bacteria.

Keeps the air you breathe in home or office fresher and cleaner all the time.

The unique dual filtering system built into the Good-Air CA90 Ecologizer continuously filters and deodorizes the air you breathe in your home or office. The CA90 Ecologizer is a powerful deodorizer that kills odors caused by harmful fungi and bacteria. The CA90 Ecologizer is a powerful deodorizer that kills odors caused by harmful fungi and bacteria. The CA90 Ecologizer is a powerful deodorizer that kills odors caused by harmful fungi and bacteria.

From The Good-Air People
 International Industries, Inc.
 1000 Industrial Park
 Longwood, Florida 32750

For more information, call 1-800-368-3683 or write to The Good-Air People, International Industries, Inc., 1000 Industrial Park, Longwood, Florida 32750.

The Good-Air CA90 Ecologizer is a powerful deodorizer that kills odors caused by harmful fungi and bacteria. The CA90 Ecologizer is a powerful deodorizer that kills odors caused by harmful fungi and bacteria. The CA90 Ecologizer is a powerful deodorizer that kills odors caused by harmful fungi and bacteria.

The Good-Air CA90 Ecologizer is a powerful deodorizer that kills odors caused by harmful fungi and bacteria. The CA90 Ecologizer is a powerful deodorizer that kills odors caused by harmful fungi and bacteria. The CA90 Ecologizer is a powerful deodorizer that kills odors caused by harmful fungi and bacteria.

The Good-Air CA90 Ecologizer is a powerful deodorizer that kills odors caused by harmful fungi and bacteria. The CA90 Ecologizer is a powerful deodorizer that kills odors caused by harmful fungi and bacteria. The CA90 Ecologizer is a powerful deodorizer that kills odors caused by harmful fungi and bacteria.

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THE POLLUTION PROBLEM OF THE 80'S: INDOOR AIR.



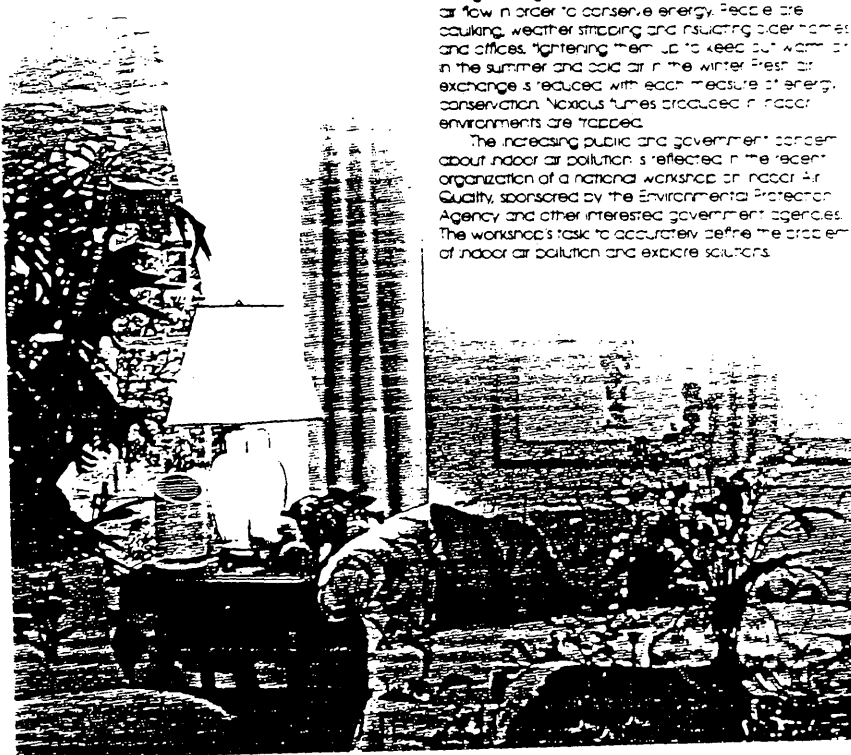
The Pollution Problem of the 80's: Indoor Air.

Indoor air pollution could soon be a bigger problem than outdoor pollution.

Most people spend 70 to 80% of their time indoors, so quality of indoor air is critical. And that quality is becoming worse at an alarming rate.

Contaminants are continuously being added to the indoor air we breathe from an increasing number of sources. And the problem is being amplified by demands for energy saving measures. Homes, apartments, condominiums, offices, hotels and motels are being built tighter, with less ventilation and reduced air flow in order to conserve energy. People are caulking, weather stripping and insulating older homes and offices, tightening them up to keep out warm air in the summer and cold air in the winter. Fresh air exchange is reduced with each measure of energy conservation. Noxious fumes produced in indoor environments are trapped.

The increasing public and government concern about indoor air pollution is reflected in the recent organization of a national workshop on Indoor Air Quality, sponsored by the Environmental Protection Agency and other interested government agencies. The workshop's task is to accurately define the problem of indoor air pollution and explore solutions.



Indoor Air Pollution: Defined.

Indoor air pollution consists of dust, pollen, bacteria and other microorganisms, tobacco smoke, skin cells, hair, ozone in smog, nitrogen oxide from gas appliances, formaldehyde, sulfur oxides from burning coal, acids, organic compounds from smoke or from human respiration.

Items people use daily - petrochemical based products like floor wax and furniture polish, detergents and spray cleaners, bug spray - all contribute to indoor pollution. The list goes on and on.

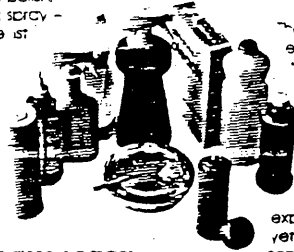
In fact, almost every familiar object in your home or office is a potential source of indoor air pollution. Indoor environments are continuously polluted in ways most people don't suspect.

A case in point: formaldehyde, a cancer-causing, irritating gas, it evolves from household standards such as glue, wallboard, cloth stang, insulation. Formaldehyde alone is a major contributor to the sickening level of contaminants

in indoor air.

Polluted indoor air is always unpleasant, generally unhealthy.

Indoor Air Pollution and Health.



The first problem that comes to most everyone's mind when considering the quality of indoor air and health is tobacco smoke. Many people suffer allergic reactions to it and there are, of course, well-known links between second-hand tobacco smoke in the air and the risk of lung cancer.

Other ill effects from continuous exposure to indoor air pollution are not yet known. But it is safe to say that continuous exposure to indoor air pollution can poison people.



"My Job Makes Me Sick!"

There have been numerous documented instances where indoor air pollution has caused headaches, hives, scratchy throats and drowsiness.

Employees in the newly constructed Social Services building in San Francisco complained that they got sick just being in the building. Doctors examined the group and found high levels of inflammation, shortness of breath, chest tightness and nose and throat problems. Measurements and tests of air inside the building linked dust, formaldehyde gas and other particulates to the problems.

Many employees at NBC in New York became sick after they moved into their newly remodeled offices. Headaches, hives, drowsiness and scratchy throats were reported. Experts again concluded that polluted indoor air was the culprit.

There have been cases where people built new, energy saving homes, well insulated and tightly constructed with thermal windows and all the latest energy savers. Then they found that the homes were virtually uninhabitable because all the pollutants given off by everyday items were unable to escape the sealed indoor environment.

Almost daily the roster of documented cases of indoor pollution causing health problems is lengthened.

How the Little Buggers Bug You.

Indoor air pollutants are indeed little. And they do cause irritation and sickness when breathed into lungs.

There are basically two types of pollutants: particulate and molecular. Anything the human nose perceives as odor is molecular. Particulate matter does not in itself have an odor.

The customary way of describing air pollutants is by size, because size determines how the pollutant travels in the air and how deeply they penetrate the human respiratory system.

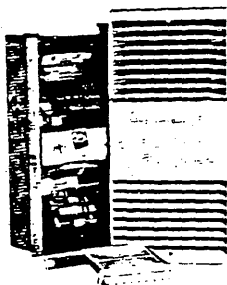
Particulates are the large air pollutants. Molecules are the small air pollutants.

Some particles are large and heavy enough to fall out of the air. Other particles are small, lighter and easily breathed into our lungs. These are the particulates that make up some dust and pollen, bacteria and other organisms, smoke and skin cells.

Molecules are even smaller than the airborne particles, so they have absolutely no difficulty getting into our lungs. Molecules are everywhere. Air polluting molecules include ozone, in smog, nitrogen oxides from gas appliances, organic compounds from smoke.



Solving the Indoor Air Pollution Problem.

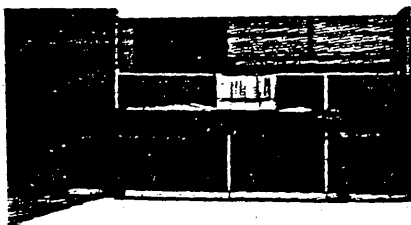


Obviously, indoor air pollution is a problem of increasing magnitude that affects the quality of everyone's life. It's a problem that needs to be addressed and solved. Quickly.

One solution would be to see that all living and work areas are properly ventilated. However, in many situations that is simply not possible nor practical.

Another solution is to use air treatment devices such as the Rush-Hampton CA-90® Air Treatment System.

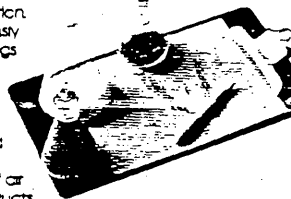
The Ecologizer® CA-90 Air Treatment Systems are appliances designed for home, office and auto use. The Ductless Fan CA-90 Air Treatment System is built-in during new construction or remodeling. It's the only building-code approved ductless fan - the only one that meets C-10 criteria.



Rush-Hampton: The Indoor Air Pollution Experts.

Although the problem of indoor air pollution has been with us for years, it's only recently come to the attention of the public. Consequently, few people have seriously studied the problem and are truly knowledgeable in the field.

Rush-Hampton Industries is one of the few. Rush-Hampton has a clear understanding of indoor air pollution. Since 1969, our chemists have been doing extensive research and testing in the field of indoor air pollution. From meticulously recorded findings accumulated through years of scientific study, we have developed and marketed a broad range of air treatment products and systems.



CA 90. The Key.

CA-90 is a patented chemical developed by Rush-Hampton Industries' scientists. It's a natural derivative of citrus with unique odor-control and air treatment properties.

Here's how it works to rid the air of odors.

As you remember, odors are made of molecules. There are ways of what chemists refer to as "scrubbing" molecules from the air. CA-90 can perform several of the known methods.

Adsorption. The CA-90 surface is highly attractive to molecules. They actually stick to it.

Dissolution. CA-90 provides a solvent that dissolves molecules.

Chemical Change. CA-90 chemically changes molecules to non-volatile, innocuous substances.

Basic Principles of Effective Treatment of Polluted Indoor Air.

The Ecologizer® and Ductless Fan use the unique CA-90® natural air cleansing system.

A small electric motor runs a fan which pulls the air through an opening at the base of the Ecologizer or bottom of the Ductless Fan. Polluted air is pulled through a layer of activated charcoal. This pretreats the air and removes such particulates as dust and pollen. Then the air passes through a layer filled with CA-90 saturated particles that remove pollutant molecules. A final layer traps more contaminants before fresher, cleaner air is recirculated.

Consider the Options Carefully.

The Ecologizer and Ductless Fan aren't the only air treatment devices on the market. But they are the only ones which effectively remove both types of pollutants (particulate and molecular) and have a long life.

There are several so called air treatment devices on the market. None of them does the total air treatment job. At best they do half a job, that is they may remove some of the large particulates but leave the molecules, hence the odors remain. That's at best. At worst, all they do is add a fragrance to the air to mask odors. That is odorization, not deodorization. In effect, they worsen the problem they purport to solve.

A Potentially Dangerous Situation.

There are two problems to be faced. First the growing problem of indoor air pollution. And second the irresponsible "solutions" to the problem that recklessly proliferating.

Successful responsible treatment of indoor air requires the application of sophisticated science and technology. It requires painstaking research and careful scrutiny of the resulting data. It requires a thorough understanding of the science - the chemistry - of air treatment and deodorization.

Rush-Hampton Industries. The Leader.

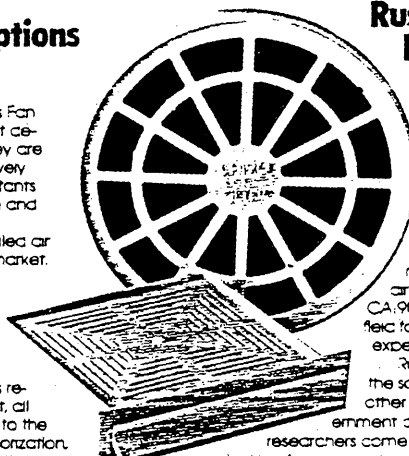
At Rush-Hampton Industries, we're the recognized leader in the field of indoor air treatment.

Our company was formed specifically for the purpose of developing, testing, manufacturing and marketing a broad range of air treatment products using CA-90. We've been involved in the field for years. We're the established experts.

Rush-Hampton is the source. The place other scientists, government agencies and researchers come when they're looking for answers to indoor air pollution problems.

We have the answers. Answers to indoor pollution problems. We can tell you exactly how our products work. And why our products work.

Rush-Hampton Industries is working to help in the understanding and conquering of the indoor air pollution problem.



FEDERAL TRADE COMMISSION DECISIONS

Complaint

105 F.T.C.

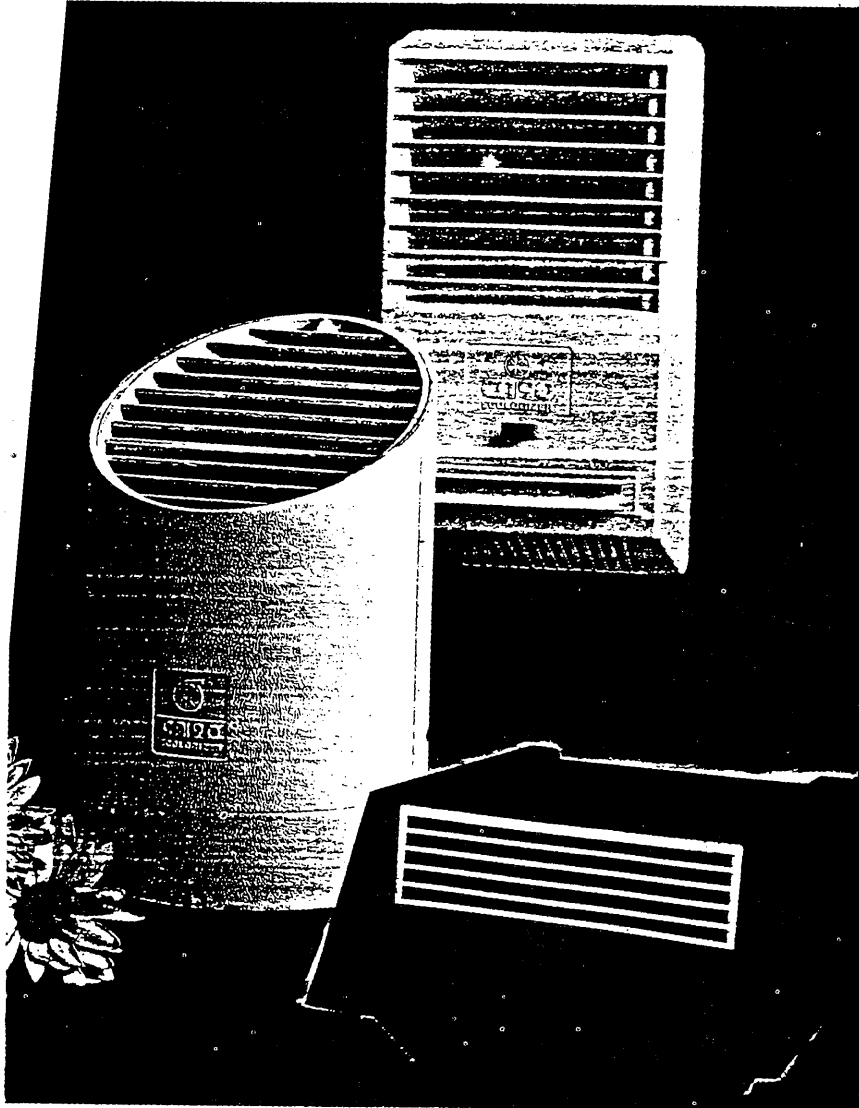


EXHIBIT H

The original ECOLOGIZER[®]

CAI90 AIR TREATMENT SYSTEM

Anything else is less.

Hundreds of thousands of delighted customers have helped make the Ecologizer the number one small air treatment system in the world. The reason is simple. It works.

Now you can control tobacco smoke, odors, dust and pollen in your home or office. The Ecologizer's quiet fan pulls polluted air into the unique CAI90 Air Cleansing System where contaminants are trapped and clean fresh air is released. In a closed 18' x 14' room, the air will be completely recirculated, filtered and freshened every 33 minutes.

The Ecologizer is most effective if it runs constantly. Under normal conditions, the replaceable CAI90 filtering system will last up to 3 months.

The Ecologizer is 9" high and 5" in diameter. Available in dark brown and almond white.

#3300

Almond White Ecologizer \$39.95

#3310

Dark Brown Ecologizer \$39.95

#3320

Citrus Scent CAI90 Replacement Filtering System \$ 3.95

#3326

Unscented CAI90 Replacement Filtering System \$ 3.95

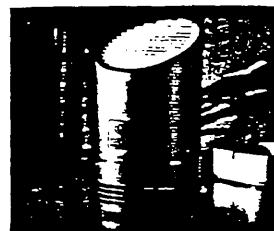




**Unsurpassed
air treatment and
odor control in
home or office.**

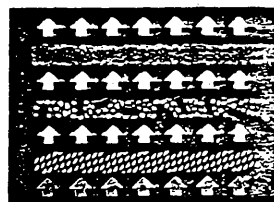
The Ecologizer® series 2000 air treatment system is perfect for home or office use. It utilizes the most effective filtering system available—the second generation filtering system with CA190® advanced scientific formula.

One unit continuously recirculates, treats, cleans, and deodorizes the air in areas up to 2000 cubic feet. And the Ecologizer® system is portable, so it can be used wherever effective odor control and air treatment are needed.



**Second generation
filtering system
removes harmful
gases and solvents,
plus household odors,
tobacco smoke odors,
dust, and pollen.**

This unique filtering system is composed of individual filtering layers—each performing a specific air treatment function. As polluted air is pulled into the unit, high-density foam pretreats the air and removes dust and pollen particles. An intermediate layer of CA190® formula treats the air and removes odors—even odors caused by harmful bacteria and fungi. This layer also contains a special gas absorbing material that absorbs harmful gases found in everyday indoor environments, including formaldehyde, ammonia, acetic acid, and solvent gases. A final filtering layer traps even



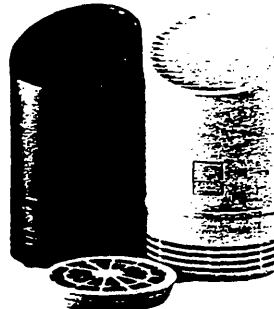
more contaminants before fresher, cleaner air is recirculated.

Together, these specialized filtering layers do the total indoor air treatment job. And the filtering system keeps its effectiveness for months.

**Special features.
Appealing colors.**

The Ecologizer® system is available in light beige or brown, colors that complement any decor. The unit features a convenient on/off switch that allows the unit to be run only when needed.

The top of the unit separates from the bottom for quick and easy replacement of the filtering system. And to keep the Ecologizer® system working at its best, a special filter life indicator is included. Affixed to the unit or filtering system, the indicator changes color when it's replacement time.



**Model 7305 (Light Beige)
Model 7315 (Brown)**

**ECOLOGIZER® 2000
AIR TREATMENT SYSTEM**

 Rush-Hamilton Industries, Inc.
3000 Industrial Park
Longwood, Florida 32750
305/834-3000

© 1982 Rush-Hamilton Industries, Inc.
ECOLOGIZER and CA190 are registered

The Ecologizer® series 2000 air treatment system has been shown to remove greater than 50% of

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 of Consumer Protection 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 attorney, 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 Young & Rubicam/Zemp, Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of Florida, with its office and principal place of business located at 1213 16th Street North, St. Petersburg, Florida.

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

PART I

It is ordered, That respondent Young & Rubicam/Zemp, Inc., a corporation, its successors and assigns, and its officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of the Ecologizer CA/90 Series 2000 Air Treatment System, in or affecting commerce, as "commerce"

is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or by implication, contrary to fact, that the Ecologizer CA/90 Series 2000 Air Treatment System removes substantially all formaldehyde gas or tobacco smoke from the air people breathe under household living conditions through the use of the word "eliminates" or other phrases that the reasonable consumer would interpret as "substantially all."

B. Representing, directly or by implication, contrary to fact, that the Ecologizer CA/90 Series 2000 Air Treatment System cleans the air of or removes most formaldehyde gas or tobacco smoke from the air people breathe under household living conditions.

PART II

It is further ordered, That respondent, its successors and assigns, and its officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of the Ecologizer CA/90 Series 2000 Air Treatment System or any other air cleaning appliance or equipment, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting in any manner, directly or by implication, the ability of any such appliance or equipment to clean the air of or remove formaldehyde gas or tobacco smoke.

PART III

A. *It is further ordered,* That respondent, its successors and assigns, and its officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of the Ecologizer CA/90 Series 2000 Air Treatment System or any other air cleaning appliance or equipment, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, the performance characteristics of any such appliance or equipment unless respondent possesses and relies upon a reasonable basis for such representation, consisting of competent and reliable evidence which substantiates such representation.

B. To the extent the evidence of a reasonable basis consists of scientific or professional tests, experiments, analyses, research, studies or other evidence based on the expertise of professionals in the relevant area, such evidence shall be "competent and reliable" for purposes of Part III(A) only if those tests, experiments, analyses, research,

studies, or other evidence are conducted and evaluated in an objective manner by persons qualified to do so, using procedures generally accepted in the profession or science to yield accurate and reliable results.

C. For purposes of Part III(A) of this order, the term "performance characteristics" means the cleaning, filtration, or removal ability of the appliance or equipment, with respect to formaldehyde gas or tobacco smoke, whether expressed in terms of the filtering media or mechanism, or in terms of the appliance itself.

Provided, however, That in circumstances where the scientific or professional tests, experiments, analyses, research, studies, or any other evidence based on the expertise of professionals in the relevant area was not directly or indirectly prepared, controlled, or conducted by respondent, it shall be an affirmative defense to an alleged violation of Part III of this Order for respondent to prove that it reasonably relied on the expert judgment of its client or of an independent third party in concluding that it had a reasonable basis in accordance with Part III of this Order. Such expert judgment shall be contained in a written document prepared by a person qualified by education or experience to render the opinion. Such opinion shall describe the contents of such evidence upon which the opinion is based.

Provided further, That nothing in this Order shall be deemed to deny or limit respondent with respect to any right, defense, or affirmative defense to which respondent otherwise may be entitled by law in a compliance action or any other action, including any right, defense, or affirmative defense based upon the legal standards applicable to advertising agencies.

PART IV

It is further ordered, That respondent, its successors and assigns, and its officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of any air cleaning appliance or equipment, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from failing to maintain written records:

1. Of all materials that were relied upon in disseminating any representation covered by this Order, insofar as the text of such representation is prepared, authorized, or approved by any person who is an officer or employee of respondent, or of any division, subdivision or subsidiary of respondent.

... on demonstrations in its

possession or control that contradict, qualify, or call into question any representation made by respondent that is covered by this Order.

Such records shall be retained by respondent for a period of three years from the date the representations to which they pertain were last disseminated, and may be inspected by the staff of the Commission upon reasonable notice.

PART V

It is further ordered, That respondent shall forthwith distribute a copy of this Order to each of its operating divisions and to each of its officers, agents, representatives or employees engaged in the preparation and placement of advertisements or other sales materials.

PART VI

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

PART VII

It is further ordered, That respondent shall, within sixty (60) days after this order becomes final and binding, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with the order.

FEDERAL TRADE COMMISSION DECISIONS

Interlocutory Order

105 F.T.C.

IN THE MATTER OF

WARNER COMMUNICATIONS, INC., ET AL.

Docket 9174. Interlocutory Order, May 24, 1985.

ORDER

Respondents have filed several motions requesting that this matter be terminated, either by dismissal of the complaint or by consideration and eventual acceptance of a proposed consent agreement.

In disposition of these and related motions *it is hereby ordered* as follows:

1. Respondents' application pursuant to Section 3.23(b) of the Commission's Rules for review of the administrative law judge's order of March 27, 1985, is granted.

2. Respondents' motion to dismiss the complaint is denied. Section 7 of the Clayton Act, 15 U.S.C. 18, prohibits acquisitions having certain anticompetitive effects. The Commission is empowered by Section 11 of the Clayton Act, 15 U.S.C. 21, to enforce compliance with Section 7. The Commission is similarly empowered by 15 U.S.C. 45(a) to enforce compliance with the FTC Act. The complaint in this case alleges that the acquisition proposed by the respondents would violate these statutes. The fact that the respondents have not consummated their proposed transaction, and claim to have abandoned it, does not oust this statutory grant of jurisdiction. The Commission's subject-matter jurisdiction depends on the nature of the alleged illegal conduct, and not on whether it is ongoing at any particular point during the trial. To hold otherwise would mean that a Commission law enforcement action could be brought to a halt at any time, even after a complaint and injunction have issued, by an abandonment, even a temporary one, of the challenged conduct. The cases indicate that voluntary cessation of unlawful activity is not a basis for halting a law enforcement action. *See United States v. Concentrated Phosphate Export Ass'n*, 393 U.S. 199 (1968); *United States v. Trans-Missouri Freight Ass'n*, 166 U.S. 290, 309 (1897) (Sherman Act cases). Indeed, Section 13(b) of the Clayton Act, 15 U.S.C. 53(b), expressly contemplates adjudication of the merits of the legality of unconsummated mergers when it provides for enjoining a proposed merger pending administrative hearings. And, in fact, the consummation of this transaction has been preliminarily enjoined pursuant to Section 13(b) pending Commission adjudication of the matter. *FTC v. Warner Communications, Inc.*, 742 F.2d 1156 (9th Cir. 1984).