

Complaint

IN THE MATTER OF
ASSOCIATED MILLS, INC.

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

Docket 9169. Complaint, Oct. 24, 1983—Decision, July 23, 1985

This consent order requires the Chicago, Ill. manufacturer and seller of the Pollenex Pure Air "99" Air Cleaner/Deodorizer Model 699, among other things, to cease representing, contrary to fact, that this portable household air cleaning appliance removes most tobacco smoke and substantially all ragweed pollen and dust from the air people breathe under household conditions and that the appliance effectively filters all the air in a 14 foot $\times$ 18 foot room in less than an hour. The order also bars the firm from misrepresenting the ability of any such appliance or equipment to clean or remove any quantity of indoor air contaminants, or the conditions of use under which the appliance would remove the contaminants. Further, the company is required to possess competent and reliable evidence to support any claim relating to the performance characteristics of such appliance; and maintain written records of all materials that substantiate, contradict, or qualify performance claims.

Appearances

For the Commission: *Judith Wilkenfeld, Elizabeth Toni Guarino and Reid Horowitz.*

For the respondents: *Robert L. Wald and Mark Schattner, Wald, Harkrader & Ross, 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 Associated Mills, 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 is a corporation organized, existing and doing business under and by virtue of the laws of the State of Illinois, with its office and principal place of business located at 111 N. Canal Street, Chicago, Illinois.

PAR. 2. Respondent is now, and at all times relevant to this com-

plaint has been, engaged in the manufacture and sale of a portable, electric household air cleaning appliance, the Pollenex Pure Air "99" Air Cleaner/Deodorizer Model 699 (hereinafter referred to in the complaint as "air cleaning appliance"), and other products to the public.

PAR. 3. Respondent operates in various States of the United States and in the District of Columbia. Respondent's manufacture, sale and distribution of air cleaning appliances mentioned herein constitutes maintenance of a substantial course of trade in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act.

PAR. 4. Respondent at all times mentioned herein has been and now is in competition with individuals, firms and corporations engaged in the sale of household air cleaning appliances and other products.

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 has 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. Respondent has 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 has 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 and G.

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 has represented, and now represents directly or by implication, the following claims:

- a. The air cleaning appliance eliminates tobacco smoke from the air people breathe under household living conditions.
- b. The air cleaning appliance cleans the air of or removes most tobacco smoke from the air people breathe under household living conditions.
- c. The air cleaning appliance "takes out 99% of ragweed pollen"

d. The air cleaning appliance removes 80% of the dust from the air people breathe under household living conditions.

e. One air cleaning appliance effectively filters all the air in a 14 foot $\times$ 18 foot room in approximately 25 minutes.

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, does not clean the air of 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 12% of tobacco smoke from the indoor air people breathe.

b. Respondent's tests and independent tests, when extrapolated by generally accepted procedures to advertised room conditions, show that the air cleaning appliance cannot remove 99% of ragweed pollen or 80% of dust from the indoor air people breathe.

c. Independent tests show that the air cleaning appliance cannot effectively filter all the air in a 14 foot $\times$ 18 foot room in approximately 25 minutes or in less than an hour.

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

PAR. 9. 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 has 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 because, *inter alia*, respondent either did not conduct appropriate tests or did not properly extrapolate test results by generally accepted procedures to advertised room conditions. Therefore, respondent's representations are false and misleading.

PAR. 10. 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 statements and representations, have 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 respondent by reason of said erroneous and mistaken belief.

PAR. 11. The aforesaid acts and practices of respondent, as herein alleged, were and are all to the prejudice and injury of the public and of respondent's competitors, and constituted and now constitute unfair and deceptive acts or practices in or affecting commerce and unfair methods of competition in violation of Section 5 of the Federal Trade Commission Act, as amended.

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Complaint

EXHIBIT A

Pollenex

ASSOCIATED MILLS INC.

COMPANY: Associated Mills, Inc.
 PRODUCT: Pollenex Pure Air "99"
 COMMERCIAL TITLE: "George Burns 699 Pollenex"
 COMMERCIAL NO.: YAPP0056
 LENGTH: 2:15



WHEN I SMOKE CIGARS AT HOME MY FRIENDS NEVER OBJECT.



BECAUSE I'VE GOT A POLLENEX PURE AIR "99".



SMOKE GRABBER 6 STAGE FILTER WITH ACTIVATED CHARCOAL.



IT REMOVES SMOKE, POLLEN AND DUST... EVERYTHING BUT YOUR RELATIVES!



SMOKE GOES IN HERE...



CLEAN AIR COMES OUT HERE.



AND IT'S EXTRA LARGE FILTER TAKES OUT 99% OF RAGWEED POLLEN.



THESE ARE MY FRIENDS. THEY'RE CRAZY ABOUT MY PURE AIR "99" FROM POLLENEX.



(LOCAL DEALER TAG)

Complaint

106 F.T.C.

EXHIBIT B

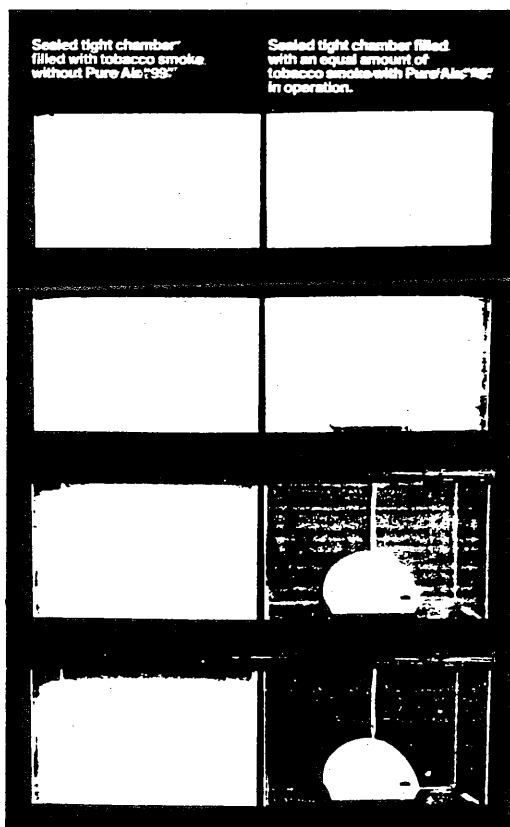


Clears the air of smoke in minutes. Lab tests prove it!

- Tests showed that in a matter of minutes approximately 85% of the tobacco smoke in the chamber containing Pure Air "99"™ had dissipated.
- Filter material proven in tests over 30 years on purifiers retailing up to \$400.
- **Electrostatic dust and dirt trap.** Air passing through this basic filter material, consisting of thousands of interconnecting fibers, creates a highly effective natural electrostatic charge that captures and holds dust and dirt.
- Filter proven to remove dust, pollen and other impurities from the air.
- Activated charcoal proven to remove smoke and other household odors.
- Bigger filter capacity than major competitors.
- Long-lasting lemon-lime fragrance proven to freshen air.
- Use on table, counter or mount on wall.
- Two speeds of air re-circulation.
- Backed by Pollenex' name and \$3,000,000 Network Prime Time TV.
- Local TV, in top markets (over 300 GRP's per market).
- Network TV, game shows.



Watch for
George Burns
as TV
spokesperson
for Pure Air "99"™
starting Sept. 1.



#1 Pollenex
No. 1 in health care
appliances.

See us at the Hardware Show, Booths ME-1002, ME-1101

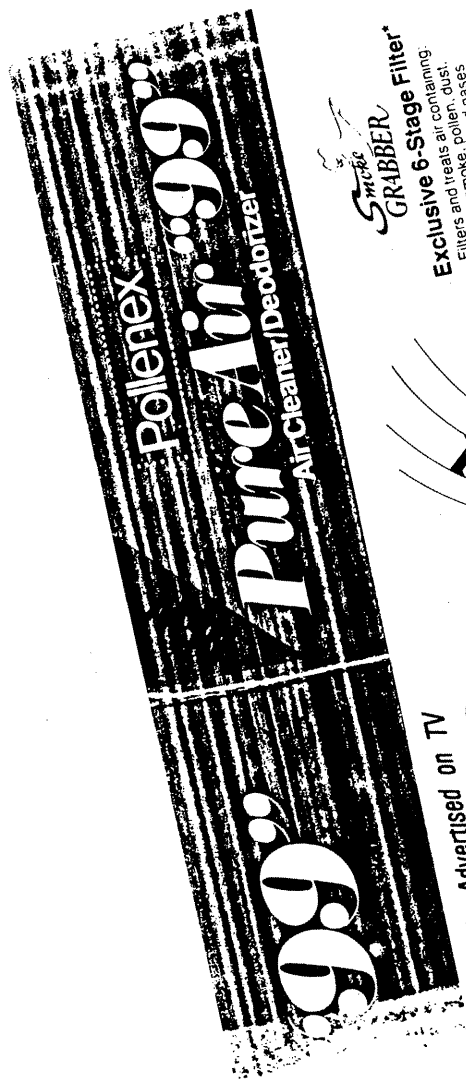
PURE AIR '99' with the proven filter



ASSOCIATED MILLS, INC.

Complaint

EXHIBIT C



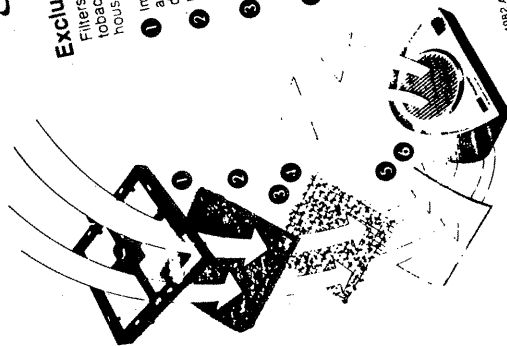
AS Advertised on TV



"IT REMOVES SMOKE, POLLEN
AND DUST - EVERYTHING BUT
YOUR RELATIVES!"

Smoke
GRABBER

- "6-Stage" Filter with Activated Charcoal
- More powerful
- Larger filter
- Quiet setting for sleeping



Smoke
GRABBER

Exclusive 6-Stage Filter*

Filters and treats air containing:

tobacco smoke, pollen, dust,
household odors and gases

- 1 Impingement fibers intercept large airborne particles of pollen, dust and dirt.
- 2 Fibers are impregnated with a unique coating that holds particles in the filter material.
- 3 ACTIVATED CHARCOAL absorbs household gases, cooking and other tobacco smoke.
- 4 ABSORBED* Crystals attract even more smoke and other odors.
- 5 Final Filter removes smoke and air-borne pollutants.
- 6 Special electrostatic action that holds and captures minute smoke and other particles.

*Recommended for room sizes approximately 18' x 14' x 8'

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1047-10000

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EXHIBIT D

Pollenex
Pure Air "99"TM
**Air Cleaner/
 Deodorizer**
With Fragrance Control
Model 699

**INSTRUCTIONS
 AND
 WARRANTY**

© 1981 Associated Mills, Inc.

**LIMITED WARRANTY**

The product listed is warranted to be free from defects in material and workmanship under normal use and service for a period of 90 days from date of sale to consumer. The manufacturer's obligation shall be limited to repairing or replacing F.O.B. Chicago, Ill. 60606, any part of the product which is defective. Such warranty shall not apply to defects resulting from accidents, abuse or misuse if you must return the product for reasons of malfunction, the following action and steps are required:

- a. Package the product securely to protect from damage or breakage in shipment.
- b. Ship prepaid to Associated Mills by most convenient method.

This warranty gives you specific legal rights and you may also have other rights which vary from state to state. Return of owner registration card is not a condition precedent to warranty coverage.

ASSOCIATED MILLS, INC.
 111 N. Canal, Chicago, IL 60606

CHICAGO, IL 60606

111 N CANAL

ASSOCIATED MILLS, INC.

POSTCARD

PLACE
 STAMP
 HERE

HOW YOUR POLLENEX®

PURE AIR™ '99™ MODEL 699 WORKS

You have purchased one of the latest air filtration systems, the home or office.

Your Model 699 Pure Air '99™ air cleaner and deodorizer has a specially designed filter that forces air through the unique Pollenex® Stage 4™ filter that helps clean and deodorize air polluted with pollen, dirt and odors to smoke.



EXCLUSIVE "STAGE 4"™ FILTERING SYSTEM

1. Unique Pollenex® filtering material, written up in medical journals and proven in use for over 30 years. A natural electrostatic dust and dirt trap.
2. ACTIVATED CHARCOAL™ to remove smoke and other odors.
3. ABSORBENTS™ to help trap dust, dirt and lint.
4. Final filter for final air check.

HOW TO OPERATE YOUR

POLLENEX® PURE AIR™ '99™

Snap out filter on base of unit and remove from plastic wrap. Re-install filter with side latch top. Snap back in place. Do not have unit connected to electrical outlet while you are removing or replacing filter. Have switch in "off" position. To operate, plug cord into electric outlet. Turn switch to either HI or LOW speed and your unit is in operation. Unit operates from 110 to 120 volts AC 60Hz.

WHERE TO USE YOUR

POLLENEX® PURE AIR™ '99™

Use it anywhere in the home or office where you like to enjoy fresher air: kitchen, bath, bedroom, living room, dining room, powder room, pet areas, sick room, or private office, conference room, reception area.

HOW TO GET THE MOST FROM YOUR

POLLENEX® PURE AIR™ '99™

Your copy fresher air continuously if you run the unit continuously. It's built for that kind of service. Works effectively in filtering about the same amount of air as would normally be contained in a room in 15 to 20 minutes. That way you're recirculating, cleaning and deodorizing air every quarter of an hour or so, when your unit is set on high speed.

When you first turn on unit, if possible, shut doors and windows in the room. Let unit run on high speed in the closed room for about 30 minutes. That way you'll get an initial run concentration of effort. Then you can open the doors and the unit will continue working effectively.

HOW TO USE THE EXCLUSIVE FRAGRANCE CONTROL

Fragrance beads and their control are located in the center of the frame covering Stage 1 of the filter. Dial OFF for no scent, "HI" or LO for a light citrus scent.



WHAT ABOUT THE POLLENEX® "STAGE 4"™ FILTER?

HOW LONG DOES IT LAST?

IMPORTANT: If you choose to enjoy the light citrus fragrance you will notice that it will gradually diminish. Effectiveness of filter is not diminished by absence of the odor and is designed to have a long life. If the unit runs constantly, the filter will need replacement only once every two to three months.

Replacement filters are available at your Pollenex® Pure Air '99™ dealer. If he is temporarily out of stock, write Associated Mills/Pollenex®, 111 N. Canal St., Chicago, IL 60606 for the name of another nearby dealer.

HOW TO CARE FOR YOUR

POLLENEX® PURE AIR™ '99™

This unit needs no lubrication. It is engineered to give long useful service with a minimum of care. The exterior housing is made of high impact plastic. To remove dust or fingerprints, just use mild soap on a wet cloth. Use a dry cloth to wipe off excess water. Do not use harsh industrial detergents.

CAUTION: Be sure to unplug unit before cleaning. Do not immerse unit in water. It will cause permanent damage to unit and could be very dangerous to you.

Associated Mills, Inc. • 111 N. Canal Street • Chicago, IL 60606

Pollenex®

PURE AIR™ '99™ Air Cleaner

Deodorizer

OWNER REGISTRATION CARD

COMPLETE AND MAIL WITHIN 10 DAYS

Model 699 Other

1. Name of purchaser	2. Name of person to whom unit is being given
3. Address of purchaser	4. Address of person to whom unit is being given
5. City, State, Zip	6. City, State, Zip
7. Date of purchase	8. Date of receipt
9. Name of dealer	10. Name of dealer
11. Name of dealer	12. Name of dealer
13. Name of dealer	14. Name of dealer
15. Name of dealer	16. Name of dealer
17. Name of dealer	18. Name of dealer
19. Name of dealer	20. Name of dealer

21. Please check one ARE YOU 1. Purchaser/Co-purchaser 2. Gift Recipient 3. Person other than purchaser or gift recipient 4. Person other than purchaser or gift recipient 5. In Pollenex's name	22. Your Age 1. Under 18 2. 18-24 3. 25-34 4. 35-44 5. 45-54 6. 55-64 7. 65-74 8. 75-84 9. 85-94 10. 95-104 11. 105-114 12. 115-124 13. 125-134 14. 135-144 15. 145-154 16. 155-164 17. 165-174 18. 175-184 19. 185-194 20. 195-204 21. 205-214 22. 215-224 23. 225-234 24. 235-244 25. 245-254 26. 255-264 27. 265-274 28. 275-284 29. 285-294 30. 295-304 31. 305-314 32. 315-324 33. 325-334 34. 335-344 35. 345-354 36. 355-364 37. 365-374 38. 375-384 39. 385-394 40. 395-404 41. 405-414 42. 415-424 43. 425-434 44. 435-444 45. 445-454 46. 455-464 47. 465-474 48. 475-484 49. 485-494 50. 495-504 51. 505-514 52. 515-524 53. 525-534 54. 535-544 55. 545-554 56. 555-564 57. 565-574 58. 575-584 59. 585-594 60. 595-604 61. 605-614 62. 615-624 63. 625-634 64. 635-644 65. 645-654 66. 655-664 67. 665-674 68. 675-684 69. 685-694 70. 695-704 71. 705-714 72. 715-724 73. 725-734 74. 735-744 75. 745-754 76. 755-764 77. 765-774 78. 775-784 79. 785-794 80. 795-804 81. 805-814 82. 815-824 83. 825-834 84. 835-844 85. 845-854 86. 855-864 87. 865-874 88. 875-884 89. 885-894 90. 895-904 91. 905-914 92. 915-924 93. 925-934 94. 935-944 95. 945-954 96. 955-964 97. 965-974 98. 975-984 99. 985-994 100. 995-1004	23. Who primarily decided to buy? 1. Me 2. My spouse 3. My child 4. My friend 5. My family 6. My neighbor 7. My boss 8. My teacher 9. My doctor 10. My lawyer 11. My accountant 12. My banker 13. My insurance agent 14. My realtor 15. My contractor 16. My electrician 17. My plumber 18. My carpenter 19. My painter 20. My decorator 21. My landscaper 22. My gardener 23. My pet groomer 24. My hairdresser 25. My beautician 26. My masseuse 27. My personal trainer 28. My fitness instructor 29. My yoga instructor 30. My dance instructor 31. My acting coach 32. My singing coach 33. My writing coach 34. My business coach 35. My life coach 36. My career coach 37. My relationship coach 38. My parenting coach 39. My parenting coach 40. My parenting coach 41. My parenting coach 42. My parenting coach 43. My parenting coach 44. My parenting coach 45. My parenting coach 46. My parenting coach 47. My parenting coach 48. My parenting coach 49. My parenting coach 50. My parenting coach 51. My parenting coach 52. My parenting coach 53. My parenting coach 54. My parenting coach 55. My parenting coach 56. My parenting coach 57. My parenting coach 58. My parenting coach 59. My parenting coach 60. My parenting coach 61. My parenting coach 62. My parenting coach 63. My parenting coach 64. My parenting coach 65. My parenting coach 66. My parenting coach 67. My parenting coach 68. My parenting coach 69. My parenting coach 70. My parenting coach 71. My parenting coach 72. My parenting coach 73. My parenting coach 74. My parenting coach 75. My parenting coach 76. My parenting coach 77. My parenting coach 78. My parenting coach 79. My parenting coach 80. My parenting coach 81. My parenting coach 82. My parenting coach 83. My parenting coach 84. My parenting coach 85. My parenting coach 86. My parenting coach 87. My parenting coach 88. My parenting coach 89. My parenting coach 90. My parenting coach 91. My parenting coach 92. My parenting coach 93. My parenting coach 94. My parenting coach 95. My parenting coach 96. My parenting coach 97. My parenting coach 98. My parenting coach 99. My parenting coach 100. My parenting coach	24. For what Main Purpose was Product Purchased? Check only one A. Keep allergies under control B. Keep allergies under control C. Keep allergies under control D. Keep allergies under control E. Keep allergies under control F. Keep allergies under control G. Keep allergies under control H. Keep allergies under control I. Keep allergies under control J. Keep allergies under control K. Keep allergies under control
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FEDERAL TRADE COMMISSION DECISIONS

Complaint

EXHIBIT E

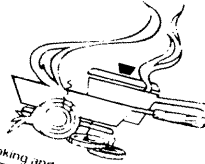
106 F.T.C.

For people who care about the air they breathe!

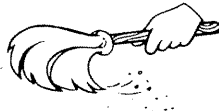


Over 35 million people are bothered by pollen in the air.

Millions of people in millions of homes and offices would love to breathe fresher air instead of air contaminated with irritating pollutants like pollen and dust, tobacco smoke, cooking and other household odors.



Cooking and other household odors are most obvious.



Dust is a common household problem.



Over 100,000,000 adults don't smoke. Many find breathing in smoke offensive.

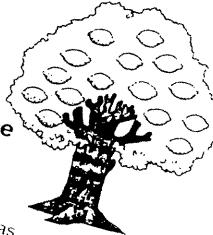
Pollenex

Pure Air...99..
AIR CLEANER & DEODORIZER



Model 699
2 Speeds

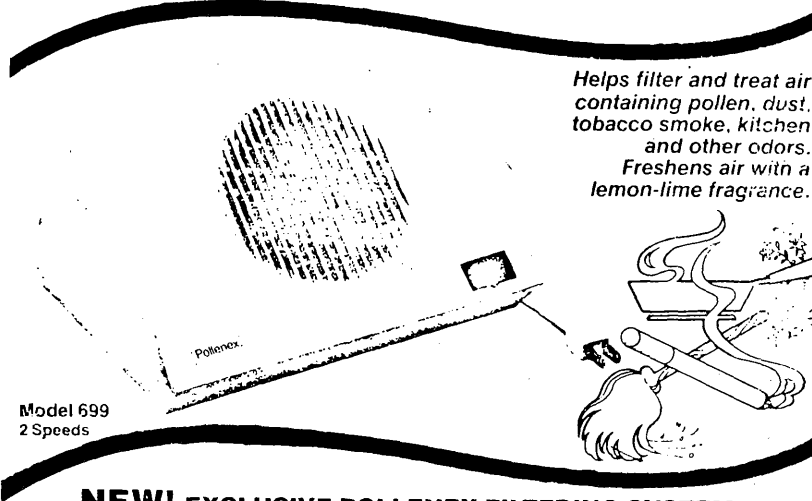
Helps keep air fresh and fragrant. Like having a lemon-lime tree in your room.



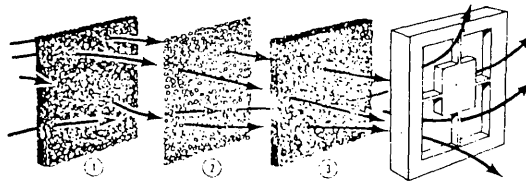
Leaves behind a light lemon-lime fragrance as it recirculates air in the room.

Pollenex—The name that stands for air filtering for 30 years.

NEW **Pollenex**
Pure Air "99"
AIR CLEANER & DEODORIZER



NEW! EXCLUSIVE POLLENEX FILTERING SYSTEM



AIR IS RECIRCULATED THROUGH Exclusive Pollenex filter with activated charcoal for air cleaning and deodorizing. Filter material proven in tests over 30 years on Pollenex air filters. Crystal particles saturated with a lemon-lime fragrance to freshen air. Final filter before air is recirculated to room.

Printed in U.S.A.

© Associated Mills, Inc. 15172 Canal St. Chicago, IL 60606

This is a description of the Pollenex filtering system. It is a four-stage process. Stage 1: Air enters through a pre-filter. Stage 2: Air passes through a filter with activated charcoal for air cleaning and deodorizing. Stage 3: Air passes through a filter with crystal particles saturated with a lemon-lime fragrance to freshen air. Stage 4: Air passes through a final filter before being recirculated to the room. The filter material is proven in tests over 30 years on Pollenex air filters.

EXHIBIT F

POLLENEX....PROFIT EDITION

Booming Sales Predicted for Indoor Air Cleaner

Over 102,000,000 Americans are Bothered by tobacco smoke

The trend toward non smokers has been increasing rapidly over recent years. Moreover, those who find being subjected to tobacco smoke offensive, are increasing substantially in number.

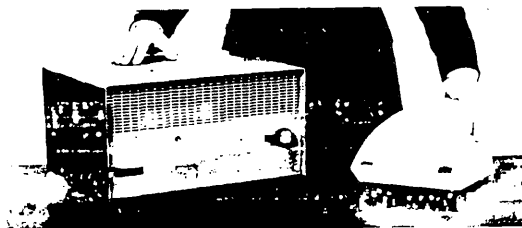
The Pure Air "99" is ideal for homes and offices that are subjected to tobacco smokers and where treatment of air containing tobacco smoke is desirable for a variety of reasons.

New way to deal with household odors without chemical sprays

Homes collect odors like they collect dust. Chemical sprays that mask them are not only expensive but not the most desirable way to eliminate odors.

With homes tightly sealed today, to save energy costs, cooking odors, bathroom odors, pet odors, tobacco odors and all kinds of household odors are offensive and embarrassing.

New Pure Air "99" helps fight odors, as it filters air with the unique Pollenex "Stage 1" Filtering System. As it recirculates and helps clean and deodorize air, it leaves behind a refreshing lemon-lime fragrance.



Pollenex® has over 30 years experience in Air Filtering Systems

Pollenex® has been a pioneer in the field of indoor air filtering, for more than three decades. The basic Pollenex® filtering material has been tested in use in air filtering machines re-

tailing for as much as \$400,000.

The Pollenex® Pure Air "99" Model 999, is the culmination of all that testing, plus modern technology, plus modern technology.

real advances in the engineering of air cleaning and deodorizing systems. You can't find a more advanced design piece of equipment for the money.

Over 23,000,000 people are bothered by Pollen in the air

The new Pure Air "99" helps filter out pollen. Independent Laboratory Testing shows over 90% effectiveness of removal of Giant Ragweed Pollen in air that passes through the Pollenex® filter.

Moreover, the Pollenex® filter in independent tests shows 80% effectiveness in removing fine dust particles that pass through the filter.

Those who care about the air they breathe, will find life pleasanter in an environment of fresher, cleaner air. Pure Air "99" is a product the whole family will appreciate.



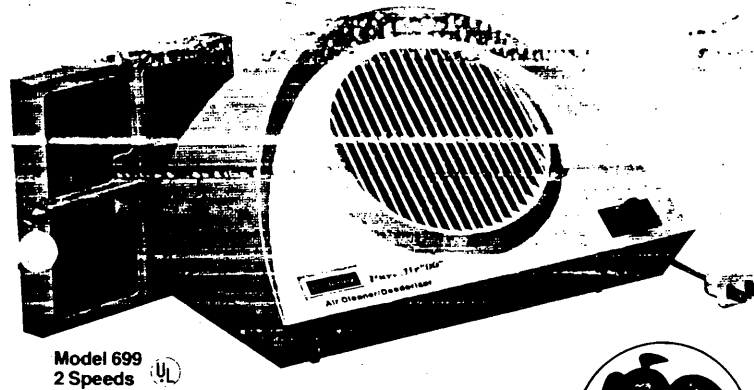
Pollenex® filters out pollen, as it filters air with the unique Pollenex "Stage 1" Filtering System. As it recirculates and helps clean and deodorize air, it leaves behind a refreshing lemon-lime fragrance.

Pollenex

Pure Air "99"™

Air Cleaner/Deodorizer

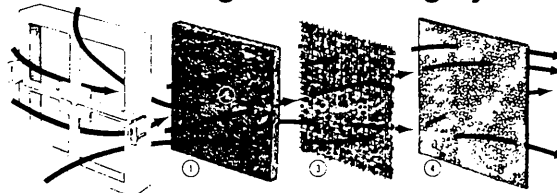
Pollenex
Pure Air "99"™
Air Cleaner/Deodorizer



Model 699
2 Speeds



NEW!
Exclusive "Stage 4"™ Filtering System



- ① Exclusive Pollenex® filtering material.
- ② Treated with activated charcoal.
- ③ PA99™ crystals saturated with lemon-lime fragrance.
- ④ Final filter for final air check.

A specially designed fan forces air through a 4-way air filtration system, helps clean and deodorize air polluted with pollen, dust, tobacco smoke, cooking odors, pet odors and other pollutants. Filters about the same amount of air as would normally be contained in a room 12' X 9' in approximately 15 minutes and it leaves behind a light lemon-lime fragrance.

Pollenex

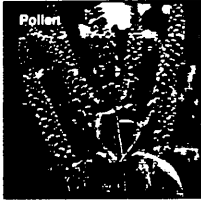
Pure Air "9.9"

Air Cleaner/Deodorizer

Filters and treats air containing:









Use on counter or table

Hang on wall

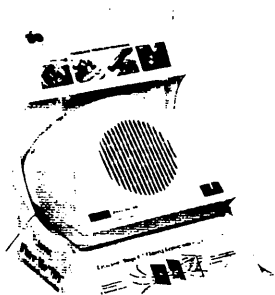
Tobacco Smoke

Pollen

Enjoy all the benefits of fresher air in any room.

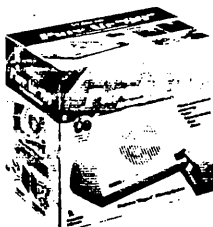


**Pollenex® gives you the product, the package,
and all the point-of-sale material
you need to build a big booming business.**



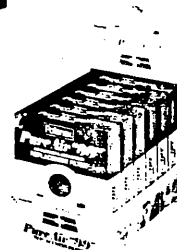
Dynamic Counter Display

Compact, contemporary design. Made of durable plastic. Motivating selling message. Can be used with unit connected or disconnected.



Dynamic Packaging

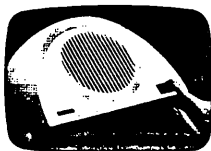
4-color graphics with full explanation of product, its features and benefits and where it can be used.



Replacement Filter Display

For continuous plus sales. Filters need replacing every two to three months.

**PRIME TIME
NETWORK T.V. AND MORE!**
The biggest advertising program ever put
behind an air cleaner/deodorizer.



Network T.V.
\$100 million dollars in network television advertising a select group of top T.V. shows for Fall 1981.

Network Game Shows
Targeted to the best potential market for air cleaners.

Local Market Spot T.V.
High impact, memorable spots with local dealer names in hundreds of T.V. markets.

Magazine Ads
Big space, highly informative, in-depth sell ads in top magazines, reaching the best potential customers.



National Publicity Programs
All over America, in all media, people will be hearing about the amazing new Pollenex® Pure Air '99™.

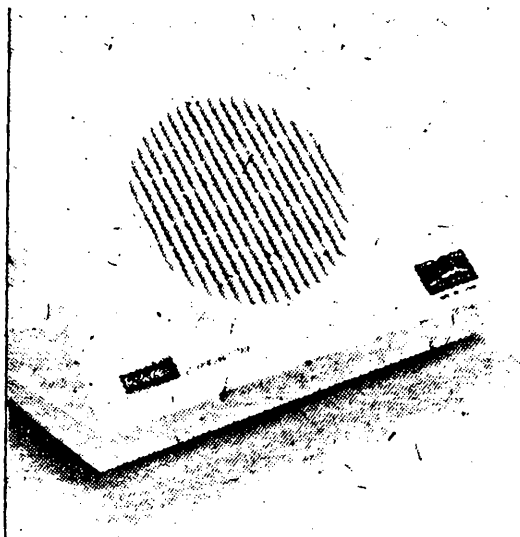
Complaint

106 F.T.C.

EXHIBIT G

**Pollenex "Pure Air 99"
Air Purifier**
Reg. 34.95, sale 23.99 less
\$4 manufacturer's rebate

Unique "smoke grabber"
filter eliminates odors,
and smoke from the air.
Six stage filtering system
with activated charcoal
has 2 continuous speeds.
Extra filters are **5.99 each.**



DECISION AND ORDER

The Commission having heretofore issued its complaint charging the respondent named in the caption hereof with violation of Section 5 of the Federal Trade Commission Act, as amended, and the respondent having been served with a copy of that complaint, together with a proposed form of order; and

The respondent, its attorneys, 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 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 Secretary of the Commission having thereafter withdrawn this matter from adjudication in accordance with Section 3.25(c) of its Rules; and

The Commission having considered the matter 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 3.25(f) of its Rules, the Commission hereby makes the following jurisdictional findings and enters the following order:

1. Respondent Associated Mills, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Illinois, with its office and principal place of business located at 111 N. Canal Street, Chicago, Illinois.
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

For purposes of this order, the following definitions apply:

1. The terms *air cleaning appliance or equipment* and *appliance or equipment* mean portable household electric cord connected room air cleaners (excluding ashtrays), defined more specifically as machines that (a) operate with an electrical source of power and contain a motor and fan for drawing air through a filter(s); (b) incorporate electrically charged plates in addition to a fan with a filter(s); (c) incorporate a negative ion generator in addition to a fan with a filter(s); or (d) incorporate a negative ion generator only.

2. The term *indoor air contaminants* refers to one or more contaminants including, but not limited to, tobacco smoke, household dust, pollen, or other forms of indoor air pollution.

3. The term *performance characteristics* means:

a. the power, strength or capacity of the appliance or equipment whether expressed in terms of volume of air circulated or in terms of room sizes or otherwise;

b. the cleaning, filtration, or removal ability or speed of operation of the appliance or equipment whether expressed generally or in terms of a specific contaminant, in terms of the filtering media or mechanism, or in terms of the appliance itself.

PART I

It is ordered, That respondent Associated Mills, 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 Pollenex Pure Air "99" Air Cleaner/Deodorizer Model 699 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 Pollenex Pure Air "99" Air Cleaner/Deodorizer Model 699 cleans the air of most or removes most tobacco smoke from the air people breathe under household living conditions.

B. Representing, directly or by implication, contrary to fact, that the Pollenex Pure Air "99" Air Cleaner/Deodorizer Model 699 removes substantially all ragweed pollen or dust from the air people breathe under household living conditions.

C. Representing, directly or by implication, contrary to fact, that the Pollenex Pure Air "99" Air Cleaner/Deodorizer Model 699 effectively filters all the air in a 14 foot × 18 foot room in less than an hour.

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 Pollenex Pure Air "99" Air Cleaner/Deodorizer Model 699 or any other air cleaning appliance or equipment, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do

A. Misrepresenting in any manner, directly or by implication, the ability of any such appliance or equipment to clean or remove indoor air contaminants.

B. Misrepresenting in any manner, directly or by implication, the ability of any such appliance or equipment to clean or remove any quantity of indoor air contaminants.

C. Misrepresenting in any manner, directly or by implication, the conditions of use under which any such appliance or equipment will clean or remove indoor air contaminants.

D. Misrepresenting in any manner, directly or by implication, the ability of any such appliance or equipment to clean air or remove indoor air contaminants from enclosures or rooms of any specified size or within any specified period of time.

PART III

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 Pollenex Pure Air "99" Air Cleaner/Deodorizer Model 699 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:

A. 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. A reasonable basis shall consist of competent and reliable evidence which substantiates such representation. 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" 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.

B. Representing, directly or by implication, that any air cleaning appliance or equipment will perform under household living conditions, unless respondent possesses and relies upon competent and reliable scientific tests, experiments, analyses, research or studies which either relate to those conditions or which have been extrapolated by generally accepted procedures to those conditions.

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, shall maintain written records:

1. Of all materials relied upon in making any claim or representation covered by this order;

2. Of all test reports, studies, surveys or demonstrations in its possession that materially contradict, qualify, or call into question the basis upon which respondent relied at the time of the initial dissemination and each continuing or successive dissemination of any claim or representation covered by this order.

Such records shall be retained by respondent for a period of three years from the date respondent's advertisements, sales materials, promotional materials or post purchase materials making such claim or representation were last disseminated. Such records shall be made available to the Commission staff for inspection 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 shall 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, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with the order.

IN THE MATTER OF
HAWAII DENTAL SERVICE CORPORATION

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

Docket C-3158. Complaint, July 26, 1985—Decision, July 26, 1985

This consent order requires the Hawaii Dental Service Corporation ("HDS"), an organization engaged in the administration and operation of pre-paid dental care programs whose dentist members provide dental care service for a fee, among other things, to cease basing its decision to send dentists to the counties of Maui, Kauai, and Hawaii, on the approval or consent of member dentists who reside in those counties. The order bars the organization from denying membership to any dentist licensed to practice in Hawaii, based in whole or in part on the approval of other dentists in the geographic location of the dentist's proposed practice, and from inducing, encouraging, or assisting any dentist or other nongovernmental organization to take any of the prohibited actions. Within thirty days from the effective date of the order, HDS is required to remove from its constitution and bylaws or other guidelines, any provision, interpretation or policy statement that is inconsistent with the order and publish in its newsletter and another publication, a notice of such removal.

Appearances

For the Commission: *Erika Woodinski* and *Ralph E. Stone*.

For the respondents: *Wesley Ishikawa*, Honolulu, Hawaii.

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act (15 U.S.C. 41 *et seq.*), and by virtue of the authority vested in it by said Act, the Federal Trade Commission, having reason to believe that the named respondent has violated the provisions of Section 5 of the Federal Trade Commission Act and that a proceeding by it in respect thereof would be in the public interest, hereby issues this Complaint, stating its charges as follows:

PARAGRAPH 1. Respondent Hawaii Dental Service Corporation ("HDS") is a dental service corporation formed pursuant to the laws of the State of Hawaii with its mailing address at 700 Bishop Street, Suite 700, Honolulu, Hawaii. HDS is engaged in the business of the administration and operation of prepaid dental care programs.

PAR. 2. Members of HDS are engaged in the business of providing dental care services for a fee. Except to the extent that competition