

IN THE MATTER OF
ORKIN EXTERMINATING COMPANY, INC.

Docket 9176. Interlocutory Order, Oct. 16, 1986.

NOTICE OF INTENT TO RELEASE *IN CAMERA* INFORMATION

This is to advise Orkin Exterminating Company that, consistent with Section 21(d)(2) of the Federal Trade Commission Act, 15 U.S.C. 57b-2(d)(2)(1982), and Commission Rule 3.45(a), 16 C.F.R. 3.45(a) (1986), the Commission intends to include in the public decisional documents in this proceeding certain information that the Administrative Law Judge received into the *in camera* record. The information that will be made public appears in those portions of the Initial Decision currently filed on the *in camera* record of this proceeding.

In making a determination to release *in camera* information in the course of an adjudicative proceeding, the Commission must balance the potential harm of such release to the protected party against the substantial interest in the public's having available the factual background underlying a Commission decision. Public knowledge of such information permits both improved evaluation of the fairness and wisdom of a given Commission decision and provides clearer guidance to affected parties. See *RSR Corp.*, 88 F.T.C. 206 and 88 F.T.C. 734 (1976).

Here we have concluded that the potential harm to Orkin Exterminating Company from release of the limited information cited above is slight and is outweighed by the value of making the basis of Commission decisions public to the greatest extent possible. In addition, most of the information in question already appears in the public binders of this proceeding rather than, or in addition to, the binder containing *in camera* material. The figures are at least two years old and do not appear to provide sufficient information to competitors to conclude that their release would impose a "clearly defined, serious injury" on Orkin. *H.P. Hood & Sons, Inc.*, 58 F.T.C. 1184, 1188 (1961). See also *Bristol-Myers Co.*, 90 F.T.C. 455, 456 (1977), as modified by *General Foods Corp.*, 95 F.T.C. 352, 355 (1980).

The information reflected in the portions of the Initial Decision cited above will be placed on the public record of this proceeding no sooner than ten calendar days from service of this notice upon counsel for Orkin Exterminating Company.

Complaint 108 F.T.C.

IN THE MATTER OF

ELECTRONIC SYSTEMS INTERNATIONAL, INC., ET AL.

CONSENT ORDER, ETC., IN REGARD TO ALLEGED VIOLATION OF SEC. 5 OF
THE FEDERAL TRADE COMMISSION ACT*Docket 9201. Complaint, Nov. 1, 1985—Decision, Oct. 30, 1986*

This consent order requires, among other things, a Norcross, Ga. manufacturer and marketer of "SavIt" duty cyclers to cease making unsubstantiated representations as to the efficiency of its products or services. Additionally, respondents are required to request all dealers of its products to refrain from making the challenged claims and to recall all promotional material that does not conform to the proposed order.

Appearances

For the Commission: *Michael Dershowitz and Sandra N. Hammer.*

For the respondents: *R. Hal Meeks, Jr., Petterson, Young, Self & Asselin, Atlanta, Ga.*

COMPLAINT

The Federal Trade Commission, having reason to believe that Electronic Systems International, Inc., a corporation, and Gene B. Patterson, individually and as an officer of said corporation ("respondents"), have violated the provisions of the Federal Trade Commission Act, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest, alleges:

PARAGRAPH 1. (a) Electronic Systems International, Inc. is a Georgia corporation with its principal office or place of business at 2797 Peterson Place, Norcross, Georgia.

(b) Gene B. Patterson is an officer of the corporate respondent. He formulates, directs and controls the acts and practices of the corporate respondent, including the acts and practices alleged in this complaint. His principal office or place of business is the same as that of the corporation.

(c) Respondents cooperate and act together in carrying out the acts and practices alleged in this complaint.

PAR. 2. Respondents manufacture, advertise, offer for sale, sell and distribute energy control devices for residential or small commercial use.