

IN THE MATTER OF
NATURE'S WAY PRODUCTS, INC., ET AL.

CONSENT ORDER, ETC., IN REGARD TO ALLEGED VIOLATION OF
SECS. 5 AND 12 OF THE FEDERAL TRADE COMMISSION ACT

Docket C-3285. Complaint, Apr. 10, 1990—Decision, Apr. 10, 1990

This consent order prohibits, among other things, the Springville, Utah distributors and advertisers of Cantrol from making any claims, contrary to fact, that a consumer can self-diagnose certain yeast conditions; and from making any claims without adequate substantiation concerning whether certain dietary, food, or nutritional supplements can cure, treat, or prevent certain yeast conditions. It also prohibits any unsubstantiated claims that six ingredients of the supplements affect any disease. The consent agreement requires respondents to pay \$30,000 to the National Institutes of Health to support research in candidiasis or the effects of yeast organisms on health.

Appearances

For the Commission: *Toby M. Levin* and *Robert C. Cheek*.

For the respondents: *Kenneth Murdock, Chairman & Brett Wood, General Counsel*, Springville, UT.

COMPLAINT

The Federal Trade Commission, having reason to believe that Nature's Way Products, Inc., a corporation, Murdock International Corporation, a corporation, and Kenneth Murdock, individually and as an officer of said corporations, 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) Nature's Way Products, Inc. is an Arizona corporation.
- (b) Murdock International Corporation is a Utah corporation.
- (c) Nature's Way Products, Inc. is a wholly owned subsidiary of Murdock International Corporation.
- (d) Murdock International Corporation dominates and controls the acts and practices of Nature's Way Products, Inc.

(e) Each of the above corporate respondents has its principal office and place of business at 10 Mountain Springs Parkway, Springville, Utah.

(f) Kenneth Murdock is President of each of the corporate respondents. He formulates, directs and controls the acts and practices of the corporate respondents, including the acts and practices alleged in this complaint. His principal office and place of business is the same as that of the corporations.

(g) The aforementioned respondents cooperate and act together in carrying out the acts and practices alleged in this complaint.

PAR. 2. Respondents have advertised, offered for sale, sold and distributed various nutritional and other food supplements, including Control and related products, which products are "foods" and "drugs" within the meaning of that term in Section 12 of the Federal Trade Commission Act.

PAR. 3. Respondents have disseminated or caused to be disseminated advertisements for such supplements. These advertisements have been disseminated by various means in or affecting commerce, including magazines distributed across state lines, for the purpose of inducing purchases of such foods and drugs by members of the public.

PAR. 4. The acts and practices of respondents alleged in this complaint have been in or affecting commerce as "commerce" is defined in the Federal Trade Commission Act.

PAR. 5. Typical of respondents' advertisements, but not necessarily inclusive thereof, are the advertisements attached hereto as Exhibits A through D. Specifically, the aforesaid advertisements contain the following statements:

(a) "Control. Nutritional Control of Yeast (*Candida albicans*) Infections." (Exhibits A, B, C, D).

(b) "Do you have a yeast infection? Here's what it is and how to fight it." (Exhibit A).

(c) "[Intestinal *Candida albicans* colonies] can sometimes grow rapidly due to a variety of conditions. When this happens they are no longer friendly microorganisms, but have developed into a 'Candida albicans' problem. Worse, they will have an adverse effect on our health." (Exhibit C).

(d) "What can cause *Candida albicans* to develop?

A number of conditions can lead to a *Candida* problem. Steroid drugs (such as cortisone), birth control pills and the long-term use of antibiotics (such as those used to control acne or various bacterial infections) can invite the condition. Poor nutrition or a sluggish or impaired immune system will often contribute to yeast problems. Stress and environmental pollutants also play a role.

Antibiotics can reduce the numbers of beneficial bacteria that normally keep the

yeast under control. When this happens the yeast multiply in an unrestrained manner and a Candida problem may result." (Exhibit C).

(e) "Cantrol's high potency formula helps keep [can keep] yeast colonies from overpopulating in the intestines where they grow." (Exhibits A, B, C, D).

(f) "Nature's Way Control (Candida Control Pack) is a complete nutritional approach for the control of Candida albicans." (Exhibits A, B).

(g) "Cantrol. A safe sensible way to fight Candida albicans. Cantrol, from Nature's Way, is a complete nutritional approach to Candida albicans control. Each portion-controlled pack contains a combination of natural ingredients that help to control the discomfort associated with Candida albicans." (Exhibit C).

(h) "Properly followed the Cantrol program offers the greatest chance for success in restoring your body to good health." (Exhibit A).

(i) "Take the Yeast Test....

Y N

- — 1. Do you feel tired most of the time?
- — 2. Do you suffer from intestinal gas, abdominal bloating or discomfort?
- — 3. Do you crave sugar, bread, beer or other alcoholic beverages?
- — 4. Are you bothered by constipation, diarrhea, or alternating constipation and diarrhea?
- — 5. Do you suffer from mood swings or depression?
- — 6. Are you often irritable, easily angered, anxious or nervous?
- — 7. Do you have trouble thinking clearly, suffer occasional memory losses or have difficulty concentrating?
- — 8. Are you ever dizzy or lightheaded?
- — 9. Do you have muscle aches or stiffness with normal activity?
- — 10. Have you had an unexpected weight gain without a change in diet?
- — 11. Are you bothered by itching or burning of the vagina or prostate or a loss of sexual desire?
- — 12. Have you ever taken antibiotics?
- — 13. Are you currently or have you ever used birth control pills?
- — 14. Have you ever taken steroid drugs, such as cortisone?"

"If you answered 6 or more questions with a 'yes', the probability is high to very high that you, like so many others, have a yeast infection." (Exhibit A).

(j) "[Y]ou should know that Cantrol was developed to be the first effective, total program for the nutritional control of yeast." (Exhibit D).

PAR. 6. Through the use of the statements referred to in paragraph five (i), and other statements in advertisements not specifically set forth herein, respondents have represented, directly or by implication, that answering affirmatively at least six questions listed in respondents' advertisements demonstrates that a person is likely to have a yeast infection.

PAR. 7. In truth and fact, answering affirmatively at least six

questions listed in respondents' advertisements does not demonstrate that a person is likely to have a yeast infection. Therefore, the representation set forth in paragraph six was and is false and misleading.

PAR. 8. Through the use of the statements referred to in paragraph five, and other statements in advertisements not specifically set forth herein, respondents have represented, directly or by implication, that:

(1) Consumption of Control controls adverse effects on health commonly caused by excessive levels of yeast (*Candida albicans*) in the intestines;

(2) Consumption of Control controls yeast (*Candida albicans*) infection in the vagina.

PAR. 9. Through the use of the statements referred to in paragraph five, and others not specifically set forth herein, respondents have represented, directly or by implication, that at the time of making the representations set forth in paragraph eight, respondents possessed and relied upon a reasonable basis for such representations.

PAR. 10. In truth and in fact, at the time they made the representations set forth in paragraph eight, respondents did not possess and rely upon a reasonable basis for such representations. Therefore, respondents' representation set forth in paragraph nine was and is false and misleading.

PAR. 11. The acts and practices of respondents as alleged in this complaint constitute unfair or deceptive acts or practices in or affecting commerce and the making of false advertisements in violation of Sections 5 and 12 of the Federal Trade Commission Act.

Commissioner Strenio dissenting.

EXHIBIT A

Take the Yeast Test.

**Do you have a yeast infection?
Here's what it is and how to fight it.**

We call the type of yeast normally found in our intestines "intestinal candida colonies." Normally these bacteria are harmless. However, they can sometimes grow rapidly due to a variety of conditions. When this happens they are no longer friendly

microorganisms but have developed into a "Candida albicans" infection. Worse, they have an adverse effect on our health.

Nature's Way, the makers of ControlTM, a natural product designed to help control Candida infections, has designed a simple test to help you determine if you have a yeast infection.*

Y N

- ☐ 1. Do you feel tired most of the time?
- ☐ 2. Do you suffer from intestinal gas, abdominal bloating or discomfort?
- ☐ 3. Do you crave sugar, bread, beer or other alcoholic beverages?
- ☐ 4. Are you bothered by constipation, diarrhea, or alternating constipation and diarrhea?
- ☐ 5. Do you suffer from mood swings or depression?
- ☐ 6. Are you often irritable, easily angered, anxious or nervous?
- ☐ 7. Do you have trouble thinking clearly, suffer occasional memory losses or have difficulty concentrating?
- ☐ 8. Are you ever dizzy or lightheaded?
- ☐ 9. Do you have muscle aches or stiffness with normal activity?
- ☐ 10. Have you had an unexpected weight gain without a change in diet?
- ☐ 11. Are you bothered by itching or burning of the vagina or prostate or a loss of sexual desire?
- ☐ 12. Have you ever taken antibiotics?
- ☐ 13. Are you currently or have you ever used birth control pills?
- ☐ 14. Have you ever taken steroid drugs, such as cortisone?

*This test is provided for general information only and is not intended to be used for self-diagnosis without the advice and examination of a health professional. Some of the symptoms listed indicate a more serious condition which would require the attention of a health professional.

If you answered 6 or more questions with a "yes", the probability is high to very high that you, like so many others, have a yeast infection. Read about how Control can help.

What is a yeast infection?

A number of conditions can lead to candida infections. Steroid drugs (such as cortisone), birth control pills and the long-term use of antibiotics (such as those used to control acne or various bacterial infections) can invite the problem. Poor nutrition or a sluggish or impaired immune system will often contribute to yeast problems. Stress and environmental pollutants also play a role.

Antibiotics can reduce the numbers of beneficial bacteria that normally keep the yeast under control. Those who eat meat may be exposed to low levels of antibiotics without even knowing it. Widespread use of antibiotics in stock animals to control infections and stimulate growth has been connected with yeast infections in humans. When this happens the yeast multiply in an unrestrained manner and a candida infection may result.



How Nature's Way Control combats troublesome yeast infections.

Nature's Way Control (Candida Control Pack) is a complete nutritional approach for the control of Candida albicans. Each Control pack contains a combination of natural ingredients that helps to control Candida infections. These ingredients come in portion-controlled packages for added convenience and freshness.

Control's high potency formula helps keep yeast colonies from overpopulating in the intestines where they grow. One major ingredient in Control is contained in unique enterosoluble capsules, so it can pass through the stomach and be released in the intestines for maximum benefit. Other brands in powdered, liquid or ordinary gelatin capsule form are exposed to destructive stomach acids before they ever reach the lower intestines.

Additional ingredients such as Pan D'Arco, linseed oil and vitamin E are included in the Control portion-controlled pack for nutritional support and to help strengthen the immune system. Properly following the Control program offers the greatest chance for success in restoring your body to good health.

Proper diet and Control: A sensible approach to good health.

If you suspect you have a Candida albicans infection, put Control to the test. Ask for Control at fine health and nutrition stores everywhere.

ControlTM

EXHIBIT B

Take the Yeast Test.

Do you have a yeast problem? Here's what it is and how to fight it.

We call the type of yeast normally found in our bodies "Candida colonies." Normally they are harmless. However, they can sometimes grow rapidly due to a variety of conditions. When this happens they are no longer friendly microorganisms, but have

developed into a "Candida albicans" problem. Worse, they have an adverse effect on our health.

Nature's Way, the makers of Control™, a total nutritional plan designed to help control Candida albicans, has developed a simple test to help you determine if you have a yeast problem.*

Y N

1. Do you feel tired most of the time?
2. Do you suffer from intestinal gas, abdominal bloating or discomfort?
3. Do you crave sugar, bread, beer or other alcoholic beverages?
4. Are you bothered by constipation, diarrhea, or alternating constipation and diarrhea?
5. Do you suffer from mood swings or depression?
6. Are you often irritable, easily angered, anxious or nervous?
7. Do you have trouble thinking clearly, suffer occasional memory losses or have difficulty concentrating?
8. Are you ever dizzy or lightheaded?
9. Do you have muscle aches or stiffness with normal activity?
10. Have you had an unexpected weight gain without a change in diet?
11. Are you bothered by itching or burning of the vagina or prostate or a loss of sexual desire?
12. Have you ever taken antibiotics?
13. Are you currently or have you ever used birth control pills?
14. Have you ever taken steroid drugs, such as cortisone?

*This test is provided for general information only and is not intended to be used for self-diagnosis without the advice and recommendation of a qualified health professional. Some of the symptoms could indicate a more serious condition which would require the attention of a health professional.

If you answered 6 or more questions with a "yes," you may have a yeast problem. Read about how Control can help.

What causes a yeast problem?

A number of conditions can lead to Candida or yeast problems. Steroid drugs (such as cortisone), birth control pills and the long-term use of antibiotics (such as those used to control acne or various bacterial infections) can invite the problem. Poor nutrition or a sluggish or impaired immune system will often contribute to yeast populations. Stress and environmental pollutants also play a role.

Antibiotics can reduce the numbers of beneficial bacteria that normally keep the yeast under control. When this happens the yeast multiply in an unrestrained manner and a Candida problem may result.

How the Nature's Way Control Program controls troublesome yeast.

Nature's Way Control (Candida Control Pack) is a complete nutritional approach for the control of Candida albicans. Each Control pack contains a combination of natural ingredients

that helps to control Candida. These ingredients come in portion-controlled packages for added convenience and freshness.

Control's high potency formula helps keep yeast colonies from overpopulating in the intestines where they grow. One major ingredient in Control is Primadophilus® brand acidophilus, contained in unique enterosoluble capsules. This allows it to pass through the stomach and be released in the intestines for maximum benefit.

Additional ingredients such as Nature's Way anti-oxidant, linseed oil and vitamin E are included in the Control portion-controlled pack for nutritional support. We have also included a free booklet, "Dietary Guidelines and Program Overview" which provides dietary suggestions along with complete information on the Control program.

Properly following the Control dietary and nutritional program gives you a fighting chance against yeast.

Proper diet and Control: A sensible approach to good health.

Ask for Control at fine health food stores everywhere.

If Control is unavailable in your area, write Nature's Way, 10 Mountain Springs Parkway, Springville, UT 84663, or call toll-free 1-800-453-9000.



Control™



Combat troublesome yeast with Control.

We call the type of yeast normally found in our intestines "intestinal candida albicans colonies." Usually they're harmless.

However, they can sometimes grow rapidly due to a variety of conditions. When this happens they are no longer friendly microorganisms, but have developed into a "Candida albicans" problem. Worse, they will have an adverse effect on our health.

Left uncontrolled, Candida albicans can make you feel fatigued, bloated, moody and irritable. Fortunately, there's something you can do to fight the problem.

Control. A safe, sensible way to fight Candida albicans.

Control, from Nature's Way, is a complete nutritional approach to Candida albicans control. Each portion-controlled pack contains a combination of natural ingredients that help to control the discomfort associated with Candida albicans.

What can cause Candida albicans to develop?

A number of conditions can lead to a candida problem. Steroid drugs (such as cortisone), birth control pills and the long-term use of antibiotics (such as those used to control acne or various bacterial infections) can invite the condition. Poor nutrition or a sluggish or impaired immune system will often contribute to yeast problems. Stress and environmental pollutants also play a role.

Antibiotics can reduce the numbers of beneficial bacteria that normally

keep the yeast under control. When this happens the yeast multiply in an unrestrained manner and a candida problem may result.

Fight yeast discomfort with Control.

Control's high potency formula can keep yeast colonies from overpopulating in the intestines where they grow.

One of the key ingredients in Control is Primadophilus® brand acidophilus. Only Primadophilus is contained in special enterosoluble capsules, so it can pass through the stomach to the lower intestine, for maximum benefit.

Other acidophilus brands in powdered, liquid or ordinary gelatin capsule form, are exposed to destructive stomach acids before they ever reach the lower intestines.

Let Control help you keep feeling your best.

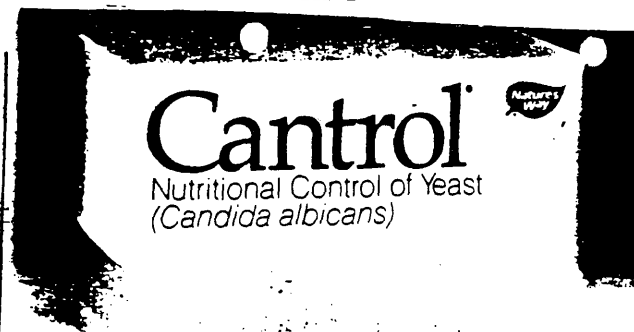
Properly following the Control program offers a good chance for success in restoring your body to good health.

Look for gentle, natural Control in portion-controlled packages which also contain a free booklet of dietary suggestions and nutritional support. Available in fine health and natural food stores.

If Control is not available in your area, write Nature's Way, 10 Mountain Springs Parkway, Springville, UT 84663, or call toll-free 1-800-453-9000.

Control
America's Natural Healthstore Company
©1988 Nature's Way Products, Inc.

EXHIBIT D



21 day supply in 42 individual packets

Do you have a yeast problem?

Health care professionals call the type of yeast normally found in our intestines "intestinal *Candida albicans* colonies". Usually they're harmless.

However, studies show they can sometimes grow rapidly due to a variety of conditions. When this happens they may no longer be friendly microorganisms. They've actually developed into a "Candida albicans" problem. And while there is debate about its precise effect on the body, chronic Candidiasis has been reported as a significant problem among a portion of the U.S. population.

Physicians who feel Candidiasis can be a health issue look for a number of signals that may indicate the presence of a Candida albicans problem. They include:

- ☐ Fatigue
- ☐ Intestinal gas, bloating and discomfort
- ☐ Craving for sugar, bread, beer or other alcoholic beverages
- ☐ Constipation, diarrhea
- ☐ Mood swings or depression
- ☐ Irritability, nervousness, apatousness
- ☐ Occasional memory loss, difficulty in concentration
- ☐ Dizziness or lightheadedness

Control®. A safe, sensible way to fight Candida albicans.

If you suspect you suffer from one or more of the symptoms that are associated with chronic Candidiasis, Nature's Way urges you to consult a health professional familiar with the candida debate. They can help you determine whether candida is the problem.

In the meantime, you should know that Control was developed to be the first effective, total program for the nutritional control of yeast.

What can cause Candida albicans to develop?

Studies show a number of conditions may lead to a candida problem. Steroid drugs (such as cortisone), birth control pills and the long-term use of antibiotics (such as those used to control acne or various bacterial infections) can invite the condition. Poor nutrition or a sluggish or impaired immunity system can often contribute to yeast problems. Stress and environmental pollutants may also play a role.

Fight yeast discomfort with Control.

Control's high potency formula can keep yeast colonies from overpopulating in the intestines where they grow.

One of the key ingredients in Control is Nature's Way acidophilus. Our acidophilus is unique. It's contained in special enterosoluble capsules so it can pass through the stomach to the lower intestine, for maximum benefit.

Don't let Candida albicans keep you from feeling your best.

Consulting a health professional and properly following the Control program offers a good chance for success in controlling candida.

Look for gentle, natural Control in portion-controlled packages which also contain a free booklet of guidelines for dietary and lifestyle support. Available in fine Health and Natural Food stores nationwide.

If Control is unavailable in your area, write Nature's Way, 10 Mountain Springs Parkway, Springville, Utah 84663. Or call toll-free 1-800-453-9000.

Control®
America's Natural Solutions Company
© 1987 Nature's Way Products, Inc.

Let's Live, April 1988

DECISION AND ORDER

The Federal Trade Commission having initiated an investigation of certain acts and practices of the respondents named in the caption hereof, and the respondents 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 respondents with violation of the Federal Trade Commission Act; and

The respondents, their attorney, and counsel for the Commission having thereafter executed an agreement containing a consent order, an admission by respondents 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 respondents that the law has been violated as alleged in such complaint, and waivers and other provisions as required by the Commission's Rules.

The Commission having thereafter considered the matter and having determined that it had reason to believe that the respondents have 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. Nature's Way Products, Inc is an Arizona corporation.
2. Murdock International Corporation is a Utah corporation.
3. Nature's Way Products, Inc. is a wholly owned subsidiary of Murdock International Corporation.
4. Murdock International Corporation dominates and controls the acts and practices of Nature's Way Products, Inc.
5. Each of the above corporate respondents has its principal office and place of business at 10 Mountain Springs Parkway, Springville, Utah.
6. Kenneth Murdock is President of each of the corporate respondents. He formulates, directs and controls the acts and practices of the corporate respondents, including the acts and practices alleged in this complaint. His principal office and place of business is the same as that of the corporations;

7. The aforementioned respondents cooperate and act together in carrying out the acts and practices alleged in this complaint.

8. 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

I.

It is ordered, That respondents Nature's Way Products, Inc., a corporation, its successors and assigns, and its officers; Murdock International Corporation, a corporation, its successors and assigns, and its officers; Kenneth Murdock, individually and as an officer of the said corporations; and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, labeling, offering for sale, sale or distribution of any dietary, food, or nutritional supplement, including "Cantrol," in or affecting commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from making any representation, directly or by implication:

A. Contrary to fact, that a consumer can use any test to self-diagnose an intestinal yeast condition, problem or infection.

B. Concerning such product's ability to cure, treat, prevent, or reduce the risk of developing *candida albicans* or a yeast condition, problem or infection, unless at the time of making such representation respondents possess and rely upon competent and reliable scientific evidence that substantiates the representation. For purposes of this order, "*competent and reliable scientific evidence*" shall mean those tests, analyses, research, studies or other evidence conducted and evaluated in an objective manner by persons qualified to do so, using procedures generally accepted by others in the profession to yield accurate and reliable results.

II.

It is further ordered, That respondents Nature's Way Products, Inc., a corporation, its successors and assigns, and its officers; Murdock International Corporation, a corporation, its successors and assigns, and its officers; Kenneth Murdock, individually and as an

officer of the said corporations; and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, labeling, offering for sale, sale or distribution of any dietary, food, or nutritional supplement, including Cantrol, that contains any or all of the ingredients acidophilus, Evening Primrose Oil, Pau D'Arco, linseed oil, caprylic acid, or vitamin E, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from making any representation, directly or by implication, concerning such product's ability to cure, treat, prevent or reduce the risk of developing any disease, unless at the time of making such representation respondents possess and rely upon competent and reliable scientific evidence that substantiates the representation. For purposes of this order, "*disease*" shall mean an illness or sickness.

III.

It is further ordered, That respondents shall pay, in lieu of redress, the sum of \$30,000 to the National Institutes of Health. The funds shall be designated for the support of research or fellowships relating to products for the cure, prevention, or treatment of candidiasis, which may include vulvovaginal candidiasis, or relating to the effects of *Candida albicans* or other yeast organisms on health. In the event the National Institutes of Health do not accept any or all of such funds, such remaining funds shall be paid to the United States Treasury. All funds shall be paid by respondents within sixty (60) days of the date of service of this order.

IV.

It is further ordered, That for three (3) years after the last date of dissemination of the representation, respondents, or their successors and assigns, shall maintain and upon request make available to the Federal Trade Commission for inspection and copying copies of:

1. All materials that were relied upon by respondents in disseminating any representation covered by this order; and
2. All test reports, studies, surveys, demonstrations or other evidence in their possession or control that contradict, qualify, or call into question any representation that is covered by this order.

V.

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

VI.

It is further ordered, That respondents shall forthwith distribute a copy of this order to each of their operating divisions and to all distributors of products manufactured or marketed by respondents.

VII.

It is further ordered, That respondents shall, within sixty (60) days after service of this order and at such other times as the Commission may require, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Commissioner Strenio dissenting.

IN THE MATTER OF

METRO MLS, INC.

CONSENT ORDER, ETC., IN REGARD TO ALLEGED VIOLATION OF
SEC. 5 OF THE FEDERAL TRADE COMMISSION ACT*Docket C-3286. Complaint, Apr. 18, 1990—Decision, Apr. 18, 1990*

This consent order prohibits, among other things, a Virginia Beach, Va. real estate multiple listing service from forbidding or refusing publication of exclusive agency listings on its multiple listing service. However, respondent is free to require designation of a listing as one granting an exclusive agency. Respondent is required to furnish a copy of the Commission's order to each of its current and future members; to amend its by-laws, rules, and regulations to conform to the order; and to notify the Commission of certain corporate changes.

Appearances

For the Commission: *Paul J. Nolan and Jacques C. Fewillan.*

For the respondent: *Stephen Story, Kaufman & Canoles, Norfolk, VA.*

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act, and by virtue of the authority vested in it by said Act, the Federal Trade Commission, having reason to believe that the respondent Metro MLS, Inc., a corporation, has violated and is violating Section 5 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, hereby issues this complaint stating its charges in that respect as follows:

PARAGRAPH 1. Respondent, Metro MLS, Inc. ("Metro"), is a corporation organized, existing, and doing business under and by virtue of the laws of the Commonwealth of Virginia, with its offices and principal place of business located at 2850 Ansol Lane, Virginia Beach, Virginia.

PAR. 2. Metro is now, and since 1969 has been, providing a multiple listing service for its member-owners, who are real estate brokers. Each member-owner of Metro owns one share of Metro's stock, which