

IN THE MATTER OF

THE TEXWIPE COMPANY

CONSENT ORDER, ETC., IN REGARD TO ALLEGED VIOLATION OF
SEC. 5 OF THE FEDERAL TRADE COMMISSION ACT*Docket C-3466. Complaint, Oct. 8, 1993--Decision, Oct. 8, 1993*

This consent order prohibits, among other things, a New Jersey-based manufacturer of aerosol cleaning products from representing that any product containing an ozone-depleting substance is ozone friendly or that it will not damage or deplete the ozone in the upper atmosphere and from making environmental benefit claims for any product unless the respondent possesses competent and reliable evidence to substantiate the claims.

Appearances

For the Commission: *Ralph E. Stone and Jeffrey Klurfeld.*

For the respondent: *Pro se.*

COMPLAINT

The Federal Trade Commission, having reason to believe that The Texwipe Company, a corporation, hereinafter sometimes referred to as respondent, has 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. The Texwipe Company is a New Jersey corporation, with its principal office or place of business at 650 East Crescent Avenue, Upper Saddle River, New Jersey.

PAR. 2. Respondent has advertised, labeled, offered for sale, sold, and distributed computer and office equipment care and maintenance products containing the hydrochlorofluorocarbon ("HCFC") known as chlorodifluoromethane ("HCFC-22") to the public, includ-

ing aerosol cleaning products known as “Micro-Duster,” “PC Duster,” and “OfficeDuster II” (“respondent’s products”).

PAR. 3. The acts and practices of respondent alleged in this complaint have been in or affecting commerce, as “commerce” is defined in Section 4 of the Federal Trade Commission Act, 15 U.S.C. 44.

PAR. 4. Respondent has disseminated or has caused to be disseminated advertisements, including product labeling for respondent’s products, including but not necessarily limited to, the attached Exhibit A.

The product labeling on the can of Micro Duster (Exhibit A) includes the following statement:

“Ozone safe.”

PAR. 5. Through the statement referred to in paragraph four in product labeling (Exhibit A), respondent has represented, directly or by implication, that there are no ingredients in respondent’s products that deplete the earth’s ozone layer .

PAR. 6. Respondent has disseminated or has caused to be disseminated advertisements, including product labeling, for respondent’s products, including but not necessarily limited to, the attached Exhibits A, B, and C.

The product labeling on the cans of Micro Duster (Exhibit A), PC Duster (Exhibit B), and Office Duster II (Exhibit C) include the following statement:

“Environmentally safe.”

PAR. 7. Through the use of the statement referred to in paragraph six in product labeling (Exhibits A, B, and C), respondent has represented, directly or by implication, that there are no ingredients in respondent’s products that harm or damage the environment.

PAR. 8. In truth and in fact, respondent’s products contain the ozone-depleting chemical HCFC-22, which harms or damages the environment by contributing to the depletion of the earth’s ozone

layer. Therefore, the representations set forth in paragraphs five and seven were, and are, false and misleading.

PAR. 9. Through the statements contained in paragraphs four and six, including but not limited to product labeling attached as Exhibits A, B, and C, respondent has represented, directly or by implication, that at the time it made the representations set forth in paragraphs five and seven, respondent possessed and relied upon a reasonable basis that substantiated such representations.

PAR. 10. In truth and in fact, at the time it made the representations set forth in paragraphs five and seven, the respondent did not possess and rely upon a reasonable basis that substantiated such representations. Therefore, the representation set forth in paragraph nine was, and is, false and misleading.

PAR. 11. The acts and practices of respondent as alleged in this complaint constitute unfair or deceptive acts or practices in or affecting commerce in violation of Section 5(a) of the Federal Trade Commission Act, 15 U.S.C. 45(a).

Complaint

116 F.T.C.

EXHIBIT A

Environmentally Safe
MicroDuster® OS

MicroDuster® OS

Ozone Safe

Compressed gas for precision cleaning of data processing and electronic equipment.

Caution:
 Contents under pressure. Use only in accordance with directions and precautions on back panel.

Net Weight: 284 g

TEXWIPE



TY2500

A compact, portable source of compressed laboratory clean gas, nontoxic and nonflammable, for dusting blind interior areas not accessible to surface cleaning agents.

Directions: Slide three-prong clip over top of can. Screw valve through clip into can firmly to puncture seal. Screw valve to finger tight position to prevent leakage. Insert steel or plastic nozzle into valve head and turn to finger tight position. Squeeze trigger to release gas, operate in upright position, unless freezing or chilling is required.

Do not remove valve until can is empty. Use only OS Series valve to puncture seal. Use valve assembly on MicroDuster OS refills only. Save valve, clip, and nozzle for use on MicroDuster OS refills.

Caution: Contents under pressure. Store in cool place. Do not expose to sunlight or temperatures over 120°F. Overheating may cause violent bursting and serious injury. May be fatal if deliberately inhaled. Avoid prolonged breathing of vapor. Use with adequate ventilation, vapor heavier than air, reduces oxygen available for breathing. Nonrefillable. Federal law forbids transportation if refilled, penalty up to \$25,000 fine and five years imprisonment (49 U.S.C. 1809).

Contents: chlorodifluoromethane

© The Texwipe Company
 Upper Saddle River, NJ 07458
 DOT-E 9380 HRC 240300 M1119

EXHIBIT B



PC DUSTER™

Environmentally Safe

Compressed gas for cleaning computers, word processors, keyboards, drives, floppy disks, printers, typewriters, and other data processing and electronic equipment.

CAUTION:
CONTENTS UNDER PRESSURE
Use only in accordance with
directions and precautions on
back panel.

NET WT. 284g

PC DUSTER™

Directions: Slide three-prong clip over top of can. Screw valve through clip into can firmly to puncture seal. Screw valve to finger tight position. Insert steel or plastic nozzle into valve head and turn to finger tight position. Squeezes trigger to release gas; operate in upright position only.

Do not remove valve until can is empty. Use only OS Series valve to puncture seal. Use valve assembly on PC Duster refills only. Save valve, clip, and nozzle for PC Duster refills.

Caution: Contents under pressure. Store in cool place. Do not expose to sunlight or temperatures over 120°F. Do not heat or apply to open flame. Overheating may cause bursting or serious injury. May be fatal if deliberately inhaled. Avoid prolonged breathing of vapor. Use with adequate ventilation; vapor heavier than air reduces oxygen available for breathing. Keep out of reach of children. Nonrefillable. Federal law forbids transportation if refilled; penalty up to \$25,000 fine and five years imprisonment. (49 U.S.C. 1809)

Contents: chlorodifluoromethane

Reorder TX3501

© The Texwipe Company
Upper Saddle River, N.J. 07458

DOT-4 3383 NRC 240300 M1116

Complaint

116 F.T.C.

EXHIBIT C



OfficeDuster® II

Environmentally Safe

For precision cleaning of hard to reach areas on computers, and electronic office equipment.

CAUTION:

Contents under pressure. Use only in accordance with directions and precautions on back panel.

NET WT. 284 g

OfficeDuster® II

Environmentally Safe

Use the disposable OfficeDuster II to gently and effectively remove harmful dust, lint and other surface contaminants from keyboard keys, magnetic floppy diskettes, printers, tape drives, CRT screens, typewriters and optical lenses.

Directions: OfficeDuster II comes with a handy trigger operated spray nozzle for fingertip control. Tear off locking tab on top before using. Hold can upright, point valve at area to be dusted, press trigger firmly. For access to hard to reach areas, place plastic extension wand firmly into spray valve. Hold can upright and depress trigger.

Caution: Contents under pressure. Store in cool place. Do not expose to sunlight or temperatures over 120°F. Do not heat or apply to open flame. Overheating may cause bursting and serious injury. May be fatal if deliberately inhaled. Avoid prolonged breathing of vapor. Use with adequate ventilation; vapor heavier than air; reduces oxygen available for breathing. Keep out of reach of children. Nonrefillable. Federal law forbids transportation if refilled; penalty up to \$25,000 fine and five years imprisonment (49 U.S.C. 1808).

Contents: Chlorodifluoromethane

Reorder No. TX3502

The Texwipe Company
Upper Saddle River, New Jersey 07458

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 San Francisco Regional Office 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 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 said 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 The Texwipe Company is a corporation organized, existing, and doing business under and by virtue of the laws of the State of New Jersey, with its office and principal place of business located at 650 East Crescent Avenue, Upper Saddle River, New Jersey.

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

DEFINITIONS

For the purposes of this order, the following definitions shall apply:

“*Class I ozone-depleting substance*” means a substance that harms the environment by destroying ozone in the upper atmosphere and is listed as such in Title 6 of the Clean Air Act Amendments of 1990, Pub. L. No. 101-549, and any other substance which may in the future be added to the list pursuant to Title 6 of the Act. Class I substances currently include chlorofluorocarbons, halons, carbon tetrachloride and 1,1,1-trichloroethane.

“*Class II ozone-depleting substance*” means a substance that harms the environment by destroying ozone in the upper atmosphere and is listed as such in Title 6 of the Clean Air Act Amendments of 1990, Pub. L. No. 101-549, and any other substance which may in the future be added to the list pursuant to Title 6 of the Act. Class II substances currently include hydrochlorofluorocarbons.

I.

It is ordered, That respondent, The Texwipe Company, 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, labeling, offering for sale, sale, or distribution of any product, in or affecting commerce, as “commerce” is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing that any such product containing any Class I or Class II ozone-depleting substance is “ozone safe,” “environmentally safe,” or, by words, depictions, or symbols representing directly or by implication, that any such product will not deplete, destroy, or otherwise adversely affect ozone in the upper atmosphere.

II.

It is further ordered, That respondent The Texwipe Company, 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, labeling, offering for sale, sale, or distribution of any product, in or affecting commerce, as “commerce” is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, in any manner, directly or by implication, that any product offers any environmental benefit, unless at the time of making such representation, respondent possesses and relies upon competent and reliable evidence, which when appropriate must be competent and reliable scientific evidence, that substantiates such representation. For purposes of this order, “competent and reliable scientific evidence” shall mean tests, analyses, research, studies or other evidence based on the expertise of professionals in the relevant area, that has been conducted and evaluated in an objective manner by persons qualified to do so, using procedures generally accepted in the profession to yield accurate and reliable results.

III.

It is further ordered, That for three (3) years from the date that the respondent makes any representation covered by this order, the respondent shall maintain and upon written request make available to the Federal Trade Commission for inspection and copying:

A. All materials that the respondent relied upon in disseminating any representation covered by this order.

B. All tests, reports, studies or surveys, analyses, or other materials in the possession or control of the respondent that contradict, qualify, or call into question any representation covered by this order or the basis on which the respondent relied for such representation.

IV.

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

V.

It is further ordered, That the respondent shall 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 or placement of advertisements, promotional materials, product labels, or other sales materials covered by this order.

VI.

It is further ordered, That the respondent shall, within sixty (60) days after service of this order upon it, 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 it has complied with this order.

IN THE MATTER OF

G.C. THORSEN, INC.

CONSENT ORDER, ETC., IN REGARD TO ALLEGED VIOLATION OF
SEC. 5 OF THE FEDERAL TRADE COMMISSION ACT*Docket C-3467. Complaint, Oct. 8, 1993--Decision, Oct. 8, 1993*

This consent order prohibits, among other things, an Illinois manufacturer of aerosol cleaning products from representing that any product containing an ozone-depleting substance is ozone friendly or that it will not damage or deplete the ozone in the upper atmosphere and from making environmental benefit claims for any product unless the respondent possesses competent and reliable evidence to substantiate the claims.

Appearances

For the Commission: *Ralph E. Stone* and *Jeffrey Klurfeld*.

For the respondent: *Stephen T. Moore, Hinshaw & Culbertson*,
Rockford, IL.

COMPLAINT

The Federal Trade Commission, having reason to believe that G.C. Thorsen, Inc., a corporation, also trading and doing business as G.C. Electronics, Inc., hereinafter sometimes referred to as respondent, has 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. G.C. Thorsen, Inc. is a Delaware corporation, with its principal office or place of business at 1801 Morgan Street, Rockford, Illinois.

PAR. 2. Respondent has advertised, labeled, offered for sale, sold, and distributed computer and office equipment care and maintenance products containing the hydrochlorofluorocarbon ("HCFC") known as chlorodifluoromethane ("HCFC-22") to the public, includ-