

Interlocutory Orders, Etc.

IN THE MATTER OF

**CHINA NATIONAL CHEMICAL
CORPORATION,
ADAMA AGRICULTURAL SOLUTIONS LTD.,
AND
MAKHTESHIM AGAN OF NORTH AMERICA,
INC. D/B/A ADAMA**

Docket No. C-4610. Order, September 26, 2017

Letter notifying China National Chemical Corporation of the Commission's decision to waive prior approval and public comment regarding modifications to the formulation services agreement.

LETTER WAIVING PRIOR APPROVAL AND COMMENT FOR
MODIFICATIONS TO AN AGREEMENT

Peter Guryan, Esq.
Simpson Thacher & Bartlett LLP

Re: In the Matter of China National Chemical Corporation, et al., Docket No. C-4610

Dear Mr. Guryan:

This is in reference to an application for approval of a modification filed by China National Chemical Corporation ("ChemChina") and received on September 14, 2017 ("Application"). Pursuant to the Decision and Order in Docket No. C-4610, ChemChina requests Commission approval of its proposal to modify the formulation services agreement between Makhteshim Agan of North America, Inc. (a subsidiary of ChemChina) and Amvac Chemical Corporation.

After consideration of ChemChina's Application and pursuant to the authority delegated to me under Rule 2.41(t)(5)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 2.41(t)(5)(ii), I hereby waive the requirements for Commission approval and the public comment period for the modifications to the formulation services agreement described in ChemChina's Application.

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If you have further questions, please contact Jeff Dahnke, the Compliance staff attorney assigned to this matter. Mr. Dahnke can be reached at 202-326-2111 or jdahnke@ftc.gov.

Very truly yours,

Interlocutory Orders, Etc.

IN THE MATTER OF

**JERK, LLC D/B/A JERK.COM,
AND
JOHN FANNING***Docket No. 9361. Order, September 28, 2017*

Order revising a compliance monitoring provision, which the United States Court of Appeals for the First Circuit remanded to the Commission for further consideration

**ORDER ON REMAND REVISING COMPLIANCE MONITORING
REQUIREMENT**

On March 13, 2015, the Commission issued an Opinion deciding that Respondents Jerk, LLC (“Jerk”) and John Fanning had engaged in deceptive conduct in violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a). *Jerk, LLC*, 159 F.T.C. 885 (2015). An accompanying Final Order imposed cease-and-desist and other relief. *Id.* at 939-44. The United States Court of Appeals for the First Circuit affirmed the Commission’s finding of liability and sustained all aspects of the Commission’s remedial order other than a compliance monitoring provision, which it remanded to the Commission for further consideration. *Fanning v. FTC*, 821 F.3d 164 (1st Cir. 2016), *cert. denied*, 137 S. Ct. 627 (Jan. 9, 2017). This Order addresses the remanded issue and modifies the compliance monitoring requirement to reflect the court’s rulings.

I. BACKGROUND

This proceeding arose from an administrative complaint, which alleged that Respondents had engaged in deceptive acts or practices through the operations of their website, Jerk.com. Jerk.com was a social media website that invited users to create profiles of other individuals and to rate them as a “jerk” or “not a jerk.” The Commission found that Respondents had falsely represented that content on Jerk.com, including the names and photographs in profiles, had been created by the website’s users and reflected users’ views of the profiled individuals, when in fact that content was almost entirely “scraped” from Facebook by Jerk