

IN THE MATTER OF
BEATRICE FOODS CO., ET AL.

Docket 9112. Interlocutory Order, Feb. 27, 1984

ORDER DENYING EXTENSION OF *IN CAMERA* TREATMENT

In response to the Commission's October 14, 1983 order to show cause for a two-year extension of *in camera* treatment for certain documents, respondent Tropicana Products, Inc. has withdrawn its motion for such an extension for all but one document, CX 413B.

CX 413B contains statistical information on Tropicana shipments of chilled and canned citrus products during the four-week period ending March 26, 1978. It is alleged that this information is not otherwise available and that the public disclosure of it would cause "clearly defined, serious injury," justifying the extension of *in camera* treatment under the standard for confidentiality articulated in *H.P. Hood and Sons, Inc.*, 58 F.T.C. 1184 (1961). Tropicana asserts that by knowing its total shipments for a one-month period almost six years ago, competitors could extrapolate from generally available A.C. Nielsen data on chain store distribution to determine the extent and strength of Tropicana's current non-chain distribution to specific geographic markets. It is alleged that non-chain distribution is a "recognized strength of Tropicana's distribution system" and that knowledge of it derived from this information could be utilized by competitors in sales and marketing strategies to Tropicana's competitive detriment. Tropicana Response to Show Cause Order at 5.

It is difficult to evaluate Tropicana's claim that the information in CX 413B is not otherwise available to the competition. We do know that it was submitted to the Florida Canner's Association, some of whose directors were executives of Tropicana's competitors, CX 414 A-B, yet it is unclear whether such individuals ever saw the information in CX 413B or would have been free to share it with their companies if they had. Regardless of this ambiguity, however, it remains the case that this information is now nearly six years old and, therefore, presumably not competitively sensitive unless Tropicana can make a "convincing showing that such data would provide significant insight into its strengths and weaknesses." *General Foods, Corporation*, 95 F.T.C. 352, 353-354 (1980).

We are not convinced it would. Accepting Tropicana's premise that its non-chain distribution is generally competitively sensitive information, we fail to see how competitors could use such old, limited data on total shipments in conjunction with Nielsen data to derive accu-

rate information on Tropicana's *current* non-chain shipments. For such analysis to be possible, the total amounts and geographic areas of Tropicana's distribution today would have to be basically unchanged from what they were six years ago. In support of this assumption, all that Tropicana contends is that there has been "limited relative growth" in the citrus industry, but even if that is true, it does not necessarily follow that Tropicana's volume and pattern of distribution have stayed the same. Absent better proof, we are not convinced that competitors of Tropicana could use the information in CX 413B in the manner suggested to any effective competitive advantage. Adding to our doubts about Tropicana's showing is its equally unsubstantiated claim that *in camera* treatment is needed for only two more years because "predicted . . . industry growth will result in ultimate minimization of the competitive sensitivity of the information." Tropicana Response at 7.

We thus find that Tropicana has not made the convincing showing of competitive injury required in seeking confidential treatment of old documents. In addition to claiming injury, Tropicana argues that there is no "countervailing consideration" in support of disclosing CX 413B to explain the Commission's decision since it was never cited in the opinion. *See General Foods Corp., supra*, 95 F.T.C. at 355. Before such countervailing considerations can even enter the analysis, however, competitive injury from disclosure must appear to be likely. This showing has not been made.

Therefore, *it is ordered* that the motion for extended *in camera* treatment for CX 413B is hereby denied.

Commissioners Miller and Douglas voted in the negative.

IN THE MATTER OF
GENERAL MOTORS CORPORATION

Docket 9145. Interlocutory Order, March 7, 1984

ORDER

By letter of November 1, 1983, Chairman Florio of the House Subcommittee on Commerce, Transportation, and Tourism of the Committee on Energy and Commerce requested access to certain materials in the so-called "GM Defects" case, D. 9145. [102 F.T.C. 1741 (1983)] Generally, the Commission takes the position that it has no authority to withhold information that is responsive to an official request of a congressional committee or subcommittee acting within its jurisdiction. See 15 U.S.C. 57b-2(b)(3)(C), 57b-2(d)(1)(A); 5 U.S.C. 552(c). See also, e.g., *Ashland Oil Co. v. FTC*, 409 F.Supp. 297 (D.D.C.), *aff'd*, 548 F.2d 977 (D.C. Cir. 1976).

The materials responsive to Chairman Florio's request have been subject to a protective order that was entered by the administrative law judge in December 1980. That protective order limits access to the documents to Commission employees involved in the conduct of the proceeding and ostensibly precludes the Commission from authorizing their transmittal to Congress. Although an ALJ's order that purports to preclude the Commission from complying with an official congressional request for access is of doubtful validity, the Commission concluded that notice of its intention to disclose was appropriate and, on November 23, 1983, it issued an order that General Motors Corporation ("GM") show cause why the ALJ's order should not be modified to conform to the confidentiality provisions of the FTC Act. GM filed a response to that order on December 22, 1983.

General Motor's Response ("Res.") makes three arguments in opposition to the proposed modification. In addition, it requests access to the internal FTC staff memoranda responsive to Chairman Florio's request, return of the documents it submitted as well as of all copies made by staff, and permission to make an *in camera*, oral presentation to the Commission.

A. *GM's Arguments in Opposition and Disposition*

1. Modification After GM's Production in Reliance is Unfair

GM first argues that it is "unfair" for the Commission to "rewrite" its obligations after the company has provided documents in reliance on the order. It points out that "[t]he preamble to the Order straightforwardly declares that it has been 'stipulated and agreed to' by coun-

sel for both General Motors and the Commission." Res. at 2. Finally, the company argues that the order to show cause offers two justifications for modification, both of which "were in existence and known to the Commission when the Order was issued" (*id.*), and neither of which provides, in GM's view, "basis for any subsequent modification." *Id.*

An ALJ has no authority to issue orders that are inconsistent with applicable law, Commission decisions, policy directives or the rules. See 16 C.F.R. 0.14. To the extent, therefore, that the ALJ's order in this case bars the Commission from fulfilling its obligation to provide documents in response to official requests of the Congress, it has no force and effect. Nevertheless, as a matter of fairness, the Commission determined to notify the company before responding to Chairman Florio and it issued the November 1983 show cause order. The Commission believes that because its consistent policy has been to provide documents in response to official congressional requests—a fact which has been no secret to the major companies subject to the Commission's jurisdiction¹—the agency has acted with scrupulous attention to fairness by offering GM formal notice of its intentions and soliciting its views.

Not only have other major companies been aware of the Commission's policy and practice with respect to official congressional requests (*see* note 1 *supra*), but also, GM itself has long been cognizant of the Commission's position by virtue of filings in the subpoena enforcement proceeding that preceded document production in the defects case. *FTC v. General Motors Corporation*, No. C-80-276 (N.D. Ohio 1980). Immediately prior to the enactment of the FTC Improvements Act of 1980, the district court had issued a protective order covering most of the documents subsequently made subject to the ALJ's protective order. The court order, which has now expired, limited access to the documents to FTC employees involved in the defects proceeding. Commission counsel sought to convince the court, prior to its issuance of the order, that it should conform the decree to the confidentiality provisions of the FTC Improvements bill, which was then expected to be passed by Congress within days. The court declined. Subsequently, the Commission filed a motion seeking partial relief from the order and arguing specifically for terms that would allow the Commission to provide the documents to Congress in the event they were responsive to an official access request. GM responded vigorously in opposition to the proposed change, among other things, referring to comments that had been made by the court in chambers on what it termed "the inherent tension between *hypothetical* congressional requests for documents and whatever order the

¹ See, e.g., *Ashland Oil Co. v. FTC*, *supra*; *Exxon Corp. v. FTC*, 589 F.2d 585 (D.C. Cir. 1978).

Court might impose." Respondent's Statement in Opposition to Petitioner's Motion for Relief from Order at 6 (emphasis added).

GM's argument opposing the Commission's current move to modify the similarly restrictive order of the ALJ is therefore inconsistent with its previous suggestion that absent an actual request, the basis for modification was too hypothetical. Moreover, its suggestion that the Commission was, or should have been, aware of the problem of congressional access in 1980 but chose to do nothing is ill-founded. As noted, the Commission did attempt to seek modification of the court's order and, when these efforts failed, complaint counsel should not be faulted for not pursuing the matter before the ALJ while a court order remained in effect that would have superseded any inconsistent provision in an order issued by an ALJ.

In light of the above, the Commission does not believe that modification of the protective order at this time would treat the company unfairly, and it does not consider GM's claims in this respect to bar such a modification.

2. Modification Not in Commission's Interest

The GM memorandum suggests first that because the proposed modification was triggered by Chairman Florio's request for access to the protected documents on behalf of his subcommittee, the Commission's purpose is "to assist that congressman" (Res. at 6) rather than "to advance the interests of the Commission * * * [which] already enjoys full access to the documents." Res. at 7. GM then asserts that "Congress does not need the Commission's help * * * [because it] retains its full constitutional authority to seek discovery of the General Motors documents directly from General Motors." *Id.* Last, GM argues that the modification, if implemented, would cause future parties to be reluctant to provide documents to the Commission pursuant to a protective order "if such an order can be summarily rewritten by the Commission to restrict or even rescind the proffered protection." *Id.*

GM's suggestion that providing documents to Chairman Florio assists the congressman but not the Commission is without merit. Clearly, it is in the Commission's interests to comply with its legal obligations, including those under which it is bound to provide information to Congress upon receipt of an official request. As to the question whether parties might be deterred in the future from providing documents under protective orders issued by ALJ's, parties always are entitled to certain statutory protections and to additional safeguards included in the Commission's rules. These protections have been held by the courts to afford adequate protection for companies responding to compulsory process, and the Commission may not

modify a protective order in a manner that is inconsistent with the law or its own rules.

3. Practical Alternative Better Than Modification

Finally, GM suggests a "common sense alternative" to the proposed modification—"General Motors is willing to consider, on a document-by-document basis, allowing the Commission to release such documents to Congress or appropriate law enforcement agencies." Res. at 8. This alternative is predicated both on a recognition that some of the material may be less confidential in 1984 than when it was produced in 1980 and on the condition that the Commission will permit GM to inspect documents, including staff memoranda, that are responsive to official congressional or law enforcement agency requests for access, including this one.

GM's alternative is unacceptable because it would require the Commission to divulge to the company its internal deliberations and those of its staff. The internal memoranda and related documents responsive to Chairman Florio's request consist largely of predecisional and deliberative material such as analyses, opinions and recommendations about the conduct of the then pending investigation. The staff documents also constitute attorney work product that would reveal the mental impressions of the legal staff in preparation for litigation. The documents, therefore, are both exempt from mandatory public disclosure under the Freedom of Information Act (*see NLRB v. Sears, Roebuck & Co.*, 421 U.S. 132 (1975)) and privileged from civil discovery. *Carl Zeiss Stiftung v. V.E.B. Carl Zeiss, Jena*, 40 F.R.D. 318, 324-25 (D.D.C. 1966), *aff'd on opinion below, V.E.B. Carl Zeiss, Jena v. Clark*, 384 F.2d 979 (D.C. Cir.), *cert. denied*, 389 U.S. 952 (1967). The Commission declines to waive either of these protections by acceding to GM's alternative course of action.

B. GM's Other Requests and Disposition

For the reasons stated immediately above, the Commission denies GM's request for access to the internal Commission documents responsive to Chairman Florio's request. In addition, because it seems unlikely that GM will raise any arguments that would justify refusing to modify the order so as to permit transmittal of the documents in question to the Subcommittee, the Commission does not believe that oral argument on this matter is warranted.

GM's final request is for return of all documents submitted to the Commission as well as all copies of such materials that may have been made by the Commission staff. GM acknowledges that the Commission staff "was acting within its authority" to make copies of the company submissions (Res. at 10), but it proffers no argument to

justify their being surrendered to the company. Requests for return of documents are governed by Section 21(b)(5) of the FTC Act, 15 U.S.C. 57b-2(b)(5), and Section 4.12 of the Commission's Rules of Practice, 16 C.F.R. 4.12 (1983). Both of these provisions specify that the Commission must return company-submitted documents to their submitter at the close of any proceeding arising out of the investigation in which the documents were obtained, and both also allow the Commission to retain copies of those documents. In addition, Rule 4.12(b) provides:

The Commission will not return to the submitter copies of documents made by the Commission unless, upon a showing of extraordinary circumstances, the Commission determines that return would be required in the public interest.

GM has made no showing of extraordinary circumstances to justify its request for return of all copies of its submissions. The Commission however, hereby directs the Secretary to arrange for the prompt return of original submissions as required by the statute and Rule 4.12.

C. ORDER

In light of the above discussion:

It is hereby ordered, That the protective order issued by the ALJ be modified as described in the Order to Show Cause including provision for both congressional access and access by law enforcement agencies in a manner consistent with the confidentiality provisions of the FTC Act and the Commission's Rules, 15 U.S.C. 46(f), 57b-2(b), and 16 C.F.R. 4.10-4.11 (1983); and

It is further ordered, That GM's request for access to the Commission's internal documents be denied under Exemption 5 of the Freedom of Information Act; and

It is further ordered, That GM's request for return of all copies of documents it submitted to the Commission be denied; and

It is further ordered, That GM's request to make an oral presentation be denied.

IN THE MATTER OF

CLIFFDALE ASSOCIATES, INC., ET AL.

ORDER, OPINION, ETC., IN REGARD TO ALLEGED VIOLATION OF THE
FEDERAL TRADE COMMISSION ACT

Docket 9156. Complaint, July 7, 1981—Order, March 23, 1984

This order requires a Westport, Conn. firm and two individuals engaged in the advertising, sale and distribution of an automobile retrofit device variously known as the Ball-Matic, the Ball-Matic Valve, the Ball-Matic Gas Saver Valve and the Gas Saver Valve, among other things, to cease representing that the device is a unique or new product; and that it is needed on every vehicle except Volkswagens, diesels and fuel-injection vehicles. The company is barred from making fuel economy improvement claims for the device unless it can reasonably support those claims with competent and reliable substantiation. The order further prohibits the firm from representing that a consumer endorsement is a typical experience of a user of the product; using any endorsement unless they have good reason to believe that the endorser subscribes to the facts and opinions set forth in that endorsement; and failing to disclose any material relationship existing between the endorser and respondents. Additionally, the company may not make any unsubstantiated energy savings claims for any product or misrepresent the results of any test or survey.

Appearances

For the Commission: *William Haynes* and *Wendy Kloner*.

For the respondents: *Solomon H. Friend* and *Jerold Dorfman*,
Friend, Dorfman & Marks, New York City.

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 Cliffdale Associates, Inc., a corporation, Jean-Claude Koven, individually and as an officer of Cliffdale Associates, Inc., and Arthur N. Sussman, an individual, hereinafter sometimes referred to as "respondents," have violated the provisions of the 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 as follows:

PARAGRAPH 1. Respondent Cliffdale Associates, Inc., is a corporation organized, existing, and doing business under and by virtue of the laws of the State of Connecticut, with its office and principal place of business located at 180 Post Road, East, Westport, Connecticut.

Respondent Jean-Claude Koven is President of the corporate respondent Cliffdale Associates, Inc. He formulates, directs, and controls the acts and practices of the corporate respondent, including the acts and practices hereinafter set forth. His address is the same as that of said corporation.

Respondent Arthur N. Sussman has been a consultant to Cliffdale Associates, Inc., and has participated in the acts and practices hereinafter set forth. His address is Tamarack Road, Pomona, New York.

The aforementioned respondents cooperate and act together in carrying out the acts and practices hereinafter set forth. [2]

PAR. 2. Respondents are now and for sometime last past have been engaged in the advertising, offering for sale, sale, and distribution of a product variously known as the Ball-Matic, the Ball-Matic Gas Saver Valve and the Gas Saver Valve (hereinafter sometimes referred to as "Ball-Matic" or "product"), which product is advertised as a means of improving fuel economy in automobiles. Said product is an automobile retrofit device as "automobile retrofit device" is defined in Section 511 of the Motor Vehicle Information and Cost Savings Act, 15 U.S.C. 2011. Respondents, in connection with the marketing of said product, have disseminated, published and distributed, and now disseminate, publish and distribute advertisements and promotional materials for the purpose of promoting the sale of said product.

PAR. 3. In the course and conduct of their business, the respondents have disseminated and caused the dissemination of certain advertisements for the product through the United States mail and by various means in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, including, but not limited to, the insertion of advertisements in magazines and newspapers with national circulations for the purpose of inducing, and which have induced, directly or indirectly, the purchase of said product in commerce.

PAR. 4. Among the advertisements and other sales promotional materials disseminated by respondents are the materials identified as Exhibits A-F which are attached hereto.

PAR. 5. Through the use of the advertisements referred to in Paragraph Four, and other advertisements and sales promotional materials, respondents represented and now represent, directly or by implication, that

- a. the Ball-Matic is an important, significant, and unique new invention;
- b. the Ball-Matic is needed on every motor vehicle except Volkswagens, diesel vehicles, or fuel injection vehicles;
- c. the Ball-Matic when installed in a typical automobile and used

under normal driving conditions will significantly improve fuel economy;

d. under normal driving conditions, a typical driver can usually obtain a fuel economy improvement of 20% (or more) or an improvement that will approximate or equal four miles per gallon when the Ball-Matic is installed in his/her automobile;

e. competent scientific tests prove the fuel economy claims made for the Ball-Matic;

f. results of consumer usage, as evidenced by consumer endorsements, prove that the Ball-Matic significantly improves fuel economy;

[3]

g. the consumer endorsements that appear in advertisements and sales promotional materials for the Ball-Matic are statements of persons who have used the Ball-Matic in the recent past or are currently using the Ball-Matic and who have given permission for the publication of these statements;

h. all consumer endorsements which appear in advertisements and sales promotional materials for the Ball-Matic were obtained from individuals or other entities who, at the time of providing their endorsements, were independent from all of the individuals and entities that have marketed the Ball-Matic;

i. the consumer endorsements that appear in advertisements and sales promotional materials for the Ball-Matic reflect the typical or ordinary experience of members of the public who have used the Ball-Matic.

PAR. 6. In truth and in fact, contrary to respondents' representations set forth in Paragraph Five:

a. the Ball-Matic is not an important, significant, or unique new invention;

b. the Ball-Matic is not needed on every motor vehicle except Volkswagens, diesel vehicles, or fuel injection vehicles.

c. the Ball-Matic when installed in a typical automobile will not significantly improve fuel economy;

d. under normal conditions, a typical driver cannot usually obtain a fuel economy improvement that will approximate or equal 20% or four miles per gallon when the Ball-Matic is installed in his/her automobile;

e. no competent scientific tests prove the fuel economy claims for the Ball-Matic;

f. results of consumer usage, as evidenced by consumer endorsements, do not prove that the Ball-Matic significantly improves fuel economy;

g. some individuals whose endorsements appeared in advertise-

ments and sales promotional materials for the Ball-Matic did not give prior permission for the use of their endorsements, did not use the [4] Ball-Matic at the time of the publication of their endorsements, and had not used the device in the recent past;

h. some consumer endorsements that appeared in advertisements and sales promotional materials for the Ball-Matic were obtained from individuals who, at the time they provided the endorsements, were not independent of all individuals and entities that have marketed the Ball-Matic.

i. the consumer endorsements and sales promotional materials do not reflect the typical or ordinary experience of members of the public who have used the Ball-Matic.

Therefore, said advertisements and sales promotional materials are deceptive or unfair.

PAR. 7. At the time respondents made the representations alleged in Paragraph Five of the complaint, they did not possess and rely upon a reasonable basis for such representations. Therefore, said advertisements and sales promotional materials are deceptive or unfair.

PAR. 8. The advertisements referred to in Paragraph Four and other advertisements and sales promotional materials represent, directly and by implication, that respondents had a reasonable basis for making, at the time they were made, the representations alleged in Paragraph Five. In truth and in fact, respondents had no reasonable basis for such representations. Therefore, said advertisements and sales promotional materials are deceptive or unfair.

PAR. 9. In the course and conduct of their business, and at all times mentioned herein, respondents have been, and now are, in substantial competition in or affecting commerce with corporations, firms and individuals engaged in the sale of automobile retrofit devices.

PAR. 10. The use by respondents of the aforesaid unfair or deceptive statements, representations, acts and practices, directly or by implication, has had and now has the capacity and tendency to mislead members of the public into the erroneous and mistaken belief that said statements and representations were and are true and complete, and into the purchase of substantial quantities of respondents' product by reason of said erroneous and mistaken belief.

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

of respondents, as herein alleged, are continuing and will continue in the absence of the relief herein requested.

EXHIBIT A

STRIKE BACK AT RISING GAS PRICES! GET UP TO ...

4 Extra Miles Per Gallon 100 Extra Miles Between Fill-Ups

The Wash. Post, 7-22-79

SAVE UP TO \$200 A YEAR ON GAS

Think of It! Thanks to an important automotive invention, every single car owner, every fleet operator, every truck or camper owner... everyone who operates a gas-powered internal combustion engine, may now be able to save up to 20% and more on their gasoline bills!

Yes, you'll actually get up to 70...80...90 even 100 extra miles from every single tankful—no matter how old or run-down your car may be... no matter how many gallons of gas it now devours each week... FROM THE VERY INSTANT YOU INSTALL THE BALL-MATIC™ GAS SAVER VALVE IN YOUR CAR YOU WILL EXPERIENCE A NOTICEABLE DECREASE IN GAS CONSUMPTION!

How? Why?

With all the advances made in automotive technology, the carburetor still does not respond effectively to the wide range of driving conditions you encounter every day. It is possibly the most ineffective component in the entire engine and is responsible for a significant waste of gasoline. The carburetor is preset at the factory for idle conditions. This means that it is most effective in providing the proper gas-air mixture when the car is standing still and when the car is not called upon to perform under "load conditions." When you drive at higher speeds or start up from a dead stop... or negotiate grades and steep hills... or pull a trailer or camper... or carry a full load of passengers, too much gas feeds into the carburetor and you lose fuel economy! Every time this happens, it's just like pouring money down the drain.

Stop Your Car From Wasting Gasoline

Adding the BALL-MATIC GAS SAVER VALVE to your engine is like having a "carburetor brain" which actually controls the air-to-fuel balance on a constant basis. As soon as an improper over-rich condition develops, it opens to permit a greater measure of additional air to enter the system. The result: more effective combustion and a full savings of up to 20% or more!

Controlled Tests Confirm Big Dollar Savings

In the Spring of 1978, we arranged for a local Small Service Station to conduct a controlled experiment, test using seven different cars owned and driven by non-professional drivers. Each car was fitted with a locked gas cap and the test took place in the possession of the testers. After establishing base mileage consumption data for the various cars, the BALL-MATIC was installed and mile-per-gallon figures were rechecked. Every single car in the test showed dramatic improvements.

Year/Make Of Car	Improvement MPG
1970 Cadillac Eldorado	21%
1970 Chrysler Imperial	23%
1968 Oldsmobile Cutlass	8%
1974 Chevrolet Vega	10%
1972 Ford Gran Torino	19%
1967 Chevrolet Camaro	16%
1972 Cadillac Eldorado	40%

IMPROVEMENT RANGE 8% to 40%

Start Saving Immediately

As of now, tens of thousands of motorists all over the country have put the BALL-MATIC GAS SAVER VALVE in their cars. It takes only a few minutes to install and no special tools are required (see-to-follow instructions are provided)—it's so easy, anyone can do it!

But best of all, the BALL-MATIC works immediately. There's no "break-in period"—you experience a significant savings with the very first tankful!

The BALL-MATIC fits all American and foreign cars except Volkswagen. Do not use on diesel or fuel injected models.

PRECISION TOoled SOLID METAL



OVER 100,000 ALREADY IN USE

U.S. PATENT #3,809,035

READ THE RESULTS FOR YOURSELF!

I have had a remarkable improvement starting with my very first tankful going from 17.20 MPG in my 1978 Oldsmobile Cutlass. Since I am Executive Vice President in Charge of Sales for my company, I total well over 35,000 miles a year. According to my calculations, the BALL-MATIC will save me over \$300.00 in the next 12 months alone. Needless to say, it was one of my best investments of the year!

Joseph O'Grady, Jr.
Hamden, Connecticut

Just a short note to inform you of the performance of your BALL-MATIC unit that I have installed in my 1972 Ford station wagon. Prior to using your device, I averaged 12 to 13 MPG, now that I have installed your unit my mileage has gone up to 18 MPG around town.

A. Counts — Sheriff
Orange County, California

I want to express my thanks for the BALL-MATIC. Since it has been installed in my car, my gas mileage has not been under 18 miles per gallon. This is an increase of 3.5 miles per gallon.

Rev. R. W.
Canaan, California

After installing the BALL-MATIC on my 1972 Oldsmobile Toronado, I increased from 7.5 to 10.5 miles to the gallon.

Seeing this, I took my station on as a BALL-MATIC dealer and within the first week sold over 100 valves.

This is the kind of extra income producer that other service stations should consider during this energy crisis to service their customers.

Louis Mitchell
Michael Mossel Service
New Britain, Connecticut

24 HOURS A DAY — 7 DAYS A WEEK

FOR MASTER CHARGE AND VISA ORDERS

CALL TOLL FREE

1-800-351-1000

In Ohio, Call Collect (916) 864-8888

SEND NO-RISK COUPON TODAY

CLIFFDALE MOTORS, Dept. BMT-359

2065 McDonald Ave., Brooklyn, NY 11223

Please RUSH me the BALL-MATIC GAS SAVER VALVE(S) ordered below along with easy-to-follow installation instructions. I must get immediate improvement in pick-up and better gas mileage starting with my next fill-up and I must save at least five times my purchase price in the first year of use or I may return my valve for a full refund of my purchase price (excluding postage and handling, of course).

Enclosed is \$:

\$12.99 plus 85¢ postage and handling for ONE BALL-MATIC

\$24.99 for TWO BALL-MATICS postpaid

\$36.99 for THREE BALL-MATICS postpaid

You save \$4.00

Add \$12 for each additional valve.

Connecticut residents add sales tax

CHARGE IT!

Visa Master Charge

Card # _____ Bank # _____

Exp. Date _____

Name _____

Address _____

City _____

State _____ Zip _____

CANADIAN CUSTOMERS Please add \$2.00 extra (Order from RYCAM, Dept. BMT-310, Coronation Drive, West Hill, Ont. M1E4X6)

DEALER INQUIRIES INVITED

LOOK HOW EASY IT IS TO INSTALL THE BALL-MATIC YOURSELF!

All you do is simply slip the BALL-MATIC onto the line leading from the PCV valve and twist into place. It's as easy as screwing in a light bulb. In fact even if you never lifted the hood of your car before... you can install the BALL-MATIC in just a few moments (no special tools required), easy to follow instructions are included.



GUARANTEED SAVINGS

We firmly believe the BALL-MATIC to be one of the best investments you can make to save money this year. The exact savings you will receive may vary significantly depending on the kind of car you drive, the condition of your engine, weather, your driving habits and the amount of driving you do; however, we guarantee that you MUST SAVE AT LEAST FIVE TIMES AS MUCH as you paid for your BALL-MATIC in the first year or you may return it for a full refund.

© 1979 Cliffs Associates, Inc.

The Washburn Post, Worcester, Mass., 10/27/79

EXHIBIT B

BEAT THE GAS CRUNCH

Get Up To 4 Extra Miles Per Gallon
... 160 Extra Miles between Fill-ups

This unique, patented valve installs in about one minute (easy to follow instructions included) on any car or truck to save you up to 20% or more gasoline consumption. Field tests for over seven years and lab tests at an Accredited Eastern University confirm that the GAS-SAVER VALVE really works to give you more miles per gallon. Every day you drive without one costs you money and needlessly wastes precious gasoline.

SLIPS ON IN 60 SECONDS
— NO SPECIAL TOOLS

OVER 100,000 IN USE

GUARANTEED \$50 SAVINGS

We firmly believe the GAS SAVER VALVE to be one of the best investments you can make to save money this year. The exact savings you will receive may vary significantly depending on the kind of car you drive, the condition of your engine, weather, your driving habits and the amount of driving you do; however, we guarantee that you MUST SAVE AT LEAST FIFTY DOLLARS in the first 12 months or you may return the GAS SAVER for a full refund.

NOT FOR USE ON VW'S, DIESEL AND FUEL INJECTION ENGINES © 1979, Cliffdale Associates, Inc.

SEND NO-RISK COUPON TODAY
 CLIFFDALE MOTORS, Dept. BMT-894
 2055 McDonald Ave., Brooklyn, N.Y. 11223

Please RUSH me the GAS-SAVER VALVES ordered below. If it does not save me at least \$50 in gas bills in the first 12 months I may return it for a full refund.

1 VALVE — \$12.95 + 85¢ post. & handl.
 2 VALVES — \$24.95 ppd. (Save \$2.65)
 3 VALVES — \$36.50 ppd. (Save \$4.90)

Add \$12 for additional valves.
 Connecticut residents add sales tax.

FOR VISA AND MASTER CHARGE
 CALL TOLL FREE 1-800-351-1006
 7 DAYS A WEEK 24 HOURS A DAY

Print Name _____
 Address _____
 City _____
 State _____ Zip _____

