

IN THE MATTER OF
THOMAS F. DI STEFANO TRADING AS
DUNDEE ELECTRONICS CO.

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

Docket 7058. Complaint, Feb. 7, 1958—Decision, July 7, 1958

Consent order requiring a distributor of radio and television tubes in Paterson, N.J., selling mainly to jobbers and mail order houses, to make clear disclosure, in advertising and on invoices and shipping memoranda and on the tubes themselves and their cartons, when the tubes he sold were used, pull-outs, factory rejects, or JAN surplus.

Mr. Kent P. Kratz supporting the complaint.

Mr. Bruno L. Leopizzi, of Paterson, N.J., for respondent.

INITIAL DECISION BY JOHN B. POINDEXTER, HEARING EXAMINER

On February 7, 1958, the Federal Trade Commission issued a complaint against Thomas F. Di Stefano, an individual trading as Dundee Electronics Co., hereinafter referred to as respondent, charging him with having violated the Federal Trade Commission Act by failing to disclose to his customers that a large number of the radio and television tubes he sells and distributes are used, pull-outs, factory rejects, or JAN surplus.

After issuance and service of the complaint, the respondent, his counsel, and counsel supporting the complaint entered into an agreement for a consent order. The agreement has been approved by the director and assistant director of the Bureau of Litigation. The agreement disposes of the matters complained about.

The pertinent provisions of said agreement are as follows: Respondent admits all jurisdictional facts; the complaint may be used in construing the terms of the order; the order shall have the same force and effect as if entered after a full hearing and the said agreement shall not become a part of the official record of the proceeding unless and until it becomes a part of the decision of the Commission; the record herein shall consist solely of the complaint and the agreement; respondent waives the requirement that the decision must contain a statement of findings of fact and conclusion of law; respondent waives further procedural steps before the hearing examiner and the Commission,

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and the order may be altered, modified, or set aside in the manner provided by statute for other orders; respondent waives any right to challenge or contest the validity of the order entered in accordance with the agreement and the signing of said agreement is for settlement purposes only and does not constitute an admission by respondent that it has violated the law as alleged in the complaint.

The undersigned hearing examiner having considered the the agreement and proposed order and being of the opinion that the acceptance thereof will be in the public interest, hereby accepts such agreement, makes the following jurisdictional findings, and issues the following order:

JURISDICTIONAL FINDINGS

1. Respondent Thomas F. Di Stefano is an individual trading as Dundee Electronics Co. with his principal office and place of business located at 112 Martin Street, Paterson, N.J.

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

It is ordered, That respondent, Thomas F. Di Stefano, individually and trading as Dundee Electronics Co., or trading under any other name, and his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of television or radio tubes in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Selling, offering for sale or distributing used, pull-outs, factory rejects or JAN surplus radio or television tubes without clearly disclosing on the tubes and the individual cartons in which each tube is packaged, and in advertising, invoices and shipping memoranda, that they are used, pull-outs, factory rejects or JAN surplus tubes, as the case may be.

2. Selling, offering for sale or distributing any radio or television tube which is not new or first quality without clearly and conspicuously disclosing that fact on the tube and the individual carton in which each tube is packaged, and in advertising, invoices and shipping memoranda.

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DECISION OF THE COMMISSION AND ORDER TO
FILE REPORT OF COMPLIANCE

This matter having come on to be heard by the Commission upon its review of the hearing examiner's initial decision filed on April 30, 1958, and the Commission having determined that said initial decision is adequate and appropriate in all respects to dispose of this proceeding:

It is ordered, That the aforesaid initial decision be, and it hereby is, adopted as the decision of the Commission.

It is further ordered, That the respondent Thomas F. Di Stefano shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist contained in said initial decision.

Complaint

IN THE MATTER OF
EMPIRE PLASTIC CORPORATIONCONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION
OF SEC. 2(a) OF THE CLAYTON ACT*Docket 7069. Complaint, Feb. 20, 1958—Decision, July 7, 1958*

Consent order requiring a manufacturer of plastic toys with factory at Pelham Manor, N.Y., and sales office in New York City, to cease discriminating in price in violation of Section 2(a) of the Clayton Act by granting as a discount or rebate an amount equivalent to five per cent of list price to certain toy jobbers and wholesalers while not making such allowance available to their competitors.

COMPLAINT

The Federal Trade Commission, having reason to believe that respondent Empire Plastic Corporation, more particularly designated and described hereinafter, has violated the provisions of Section 2(a) of the Clayton Act (U.S.C. Title 15, Sec. 13) as amended by the Robinson-Patman Act, approved June 19, 1936, hereby issues its complaint, stating its charges with respect thereto as follows:

PARAGRAPH 1. Respondent Empire Plastic Corporation is a corporation organized and existing under the laws of the state of New York with its principal office and place of business located at 14 Pelham Parkway, Pelham Manor, N.Y.

PAR. 2. Respondent has been and is now engaged in the manufacture, sale and distribution of plastic toys throughout the United States. It operates a factory at the foregoing address and also maintains a sales office in New York City. Its annual volume of sales approximates \$2,000,000 and its customers consist of jobbers and chain stores. Respondent is represented in various sections of the country by commission merchants who are paid on a commission basis but who also represent other toy manufacturers

PAR. 3. Respondent, in the course and conduct of its said business, is engaged in commerce, as "commerce" is defined in the Clayton Act, in that it sells and distributes toys to purchasers thereof located in states other than the state of origin of shipment and causes such products to be shipped and transported from its place of business to purchasers located in other states and in the District of Columbia, and there is now and has been a constant

course and flow of trade and commerce in such products between respondent and said purchasers and respondent is therefore subject to the jurisdiction of the Federal Trade Commission.

PAR. 4. In the course and conduct of its said business, respondent has been and is now in competition with other corporations, partnerships and individuals in the manufacture, sale and distribution in commerce of toys except as such competition has been substantially lessened by the pricing practices of respondent hereinafter alleged.

Some of the respondent's purchasers are in competition with each other and with purchasers of competitors of respondent in the resale of toys.

PAR. 5. Respondent, either directly or indirectly, has been and is now discriminating in price between different purchasers of its toys by selling such products to some purchasers at substantially higher prices than it sells such products of like grade and quality to other purchasers, some of whom are in competition with the less favored purchasers in the resale of such products.

For example, since 1954 said respondent has granted, either by way of a discount from list price or as a rebate at the end of a period of time, an amount equivalent to 5% of list price in the sale of toys of like grade and quality to some purchasers but not to others, which results in higher prices being paid by those purchasers who do not receive the benefit of such discount or rebate than are paid by those purchasers who do receive the benefit of such discount or rebate. Some of the favored purchasers compete with the unfavored purchasers in the resale of such products.

The purchasers of respondent's toys who have received preferential prices by way of said discount or rebate are members of a corporation known as March of Toys, Inc., whose membership is composed of toy jobbers and wholesalers. It is to the members of this corporation, March of Toys, Inc., that said respondent has granted a preferential price by means of the above described discount or rebate.

PAR. 6. The discriminations in price on the part of respondent being substantial, it is alleged that the effect thereof may be substantially to lessen competition and to tend to create a monopoly in the respective lines of commerce in which respondent and the purchasers receiving the preferential prices are engaged, and to tend to prevent, injure and destroy competition between

respondent and its competitors and between and among purchasers of such toys from respondent.

PAR. 7. The discriminations in price, as hereinbefore alleged, are in violation of the provisions of Section 2(a) of the Clayton Act, as amended by the Robinson-Patman Act.

Mr. Lewis F. Depro and *Mr. Frederick McManus* for the Commission.

Krisel, Lessall & Dowling, of New York, N.Y., by *Mr. George Lessall*, for respondent.

INITIAL DECISION BY EARL J. KOLB, HEARING EXAMINER

The complaint in this proceeding, issued February 10, 1958, charges respondent Empire Plastic Corporation, a corporation, located at 14 Pelham Parkway, Pelham Manor, N.Y., with violation of the provisions of subsection (a) of Section 2 of the Clayton Act, as amended by the Robinson-Patman Act, in the sale and distribution of toys.

After the issuance of the complaint, said respondent entered into an agreement containing consent order of cease and desist with counsel in support of the complaint, disposing of all the issues as to all parties in this proceeding, which agreement was duly approved by the director and assistant director of the Bureau of Litigation.

It was expressly provided in said agreement that the signing thereof if for settlement purposes only and does not constitute an admission by said respondent that it has violated the law as alleged in the complaint.

By the terms of said agreement, the said respondent admitted all the jurisdictional facts alleged in the complaint and agreed that the record herein may be taken as if the Commission had made findings of jurisdictional facts in accordance with the allegations.

By said agreement, the respondent expressly waived any further procedural steps before the hearing examiner and the Commission; the making of findings of fact or conclusions of law; and all the rights it may have to challenge or contest the validity of the order to cease and desist entered in accordance with the agreement.

Respondent further agreed that the order to cease and desist, issued in accordance with said agreement, shall have the same force and effect as if made after a full hearing.

It was further provided that said agreement, together with

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the complaint, shall constitute the entire record herein; that the complaint herein may be used in construing the terms of the order issued pursuant to said agreement; and that said order may be altered, modified or set aside in the manner prescribed by the statute for orders of the Commission.

The hearing examiner has considered such agreement and the order therein contained, and, it appearing that said agreement and order provide for an appropriate disposition of this proceeding, the same is hereby accepted and is ordered filed upon becoming part of the Commission's decision in accordance with Sections 3.21 and 3.25 of the Rules of Practice, and, in consonance with the terms of said agreement, the hearing examiner finds that the Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondent named herein, and issues the following order:

ORDER

It is ordered, That the respondent Empire Plastic Corporation, a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the sale of toys in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from discriminating in price by selling such toys of like grade and quality to any purchaser at prices higher than those granted any other purchaser:

1. Where such other purchaser competes in fact with the unfavored purchaser in the resale and distribution of such products, or
2. Where respondent, in the sale of such products, is in competition with any other seller.

DECISION OF THE COMMISSION AND ORDER TO FILE
REPORT OF COMPLIANCE

This matter having come on to be heard by the Commission upon its review of the hearing examiner's initial decision filed on May 13, 1958, and the Commission having determined that said initial decision is adequate and appropriate in all respects to dispose of this proceeding:

It is ordered, That the aforesaid initial decision be, and it hereby is, adopted as the decision of the Commission.

It is further ordered, That the respondent Empire Plastic Corporation, a corporation, shall within sixty (60) days after

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service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist contained in said initial decision.

IN THE MATTER OF
FRANK GROSS TRADING AS FRANK GROSS FURS

CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF THE
FEDERAL TRADE COMMISSION AND THE FUR PRODUCTS LABELING ACTS

Docket 6921. Complaint, Oct. 24, 1957—Decision, July 12, 1958

Consent order requiring a furrier in Harrisburg, Pa., to cease violating the Fur Products Labeling Act by affixing to fur products labels containing fictitious prices and thereby misrepresenting the regular retail selling prices; by failing to conform to the invoicing requirements of the Act; by newspaper advertisements which represented prices as reduced from regular prices which were in fact fictitious, and used comparative prices and percentage savings claims not based on the regular retail prices; and by failing to maintain adequate records as a basis for such pricing claims.

Mr. Charles W. O'Connell for the Commission

Mr. Lewis F. Adler, of Harrisburg, Pa., for respondent.

INITIAL DECISION BY LOREN H. LAUGHLIN, HEARING EXAMINER

The Federal Trade Commission (sometimes also hereinafter referred to as the Commission) issued its complaint herein, charging the above-named respondent, Frank Gross, an individual trading as Frank Gross Furs, with having violated the provisions of the Federal Trade Commission Act and of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder, in certain particulars. Respondents were duly served with process.

On May 13, 1958, there was submitted to the undersigned hearing examiner of the Commission for his consideration and approval an "Agreement Containing Consent Order to Cease and Desist," which had been entered into by and between the respondent and attorneys for both parties, under date of May 8, 1958, subject to the approval of the Bureau of Litigation of the Commission. Such agreement had been thereafter duly approved by that Bureau.

On due consideration of the said "Agreement Containing Consent Order to Cease and Desist," the hearing examiner finds that said agreement, both in form and in content, is in accord with §3.25 of the Commission's Rules of Practice for Adjudicative Proceedings and that by said agreement the parties have specifically agreed that:

1. Respondent, Frank Gross, is an individual trading as Frank Gross Furs, with his place of business located at 23 South Fourth Street, in the city of Harrisburg, State of Pa.

2. Pursuant to the provisions of the Federal Trade Commission Act and the Fur Products Labeling Act, the Federal Trade Commission, on October 24, 1957, issued its complaint in this proceeding against respondent, and a true copy was thereafter duly served on respondent.

3. Respondent admits all the jurisdictional facts alleged in the complaint and agrees that the record may be taken as if findings of jurisdictional facts had been duly made in accordance with such allegations.

4. This agreement disposes of all of this proceeding as to all parties.

5. Respondent waives:

(a) Any further procedural steps before the hearing examiner and the Commission;

(b) The making of findings of fact or conclusions of law; and

(c) All of the rights he may have to challenge or contest the validity of the order to cease and desist entered in accordance with this agreement.

6. The record on which the initial decision and the decision of the Commission shall be based shall consist solely of the complaint and this agreement.

7. This agreement shall not become a part of the official record unless and until it becomes a part of the decision of the Commission.

8. This agreement is for settlement purposes only and does not constitute an admission by respondent that he has violated the law as alleged in the complaint.

9. The following order to cease and desist may be entered in this proceeding by the Commission without further notice to respondent. When so entered it shall have the same force and effect as if entered after a full hearing. It may be altered, modified or set aside in the manner provided for other orders. The complaint may be used in construing the terms of the order.

It is noted that respondent's address, as given in the identifying paragraph of the agreement, appears as 23 South Fourth Street, Harrisburg, Pa., whereas respondent, when signing the agreement, set forth his address, in his own handwriting, subsequent to the order, as 17 North Second Street, Harrisburg, Pa. The hearing examiner believes the latter address to be correct. Accordingly, after due consideration of the complaint filed herein and the

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said "Agreement Containing Consent Order to Cease and Desist," the latter, although as submitted it contains this slight defect, is hereby approved, accepted and ordered filed, if and when it shall have become a part of the Commission's decision. The hearing examiner finds from the complaint and the said "Agreement Containing Consent Order to Cease and Desist" that the Commission has jurisdiction of the subject matter of this proceeding and of the person of the respondent herein; that the complaint states a legal cause for complaint under the Federal Trade Commission Act and the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder, both generally and in each of the particulars alleged therein; that this proceeding is in the interest of the public; that the following order as proposed in said agreement is appropriate for the just disposition of all of the issues in this proceeding, and, therefore, it should be, and hereby is, entered as follows:

ORDER

It is ordered, That Frank Gross, an individual trading as Frank Gross Furs, or under any other trade name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, offering for sale, transportation, or distribution of fur products in commerce, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products in commerce, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce as "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Representing on labels affixed to fur products that certain amounts are the regular and usual prices of fur products when such amounts are in excess of the prices at which respondent usually and customarily sold such products in the recent regular course of his business.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing:

(a) The name or names of the animal or animals producing

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the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the Rules and Regulations;

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

(d) That the fur product is composed in whole or in substantial part of the paws, tails, bellies, or waste fur, when such is the fact;

(e) The name and address of the person issuing such invoice;

(f) The name of the country of origin of any imported furs contained in a fur product.

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

1. Represents, directly or by implication that the regular or usual price of any fur product is any amount which is in excess of the price at which the respondent has regularly and customarily sold such product in the recent regular course of his business.

2. Makes use of comparative prices and percentage savings claims in advertisements, unless such compared prices or percentage savings claims are based upon the current market value of the fur product or unless a bona fide price at a designated time is stated.

D. Making claims and representations in advertisements respecting comparative prices, percentage savings claims, or claims that prices are reduced from regular or usual prices, unless respondent maintains full and adequate records disclosing the facts upon which such claims and representations are based.

DECISION OF THE COMMISSION AND ORDER TO FILE
REPORT OF COMPLIANCE

Pursuant to Section 3.21 of the Commission's Rules of Practice, the initial decision of the hearing examiner shall, on the 12th day of July 1958, become the decision of the Commission; and, accordingly:

It is ordered, That respondent Frank Gross, an individual

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trading as Frank Gross Furs, shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with the order to cease and desist.

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IN THE MATTER OF
THE FRY KING CORPORATION ET AL.CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF
THE FEDERAL TRADE COMMISSION ACT*Docket 7029. Complaint, Jan. 14, 1958—Decision, July 12, 1958*

Consent order requiring New York City manufacturers of small household electrical appliances, including deep fat fryer-cookers and fry pan skillets, to cease representing falsely in advertising and upon cartons packaging the appliances, which were disseminated to purchasers for use in retail sale, that an exaggerated and fictitious price was the usual retail price; that certain of their appliances had been approved or guaranteed by Good Housekeeping magazine; and, through prominent use of the word "Westinghouse," that their appliances were manufactured by Westinghouse Electric Corporation.

Ames W. Williams, Esq., for the Commission.

Louis Drell, Esq., of New York City, for respondents.

INITIAL DECISION BY ROBERT L. PIPER, HEARING EXAMINER

The Federal Trade Commission issued its complaint against the above-named respondents on January 14, 1958, charging them with having violated the Federal Trade Commission Act by fictitious pricing and falsely representing that their products have been approved by Good Housekeeping magazine and manufactured by the Westinghouse Electric Corporation. Respondents entered into an agreement, dated March 20, 1958, containing a consent order to cease and desist, disposing of all the issues in this proceeding without hearing, which agreement has been duly approved by the director of the Bureau of Litigation. Said agreement has been submitted to the undersigned, heretofore duly designated to act as hearing examiner herein, for his consideration in accordance with Section 3.25 of the Rules of Practice of the Commission.

Respondents, pursuant to the aforesaid agreement, have admitted all of the jurisdictional allegations of the complaint and agreed that the record may be taken as if findings of jurisdictional facts had been made duly in accordance with such allegations. Said agreement further provides that respondents waive all further procedural steps before the hearing examiner or the Commission, including the making of findings of fact or conclusions of law and the right to challenge or contest the validity

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of the order to cease and desist entered in accordance with such agreement. It has also been agreed that the record herein shall consist solely of the complaint and said agreement, that the agreement shall not become a part of the official record unless and until it becomes a part of the decision of the Commission, that said agreement is for settlement purposes only and does not constitute an admission by respondents that they have violated the law as alleged in the complaint, that said order to cease and desist shall have the same force and effect as if entered after a full hearing and may be altered, modified or set aside in the manner provided for other orders, and that the complaint may be used in construing the terms of the order.

This proceeding having now come on for final consideration on the complaint and the aforesaid agreement containing the consent order, and it appearing that the order and agreement cover all of the allegations of the complaint and provide for appropriate disposition of this proceeding, the agreement is hereby accepted and ordered filed upon this decision and said agreement becoming part of the Commission's decision pursuant to Sections 3.21 and 3.25 of the Rules of Practice, and the hearing examiner accordingly makes the following findings, for jurisdictional purposes, and order:

1. Respondent The Fry King Corporation is a corporation existing and formerly doing business under and by virtue of the laws of the State of New York, with its office and principal place of business formerly located at 110 East 129th Street, in the city of New York. An assignment for the benefit of its creditors was made by the corporate respondent prior to the issuance of the complaint in the premises.

Respondents Max Fain and Isaac Steinbook are individuals and officers of the corporate respondent, serving respectively as president and secretary, with their office and principal place of business located at the same place as that of corporate respondent.

2. The Federal Trade Commission has jurisdiction of the subject-matter of this proceeding and of the respondents hereinabove named. The complaint states a cause of action against said respondents under the Federal Trade Commission Act, and this proceeding is in the interest of the public.

ORDER

It is ordered, That respondents, The Fry King Corporation, a corporation, and its officers, and Max Fain and Isaac Steinbook,

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individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of fryer-cookers and skillets or any other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or indirectly:

(a) That any amount is the retail price of merchandise when such amount is in excess of the price at which such merchandise is usually and regularly sold at retail;

(b) That their merchandise has been advertised in Life Magazine or Good Housekeeping Magazine; or has been advertised in any other magazine or publication, unless such is the fact;

2. Using the name of any company in connection with merchandise which has not been manufactured in its entirety by said company; or representing, directly or indirectly, that merchandise not manufactured in its entirety by a specified company was so manufactured, provided, however, that this prohibition shall not be construed as prohibiting a truthful statement that a part of an article of merchandise has been manufactured by a specified company when such part is clearly and conspicuously identified;

3. Using the Good Housekeeping seal of approval in connection with their merchandise; or representing in any manner that their merchandise has been awarded said seal of approval; or that their merchandise has been approved by any other group or organization, unless such is the fact, provided, however, that this prohibition shall not be construed as prohibiting a truthful statement that a part of an article of merchandise has been approved by a group or organization, when such part is clearly and conspicuously identified.

DECISION OF THE COMMISSION AND ORDER TO FILE
REPORT OF COMPLIANCE

Pursuant to Section 3.21 of the Commission's Rules of Practice, the initial decision of the hearing examiner shall, on the 12th day of July 1958, become the decision of the Commission; and, accordingly:

It is ordered, That respondents, The Fry King Corporation, a corporation, and its officers, and Max Fain and Isaac Steinbook, individually and as officers of said corporation, shall, within sixty (60) days after service upon them of this order, file with

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the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

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IN THE MATTER OF
MUNTZ TV, INC., ET AL.¹CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF
THE FEDERAL TRADE COMMISSION ACT*Docket 6928. Complaint, Nov. 6, 1957—Decision, July 15, 1958*

Consent order requiring a Chicago seller to cease exaggerating, in newspaper advertising and by markings on sets and otherwise, the size of the picture tubes of television sets, and representing falsely that TV sets were sold directly to the consumer from "factory outlets."

INITIAL DECISION AS TO EARL W. MUNTZ, INDIVIDUALLY

Before *John B. Poindexter*, Hearing Examiner.

Mr. Michael J. Vitale and *Mr. Thomas Z. Ziebarth* supporting the complaint.

Mr. Emil N. Levin of Chicago, Ill., for respondent Earl W. Muntz.

On November 6, 1957 the Federal Trade Commission issued a complaint charging Muntz TV, Inc., a corporation, and Earl W. Muntz, individually and as an officer of said corporation with having violated the provisions of the Federal Trade Commission Act by the dissemination in commerce of advertisements and statements exaggerating the size of the picture tubes in the television receivers manufactured by said respondent corporation and misrepresenting that the receivers were sold directly to the consumer from the factory.

After issuance and service of the complaint, each respondent answered, and the individual respondent Earl W. Muntz also filed a motion requesting that the complaint as to him be dismissed. This motion was denied by the Hearing Examiner. Thereafter the respondent Muntz TV, Inc., its counsel, and counsel supporting the complaint, entered into an agreement for a consent order. Accordingly, upon the basis of such agreement, the undersigned Hearing Examiner, on April 18, 1958, issued an Initial Decision with respect to the respondent Muntz TV, Inc., dismissing the complaint as to the respondent Earl W. Muntz in his capacity as an officer of Muntz TV, Inc., inasmuch as Mr. Muntz was no longer an officer of the said corporate respondent Muntz TV, Inc., but leaving the complaint pending

¹ Respondent corporation accepted the same consent settlement on June 18, 1958, 54 F.T.C. 1825.

