the Commission's opinion concerning respondents' motion to dismiss the complaint issued October 29, 1971, and upon an examination of the materials produced pursuant to our decision today on their motion for production of Commission files, respondents' need for all or some part of the materials sought by the instant subpoena is already mooted.

Accordingly, we are sustaining the hearing examiner's decision to quash the subpoena for the reasons stated in this opinion. We agree with the examiner that the mere fact that Mr. Rowse wrote an article about the efforts of Congressman Rooney to spur government action against magazine sales subscription industry practices is not a sufficient basis for granting the subpoena.

Accordingly, we approve the hearing examiner's ruling that the subpoena to Mr. Rowse be quashed.

Chairman Kirkpatrick did not participate in this matter.

ORDER DENYING INTERLOCUTORY APPEAL FROM EXAMINER'S ORDER GRANTING MOTION TO QUASH SUBPOENA

Respondents the Hearst Corporation and Periodical Publishers' Service Bureau, Inc., having filed an interlocutory appeal from the hearing examiner's September 23, 1971 Order Granting Motion to Quash Subpoena to Arthur E. Rowse; and

The Commission having considered said appeal and the answer of Mr. Rowse in opposition thereto, and having determined, in accordance with the views expressed in the accompanying opinion that respondents' appeal should be denied;

It is ordered, That respondents' appeal from the hearing examiner's September 23, 1971 order granting the motion to quash the subpoena to Mr. Rowse be, and it hereby is, denied.

Chairman Kirkpatrick not participating.

THE HEARST CORPORATION, ET AL.

Docket 8832. Order and Opinion, Dec. 6, 1971

Order and opinion vacating subpoena *duces tecum* and remanding case to hearing examiner for reconsideration.

ORDER VACATING SUBPOENA DUCES TECUM AND REMANDING TO HEARING EXAMINER FOR RECONSIDERATION

This matter is before the Commission on its own motion. Respondents the Hearst Corporation (Hearst) and Periodical Publishers' Serv-

ice Bureau, Inc. (Periodical), applied to the hearing examiner, under Section 3.36 of the Commission's Procedures and Rules of Practice, for a subpoena *duces tecum* directed to Charles A. Tobin, Secretary, Federal Trade Commission, to produce specified documents contained in the Commission's records. Alternatively, Hearst and Periodical requested disclosure of the documents under 5 U.S.C. § 552 (1970) (the "Freedom of Information Act"). The examiner, on August 13, 1971, granted the motion for subpoena pursuant to Section 3.36 of the Commission's rules and to the provisions of 5 U.S.C. § 552.

By order dated September 1, 1971, the Commission, on its own motion, stayed the September 1st return date of the subpoena and by order dated December 6, 1971, the Commission, again on its own motion, placed the hearing examiner's order authorizing the subpoena on its docket for review pursuant to Section 3.36(e) of the Commission's rules.

Apart from the merits of the request for information, it is necessary to comment on the procedural aspects of seeking documents under the Freedom of Information Act by means of a motion for subpoena addressed to the hearing examiner. This procedure raises issues concerning the relationship of the Commission's discovery rules to the Information Act. The Information Act was intended to enlarge and clarify the right of access by the public to documents in administrative files. It is not concerned with discovery procedures applicable to adjudicative proceedings, and does not authorize the issuance of subpoenas. The congressional committee report states that the Act "is not intended to give a private party indirectly any earlier or greater access to investigatory files than he would have directly in such litigation or proceedings." [1] Conversely, it should be noted that the materials which are discoverable by a party under Section 3.36 of the rules include material which is not available to the public under the Information Act.

While respondents in Commission proceedings are members of the public and consequently may request access to Commission records under the Information Act like any other member of the public, such requests should not be confused with subpoenas for Commission records under Section 3.36 of the rules. As the Commission has previously noted, "requests for documents and information under the Freedom of Information Act are inappropriate when made within the framework of an adjudicative proceeding." [2] Thus, a respondent's request for ac-

[1] H.R. Rep. No. 1497, 89th Cong., 2d Sess., at 11 (1966).
[2] *Ash Grove Cement Co.*, Docket 8785 (Order dated July 15, 1970).

cess under the Information Act should not take the form of a motion to the examiner.[3] The application should be made pursuant to Section 4.11 of the rules, directly to the Commission, addressed to the Secretary.[4] Furthermore, inasmuch as a respondent's request under the Information Act is a separate matter from the pending adjudicatory proceeding the pendency of such a request is no ground for suspending or postponing the hearing in the proceeding.

Because respondents' request under the Freedom of Information Act was not properly before the hearing examiner, who lacked authority to issue a subpoena under the Act, that portion of his order granting the subpoena pursuant to the Act must be vacated. To avoid unnecessary delay, however, the Commission will not exclude the request from its consideration because of the improper procedural approach, but will treat the motion for subpoena as a request under the Act.

In order to facilitate consideration of the request for access, the staff is directed to gather any documents specified in the request to which the applicants are entitled under the Freedom of Information Act. The staff is further directed to keep a detailed record of the time expended in gathering such records to enable the Commission to determine the search fee to be charged pursuant to Rule 4.8(c). It should be noted that in determining whether the applicants are entitled to access to the records under the Information Act, the Commission will be acting in a purely administrative rather than in an adjudicative capacity. Consequently, problems relating to *ex parte* communications, which might arise in an adjudicative context, will not be present.

The hearing examiner also granted respondents' motion for subpoena under Section 3.36 of the Commission's rules. A cursory reading of the subpoena specifications, which are extremely broad, raises doubts as to whether the material to be produced is specified "as exactly as possible" and whether there has been a sufficient showing of "the reasonableness of the scope of the application" as required by Section 3.36 (b). Our granting respondents access to the material to which they are entitled under the Freedom of Information Act, however, will moot

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[3] Section 3.22 of the rules, which states that during the time a proceeding is before a hearing examiner, all motions therein, except those filed under Section 3.42(g) (disqualification of hearing examiner) shall be addressed to the hearing examiner, does not apply because a request under the Information Act is not a discovery motion in the adjudicative proceeding.

[4] The Commission is aware of language in a prior opinion which may be construed to indicate that a different procedure should be followed. *Koppers Co.*, Docket 8755 (Order dated July 2, 1968 [74 F.T.C. 1579]). To the extent that such language conflicts with the present opinion, it is disapproved.

the issue of their right to the same records under Section 3.36. Also, our disposition of respondents' Appeal from Denial of Motion to Dismiss Complaint may render much of the material specified in the subpoena no longer relevant to respondents' case. It is appropriate, therefore, that we vacate the examiner's order of August 13, 1971, and remand the matter to him for a reconsideration, in the light of our denial of respondents' appeal, of the general relevancy of any material respondents originally requested which has not been made available to them under the Information Act. Accordingly,

It is ordered, That the hearing examiner's Order Authorizing Subpoena for Documents in Commission Records, dated August 13, 1971, be, and it hereby is, vacated and the matter remanded to the hearing examiner for the reasons expressed in this opinion.

Chairman Kirkpatrick not participating.

PHILIP MORRIS, INCORPORATED

Docket 8838. Order and Opinion, Dec. 6, 1971

Order granting complaint counsel's appeal from the hearing examiner's order staying the proceedings pending the United States Supreme Court's decision in *Federal Trade Commission* v. *The Sperry and Hutchinson Co.*, 405 U.S. 233; vacating and setting aside hearing examiner's order of Sept. 23, 1971; denying respondent's motion for a stay of all further proceedings; and remanding the matter to the hearing examiner for further proceedings.

Order and Opinion Granting Appeal, Setting Aside Examiner's Order Which Stays Proceeding, and Remanding for Further Proceedings

This matter is before the Commission upon complaint counsel's interlocutory appeal, filed November 5, 1971, from the hearing examiner's order staying the proceeding herein pending the United States Supreme Court's decision in *Federal Trade Commission* v. *The Sperry and Hutchinson Co.*, No. 70–70, October Term 1971 (S&H) [405 U.S. 233, 1972], requesting that the Commission reverse the hearing examiner; and upon respondent's answer thereto filed November 23, 1971.[1]

[1] The Commission, by order issued November 1, 1971, granted complaint counsel's request for permission to file interlocutory appeal.

The hearing examiner had no authority to order a stay in this proceeding on the ground of the possible effect of the decision in the *S&H* case. A question such as this is not directed to the hearing examiner's fact-finding function. Rather, it is addressed to the Commission's administrative discretion. *Graber Manufacturing Company, Inc.*, Docket No. 8038, 66 F.T.C. 1548 (1964); *O.K. Rubber Welders, Inc., et al.*, Docket No. 8571, 63 F.T.C. 2213 (1963). *Cf. First Buckingham Community, Inc.*, Docket No. 8750, Order Vacating Initial Decision and Dismissing Complaint, May 20, 1968 [73 F.T.C. 938]; *United Brands Company*, Docket No. 8835, Order and Opinion of the Commission Denying Respondent's Motion to Postpone Hearings and Dismiss Complaint, November 18, 1971 [p. 1005 herein]. Since the hearing examiner had no authority to rule on respondent's motion requesting a stay, he should have certified it to the Commission. As the matter has now been fully briefed on both sides on the appeal of complaint counsel and respondent's answer thereto, the Commission will proceed to consider the issue as though it were before it *de novo*.

Respondent argues that there is a fundamental legal issue which is common to both this case and the *S&H* case, that is, the scope of the term "unfair" in Section 5 of the Federal Trade Commission Act. It asserts that the framing of the issues in this case, the scope of discovery and the character of the evidence to be presented at the hearing could be significantly affected by the Supreme Court's disposition of the *S&H* case. Thus it states that a stay in the proceeding will promote the orderly and efficient administration of this case and, further, that it can result in no possible harm to the public interest since assertedly the practice challenged in the complaint was discontinued by respondent more than eight months ago.

We have carefully considered respondent's position, but we do not think the arguments made justify a suspension of the proceeding in this matter for an indeterminate period of time. The two cases are not so closely related that the Supreme Court's decision in *S&H* will likely have a bearing on the taking of the evidence in this case. Moreover, respondent has made no showing of any harm or injury which it will suffer by the continuation of this proceeding other than the inconvenience and the expense of continuing to defend itself, but such alone are not sufficient grounds to justify a suspension.

Finally, we conclude that a stay in the proceeding of an indefinite duration would, in fact, lead to excessive delay in finally disposing of this case on its merits.

In all the circumstances, we have come to the conclusion that respondent's request for suspension has not been justified and that it should be denied. Accordingly,

It is ordered, That complaint counsel's appeal be, and it hereby is, granted.

It is further ordered, That the hearing examiner's order staying further action in this proceeding, filed September 23, 1971, be, and it hereby is, vacated and set aside.

It is further ordered, That respondent's motion filed July 13, 1971, for a stay of all further proceedings pending the Supreme Court's decision in *Federal Trade Commission* v. *The Sperry and Hutchinson Co.* be, and it hereby is, denied.

It is further ordered, That this matter be, and it hereby is, returned to the hearing examiner for further proceedings in accordance with the Commission's Rules of Practice.

ASH GROVE CEMENT CO.

Docket 8785. Order, Dec. 8, 1971

Order vacating examiner's order of Oct. 12, 1971, which granted in part and denied in part the motion of third parties in regard to certain parts of subpoenas served on them.

Order Ruling On Appeals

This matter is again before the Commission upon the joint appeal of Missouri Portland Cement Company (Missouri Portland) and Botsford Ready Mix Company (Botsford), third parties in this proceeding, from the hearing examiner's order of October 12, 1971, granting in part and denying in part their motion for a protective order with respect to some of the specifications of subpoenas served upon them on the application of respondent.

Previous appeals involving those subpoenas resulted in Commission orders of November 19, 1970 [77 F.T.C. 1671], and March 2, 1971 [78 F.T.C. 1566]. These appeals concerned the request by Missouri Portland and Botsford for "*Mississippi River*" treatment of the specifications of the subpoenas, the term "*Mississippi River*" being derived from the type of protective order entered by the Commission in a proceeding entitled *In the Matter of Mississippi River Fuel Corporation*, Docket 8657 [69 F.T.C. 1186]. After issuance of the Com-

mission's order of March 2, 1971, remanding the matter to the hearing examiner, he set a prehearing conference for April 2, 1971, to select an accounting firm with regard to the specifications to receive *Mississippi River* treatment, and to consider the necessity for any further protective order as to the other specifications of the subpoenas. At the prehearing conference, counsel for Missouri Portland and Botsford refused to produce any documents in response to specifications 2, 3, 4, 5, 7, 9, and 10 of the Botsford subpoena and specifications 4, 5, 6, 7, and 8 of the Missouri Portland subpoena on the grounds that *Mississippi River* treatment should be extended to all of those specifications as well as the two specifications which were to receive such treatment, and counsel specifically refused to consider any other type of protective order.

On September 3, 1971, the Commission filed for enforcement of the subpoenas in the United States District Court in Kansas City, Missouri, and on September 9, 1971, the Court ordered officials of Missouri Portland and Botsford to show cause why the subpoenas should not be enforced. On September 29, 1971, Missouri Portland and Botsford reconsidered their previous refusal to supply data under a protective order other than a *Mississippi River* order and filed with the hearing examiner a motion for a protective order with regard to some of the specifications of the subpoenas. By order of October 12, 1971, the hearing examiner granted in part and denied in part the motion for a protective order.

The issue raised by this appeal is whether the hearing examiner should consider an offer to produce data, in return for confidential treatment, *after* the Commission has filed for enforcement of the subpoenas. Missouri Portland and Botsford had previously specifically refused to consider such treatment, and the Commission, relying on this refusal to negotiate, proceeded to prepare and file an enforcement action in the United States District Court in Kansas City, Missouri. The hearing examiner should not have considered further applications with respect to those subpoenas after the filing of the enforcement action. To do so is to interfere with the jurisdiction of the court and to encourage delay in the prosecution and completion of that lawsuit. Accordingly,

It is ordered, That the appeal by Missouri Portland and Botsford from the hearing examiner's order of October 12, 1971, be, and it hereby is, denied.

It is further ordered, That the hearing examiner's order of October 12, 1971, granting in part and denying in part the motion for protective order, be, and it hereby is, vacated.

Order

MISSOURI PORTLANT CEMENT COMPANY

Docket 8783. Order, Dec. 27, 1971

Order overruling the examiner's quashing of specification 6 of subpoenas *duces tecum* directed to seven third-party competitors of respondent, and returning the matter to the examiner for fashioning and issuance of an appropriate protective order.

Order Granting Interlocutory Appeal and Returning Matter to Hearing Examiner

This matter having come before the Commission upon respondent's appeal, filed September 28, 1971, from the hearing examiner's clarification on remand dated September 17, 1971, of rulings quashing specification 6 of respondent's subpoenas *duces tecum* directed to seven third-party competitors of respondent in response to the Commission's request of August 23, 1971, for clarification as to his bases or reasons for such rulings, including "whether he considered the requested data relevant for purposes of discovery;" and

It appearing to the Commission that no bases or reasons have been shown to justify quashing specification 6 of said subpoenas *duces tecum* in view of the finding by the hearing examiner that the relevancy of the material sought thereby to the subject matter "appeared subject to plausible argument," and in view of the fact that alleged competitive damage in affording respondent access to sensitive commercial data is an inappropriate basis for quashing said specification; and

It further appearing to the Commission that production of the information sought should be directed, and that the sensitive information can be adequately shielded by an appropriate protective order; and

The Commission therefore having determined that the hearing examiner's order quashing specification 6 of the subpoenas *duces tecum* in question should be overruled, and that the matter should be returned to the hearing examiner for the fashioning and issuance of an appropriate protective order:

It is ordered, That respondent's appeal be, and it hereby is, granted.

It is further ordered, That the hearing examiner's order filed September 17, 1971, quashing specification 6 of the subpoenas *duces tecum* be, and it hereby is, overruled.

It is further ordered, That this matter be, and it hereby is, returned to the hearing examiner for the fashioning and issuance of an appropriate protective order.

With Commissioner MacIntyre not concurring.

Use of Terms "Golden Finish," "Gold Brushed," and "Golden Manner," as Descriptive of Costume Jewelry Containing a Gold Coating of Ten-Karat Fineness and Three-Millionths to Five-Millionths of an Inch Thick. (File No. 713 7031)

Opinion Letter

JULY 2, 1971

DEAR MR. JONES:

This is in response to your letter of January 22, 1971, requesting an advisory opinion on the use of the terms "gold finish," "golden finish," "gold brushed," and "golden manner," as descriptive of costume jewelry containing a gold coating of ten-karat fineness and 3/1,000,000ths to 5/1,000,000ths of an inch thick.

As the Commission understands the facts, the fineness and thickness of this jewelry falls within the description guidelines for "gold flashed," or "gold washed" jewelry as set out in Rule 22C(3) of the Commission's Trade Practice Rules for the Jewelry Industry. The Commission believes that, if it were to sanction the use of these new terms, it may result in a proliferation of meaningless descriptive terms and would tend to confuse not only the jewelry industry but the average consumer as well.

The Commission, therefore, cannot approve the use of the terms you propose.

By direction of the Commission.

*Prior to October 29, 1969, in conformity with the policy of the Commission, advisory opinions were confidential and available to the public only in digest form. Digests of advisory opinions were published in the Federal Register. The policy was changed on October 29, 1969, to provide for publication of advisory opinions and requests therefor, including names and details, when rendered, subject to any limitations on public disclosure arising from statutory restrictions, the Commission's rules, and the public interest. The policy was again changed on December 22, 1971, to provide for the placement in the Commission's public record of advisory opinions and requests therefor, including names and details, immediately after the requesting party has received the Commission's advice, subject to any limitations on public disclosure arising from statutory restrictions, the Commission's rules, and the public interest.

In the case of requests for advice concerning proposed mergers, the requests together with supporting materials are placed on the public record as soon after they are received as circumstances permit, except for information for which confidential classification has been requested, with a showing therefor, and which the Commission, with due regard to statutory restrictions, its rules, and the public interest, has determined should not be made public. Any advice given under Section 1.3 of the Commission's Rules of Practice concerning proposed mergers, together with a statement of supporting reasons, are published when given.

Supplemental Letter of Request

MARCH 26, 1971.

DEAR MR. LEVIN:

This is in regard to our previous correspondence concerning the names and description of certain jewelry and in particular, to your letter of February 4, 1971.

Initially, I must decline to reveal the name of my client as I am not at liberty to do so. As I understand it, there is no requirement to reveal a client's name in order to receive an advisory opinion from the F.T.C. In any event, if a name is needed, mine should be sufficient because aside from my client's interest, I as a consumer, am entitled to such information from the Commission.

The material which you furnished me under cover of your February 4, letter was helpful. However, since that time, I have been attempting to advise my client regarding advertising copy describing the proposed line of costume jewelry. The jewelry in question is of the "gold washed" and "gold flashed" quality, i.e. a non-precious metal base with between 3/1,000,000 and 5/1,000,000 of an inch of gold of 10 Karat fineness affixed by electrolytic process. The line includes earrings, pendants, pins, bracelets and rings.

The problem arises as to how may such a line of costume jewelry be promoted in advertising copy and in particular how may the gold finish on this jewelry be described. Presently, the following descriptive terms are under consideration: gold finish, golden finish, gold brushed and golden manner. I feel that these descriptions are within the guidelines set out by the Commission. My opinion is also strengthened by observation of many other jewelry advertisements using these terms for jewelry with the same type of gold finish as we contemplate.

I would appreciate your advising me if the aforesaid terms, when used to advertise jewelry with the above described gold finish, would violate any rule or regulation of the Federal Trade Commission.

Since this matter is of the utmost urgency, I would indeed be grateful if you would give it attention at your earliest possible convenience.

Thank you for your cooperation.

Very truly yours,

(S) EDWARD S. JONES.

Letter of Request

JANUARY 22, 1971.

GENTLEMEN:

I represent a client who plans to market a line of costume jewelry consisting of non-precious metals and synthetic stones.

My client is presently considering several names for the individual pieces of jewelry as well as the entire line. Among these names are some using the word "Jewelled"; e.g. "Jewelled Heirloom". Also under consideration are names using the word "Golden"; e.g. "Golden Owl". In the latter example, the piece will actually be in the shape of a miniature owl of a golden color but containing no gold metal. In the former, the stones used will be synthetic.

I would appreciate your opinion as to whether the use of these names, as contemplated, would violate any rule or regulation of the Federal Trade Commission. If you are of the opinion that there would be such a violation without a further disclosure, would you indicate what wording would be sufficient. In this regard, we are considering using the legend "Costume Jewelry" on labels and labelling.

Thank you for your cooperation in this matter.

Very truly yours,

(S) EDWARD S. JONES.

Promotional Assistance Plan Whereby Labels from Grocery and Household Products May Be Redeemed When Affixed to Designated Portions of a Book Which the Company Proposes To Sell to Competing Retailers. (File No. 713 7030)*

Opinion Letter

JULY 1, 1971

DEAR MR. SHEPARD:

This is in response to your letter of January 11, 1971, requesting an advisory opinion concerning the legality of a proposed promotional assistance plan whereby labels from grocery and household products may be redeemed when affixed to designated portions of a book which you propose to sell to competing retailers.

As the Commission understands the facts, retailers will be offered an opportunity to provide their customers with personalized label redemption books for redemption by the issuing store. Each redeemable page of the book will contain label depictions of several products of a given manufacturer. Retailers need not stock any or all items on any particular page to acquire compensation for redemption. Each retailer may excise, prior to publication, any particular redeemable page. No partial page redemption will be allowed. Participating retailers will receive label redemption books based on the number of operable cash registers.

The Commission has given your proposal careful consideration and

*Book cover page not published.

has determined that it fails to provide functional availability on proportionally equal terms, as required by Section 2 of the amended Clayton Act. This determination is based on the feature of the plan which allows the deletion of only full pages by the retailer.

If a retailer does not stock all items on a particular page of the label redemption book, and yet wishes to obtain the promotional allowance, he must in effect encourage his customers to shop elsewhere for the labels from products he does not carry. The option of the retailer to delete an entire page does not, in the Commission's view, make the offer functionally available.

It is the Commission's view that deletion of only full pages also creates a situation where retailers receive disproportionate compensation on a per product basis. Because some retailers will stock only some of the products on a page containing several labels, the per-product compensation received will be greater than that received by a retailer stocking all items on a particular page.

Another area of concern stems from the method chosen for allocation of the label redemption books. It is the Commission's view that to base the number of books allocated to each store on the number of operable cash registers does not provide sufficient proportionality within the requirements of Section 2 of the amended Clayton Act.

By direction of the Commission.

Letter of Request

FEBRUARY 5, 1971

DEAR MR. ROBBINS:

Thanks for information and advice in your letter of January 29. It refreshed our understanding of your Commission's requirements.

I am sure you realize how carefully manufacturers are studying tripartite or any other kind of promotional activities or agreements.

From our own experiences, it is difficult to get a hearing on any new idea without first answering the question "Do you have an opinion or o.k. from FTC?"

My apologies for the length of the enclosure but we have been writing and rewriting, editing and reediting for quite some time, hoping to cover all details in such a way as to show the plan's ability to comply with your Commission's most exacting requirements.

If you have any questions I would appreciate a chance to supply answers by phone, letter or in person. A visit to Washington would be enjoyable.

As you might realize, we are not alone in seeking to develop new marketing ideas and if publicity on this plan is a requisite for your

opinion, we trust it will be in generalities without specific mechanics, allowing us a little lead time in "covering the territory".

Listening for the phone and waiting for the postman, we are

Respectfully,

(S) GLEN SHEPARD.

Enclosure.

This will outline a new sales promotional or marketing program to be tested for the first time in the Greater St. Louis Metropolitan County Area as defined by the Office of Statistical Standards, U.S. Bureau of the Budget.

The plan involves a tripartite agreement between manufacturers and suppliers of food and household products and their customers, with our firm as third party or publishers.

From previous experiences, we know that manufacturers will want assurance that the plan is in compliance with the Clayton Act as amended by the Robinson-Patman Act and that it follows your Commission's most recent guidelines issued in March and June of 1969.

You will realize from detailed description of program that we fully appreciate the importance of (1) properly and adequately notifying all manufacturers' customers (retailers) of its availability (2) that it must be usable and suitable for any and all customers on proportionally equal terms (3) that ample time must be allowed for all customers to participate (4) that no customer of any manufacturer will be required to purchase products of another manufacturer as a condition for partipation and (5) that periodic or spot checks must be made to verify that customers are receiving equal treatment.

This idea is not an overnight happening but result of a long search for a viable marketing program which manufacturers can use as a supplement or alternate to "cents off" labels, couponing, sampling or other product identification return plans.

Success of test and future expansion of program depends on four factors (1) ability to perform in compliance with the law (2) pleasing manufacturers who pay major costs (3) sparking interest of retailers and (4) motivating consumer action.

We would appreciate your reviewing this plan and advising us of any deficiencies under the letter or spirit of the law. You might want to take into consideration the fact that this is a test and that prior to offering it in other market areas we would be willing to submit a full report on our performance for your evaluation.

The plan . . .

offers manufacturers a practical and less wasteful method of motivating consumers to buy and try their products.

offers all retailers (customers of the manufacturers) an inexpensive, personalized customer relations program, with a good potential for extra profits.

offers consumers a quick, convenient and attractive savings of over 20% on purchases of food and household products.

The Overall Plan, in Brief. Detailed Description Follows

1. Publisher solicits manufacturers to sponsor products in Cash-A-Brand Savings books, a new consumers' savings program. Personalized copies of books