



UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, DC 20580

Office of the Secretary

April 18, 2016

Re: *In the Matter of General Workings Inc., also doing business as Vulcun, et al.*  
*File No. 152 3159, Docket No. C-4573*

Copeman  
Commonwealth of Virginia

Thank you for commenting on the Federal Trade Commission's proposed consent agreement in the above-referenced proceeding. The Commission has placed your comment on the public record pursuant to Rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii), and has given it serious consideration.

In your letter, you express appreciation for the provisions in the proposed order that bar misrepresentations about endorsements by third parties or the media. You also note appreciation for the provision in the proposed order barring misrepresentations about the popularity of a particular product or service. Finally, you request that the Commission monitor and enforce these provisions in the proposed order. If respondents violate the proposed order, they would be liable for civil penalties of up to \$16,000 per violation, pursuant to Section 5(1) of the FTC Act, 15 U.S.C. § 45(1). As is the case with all Commission orders, Commission staff will closely monitor General Working's future activities to determine whether any violations occur.

Accordingly, the Commission has determined that the public interest would best be served by issuing the Decision and Order in final form without modification. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. It helps the Commission's analysis to hear from a variety of sources, and we thank you again for your comment.

By direction of the Commission.

Donald S. Clark  
Secretary



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Re: *In the Matter of General Workings Inc., also doing business as Vulcun, et al.*  
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Randall Marks  
State of Maryland

Dear Mr. Marks:

Thank you for commenting on the Federal Trade Commission's proposed consent agreement in the above-referenced proceeding. The Commission has placed your comment on the public record pursuant to Rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii), and has given it serious consideration.

In your letter, you urge that the Commission reject the proposed order and instruct staff to negotiate an additional provision requiring prior notice to the FTC before respondents acquire another video game. You note the complementary nature of the agency's competition and consumer protection missions and suggest that the agency take "enforcement action on both bases" here. You conclude by noting that such a requirement "would allow the Commission to monitor Respondents' conduct and deter future violations." The Hart-Scott-Rodino Antitrust Improvements Act of 1976, 15 U.S.C. § 18a, generally mandates that mergers or acquisitions above a certain value be reported to the FTC and the Department of Justice's Antitrust Division so that the competitive implications of those deals can be assessed. If one of the agencies determines that the transaction is likely to substantially lessen competition in a relevant line of commerce, it can file an action in federal court to enjoin it preliminarily. In certain instances, the Commission may conclude that transactions below the HSR valuation threshold in a particular market may raise competitive concerns in the future. If so, the Commission has sometimes required a respondent in a settlement resolving competitive concerns from a proposed acquisition or merger to agree to give the Commission prior notice of future acquisitions.<sup>1</sup> A provision requiring prior notice to the agency of future acquisitions or mergers is generally only appropriate when a company has sought to engage in an acquisition that may substantially lessen competition in a relevant product market. The enforcement action here, however, solely concerns the unfair and deceptive acts or practices of the company, not the competitive implications of its acquisition of a video game. Consequently, such relief would not be appropriate in this instance.

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<sup>1</sup> See <https://www.ftc.gov/public-statements/1995/08/statement-concerning-prior-approval-prior-notice-provisions-merger-cases>.

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By direction of the Commission.

Donald S. Clark  
Secretary