

# Index

## ACTIONS

- Civil Actions (this index)
- Mergers (this index)

## ADJUDICATIVE PROCEEDINGS

- Generally, **1:3, 8:1**
- Administrative law judges, functions of, **8:3**
- Answers, **8:5**
- Appeal to commission
  - Generally, **8:19**
  - Interlocutory appeals, **8:12**
- Complaints, **8:2**
- Confidentiality, **8:15, 8:16**
- Deception cases, adjudicative standards, **4:3**
- Defenses to FTC complaint, assessing, **8:22**
- Discovery (this index)
- Evidence, admissibility, **8:14**
- Final orders, **8:23**
- Findings, submission of, **8:19**
- Immunity procedures, **8:18**
- Initial decision, **8:19**
- Interlocutory appeals to commission, **8:12**
- Intervention, **8:6**
- Motions, **8:4**
- Pretrial conferences and hearings, **8:7**
- Privileges, **8:15, 8:16**
- Reopening proceedings, **8:23**
- Sanctions, failure to comply with orders, **8:17**
- Settlement, **8:20**
- Witnesses, designated, voluntary discovery and interviews, **8:13**

## ADMINISTRATIVE LAW

- FTC and federal administrative law, **1:8**

## ADMINISTRATIVE LAW JUDGES

- Functions of, **8:3**
- Office of, **2:7**

## ADMISSIONS

- Adjudicative proceedings, **8:9**

## ADVERTISING

- Generally, **22:1-22:22**
- Agency liability for false advertising, **22:14**
- Bait and switch advertising, **22:16**
- Caselaw
  - Agency liability for false advertising, **22:15**
  - Illustrations Retailer liability for false advertising, **22:15**
- Children, advertising directed to, **22:13**
- Comparative advertising, **22:19**
- Comparative pricing claims, **22:20**
- Corrective advertising and redress, **22:12**
- Deceptive or unfair advertising
  - Commission discretion and First Amendment, **22:11**
  - Corrective advertising and redress, **22:12**
  - Formatting, **22:22**
  - Guarantees, guides against deceptive advertising, **7:16**
  - Remedies, **22:11**
  - Standards, **22:6, 22:7**
- Demonstrations, **22:17**
- Endorsements, **22:18**
- False advertising of food and drugs, FTC injunctive authority, **10:3, 10:4**
- First Amendment, commission discretion and, **22:11**
- Formatting, deceptively formatted advertising, **22:22**
- FTC Policy Statement Regarding Advertising Substantiation, **App. D-2**
- FTC Policy Statement Regarding Food Advertising, **App. D-4**

**ADVERTISING—Cont'd**

- Guarantees, guides against deceptive advertising, **7:16**
- Industry-wide investigations, guides, and rules, **22:4**
- Long-distance telephone services, **22:21**
- Monitoring program, **22:2**
- Other areas of concern, **22:5**
- Pricing claims, comparative, **22:20**
- Product information program, **22:3**
- Retailer liability for false advertising, **22:14**
- Robinson-Patman Act, advertising allowances, **16:4**
- Standards for deception and unfairness, **22:6, 22:7**
- Substantiation program
  - Generally, **22:2, 22:8**
  - Background, **22:8**
  - Criteria used to assess advertising claims, **22:9**
  - How process works, **22:10**
- Telephone service, long-distance, **22:21**
- Testimonials, **22:18**
- Unfairness. Deceptive or unfair advertising, above

**ADVISORY OPINIONS**

- Generally, **25:1**
- Formal, **25:2**
- Informal, **25:3**
- Public statements of enforcement policy, **25:4**

**AGENTS**

- Sports Agent Responsibility and Trust Act, **20:22**

**ALASKA**

- Trans-Alaska Oil Pipeline Act, **3:8**

**AMERICAN BAR ASSOCIATION**

- Report, calls for reform, **3:7**

**ANSWERS**

- Adjudicative proceedings, **8:5**

**ANTITRUST**

- Generally, **15:1**
- Advertising allowances, **16:4**

**ANTITRUST—Cont'd**

- Cereal cases, **15:4**
- Clayton Act
  - Interlocking Directorates (this index)
  - Mergers (this index)
  - Sherman Act and Clayton Act § 3 offenses, FTC enforcement, below
- Cost justification, **16:6**
- Divestiture and licensing, **15:6**
- Exxon cases, **15:4**
- Favored purchasers, negotiations with, **16:3**
- Improvement Acts (1976), **3:10**
- Interlocking Directorates (this index)
- Mergers (this index)
- Monopolization and attempt to monopolize under FTC § 5
  - Generally, **15:3**
  - Relief in monopoly or shared monopoly cases, **15:5**
- Oligopoly, **15:4**
- Pricing problems, **15:2**
- Professional associations, **15:7**
- Robinson-Patman Act, FTC enforcement
  - Generally, **16:2**
  - Advertising allowances, **16:4**
  - Brokerage and commercial bribery (§ 2(c)), **16:5**
  - Cost justification and volume or quantity discounts, **16:6**
  - Introduction to act, **16:1**
  - Negotiations with favored purchasers (§ 2(f)), **16:3**
  - Selection criteria for Robinson-Patman cases, **16:7**
- Sherman Act and Clayton Act § 3 offenses, FTC enforcement
  - Generally, **15:1**
  - Cereal and Exxon cases, **15:4**
  - Divestiture and licensing, **15:6**
  - Monopolization and attempt to monopolize under FTC § 5, **15:3**
  - Oligopoly, **15:4**
  - Pricing problems, **15:2**

## INDEX

### **ANTITRUST—Cont'd**

- Sherman Act and Clayton Act § 3 offenses, FTC enforcement—Cont'd
- Professional associations under FTC Act § 5, **15:7**
- Relief in monopoly and shared monopoly cases, **15:5**
- Trade associations under FTC Act § 5, **15:6**
- Trade associations, **15:6**
- Unfair methods of competition. Competition (this index)
- Volume or quantity discounts, **16:6**

### **ANTITRUST GUIDELINES**

- Intellectual property, licensing, **App. E-1**

### **APPEALS**

- Commission, appeal to. Adjudicative proceedings (this index)
- Interlocutory appeals to commission, **8:12**
- Judicial Review (this index)

### **BAIT AND SWITCH ADVERTISING**

- Generally, **22:16**

### **BETTER ONLINE TICKET SALES ACT OF 2016**

- Generally, **20:29**

### **BRIBERY**

- Brokerage and commercial bribery under Robinson-Patman Act, **16:5**

### **CAN-SPAM**

- Controlling the Assault of Nonsolicited Pornography and Marketing Act of 2003, FTC responsibilities, **20:20**

### **CEASE AND DESIST ORDERS**

- Generally, **11:1**
- Acts or practices, **11:4**
- Binding individuals in commission orders, **11:9**
- Binding successors and nonparties, **11:10**

### **CEASE AND DESIST ORDERS —Cont'd**

- Civil penalties, violation of order, **10:13**
- Competitors, consistency of orders against, **11:8**
- Final orders, petitions for review, **9:3**
- Geographic and time limitations, **11:5**
- Legal standards, **11:1 et seq.**
- Nonparties, binding effect, **11:10**
- Precision of order provisions, **11:6, 11:7**
- Products, **11:3**
- Scope of FTC discretion in ordering relief, **11:1**
- Special order provisions, **11:11**
- Successors, binding effect, **11:10**
- Terms, specificity and breadth
  - Generally, **11:2**
  - Acts or practices, **11:4**
  - Geographic and time limitations, **11:5**
  - Precision of order provisions, **11:6, 11:7**
  - Products, **11:3**
- Violation of, penalties, **10:13**

### **CHAIRMAN**

- Generally, **2:2**

### **CHILDREN**

- Advertising directed to, **22:13**
- Online Privacy Protection Act of 1998, FTC responsibilities, **20:17**

### **CIVIL ACTIONS**

- Generally, **10:1-10:15**
- FTC representation in court, **10:1**
- Injunctions (this index)
- Mergers (this index)
- Penalties
  - Cease and desist orders, violation of, **10:13**
- Proceedings
  - Generally, **10:9**
  - Under FTC Act § 5(1), **10:10**
- Trade regulation rules, violation of, **10:12**

**CIVIL ACTIONS—Cont'd**

- Penalties—Cont'd
  - Under 1975 Improvement Act, **10:11**
- Private rights of action under FTC Act, **1:7**
- Redress under Administrative Practice and 1975 Improvement Act (this index)
- Service of process, **10:15**
- Use of FTC decrees in civil suits, **23:6**

**CLAYTON ACT**

- Antitrust (this index)
- Interlocking Directorates (this index)
- Mergers (this index)
- Tolling under § 5(a) and 5(i), **23:6**

**COMMISSION ORGANIZATION**

- Organization and Operating Procedures (this index)

**COMPETITION**

- Bureau of
  - Generally, **2:13-2:15**
  - Current concerns, **5:5**
- Nonmerger collaborations among competitors, regulation of, **17:15**
- Rulemaking in competition area
  - Generally, **5:6**
  - FTC power after Magnuson-Moss Act, **5:7**
  - Procedure, **5:8**
- Unfair methods (FTC Act § 5)
  - Generally, **5:1-5:9**
  - Enforcement principles, **5:9**
  - Incipient violations of antitrust laws, authority to regulate, **5:3**
  - Public policy, power to regulate acts or practices violative of, **5:4**
  - Spirit of antitrust laws, authority to regulate practices violative of, **5:2**

**COMPLAINTS**

- Adjudicative proceedings, **8:2**
- Commission, complaints to, **24:1**

**COMPLAINTS—Cont'd**

- Inducing FTC action on complaint, **24:2**

**COMPULSORY PROCESS**

- Subpoenas (this index)

**COMPUTERS**

- Internet (this index)

**CONCLUSION**

- Generally, **29:1**

**CONFIDENTIALITY**

- Adjudicative proceedings, **8:15, 8:16**
- FTC treatment of confidential information, **28:5**
- Section 6(f) publication of reports, **13:9**
- Subpoenas, **14:4**

**CONSENT ORDERS**

- Generally, **12:1**
- Effect of orders, **12:5**
- Negotiations, **12:4**
- Pre-adjudication settlement procedures, history, **12:2**
- Procedures, **12:3**
- Third parties, **12:6**

**CONSTITUTIONAL CLAIMS**

- Deceptive or unfair advertising, commission discretion and First Amendment, **22:11**
- Judicial review, **9:6**

**CONSUMER CREDIT**

- Generally, **19:1**
- Consumer Leasing Act, **19:7**
- Credit Card Accountability Act of 2009, **20:25**
- Credit Repair Organizations Act, **19:10**
- Debt collection letters, **19:3**
- Debt collection practices, **19:2**
- Equal Credit Opportunity Act, **19:8**
- Fair Credit Billing Act, **19:6**
- Fair Credit Reporting Act, **19:4**
- FTC and consumer credit, **19:1**
- Trade regulation rules, credit-related, **19:9**
- Truth in Lending Act, **19:5**

## INDEX

### CONSUMER LEASING ACT

FTC enforcement, **19:7**

### CONSUMER PROTECTION

Bureau of

Generally, **2:13, 2:15**

Current concerns, **4:2**

Consumer education, **2:18**

Credit. Consumer Credit (this index)

Debt collection practices, **19:2**

Dishonest or fraudulent trade practices, **21:4**

Dodd-Frank Wall Street Reform and Consumer Protection Act, **3:14**

Fairness to Contact Lens Consumers Act, FTC responsibilities, **20:21**

FTC Act as consumer protection law, **4:1**

Magnuson-Moss Warranty Act (this index)

Redress, **21:2-21:4**

Telemarketing and Consumer Fraud and Abuse Prevention Act, **20:14, 20:15**

Unfair or Deceptive Acts and Practices (this index)

### CONSUMER REVIEW FAIRNESS ACT OF 2016

Generally, **20:27**

FTC adjudicative proceedings, **20:28**

### CONTACT LENSES

Fairness to Contact Lens Consumers Act, FTC responsibilities, **20:21**

### CONTRACTS

Service contracts, Magnuson-Moss Warranty Act, **7:5**

### COURTS

Civil Actions (this index)

Injunctions (this index)

Judicial Review (this index)

### CREDIT

Consumer Credit (this index)

### CREDIT CARD

ACCOUNTABILITY ACT OF 2009

Generally, **20:25**

### CROSS-EXAMINATION

Rulemaking practice and procedure, **6:4**

### DEBT COLLECTION PRACTICES

Generally, **19:2**

Letters, **19:3**

### DECEPTIVE ACTS

Advertising (this index)

Unfair or Deceptive Acts and Practices (this index)

### DEFENSES

FTC complaint, assessing defenses, **8:22**

Merger actions by FTC, **17:7**

Subpoenas, **14:7**

### DEPARTMENT OF JUSTICE

FTC relationship with, **26:2**

### DEPOSITIONS

Adjudicative proceedings, **8:10**

### DISCOVERY

Generally, **8:8**

Admissions, **8:9**

Depositions and interrogatories, **8:10**

Pre-enforcement relief from FTC discovery, **8:21**

Subpoenas, **8:11**

Voluntary discovery and interviews of designated witnesses, **8:13**

### DISCRETION

Judicial review of discretionary action, **9:7**

Scope of FTC discretion, **11:1**

Warranties, discretionary rules regarding, **7:13**

### DISPUTE RESOLUTION

Informal mechanisms under Magnuson-Moss Warranty Act (Rule 703), **7:12**

### DODD-FRANK WALL STREET REFORM AND CONSUMER PROTECTION ACT

Generally, **3:14**

**ECONOMICS, BUREAU OF**  
Generally, **2:11**

**ECONOMIC SURVEYS AND REPORTS**

Generally, **27:1**  
Line of business and corporate patterns reports, **27:2**  
Quarterly financial reports, **27:3**  
Studies on various industries, **27:4**

**ENDORSEMENTS**

Advertising, **22:18**

**ENERGY INDEPENDENCE AND SECURITY ACT OF 2007**

FTC responsibilities, **20:24**

**ENERGY POLICY ACT**

FTC responsibilities, **20:23**

**ENERGY POLICY AND CONSERVATION ACT**

FTC responsibilities, **20:9**

**ENFORCEMENT POLICY**

Good Faith, **10:14**  
Public statements, **25:4**  
Unfair methods of competition, § 5  
FTC Act, **5:9**

**ENVIRONMENT**

FTC and National Environmental Policy Act, **20:10**

**EQUAL CREDIT OPPORTUNITY ACT**

Generally, **19:8**

**EVIDENCE**

Admissibility, adjudicative proceedings, **8:14**

**EXECUTIVE DIRECTOR**

Office of, **2:4**

**EXPORTED PRODUCTS**

Magnuson-Moss Warranty Act, **7:6**

**FAIR CREDIT BILLING ACT**

FTC enforcement, **19:6**

**FAIR CREDIT REPORTING ACT**

FTC enforcement, **19:4**

**FAIR PACKAGING AND LABELING ACT**

FTC responsibilities, **20:4**

**FEDERAL AGENCIES**

FTC relationship with other agencies, **26:1**

**FEDERAL TRADE COMMISSION ACT**

Generally, **3:1-3:13**

ABA and Nader reports, calls for reform, **3:7**

Amendments Act of 1994, **3:12**

Background, 1914 Act, **3:2**

Congressional interpretations of FTC Act, **3:3**

Dodd-Frank Wall Street Reform and Consumer Protection Act, **3:14**

Evolution of FTC powers in 1950s, **3:6**

Improvement acts

Antitrust Improvement Acts  
(1976), **3:10**

Improvement Act of 1980, **3:11**

Magnuson-Moss Warranty Act, **3:9**

Redress under Administrative Practice and 1975 Improvement Act (this index)

Investigations (this index)

Jurisdiction (this index)

Outline, **3:1**

Section 5

Jurisdictional elements, **1:4-1:6**

Unfair methods of competition.  
Competition (this index)

Unfair or Deceptive Acts and Practices (this index)

Supreme Court interpretations, **3:4**

Trans-Alaska Oil Pipeline Act, **3:8**

Unfair or Deceptive Acts and Practices (this index)

U.S. SAFE WEB Act of 2006, **App. A-3, 3:13**

Wheeler-Lea Act, **3:5**

**FINANCIAL PRIVACY**

Right to Financial Privacy Act of 1978, FTC and, **28:8**

## INDEX

### FINDINGS

Submission of, **8:19**

### FIRST AMENDMENT

Deceptive or unfair advertising, commission discretion and First Amendment, **22:11**

### FOOD ADVERTISING

FTC Policy Statement Regarding Food Advertising, **App. D-4**

### FOOD AND DRUGS

False advertising, FTC injunctive authority, **10:3, 10:4**

### FOREIGN AGENCIES

FTC relationship with, **26:6**

### FORMS

Standard Protective Order, **App. C-8**

### FREEDOM OF INFORMATION ACT

Records (this index)

### FUR

Wool, Fur, and Textile Products Labeling Acts, FTC responsibilities, **20:2, 20:3**

### GENERAL COUNSEL

Office of, **2:5**

### GOOD FAITH

Enforcement actions, **10:14**

### GRAMM-LEACH-BLILEY ACT

FTC responsibilities, **20:18**

### GUARANTEES

Guides against deceptive advertising, **7:16**

### HART-SCOTT-RODINO

Mergers (this index)

### HEARINGS

Investigations under FTC Act § 6, **13:3**

### HOBBY PROTECTION ACT

FTC responsibilities, **20:6**

### HORIZONTAL MERGER GUIDELINES

Generally, **App. D-5**

### IMMUNITY PROCEDURES

Adjudicative proceedings, **8:18**

### IMPLIED WARRANTIES

Magnuson-Moss Warranty Act, **7:9**

### IMPROVEMENT ACTS

Federal Trade Commission Act (this index)

Redress under Administrative Practice and 1975 Improvement Act (this index)

### INDUSTRY-WIDE INVESTIGATIONS

Generally, **13:6**

Advertising, **22:4**

### INJUNCTIONS

FTC injunctive authority

False advertising of food and drugs, **10:3, 10:4**

Federal Trade Commission Act Section 13(b), **10:6**

Permanent injunction, grant of, **10:5-10:7**

Under FTC Act § 13(b), **10:5-10:7**

Nonfinal FTC actions, **9:2**

Permanent injunction, FTC grant of, **10:5-10:7**

Preliminary injunctive relief by commission, **10:2**

### INSPECTOR GENERAL

Office of, **2:8**

### INTELLECTUAL PROPERTY

Licensing, **App. E-1**

### INTERLOCKING DIRECTORATES

Generally, **18:1**

Clayton Act § 8, FTC enforcement

Background, **18:1**

Contents of orders, **18:5**

FTC Act § 5 as applied to interlocks

Generally, **18:2**



## **INTERLOCKING DIRECTORATES**

### **—Cont'd**

Clayton Act § 8, FTC enforcement

### **—Cont'd**

FTC Act § 5 as applied to interlocks—Cont'd

Interlocks left unregulated under § 8, **18:3**

Perpetual Federal Savings case, **18:3**

Relief, general standards, **18:4**

Trends in § 8 enforcement, **18:6**

## **INTERNATIONAL AFFAIRS**

Office of, **2:9**

## **INTERNET**

Children's Online Privacy Protection Act of 1998, FTC responsibilities, **20:17**

## **INTERROGATORIES**

Adjudicative proceedings, **8:10**

## **INTERVENTION**

Adjudicative proceedings, **8:6**

## **INTRODUCTION**

Generally, **1:1-1:8**

Hybrid nature of commission, **1:3**

Mandate and goals of commission, **1:2**

Scope note, **1:1**

## **INVESTIGATIONS UNDER FTC**

### **ACT § 6**

Generally, **13:2**

Compliance investigations and reports of compliance, **13:7**

Confidentiality, § 6(f) publication of reports and, **13:9**

False disclosures or nondisclosures to FTC, legal restraints, **23:7**

Hearings, **13:3**

Industry-wide investigations, **13:6**

Initial and full, **2:17**

Investigatory power

Generally, **13:1**

Jurisdiction, **13:4**

Responding to investigations and proceedings

Generally, **23:1-23:7**

## **INVESTIGATIONS UNDER FTC**

### **ACT § 6—Cont'd**

Responding to investigations and proceedings—Cont'd

Arguments for closing, **23:3**

Disqualification and clearance of participants, **23:4**

False disclosures or nondisclosures to FTC, legal restraints, **23:7**

How to react, **23:1-23:7**

Negotiating with agency personnel, **23:2**

Res judicata and related theories, application of, **23:5**

Tolling under Clayton Act, § 5(a) and 5(i), **23:6**

Use of FTC decrees in civil suits, **23:6**

Sections 6(c), (d), (e), and (g), **13:8**

Special reports and answers to questions, § 6(b) power to obtain

Generally, **13:5**

Industry-wide investigations, **13:6**

## **JUDICIAL REVIEW**

Generally, **9:1**

Cease and desist orders, final, petitions for review, **9:3**

Discretionary action, challenges to, **9:7**

Injunctions against nonfinal FTC actions, **9:2**

Interim powers of court of appeals pending review, **9:4**

Remedial provisions in final order, review of, **9:8**

Standards for review of final agency actions

Generally, **9:5-9:7**

Discretionary action, challenges to, **9:7**

Statutory, constitutional or procedural claims, **9:6**

Substantial evidence test, **9:5**

Statutory, constitutional or procedural claims, **9:6**

Substantial evidence test, **9:5**

## **JURISDICTION**

Exemptions to commission jurisdiction, outline, **1:6**



## INDEX

### **JURISDICTION—Cont'd**

- FTC Act § 5, jurisdictional elements under
  - Generally, **1:4**
  - In or affecting commerce requirement, **1:4**
  - Public interest requirement, **1:5**
- Investigatory power, **13:4**
- Private rights of action under FTC Act, **1:7**

### **JUSTICE DEPARTMENT**

- FTC relationship with, **26:2**

### **LABELING**

- Fair Packaging and Labeling Act and rulemaking thereunder, **20:4**
- Wool, Fur, and Textile Products Labeling Acts, FTC responsibilities, **20:2, 20:3**

### **LANHAM ACT**

- FTC responsibilities, **20:7**

### **LEASES**

- Consumer Leasing Act, FTC enforcement, **19:7**

### **LEGISLATIVE FUNCTIONS**

- Generally, **1:3**

### **MAGNUSON-MOSS WARRANTY ACT**

- Generally, **7:1**
- Consumer products defined, **7:3**
- Consumers defined, **7:4**
- Disclosure (Rule 701), **7:10**
- Effective date, **7:2**
- Enforcement, **7:15**
- Exported products, **7:6**
- FTC Improvement Act, **3:9**
- Guarantees, guides against deceptive advertising, **7:16**
- Implied warranties, **7:9**
- Informal dispute settlement mechanisms (Rule 703), **7:12**
- Presale availability (Rule 702), **7:11**
- Retailers, impact on, **7:14**
- Rulemaking
  - Generally, **6:3**
  - Competition area, **5:7**

### **MAGNUSON-MOSS WARRANTY ACT—Cont'd**

- Service contracts, **7:5**
- Trade regulation rules regarding warranties, discretionary, **7:13**
- Warranty rules
  - Generally, **7:10**
  - Disclosure (Rule 701), **7:10**
  - Informal dispute settlement mechanisms (Rule 703), **7:12**
  - Presale availability (Rule 702), **7:11**
- Written warranties
  - Defined, **7:4**
  - Minimum standards
    - Generally, **7:7**
    - Designation, **7:7**
    - Tie-ins, **7:8**

### **MERGERS**

- Actions by FTC
  - Generally, **17:5**
  - Attorney fees, **17:6**
  - Caselaw illustrations, defenses, **17:8**
  - Commission's statement, negotiation merger remedies, **17:13**
  - Defenses, **17:7, 17:8**
  - Types of relief, **17:5**
- Case selection criteria for mergers and acquisitions, **17:14**
- Clayton Act § 7
  - Conglomerate mergers and FTC enforcement, **17:4**
  - Enforcement
    - Generally, **17:1, 17:2**
    - Conglomerate mergers, **17:4**
  - Market analysis, **17:3**
- Commission's statement, negotiation merger remedies, actions by FTC, **17:13**
- Hart-Scott-Rodino pre-merger notification
  - Generally, **17:10**
  - FTC administration, **17:12**
  - Transactions subject to Act, **17:11**
- Horizontal merger guidelines, **App. D-5**

**MERGERS—Cont'd**

- Negotiation merger remedies, commission's statement, actions by FTC, **17:13**
- Nonmerger collaborations among competitors, regulation of, **17:15**
- Notification. Hart-Scott-Rodino pre-merger notification, above
- Policy statements on mergers in selected industries, **17:9**
- Pre-merger notification. Hart-Scott-Rodino pre-merger notification, above

**MONOPOLIES**

- Antitrust (this index)

**MOTIONS**

- Adjudicative proceedings, **8:4**

**NADER REPORT**

- Generally, **3:7**

**NATIONAL COOPERATIVE  
RESEARCH ACT OF 1984**

- FTC responsibilities, **20:12**

**NATIONAL ENVIRONMENTAL  
POLICY ACT**

- FTC and NEPA, **20:10**

**NEGOTIATIONS**

- Agency personnel, negotiating with, **23:2**
- Consent orders, **12:4**
- Favored purchasers, negotiations with, **16:3**
- Merger remedies, commission's statement, **17:13**

**OIL**

- Trans-Alaska Oil Pipeline Act, **3:8**

**OLIGOPOLIES**

- Cereal and Exxon cases, **15:4**

**OMNIBUS APPROPRIATIONS  
ACT OF 2009**

- Generally, **20:25**

**ONLINE SHOPPERS**

- Restore Online Shoppers' Confidence Act, **20:26**

**OPERATING UNITS**

- Organization and Operating Procedures (this index)

**ORDERS**

- Cease and Desist Orders (this index)
- Consent Orders (this index)
- Final orders, adjudicative proceedings, **8:23**
- Forms, Standard Protective Order, **App. C-8**

**ORGANIZATION AND  
OPERATING PROCEDURES**

- Generally, **2:1-2:20**
- Administrative law judges, office of, **2:7**
- Chairman, **2:2**
- Competition, bureau of, **2:13-2:15**
- Consumer education, **2:18**
- Consumer protection, bureau of, **2:13, 2:15**
- Economics, bureau of, **2:11**
- Executive director, office of, **2:4**
- General counsel, office of, **2:5**
- Inspector general, office of, **2:8**
- Internal operating rules and other sources of information
- Generally, **2:19**
- Legal materials, **2:19**
- Other materials, **2:20**
- International affairs, office of, **2:9**
- Investigations, initial and full, **2:17**
- Operating units
- Generally, **2:3**
- Administrative law judges, office of, **2:7**
- Economics, bureau of, **2:11**
- Executive director, office of, **2:4**
- General counsel, office of, **2:5**
- Inspector general, office of, **2:8**
- International affairs, office of, **2:9**
- Regional offices, **2:12**
- Secretary, office of, **2:6**
- Regional offices, **2:12**
- Secretary, office of, **2:6**
- Standards governing disposition of matters, **2:16**
- Technology, office of, **2:10**

## INDEX

### PACKAGING

Fair Packaging and Labeling Act and rulemaking thereunder, **20:4**

### PACKERS AND STOCKYARDS ACT

FTC responsibilities, **20:8**

### PENALTIES

Cease and Desist Orders (this index)  
Civil Actions (this index)  
Redress under Administrative Practice and 1975 Improvement Act (this index)

### PETROLEUM MARKETING PRACTICES ACT

FTC responsibilities, **20:11**

### PIPELINES

Trans-Alaska Oil Pipeline Act, **3:8**

### POLICY STATEMENTS

FTC Policy Statement Regarding Advertising Substantiation, **App. D-2**  
FTC Policy Statement Regarding Food Advertising, **App. D-4**

### PORNOGRAPHY

Controlling the Assault of Nonsolicited Pornography and Marketing Act of 2003, FTC responsibilities, **20:20**

### PREEMPTION

Legal background, **26:4**

### PRETRIAL CONFERENCES AND HEARINGS

Adjudicative proceedings, **8:7**

### PRIVACY

Children's Online Privacy Protection Act of 1998, FTC responsibilities, **20:17**  
Privacy Act of 1974, FTC and, **28:7**  
Right to Financial Privacy Act of 1978, FTC and, **28:8**

### PRIVILEGES

Adjudicative proceedings, **8:15, 8:16**

### PROCESS

Compulsory process. Subpoenas (this index)

### PROFESSIONAL ASSOCIATIONS

FTC enforcement of Sherman Act and Clayton Act § 3 offenses, **15:7**

### PROSECUTORIAL FUNCTIONS

Generally, **1:3**

### PROTECTIVE ORDERS

Forms, Standard Protective Order, **App. C-8**

### PUBLIC POLICY

Acts or practices violative of, power to regulate, **5:4**

### PUBLIC RECORDS

Records (this index)

### RECORDS

Generally, **28:1**  
Confidential information, FTC treatment of, **28:5**  
Documents available to public, **28:2**  
Freedom of Information Act  
Generally, **28:3**  
Coverage and exemptions, **28:4**  
Privacy Act of 1974, FTC and, **28:7**  
Right to Financial Privacy Act of 1978, FTC and, **28:8**  
Sunshine Act of 1976, FTC and, **28:6**

### REDRESS UNDER

#### ADMINISTRATIVE PRACTICE AND 1975 IMPROVEMENT ACT

Generally, **21:1**  
Consumer redress  
Generally, **21:2**  
Dishonest or fraudulent trade practices, **21:4**  
Rule violations, **21:2, 21:3**  
Court proceedings  
Generally, **21:6**  
Available remedies, **21:7**  
Criteria for redress cases and examples, **21:5**

**REDRESS UNDER  
ADMINISTRATIVE  
PRACTICE AND 1975  
IMPROVEMENT ACT—Cont'd**

Tactical procedure  
Generally, **21:8**  
Plaintiffs or competitors, **21:9**  
Respondents, **21:8**

**REGIONAL OFFICES**

Generally, **2:12**

**REPORTS**

ABA report, calls for reform, **3:7**  
Confidentiality, § 6(f) publication of  
reports and, **13:9**  
Economic Surveys and Reports (this  
index)

**RESEARCH**

National Cooperative Research Act  
of 1984, FTC responsibilities,  
**20:12**

**RES JUDICATA**

FTC investigations and proceedings,  
**23:5**

**RESTORE ONLINE SHOPPERS'  
CONFIDENCE ACT**

Generally, **20:26**

**RETAILERS**

Caselaw illustrations, false advertis-  
ing, liability for, **22:15**  
False advertising, liability for, **22:14**  
Magnuson-Moss Warranty Act,  
impact on retailers, **7:14**

**ROBINSON-PATMAN ACT**

Antitrust (this index)

**RULEMAKING**

Competition (this index)  
Fair Packaging and Labeling Act and  
rulemaking thereunder, **20:4**  
Unfair or Deceptive Acts and Prac-  
tices (this index)  
Wool, Fur, and Textile Products  
Labeling Acts, **20:3**

**SANCTIONS**

Adjudicative proceedings, failure to  
comply with orders, **8:17**

**SECRETARY**

Office of, **2:6**

**SERVICE CONTRACTS**

Magnuson-Moss Warranty Act, **7:5**

**SERVICE OF PROCESS**

Civil actions, **10:15**

**SETTLEMENT**

Adjudicative proceedings, **8:20**  
Consent orders, pre-adjudication  
settlement procedures, **12:2**

**SHERMAN ACT**

Antitrust (this index)

**SPORTS AGENTS**

Sports Agent Responsibility and  
Trust Act, **20:22**

**STANDARD OF REVIEW**

Judicial Review (this index)

**STANDARD PROTECTIVE  
ORDER**

Forms, **App. C-8**

**STATES**

Coordinated enforcement, **26:3**  
Preemption of state law by FTC, **26:4**  
Trade regulation rules, obtaining  
opinions and exemptions, **26:5**

**STATUTES**

Federal Trade Commission Act (this  
index)  
Federal Trade Commission responsi-  
bilities, generally, **20:1-20:25**

**STOCKYARDS**

Packers and Stockyards Act, **20:8**

**SUBPOENAS**

Generally, **14:1**  
Access powers under FTC Act § 9,  
scope, **14:3**  
Adjudicative proceedings, **8:11**  
Agency access to documents  
introduced in private cases, **14:8**

## INDEX

### **SUBPOENAS—Cont'd**

- Confidentiality, **14:4**
- Defenses, **14:7**
- Enforcement
  - Generally, **14:5**
  - Pre-enforcement review, **14:6**
- Power to issue
  - Generally, **14:1**
  - Standards, **14:2**
- Pre-enforcement review, **14:6**

### **SUBSTANTIAL EVIDENCE TEST**

- Judicial review, **9:5**

### **SUBSTANTIATION**

- FTC Policy Statement Regarding Advertising Substantiation, **App. D-2**

### **SUNSHINE ACT OF 1976**

- FTC and, **28:6**

### **SURVEYS**

- Economic Surveys and Reports (this index)

### **TECHNOLOGY**

- Office of, **2:10**

### **TELEMARKETING AND CONSUMER FRAUD AND ABUSE PREVENTION ACT**

- Debt relief cases, **20:15**
- Caselaw application of telemarketing sales rule, **20:16**
- FTC responsibilities, **20:14**

### **TELEPHONES**

- Disclosure and Dispute Resolution Act, FTC responsibilities, **20:13**
- Long-distance telephone services, advertising, **22:21**

### **TESTIMONIALS**

- Advertising, **22:18**

### **TEXTILE PRODUCTS**

- Wool, Fur, and Textile Products Labeling Acts, FTC responsibilities, **20:2, 20:3**

### **THIRD PARTIES**

- Consent orders, **12:6**

### **TICKET SALES**

- Better Online Ticket Sales Act of 2016, **20:29**

### **TRADE ASSOCIATIONS**

- FTC enforcement of Sherman Act and Clayton Act § 3 offenses, **15:7**

### **TRADE PRACTICES**

- Consumer redress, dishonest or fraudulent trade practices, **21:4**

### **TRADE REGULATION RULES**

- Civil penalties, violation of rules, **10:12**
- Credit-related rules, **19:9**
- Effect of rules, **6:10**
- Exemptions, **6:10**
- FTC trade practice rules and guides, **6:1**
- Judicial review, **6:9**
- Present and proposed rules, **6:8**
- States, obtaining opinions and exemptions, **26:5**
- Unfairness in practice, **4:7**
- Warranties, discretionary rules regarding, **7:13**

### **TRUTH IN LENDING ACT**

- FTC enforcement, **19:5**

### **UNFAIR OR DECEPTIVE ACTS AND PRACTICES (FTC ACT § 5)**

- Generally, **4:1-4:8**
- Adjudicative standards in deception cases, **4:3**
- Advertising (this index)
- Competition (this index)
- Consumer protection law, FTC Act as, **4:1**
- Current concerns of Bureau of Consumer Protection, **4:2**
- Deceptive practices, **4:4**
- Rulemaking practice and procedure
  - Generally, **6:2**
  - Cross-examination and other procedural problems, **6:4**
  - Expedited rulemaking proceedings, **6:5**

**UNFAIR OR DECEPTIVE ACTS  
AND PRACTICES (FTC ACT  
§ 5)—Cont'd**

Rulemaking practice and procedure  
—Cont'd

Magnuson-Moss rulemaking, **6:3**

Participation in, **6:6**

Public funding, **6:7**

Trade Regulation Rules (this  
index)

Unfairness doctrine, history, **4:5**

Unfairness in practice

Generally, **4:6**

Cases, **4:8**

Trade regulation rules, **4:7**

**U.S. SAFE WEB ACT OF 2006**

Generally, **App. A-3, 3:13**

**WALL STREET REFORM**

Dodd-Frank Wall Street Reform and  
Consumer Protection Act, **3:14**

**WARRANTIES**

Magnuson-Moss Warranty Act (this  
index)

**WEBB-POMERENE ACT**

FTC responsibilities, **20:5**

**WHEELER-LEA ACT**

Generally, **3:5**

**WITNESSES**

Adjudicative proceedings, voluntary  
discovery and interviews, **8:13**

**WOOL, FUR, AND TEXTILE**

**PRODUCTS LABELING ACTS**

FTC responsibilities

Generally, **20:2**

Rulemaking, **20:3**