



# Firm Ordered To Stop 'Bait Switch'

Four freezer locker meat processing and merchandising firms and their owners have been ordered by the U.S. Department of Agriculture to stop using "bait and switch" advertising practices and otherwise misrepresenting the pro-

duct they sell, in violation of the Packers and Stockyards Act. The four firms are:

— Bruhn's Freezer Meats of Denver, Colo.

— Bruhn's Freezer Meats of Chicago, Inc., doing business as Beefland Freezer Meats, Bristol, Wis.

— Bruhn's Freezer Meats of Alexandria, Va., (now "Just Good Meats"), and

— Bruhn's Service Co., Inc., Elkhorn, Neb., which manages the business policies and practices of the Bristol, Denver, and Alexandria outlets, as well as approximately 30 similar and affiliated firms located throughout the U.S.

In an administrative order effective March 29, USDA Judicial Officer Thomas J. Flavin ordered the firms, as well as Earl Bruhn and Robert Bruhn, sole owners and president and vice-president, respectively, of the firms, to stop:

(1) Offering to sell meat at certain prices or under certain conditions if the offer is not bona fide;

(2) Preparing or displaying meat for the purpose of making a prospective customer believe the purchase would be inadvisable,

(3) Disparaging or otherwise ridiculing or degrading meat advertised for sale;

(4) Misrepresenting the USDA quality grade officially assigned to any meat or meat product,

(5) Misrepresenting the anticipated yield of any bulk quantity of meat,

(6) Misrepresenting the por-

tion of the livestock carcass from which meat or meat products have been prepared, and

(7) Delivering meat which is not of the same grade or quality as that selected by the customer, or which was prepared from a different portion of the livestock carcass than that selected by the customer.

The cease and desist order — like a permanent injunction — was issued to insure future compliance with the P&S Act.

The order resulted from a complaint filed in 1966 by the Packers and Stockyards Administration (then the P&S Division of USDA's Consumer and Marketing Service) in which the firms and their owners were charged with advertising in various newspapers to sell meat at specific prices.

The offers were not bona fide the complaint charged, in that the firms' salesmen made no effort to sell the advertised meat, discouraged customers from buying it, and attempted to and usually did sell them higher-priced meat.

The complaint also charged that in several specific transactions, the firms sold consumers meat represented to be beef sides and hindquarters of a specific USDA grade, and later delivered packaged and processed meat prepared from beef forequarters, or from meat of a lower USDA grade or which had not been graded.

A series of hearings were held before a USDA Hearing Examiner in Kenosha, Wis.,

Denver, Colo., and Washington, D.C., and based on the testimony and evidence presented at the hearings the Judicial Officer concluded that the firms had engaged in unfair and deceptive practices in the sale of meat and meat products in commerce.

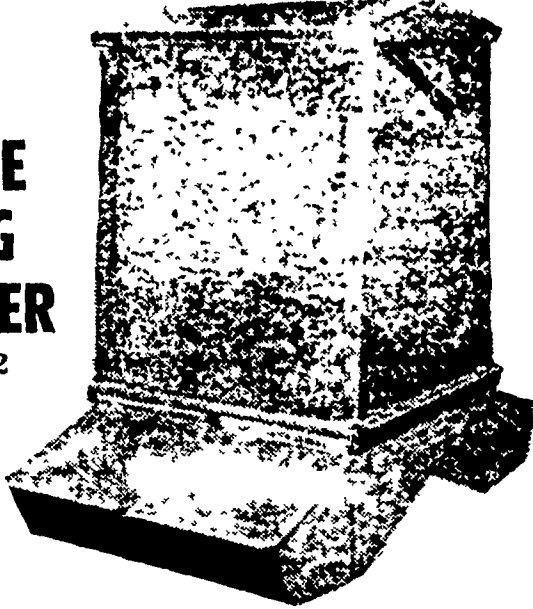
Donald A. Campbell, Administrator of P&SA, said that this is a "landmark case in the efforts by P&SA to protect consumers from unfair and deceptive practices."

The P&S Act is a fair trade practices law. It promotes and maintains fair and open competition in the marketing of livestock, poultry, and meat.

The cease and desist order becomes effective March 29. The record in this case is open to the public. Copies of the decision and order, P&S Docket 3650, may be obtained from the Information Officer, Packers and Stockyards Administration, USDA, Washington, D.C. 20250.

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