Damaged or Defective Merchandise

App 9/23/75

SYNOPSIS OF FEDERAL TRADE COMMISSION DECISIONS CONCERNING THE SALE OF MERCHANDISE WHICH IS DAMAGED OR DEFECTIVE OR DIFFERENT FROM THAT ORDERED

The Federal Trade Commission has determined that the following practices [illegible] damaged or defective merchandise are unfair or deceptive trade practices and are unlawful under Section 5(a)(1) of the Federal Trade Commission Act.

— It is an unfair or deceptive trade practice knowingly to deliver merchandise which is different from the floor model or sample displayed to the customer at the time of the purchase. 1/

— It is an unfair or deceptive trade practice knowingly to represent that merchandise will be either equal to or identical to, a sample, when the sample used is superior in quality or workmanship to merchandise actually delivered. 2/

— It is an unfair or deceptive trade practice to fail, within a reasonable period of time, to adequately repair or replace merchandise known to be damaged or defective or to replace merchandise different from that which the customer ordered, or fail to make [illegible] period of time in accordance with any promise made to a purchaser. 3/

— It is an unfair and deceptive trade practice for a company to misrepresent the expected delivery date of any merchandise. 4/

— It is an unfair or deceptive trade practice to advertise in a manner which misrepresents that [illegible] merchandise is new or of good [illegible] intended. 5/

1/ Auslander Decorator Furniture, Inc., et al., Docket 8911 (April 23, 1974); Consumers Home Equipment Co., et al., Docket 5174 (May 10, 1946); Robert W. Hailey, et al., d/b/a Cookware Associates, Docket 5084 (June 25, 1945); [illegible] d/b/a Kiddieland Studios, et al., Docket 5425 (July 15, 1947).

2/ Motor Tire Retreading Company, Inc., et al., Docket 4345 (July 12, 19[illegible]).

3/ Auslander Decorator Furniture, Inc., [illegible] Home Equipment Company, Docket 5174.

4/ Auslander Decorator Furniture, Inc., Docket [illegible] Winkler and [illegible], Docket 5645 (September 7, 1945).

5/ Joseph Winkler and Company, Docket 5645.