

FEDERAL TRADE COMMISSION

WASHINGTON, D.C. 20580

Re: Corres. No. 065167  
Mr. Robert H. Moore

OCT 25 1973

Dear Congressman Rooney:

In response to your letter, dated October 3, 1973, concerning the advertisement entitled "Chiropractically Speaking", I believe that the Federal Trade Commission will be unable to act upon this matter.

Members of my staff have seriously considered the submitted advertisement and have advised me that any present action on our behalf would be inappropriate.

The reasons underlying my staff's determination are:

- 1) Our jurisdiction in this matter is most uncertain. Section 5(a)(1) FTCA declares "...unfair or deceptive acts or practices in commerce..." unlawful. It is questionable whether an advertisement in The Bethlehem Globe-Times, a local newspaper, has the ~~sufficient interstate~~ impact necessary to satisfy the "in commerce" requirement present in our statute;

and

- 2) Assuming jurisdiction, the local nature of the services offered, raise the question of what priority a matter of this sort deserves, given the severely limited resources of the Federal Trade Commission in general, and my division in particular. An advertisement of this sort deserves attention, but due to the present strain on our resources and the advertisement's local character, this matter is best taken up with the appropriate state authorities.

I suggest that contact be made with Mr. Joel Weisburg. Mr. Weisburg's address is:

Deputy Attorney General and Director  
Bureau of Consumer Protection  
23A South Third Street  
Harrisburg, Pennsylvania 17101  
Phone: (717) 787-9714

If I can be of any further assistance, feel free to contact me.

Sincerely,

Gerald J. Thain  
Assistant Director for  
National Advertising

The Honorable Fred B. Rooney  
2301 Rayburn House Office Building  
Washington, D. C. 20515