

UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION

In the Matter of	)	
	)	
	)	FILE NO. <b>012-3015</b>
	)	
STOKER, INC.,	)	AGREEMENT CONTAINING
a corporation.	)	CONSENT ORDER
	)	

The Federal Trade Commission has conducted an investigation of certain acts and practices of Stoker, Inc. (“proposed respondent”). Proposed respondent, having been represented by counsel, is willing to enter into an agreement containing a consent order resolving the allegations contained in the attached draft complaint. Therefore,

**IT IS HEREBY AGREED** by and between Stoker, Inc., by its duly authorized officer, and counsel for the Federal Trade Commission that:

1. Proposed respondent Stoker, Inc., is a Tennessee corporation with its principal office or place of business at 3846 Sharon Highway 89, Dresden, Tennessee, 38225-1756.
2. Proposed respondent admits all the jurisdictional facts set forth in the draft complaint.
3. Proposed respondent waives:
  - a. Any further procedural steps;
  - b. The requirement that the Commission’s decision contain a statement of findings of fact and conclusions of law; and
  - c. All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.
4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the

draft complaint, will be placed on the public record for a period of thirty (30) days and information

U.S.C. § 4408(1).

4. Unless otherwise specified, “respondent” shall mean Stoker, Inc., a corporation, its successors and assigns, and its officers, agents, representatives, and employees.

5. “Commerce” shall mean as defined in Section 4 of the Federal Trade Commission Act, 15 U.S.C. § 44.

I.

IT IS ORDERED that respondent, directly or through any corporation, subsidiary, division, or other device, in connection with manufacturing, importing, packaging, labeling, advertising, promotion, offering for sale, sale, or distribution of any smokeless tobacco product, shall not violate any provision of the Smokeless Tobacco Act or the implementing regulations.

II.

IT IS FURTHER ORDERED that respondent Stoker, Inc. and its successors and assigns shall, for five (5) years after the last dissemination of any package or advertisement covered by this order, maintain and upon request make available to the Federal Trade Commission for inspection and copying all smokeless tobacco product packaging and advertisements.

III.

IT IS FURTHER ORDERED that respondent Stoker, Inc. and its successors and assigns shall deliver a copy of this order to all current and future principals, officers, directors, and managers, and to all current and future employees, agents, and representatives having responsibilities with respect to the subject matter of this order. Respondent shall deliver this order to current personnel within thirty (30) days after the date of service of this order, and to future personnel within thirty (30) days after the person assumes such position or responsibilities.

IV.

IT IS FURTHER ORDERED that respondent Stoker, Inc. and its successors and assigns shall notify the Commission at least thirty (30) days prior to any change in the corporation(s) that may affect

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respondent learns less than thirty (30) days prior to the date such action is to take place, respondent shall notify the Commission as soon as is practicable after obtaining such knowledge. All notices required by this Part shall be sent by certified mail to the Associate Director, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington, D.C. 20580.

V.

IT IS FURTHER ORDERED that respondent, its successors and assigns shall, within sixty (60) days after service of this order, and at such other times as the Federal Trade Commission may require, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

VI.

This order will terminate twenty (20) years from the date of its issuance, or twenty (20) years from the most recent date that the United States or the Federal Trade Commission files a complaint

By: \_\_\_\_\_  
An officer of the corporation

\_\_\_\_\_  
BENJAMIN O. TAYLOE, JR.  
Patton Boggs, LLP  
Attorney for Respondent

\_\_\_\_\_  
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Counsel for the Federal Trade Commission

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MAAME A. GYAMFI  
Counsel for the Federal Trade Commission

APPROVED:

\_\_\_\_\_  
C. LEE PEELER  
Associate Director  
Division of Advertising Practices

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JOAN Z. BERNSTEIN  
Director  
Bureau of Consumer Protection