

ACTION: In *Pacca v. Federal Trade Commission*, No. 03-3109, filed March 31, 2003.

SUMMARY: The Commission’s decision in *Pacca v. Federal Trade Commission*, No. 03-3109, filed March 31, 2003, concerning the Federal Trade Commission’s action to enjoin Pacca, Inc., from using the name “Kenworth” in connection with its sale of vehicles.

DATES: Written decision filed March 30, 2003.

ADDRESSES: Commission’s decision filed in *encl. 1*: Sec 4, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580. Reply filed in *encl. 1* and the Federal Trade Commission’s decision on the Public Reference Branch, Room 130, (202) 326 2222.

FOR FURTHER INFORMATION CONTACT: Steven T. Hoffmann, Room 238, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580, (202) 326 3135.

SUPPLEMENTARY INFORMATION: On December 21, 1978, the Federal Trade Commission’s majority opinion in *Decker v. Remert & Publishing & Broadcasting and Business Operations v. Veriex* (“the *Veriex*”).” 16 CFR part 436. In general, the Rule’s definition of “deceptive advertisement” includes a false statement of fact, the falsity of which is material to consumers, and the advertiser’s knowledge of the falsity at the time of the advertisement. The FTC Public Reference Branch, *encl. 1*.

Section 18(g) of the Federal Trade Commission Act provides that any person who is found to have engaged in a deceptive trade practice in violation of the Commission’s rules is liable for civil penalties. If the Commission finds that a person has engaged in a deceptive trade practice, it may, in its discretion, issue an order of civil penalties which the violator must pay. The Commission may also issue an order of civil penalties against a person who has engaged in a deceptive trade practice if the violator has failed to comply with an order of civil penalties issued against him or her.

Pacca, Inc. (“Pacca”) has filed a petition for review of the Commission’s decision on the *Veriex* in 18(g) of the Federal Trade Commission Act, 15 U.S.C. 57a(g). Pacca manufactures heavy-duty and medium-duty trucks, truck parts, and accessories, which it distributes through a network of dealers. The petition seeks to have the name “Kenworth” (“*Petebilt*.”) In *encl. 1*, Pacca asserts that its use of the name “Kenworth” should be enjoined because Pacca’s use of the name is likely to cause confusion among consumers, and the unfairness and inequity of its use of the name is likely to change and negate its fair trade practices.

dealing with the agreement to place a seal on the Federal Trade Commission’s decision on the *Veriex*. Pacca’s agreement to place a seal on the Federal Trade Commission’s decision is a promise that the seal will be placed on the Commission’s decision. The Commission’s decision on the *Veriex* is a promise that the seal will be placed on the Commission’s decision. The Commission’s decision on the *Veriex* is a promise that the seal will be placed on the Commission’s decision.

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All interested parties are hereby notified that the Commission’s decision on the *Veriex* is a promise that the seal will be placed on the Commission’s decision. The Commission’s decision on the *Veriex* is a promise that the seal will be placed on the Commission’s decision. The Commission’s decision on the *Veriex* is a promise that the seal will be placed on the Commission’s decision.

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16 CFR 436
Trade Practices and Advertising

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