

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

COMMISSIONERS: Edith Ramirez, Chairwoman
Julie Brill
Maureen K. Ohlhausen
Joshua D. Wright
Terrell McSweeney

_____)	
)	
In the Matter of)	
)	
Jacob J. Alifraghis,)	DOCKET NO. C-4483
an individual, also d/b/a)	
InstantUPCCodes.com)	
)	
)	
_____)	

DECISION AND ORDER

The Federal Trade Commission (“Commission”) having initiated an investigation of certain acts and practices of Jacob J. Alifraghis, an individual, (hereinafter referred to as “Respondent”), and Respondent having been furnished thereafter with a copy of the draft of Complaint that counsel for the Commission proposed to present to the Commission for its consideration and which, if issued by the Commission, would charge Respondent with violations of Section 5 of the Federal Trade Commission Act, as amended, 15 U.S.C. § 45; and

Respondent, Respondent’s attorneys, and counsel for the Commission having thereafter executed an Agreement Containing Consent Order (“Consent Agreement”), containing an admission by Respondent of all the jurisdictional facts set forth in the aforesaid draft of Complaint, a statement that the signing of said Consent Agreement is for settlement purposes only and does not constitute an admission by Respondent that the law has been violated as alleged in such Complaint, or that the facts as alleged in such Complaint, other than jurisdictional facts, are true, and waivers and other provisions as required by the Commission’s Rules; and

The Commission having thereafter considered the matter and having determined that it had reason to believe that Respondent has violated the said Act, and that a Complaint should issue stating its charges in that respect, and having accepted the executed Consent Agreement and placed such Consent Agreement on the public record

for a period of thirty (30) days for the receipt and consideration of public comments, now in further conformity with the procedure described in Commission Rule 2.34, 16 C.F.R. § 2.34, the Commission hereby makes the following jurisdictional findings and issues the following Order

1. Respondent Jacob J. Alifraghis is an individual living in Florida and doing business in Florida as InstantUPCCodes.com, with a mailing address of 2803 Gulf To Bay Blvd., #165, Clearwater, FL, 33759.
2. The Federal Trade Commission has jurisdiction over the subject matter of this proceeding and of Respondent, and this proceeding is in the public interest.

ORDER

I.

IT IS ORDERED that, as used in this Order, the following definitions shall apply:

A. "Respondent" means Jacob J. Alifraghis; all businesses, partnerships, joint

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II.

IT IS FURTHER ORDERED that in connection with the sale, leasing, renting or licensing of any Barcode in or affecting commerce, as "commerce" is defined by the Federal Trade Commission Act, Respondent shall cease and desist from, either directly or indirectly, or through any corporate or other device

- A. Communicating with any Competitor regarding prices or rates, or prospective prices or rates, of Respondent or any Competitor; ~~that~~ , that for purposes of this Paragraph II.A, Communicating does not include the transfer or dissemination of information to the public through websites or other widely accessible methods of advertising such as newspapers, television, signage, direct mail or online and social media ~~that~~ , that it shall not, of itself, constitute a violation of Paragraph II .A. of this Order for Respondent to Communicate or enter into an agreement with a Competitor regarding prices or rates which Respondent will buy Barcodes from, or sell Barcodes to, such Competitor.
- B. Entering into, attempting to enter into, adhering to, participating in maintaining, organizing, implementing, enforcing, inviting, encouraging, offering or soliciting any agreement or understanding, express or implied, between or among Respondent and any Competitor
 - 1. To raise, fix, maintain, or stabilize prices or price levels, rates or rate levels, or payment terms, or to engage in any other pricing action;
 - 2. To allocate or divide markets, customers, contracts, transactions, business opportunities, lines of commerce, or territories; or
 - 3. To set, change, limit or reduce service terms or service levels.
- C. Exhorting, requesting, suggesting, urging, advocating, encouraging, advising, or recommending to any

III.

IT IS FURTHER ORDERED that Respondent shall

- A. Within thirty (30) days after the date on which this Order becomes final, provide to each of Respondent's officers, directors and employees a copy of this Order and the Complaint.
- B. For a period of four (4) years from the date this Order becomes final provide a copy of this Order and the Complaint to any person who becomes a director, officer, or employee of Respondent, and shall provide such copies within thirty (30) days of the commencement of such Person's employment or term as an officer or director.
- C. Require each person to whom a copy of this Order is furnished pursuant to Paragraph III.A. and III.B. above to sign and submit to Respondent within thirty (30) days of the receipt thereof a statement that (1) represents that the undersigned has read and understands the Order, and (2) acknowledges that the undersigned has been advised and understands that compliance with the Order may subject Respondent to penalties for violation of the Order.
- D. Retain documents and records submitted to record Respondent's

- B. At least thirty (30) days prior to
1. Any proposed dissolution of Respondent
 2. Any proposed acquisition, merger, or consolidation of Respondent
 3. Any other change in Respondent including, but not limited to, assignment and the creation or dissolution of subsidiaries, if such change might affect compliance obligations arising out of this Order.

VI.

IT IS FURTHER ORDERED that, for the purpose of determining or securing compliance with this order, upon written request and upon five (5) days notice, Respondent shall without restraint or interference permit any duly authorized representative of the Commission:

- A. Access, during office hours and in the presence of counsel, to files and access to inspect and obtain copies of relevant books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of Respondent relating to compliance with this Order, which copying services shall be provided by Respondent at the request of the authorized representative(s) of the Commission and at the expense of Respondent and
- B. The opportunity to interview Respondent, or officers, directors, or employees of Respondent, who may have counsel present, related to compliance with this Order.

VII.

IT IS FURTHER ORDERED that this Order shall terminate on August 20, 2034.

By the Commission.

Donald S. Clark
Secretary

SEAL:
ISSUED: August 20, 2014