

UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION

In The Matter of )  
)  
)

File No. 95-2202

FRANK BOMMARITO OLDSMOBILE, INC., )  
)  
)

AGREEMENT CONTAINING

FRANK J. BOMMARITO, )  
)  
)

individually and as an )  
)  
)

b. The requirement that the Commission's decision contain  
a statement of findings of fact and conclusions of law:

and

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

penalties in the amount provided by law and other appropriate relief for each violation of the order after it becomes final.

**ORDER**

DEFINITIONS

For the purposes of this order, the following definitions shall apply:

1. "Clearly and conspicuously" shall mean as follows:

- a. In a television or video advertisement, the audio disclosure shall be delivered in a volume and cadence sufficient for an ordinary consumer to hear and comprehend it. The video disclosure shall be of a size ~~and shall appear on the screen for~~

duration, sufficient for an ordinary consumer to read and comprehend it.

- b. In a print advertisement, the disclosure shall be in a

not necessarily limited to type size, shade, contrast

and placement.

- c. In a radio advertisement, the disclosure shall be delivered in the same or similar manner, including but

not necessarily limited to volume, cadence, pace, and placement

Nothing contrary to, inconsistent with, or in mitigation of the disclosure shall be used in any advertisement.

3. "Total amount due at lease inception" shall mean the total amount of any initial payments required to be paid by the lessee on or before consummation of the lease or delivery of the vehicle, whichever is later.

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

5. Unless otherwise specified, "respondents" shall mean Frank Romarito Oldsmobile, Inc., a corporation, its successors and

I.

IT IS ORDERED that respondents, directly or through any corporation, subsidiary, division, or any other device, in

connection with any advertisement to promote, directly or indirectly, any consumer lease in or affecting commerce, as "advertisement" and "consumer lease" are defined in Section 213.2

of Regulation M, 12 C.F.R. § 213.2, as amended, shall not, in any manner, expressly or by implication:

A. Misrepresent the costs of leasing a vehicle, including but not necessarily limited to the total amount due at lease inception.

B. State any amount due at lease inception (or that no such amount is required), except for the statement of a periodic payment, unless the advertisement also states with equal prominence the total amount due at lease inception.

value at the end of the lease term, if the lessee has such liability.

For all lease advertisements, respondents may comply with the requirements of this subparagraph by utilizing Section 184(a) of the Consumer Leasing Act ("CLA"), 15 U.S.C. § 1667c(a), as amended by Title II, Section 2605 of the Omnibus Consolidated Appropriations Act for Fiscal Year 1997, Pub. L. No. 104-208, 110 Stat. 3009, 3009-473 (Sept. 30, 1996) (to be codified at 15 U.S.C. § 1667c(a)) ("Section 184(a) of the revised CLA") as

amended, or by utilizing Section 213.7(d) of revised Regulation M, 61 Fed. Reg. 52246, 52261 (October 7, 1996) and 62 Fed. Reg. 15364, 15368 (Apr. 1, 1997) (to be codified at 12 C.F.R. § 213.7(d)) ("revised Regulation M"), as amended. For radio

requirements of this subparagraph by utilizing Section 184(b) of the CLA, 15 U.S.C. § 1667c(b), as amended by Title II, Section 2605 of the Omnibus Consolidated Appropriations Act for Fiscal

B. State the amount of any payment or the amount or percentage of any downpayment or amount "down" in any advertisement unless respondents state the amount of

any final balance payment approximately and in class:

respondents to the most prominent of the above

statements.

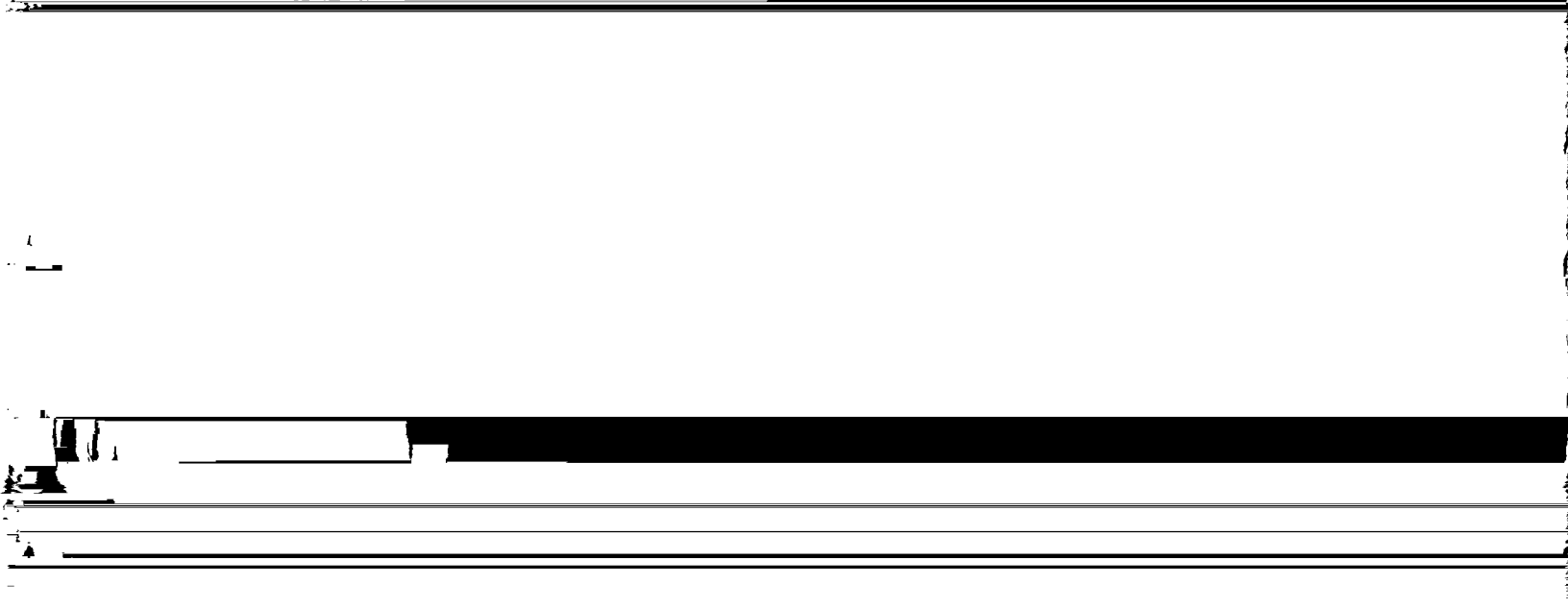
C. State the amount or percentage of any downpayment, the number of payments or period of repayment, the amount of any payment, or the amount of any finance charge,





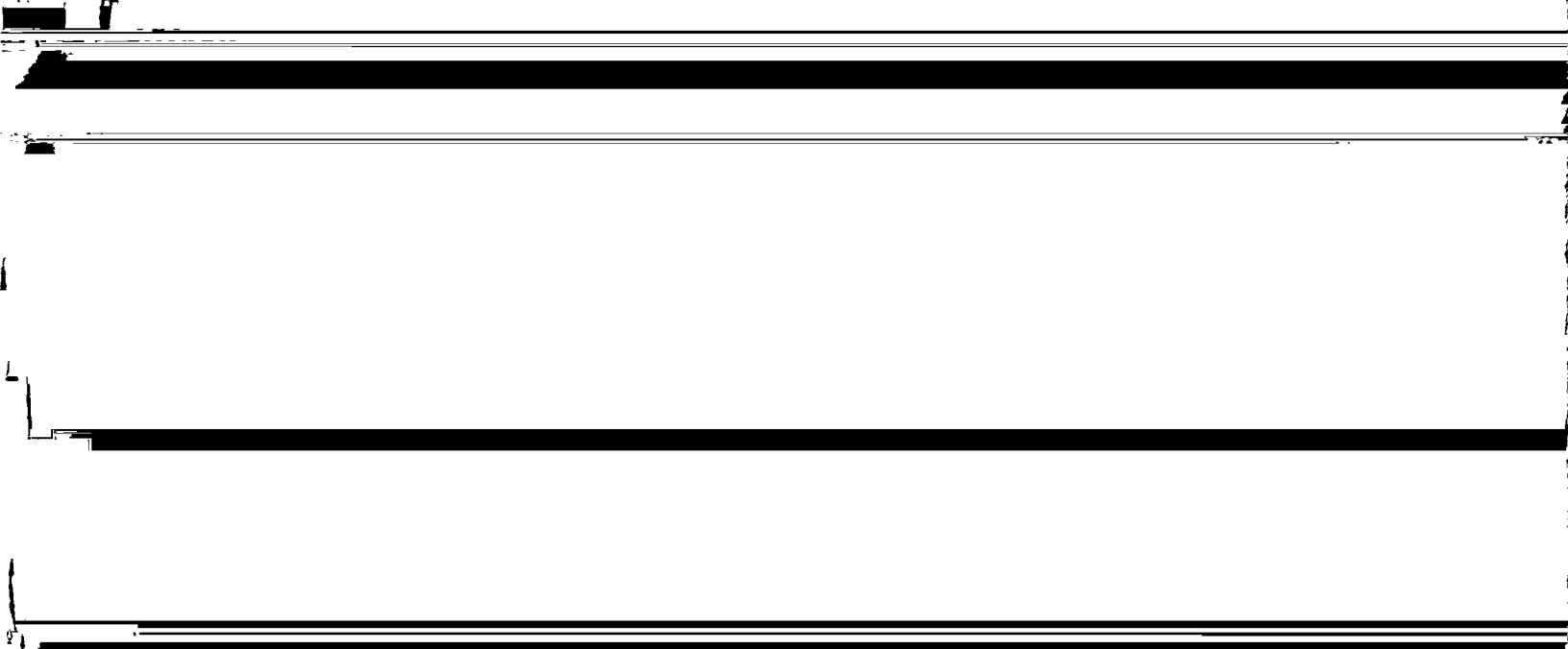
VII.

IT IS FURTHER ORDERED that respondent Bommarito Oldsmobile, Inc., and its successors and assigns, and respondent Frank J. Bommarito shall, within sixty (60) days after the date of 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.

VIII.



its issuance, or twenty (20) years from the most recent date that

\_\_\_\_\_  
FRANK J. BOMMARITO, individually  
and as an officer of the  
corporation

\_\_\_\_\_  
BRIAN E. McGOVERN  
McCarthy, Leonard, Kaemmerer, Owen,  
Lamkin & McGovern, L.C.  
Attorney for respondents

FEDERAL TRADE COMMISSION

By:

\_\_\_\_\_  
LAUREN B. STEINFELD  
Counsel for the Federal Trade  
Commission

APPROVED:

\_\_\_\_\_  
DAVID MEDINE  
Associate Director  
Division of Credit Practices

\_\_\_\_\_  
JOAN Z. BERNSTEIN  
Director