

STATE OF MAINE  
KENNEBEC, SS.

SUPERIOR COURT  
CIVIL ACTION  
DOCKET NO. 84-140

STATE OF MAINE,	)	
	)	
Plaintiff	)	
	)	
v.	)	CONSENT DECREE
	)	
BEST BEEF COMPANY also d/b/a	)	
B & B SUPPLY	)	
	)	
Defendants	)	

Plaintiff, the STATE OF MAINE, has filed its complaint in the above-captioned matter on April 3, 1984. Plaintiff by its respective authorized agent and Defendant have consented to the entry of this Consent Decree without trial or adjudication of any issue of fact or law herein. This Decree does not constitute an admission by the Defendant of any of the allegations in the Plaintiff's Complaint.

NOW THEREFORE, before the taking of any testimony and without trial or adjudication of any issue of fact or law herein, and upon consent of the parties hereto, it is hereby Ordered and Decreed as follows:

1. This Court has jurisdiction of the subject matter of this action and has jurisdiction over the party consenting to this Decree. The Complaint states a claim on which relief may be granted against the

Merle McInnis  
31 Fair St.  
Norway, Me 04268  
12-19-84

Louise Sargent  
18 Andrea St  
Topsham 04086  
5/15/84  
- 2 -

Joseph Chrusman  
RFD #3 Box 920  
Augusta 04330  
8/21/84

Linda  
Vaccaro  
72 Francis  
St.  
Portland  
04102  
6/84

May Smith  
P.O. Box 339  
Waterboro  
04089  
6/8/84

- Defendant under 5 M.R.S.A. § 207 (1979) and 32 M.R.S.A. § 4662 (Supp. 1984).
2. The Defendant acknowledges that it received written notice of the intention of the Attorney General to commence an action under 5 M.R.S.A. §§ 206-214 (1979 & Supp. 1982) more than 10 days prior to the filing of the Complaint in this matter.
3. The Defendant, its agents, employees, heirs, assigns, independent contractors or other persons acting for the Defendant or under its control or guidance are permanently enjoined and restrained from:
- A. Violating 5 M.R.S.A. § 207 (1979) and 32 M.R.S.A. § 4662 (Supp. 1984) by using written contracts that do not contain:
- (1) The signature of the seller and the buyer; and
  - (2) A statement of the consumer's right to avoid the contract within three business days following the day on which the contract is made;
- B. Violating 5 M.R.S.A. § 207 (1979) by misrepresenting to consumers:
- (1) Source of the food being sold to consumers;
  - (2) Reasons for offering the food to consumers at a supposedly reduced price; and
  - (3) The savings consumers will realize by purchasing the food;

Chrusman  
Sargent  
McInnis  
Vaccaro

Vaccaro  
McInnis  
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Sargent  
McInnis  
Vaccaro

- C. Violating 5 M.R.S.A. § 207 (1979) by misrepresenting to consumers the amount of food the consumers will actually receive; and
- D. Violating 5 M.R.S.A. § 207 (1979) by failing to disclose to consumers the weights of each category of its frozen foods in its advertisements, flyers and consumer purchase contracts.
4. Within 30 days of the date of this Decree, the Defendant shall pay to the consumers listed in Appendix A restitution for food sold in violation of 5 M.R.S.A. § 207 (1979). Consumers accepting this restitution will in turn return the purchased food to the Defendant.
5. Pursuant to 5 M.R.S.A. § 209 (1979), the Defendant shall pay the Department of Attorney General the sum of \$480.00, which sum shall represent reimbursement of the cost of this suit and of the investigation of the Defendant made by the Attorney General. This money shall be paid within 30 days of the date of this Consent Decree.
6. Jurisdiction is retained by this Court for the purpose of enabling any of the parties of this Consent Decree to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction or modification of any of the provisions of this Decree, for the

*Chrusman  
Sargent  
McInnis  
Vaccaro*

enforcement of compliance with its provisions and for the punishment (pursuant to 5 M.R.S.A. § 209 (1979) of any violations of such provisions, including, but not limited to, the provisions of the permanent injunction set forth in paragraph 3 above.

The undersigned, with knowledge of the terms of the above Consent Decree, agree to those terms and to the entry of this Decree.

Date: April 3, 1984

[Signature]  
JUSTICE, SUPERIOR COURT

Best Beef Co. [Signature]  
BEST BEEF COMPANY

James A. McKenna  
Assistant Attorney General

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CLERK OF COURTS

A TRUE COPY:  
ATTEST  
Pearl Valerie Page  
P. VALERIE PAGE  
CLERK OF COURTS

APPENDIX A

1. Warren F. Bogardus  
Wilkins Avenue  
Wilton, Maine  
Tel. 778-2717
  
2. Lauriston Richards  
K & H Foster  
40 Wilkins Avenue  
Wilton, Maine  
Tel. 645-2546