the distribution or resale of such products are informed, in writing, of (1) the terms and conditions of the promotional program or plan under which such payments are made, including the services or facilities to be furnished therefor; (2) the availability of such payments on proportionally equal terms to all such customers; and (3) if it would not be economically feasible for all such competing customers to furnish such services or facilities, alternative services or facilities such customers can furnish and be paid for on proportionally equal terms.

It is further ordered, That respondent House of Lord's, Inc., shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Commissioners Reilly and Jones concurred and have filed a separate concurring statement. Commissioner Elman dissented and has filed a dissenting opinion.

IN THE MATTER OF

B & M SPORTSWEAR, INC., ET AL.

CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF THE FEDERAL TRADE COMMISSION AND THE WOOL PRODUCTS LABELING ACTS

Docket C-1033. Complaint, Jan. 18, 1966—Decision, Jan. 18, 1966

Consent order requiring a Massachusetts manufacturer of men's wool athletic jackets to cease misbranding its jackets and interlinings by failing to disclose on labels their true fiber composition.

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, and by virtue of the authority vested in it by said Acts, the Federal Trade Commission, having reason to believe that B & M Sportswear, Inc., a corporation, and Norman Berris and Morris Berris, individually and as officers of said corporation, hereinafter referred to as respondents, have violated the provisions of said Acts and the Rules

and Regulations promulgated under the Wool Products Labeling Act of 1939, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest, hereby issues its complaint stating its charges in that respect as follows:

PARAGRAPH 1. Respondent B & M Sportswear, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the Commonwealth of Massachusetts.

Respondents Norman Berris and Morris Berris are officers of the corporate respondent and formulate, direct and control the acts, practices and policies of the said corporate respondent including those hereinafter set forth.

Respondents are manufacturers of men's wool athletic jackets with their office and principal place of business located at 80 Border Street, East Boston, Commonwealth of Massachusetts.

PAR. 2. Subsequent to the effective date of the Wool Products Labeling Act of 1939, respondents have manufactured for introduction into commerce, introduced into commerce, sold, transported, distributed, delivered for shipment, shipped, and offered for sale in commerce, as "commerce" is defined in said Act, wool products as "wool product" is defined therein.

PAR. 3. Certain of said wool products were misbranded by the respondents within the intent and meaning of Section 4(a) (1) of the Wool Products Labeling Act of 1939 and Rules and Regulations promulgated thereunder, in that they were falsely and deceptively stamped, tagged, labeled or otherwise identified with respect to the character and amount of the constituent fibers contained therein.

Among such misbranded wool products, but not limited thereto, were men's athletic jackets stamped, tagged, labeled, or otherwise identified by respondents as "100% reprocessed wool" whereas in truth and in fact, said products contained substantially different fibers and amounts of fibers than represented.

PAR. 4. Certain of said wool products were further misbranded by respondents in that they were not stamped, tagged, labeled, or otherwise identified as required under the provisions of Section 4(a) (2) of the Wool Products Labeling Act of 1939 and in the manner and form as prescribed by the Rules and Regulations promulgated under said Act.

Among such misbranded wool products, but not limited thereto, were wool products with labels on or affixed thereto which failed to disclose:

(a) The percentage of the total fiber weight of the said wool product, exclusive of ornamentation not exceeding 5% of the total fiber weight, of (1) wool; (2) reprocessed wool; (3) reused wool; (4) each fiber other than wool, present in the wool product when said percentage by weight of such fiber was 5% or more; and (5) the aggregate of all other fibers.

Also among such misbranded wool products, but not limited thereto, were wool products without labels setting forth the information required by the Wool Products Labeling Act of 1939 and the Rules and Regulations promulgated thereunder.

PAR. 5. Certain of said wool products were misbranded in violation of the Wool Products Labeling Act of 1939 in that they were not labeled in accordance with the Rules and Regulations promulgated thereunder in the following respects:

(a) Certain wool products composed of two or more sections which were recognizably distinct and of different fiber composition, were not labeled in such a manner as to disclose the fiber composition of each section, thereof, in violation of Rule 23(b) of the aforesaid Rules and Regulations.

(b) The fiber content of the interlining contained in garments was not set forth separately and distinctly as a part of the required information on the stamps, tags, labels or other marks of identification, in violation of Rule 24(b) of the aforesaid Rules and Regulations.

PAR. 6. The acts and practices of the respondents as set forth above were, and are in violation of the Wool Products Labeling Act of 1939 and the Rules and Regulations promulgated thereunder, and constituted, and now constitute, unfair and deceptive acts and practices and unfair methods of competition in commerce, within the intent and meaning of the Federal Trade Commission Act.

DECISION AND ORDER

The Commission having heretofore determined to issue its complaint charging the respondents named in the caption hereof with violation of the Wool Products Labeling Act of 1939 and the Federal Trade Commission Act, and the respondents having been served with notice of said determination and with a copy of the complaint the Commission intended to issue, together with a proposed form of order, and

The respondents and counsel for the Commission having thereafter executed an agreement containing a consent order, an ad-

mission by respondents of all the jurisdictional facts set forth in the complaint to issue herein, a statement that the signing of said agreement is for settlement purposes only and does not constitute an admission by respondents that the law has been violated as set forth in such complaint, and waivers and provisions as required by the Commission's rules; and

The Commission, having considered the agreement, hereby accepts same, issues its complaint in the form contemplated by said agreement, makes the following jurisdictional findings, and enters the following order:

1. Respondent B & M Sportswear, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the Commonwealth of Massachusetts, with its office and principal place of business located at 80 Border Street, East Boston, Commonwealth of Massachusetts.

Respondents Norman Berris and Morris Berris are officers of the said corporation and their address is the same as that of the said corporation.

2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondents, and the proceeding is in the public interest.

ORDER

It is ordered, That respondents B & M Sportswear, Inc., a corporation, and its officers, and Norman Berris and Morris Berris, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, delivery for shipment or distribution in commerce, of woolen athletic jackets or other wool products, as "commerce" and "wool products" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely and deceptively stamping, tagging, labeling or otherwise identifying such wool products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such wool product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by Section 4(a)(2) of the Wool Products Labeling Act of 1939.

3. Failing to disclose by sections and to separately set forth on the required stamps, tags, labels or other marks of identification affixed to wool products composed of two or more sections of different fiber content, the character and amount of the constituent fibers contained in each section of such wool products.

4. Failing to set forth the fiber content of interlinings contained in garments separately and distinctly as part of the required information on the stamps, tags, labels or other marks of identification of such garments.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

IN THE MATTER OF

NATHANIEL FEIT DOING BUSINESS AS DURABLE HAT COMPANY ET AL.

CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF THE FEDERAL TRADE COMMISSION ACT

Docket C-1034. Complaint, Jan. 20, 1966—Decision, Jan. 20, 1966

Consent order requiring a New York City manufacturer engaged in the manufacture of men's hats from previously used or worn hat bodies to disclose affirmatively on the hats the true nature of their origin and composition and to cease falsely representing that the hat bodies were originally made by any particular manufacturer.

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act, and by virtue of the authority vested in it by said Act, the Federal Trade Commission, having reason to believe that Nathaniel Feit, an individual trading as Durable Hat Company, and Natco Hat Company, a partnership, and Nathaniel Feit and N. Courtman, individually and as partners therein, hereinafter referred to as respondents, have violated the provisions of said Act, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest, hereby issues its complaint, stating its charges in that respect as follows:

PARAGRAPH 1. Respondent Nathaniel Feit is an individual trading as Durable Hat Company. Respondent Natco Hat Company is a partnership composed of respondent Nathaniel Feit and respondent N. Courtman who are individuals and partners therein and formulate, direct and control the acts, practices and policies of said partnership including those hereinafter set forth. The office and principal place of business of each respondent is located at 23 Waverly Place, New York City, New York.

PAR. 2. Respondent Nathaniel Feit, trading and doing business as Durable Hat Company, is engaged in the manufacture of men's hats from hat bodies which have been previously used or worn. Said hats when manufactured are sold to respondent Natco Hat Company which is engaged in the offering for sale, sale and distribution of said hats to wholesalers, jobbers and retailers for resale to the public. The respondents cooperate and act together in carrying out the acts and practices herein alleged.

PAR. 3. In the course and conduct of their business, respondents cause, and for some time last past have caused, their products, when sold, to be shipped from their places of businesss in the State of New York to purchasers thereof located in various other States of the United States, and maintain, and at all times mentioned herein have maintained, a substantial course of trade in said products in commerce, as "commerce" is defined in the Federal Trade Commission Act.

PAR. 4. In the course and conduct of their business, respondents recondition or make over men's hats, using in the process, hat bodies which have been previously used or worn. Respondents place various labels on the exposed surface of the sweat bands of their finished hats.

Typical and illustrative, but not all inclusive of such is the following:

This is a Renovated
JOHN B. STETSON
HAT

PAR. 5. By and through the use of labels such as those illustrated in Paragraph Four hereof, respondents represent, directly or by implication, that:

(1) Each of the hats so labeled was originally manufactured by the John B. Stetson Co., a long-established and well-known manufacturer of men's hats, whose products are widely accepted by the purchasing public; and

(2) Each of the hats so labeled was made entirely from new

and unused materials which have not previously been sold to and worn by consumers.

PAR. 6. In truth and in fact:

(1) Each of the hats so labeled was not originally manufactured by the John B. Stetson Co. Among the hats so labeled may be some that were originally manufactured by the John B. Stetson Co. However, respondents also make over previously used or worn hats originally produced by other manufacturers and respondents do not in their manufacturing process preserve the identity of the original manufacturer of their made over hats.

(2) Each of the hats so labeled was not made entirely from new and unused materials which had not been previously sold to and worn by consumers. All of the hats so labeled are made over from hats which have been previously used or worn by consumers.

Therefore, the statements and representations as set forth in Paragraphs Four and Five hereof were and are false, misleading and deceptive.

PAR. 7. By the use of the word "renovated" in the labels as illustrated in Paragraph Four hereof and through the absence of words or wording clearly disclosing that their hats are made over from previously used and worn hat bodies, respondents fail to disclose adequately that their hats are made from previously used and worn hat bodies as distinguished from hats made entirely from new and unused materials which have not previously been sold to consumers.

When made over, the hats sold by respondents have the appearance of hats made entirely of new and unused materials which have not previously been sold to consumers and, in the absence of an adequate disclosure that such hats are made from previously used and worn hat bodies, such hats are understood to be and are readily accepted by the purchasing public as being made entirely from new and unused materials which have not previously been sold to and worn by consumers, facts of which the Commission takes official notice. This understanding and acceptance by the public is further enhanced by respondents' use of the John B. Stetson name in their labeling coupled with the absence of any disclosure that such hats are respondents' products.

PAR. 8. There is a preference on the part of the purchasing public for products, including men's hats, produced or manufactured by long-established and well-known business firms, a fact of which the Commission takes official notice.

PAR. 9. By and through the acts and practices herein alleged, respondents place in the hands of others the means and instrumentalities whereby they may mislead and deceive the public in the manner and as to the things herein alleged.

PAR. 10. In the conduct of their business and at all times mentioned herein, respondents have been in substantial competition, in commerce, with corporations, firms and individuals in the sale of men's hats.

PAR. 11. The use by respondents of the aforesaid false, misleading and deceptive statements, representations and practices and their failure to disclose adequately that their hats are made over from previously used and worn hat bodies have had and now have the tendency and capacity to mislead members of the purchasing public into the erroneous and mistaken belief that said statements and representations were and are true; into the erroneous and mistaken belief that respondents' hats are made entirely from new and unused materials which have not previously been sold to and worn by consumers and into the purchase of substantial quantities of respondents' products by reason of said erroneous and mistaken beliefs.

PAR. 12. The aforesaid acts and practices of respondents, as herein alleged, were and are all to the prejudice and injury of the public and of respondents' competitors and constituted, and now constitute, unfair methods of competition in commerce and unfair and deceptive acts and practices in commerce, in violation of Section 5 of the Federal Trade Commission Act.

DECISION AND ORDER

The Federal Trade Commission having initiated an investigation of certain acts and practices of the respondents named in the caption hereof, and the respondents having been furnished thereafter with a copy of a draft of complaint which the Bureau of Deceptive Practices proposed to present to the Commission for its consideration and which, if issued by the Commission, would charge respondents with violation of the Federal Trade Commisssion Act; and

The respondents and counsel for the Commission having thereafter executed an agreement containing a consent order, an admission by the respondents of all the jurisdictional facts set forth in the aforesaid draft of complaint, a statement that the signing of said agreement is for settlement purposes only and does not constitute an admission by the respondents that the law has been

violated as alleged in such complaint, and waivers and provisions as required by the Commission's rules; and

The Commission, having reason to believe that the respondents have violated the Federal Trade Commission Act, and having determined that complaint should issue stating its charges in that respect, hereby issues its complaint, accepts said agreement, makes the following jurisdictional findings and enters the following order:

1. Respondent Nathaniel Feit is an individual trading and doing business as Durable Hat Company. Respondent Natco Hat Company is a partnership composed of respondent Nathaniel Feit and respondent N. Courtman, who are individuals and partners in said partnership. The office and principal place of business of each of the respondents is located at 23 Waverly Place, New York 3, New York.

2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondents, and the proceeding is in the public interest.

ORDER

It is ordered, That respondents Nathaniel Feit, an individual trading and doing business as Durable Hat Company or under any other name or names, and Natco Hat Company, a partnership, and Nathaniel Feit and N. Courtman, individually and as partners therein, trading and doing business as Natco Hat Company or under any other name or names, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of hats in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Offering for sale, selling or distributing discarded, secondhand or previously used hats that have been rebuilt, reconstructed, reconditioned or otherwise made over, or hats that are composed in whole or in part of materials which have previously been worn or used, unless a statement that said hats are composed of secondhand, or used materials (*e.g.,* "secondhand," "worn," "used," or "made-over") is stamped in some conspicuous place on the exposed surface of the inside of the hat in clearly legible terms which cannot be obliterated without mutilating the hat itself: *Provided,* That, if sweat bands or bands similar thereto are attached to said

hats, such statement may be stamped upon the exposed surface of such bands: *Providing,* That said stampings be of such a nature that they cannot be removed or obliterated without mutilating the band and the band itself cannot be removed without rendering the hat unserviceable.

(2) Representing, directly or by implication, in labeling or in any other manner, that the hats sold by respondents were or are made from hats originally manufactured by any particular hat manufacturer.

(3) Placing in the hands of others the means and instrumentalities by and through which they may mislead and deceive the public as to the matters and things set forth in Paragraphs (1) and (2) of this order.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

IN THE MATTER OF

WOODBURY CHEMICAL COMPANY ET AL.

CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF THE FEDERAL TRADE COMMISSION ACT

Docket C-1035. Complaint, Jan. 20, 1966—Decision, Jan. 20, 1966

Consent order requiring a St. Joseph, Mo., manufacturer of insecticides to cease using language in its advertising which contradicts and negates the labeling on its packaging which warns the public as to the poisonous nature and hazardous use of its products.

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act, and by virtue of the authority vested in it by said Act, the Federal Trade Commission, having reason to believe that Woodbury Chemical Company, a corporation, and Herbert A. Woodbury, Vera L. Woodbury, Richard W. Douglas and Leonard Everett, individually and as officers of said corporation, hereinafter referred to as respondents, have violated the provisions of said Act, and it appearing to the Commission that a proceeding by it

in respect thereof would be in the public interest, hereby issues its complaint stating its charges in that respect as follows:

PARAGRAPH 1. Respondent Woodbury Chemical Company is a corporation organized, existing and doing business under and by virtue of the laws of the State of Missouri with its office and principal place of business located at 426 Monterey, St. Joseph, Missouri.

Respondents Herbert A. Woodbury, Vera L. Woodbury, Richard W. Douglas and Leonard Everett are officers of the corporate respondent. They formulate, direct and control the acts and practices of the corporate respondent including the acts and practices of the corporate respondent including the acts and practices hereinafter set forth. Their address is the same as that of the corporate respondent.

PAR. 2. Respondents are now, and for some time last past have been, engaged in the advertising, offering for sale, sale and distribution of "Sta-Thion," an economic poison intended for rootworm control, which has been registered in accordance with the provisions of the Federal Insecticide, Fungicide and Rodenticide Act by the United States Department of Agriculture as "10% Granules Stabilized Parathion." Respondents sell the said "Sta-Thion" directly to the public and to retailers for resale to the public.

PAR. 3. In the course and conduct of their business, respondents now cause, and for some time last past, have caused, their said product, when sold, to be shipped from their place of business in the State of Missouri to purchasers thereof located in various other States of the United States, and maintain, and at all times mentioned herein have maintained, a substantial course of trade in said product in commerce as "commerce" is defined in the Federal Trade Commission Act.

PAR. 4. In the course and conduct of their business, at all times mentioned herein, respondents have been in substantial competition, in commerce, with corporations, firms and individuals in the sale of products of the same general kind and nature as that sold by respondents.

PAR. 5. In the course and conduct of their business and for the purpose of inducing the purchase of their said product respondents have disseminated advertisements in one of which they represented that "Sta-Thion" is "far less toxic than some other competitive products" and that it is not a "significant skin irritant."

In the same advertisement respondents stated:

HOW SAFE IS STA-THION?

"Sta-Thion does not appear to be a significant dermal irritant" reports A.M.E. Associates, well-known Princeton, N.J. research organization. The test work done on rabbits showed the acute dermal (skin) toxicity LD_{50} of STA-THION to be in excess of 4640 mg./kg. body weight. "For comparison, the usual formulations containing this concentration of the pesticide are from 50 to 150 times more hazardous than STA-THION. The data indicated that the average 150 pound human could tolerate approximately one pound of STA-THION directly on the skin for 24 hours, producing only minor intoxication; whereas this much of other formulations of equal strength, under the same conditions, would probably be fatal."

Such advertisement made no further reference to the safety or toxicity of "Sta-Thion" nor did it contain any cautionary or warning statements. In another advertisement the statement "Application of STA-THION is safe • simple" appeared.

PAR. 6. The labels on the container is which respondents sell their product "Sta-Thion" are as reproduced herein:

Front Panel

BEFORE USING, STUDY SAFETY DIRECTIONS—
DESTROY EMPTY CONTAINERS—BURY OR BURN—
STAY OUT OF SMOKE AND FUMES

WOODBURY CHEMICAL COMPANY

STA-THION

STABILIZED 10% PARATHION GRANULES—Patent Pending

ACTIVE INGREDIENTS	
Parathion (0,0-diethyl, 0-p-nitrophenyl phosphorothioate)	10.0%
Aromatic Petroleum Derivative solvent	10.0%
INERT INGREDIENTS	80.0%
TOTAL	100.0%

TO BE USED FOR THE CONTROL OF CORN ROOTWORM ONLY. For use at planting time only.

DIRECTIONS FOR CORN ROOTWORM CONTROL: Apply with granular ground equipment at the rate of 8 to 10 pounds per acre in row treatment at seeding time.

DANGER
POISON

KEEP OUT OF REACH OF CHILDREN

Harmful if swallowed, inhaled or absorbed through the skin. Rapidly absorbed through the skin! Do not contaminate feed and foodstuffs. Avoid contact with skin, eyes or clothing. See antidote statement and additional precautionary labeling on the back panel.

U.S.D.A. Registration
Number 449-355

Back Panel

WARNING

This stabilized Parathion may be considerably more toxic than the usual Parathion dust. Wear a mask or respirator of a type passed by the United States Department of Agriculture for Parathion protection. A half mask equipped with cartridges that will absorb organic vapors, supplemented with aerosol filters should be worn at all times while the operator is exposed to mists containing Parathion. When used constantly during the day, the filters must be changed several times. Keep all persons out of the operating area or vicinity where there may be danger of drift. Vacated areas should not be re-entered until the drifting insecticides and volatile residues have dissipated. Only persons experienced in handling hazardous insecticides should make application.

Wear clean natural rubber gloves, protective clothing and goggles while using this product. Do not get on skin, in eyes or on clothing. Do not breathe spray or mist. Do not take into mouth. If spilled on skin, wash immediately with soap and warm water. Wash hands, arms and face after handling and before eating or smoking. Clothing that has become contaminated should be removed immediately and thoroughly washed with soap and water.

ANTIDOTE AND FIRST AID TREATMENT: Persons who show any contraction of eye pupils, or have headaches, nausea or other signs of illness while or soon after handling Parathion must be taken to a doctor at once. The physician should be informed that repeated treatment with atropine, to the limit of the patient's tolerance, is the most effective antidote. CALL A PHYSICIAN AT ONCE!

SKIN: Wash immediately with plenty of soap and water. Remove all contaminated clothing and wash before re-use.

EYES: Flush immediately with large amounts of water.

INTERNAL: If swallowed, immediately induce vomiting (finger down throat) or administer a tablespoonful of salt in a glass of warm water and repeat until vomit fluid is clear. Have victim lie down and keep quiet.

NOTICE OF WARRANTY: Woodbury Chemical Company warrants (its liability being limited to the purchase price of the product named on this label) that this product consists of the ingredients specified, but makes no other warranty or representation regarding the effect or result of this product's use, whether or not the product is used in accordance with directions and shall have no responsibility whatsoever for injury to persons, or loss or damage to property resulting from the handling, storage or use of this product. The user or buyer shall be deemed to have accepted these conditions, which may be varied only by agreement in writing signed by a duly authorized representative of the above-named company.

Manufactured by
WOODBURY CHEMICAL COMPANY
St. Joseph, Missouri Orlando, Florida
Denver, Colorado Princeton, Florida

WARNING
KEEP AWAY from FEED or FOOD PRODUCTS
POISON
CAUTION — DO NOT DROP
IF LEAKING
DON'T
BREATHE FUMES–TOUCH CONTENTS–SWALLOW

This is to certify that the contents of this package are properly described by name and are packed and marked and are in proper condition for transportation according to the Regulations prescribed by the Interstate Commerce Commission.

WOODBURY CHEMICAL COMPANY
ICC-44D
ICC Special Permit No. 4378

PAR. 7. The advertisements set forth and referred to in Paragraph Five hereof and others similar thereto not specifically set forth herein are inconsistent with, negate and contradict the labeling on respondents' product as set forth in Paragraph Six hereof, which inconsistency, negation and contradiction have the tendency and capacity to mislead and confuse purchasers of said product as to, among other things, the hazardous nature of said product and the degree of care to be taken by users of said product.

Therefore, the acts and practices of respondents as set forth in Paragraph Five hereof were and are unfair and deceptive.

PAR. 8. The aforesaid unfair and deceptive acts and practices of respondents have had, and now have, the capacity and tendency to induce, and have induced, members of the purchasing public to purchase substantial quantities of respondents' product.

PAR. 9. The aforesaid acts and practices of respondents, as herein alleged, were and are all to the prejudice and injury of the public and of respondents' competitors and constituted, and now constitute, unfair methods of competition in commerce, and unfair and deceptive acts and practices in commerce, in violation of Section 5 of the Federal Trade Commission Act.

DECISION AND ORDER

The Commission having heretofore determined to issue its complaint charging the respondents named in the caption hereof with violation of the Federal Trade Commission Act, and the respondents having been served with notice of said determination and with a copy of the complaint the Commission intended to issue, together with a proposed form of order; and

The respondents and counsel for the Commission having thereafter executed an agreement containing a consent order, an admission by respondents of all the jurisdictional facts set forth in the complaint to issue herein, a statement that the signing of said agreement is for settlement purposes only and does not constitute an admission by respondents that the law has been violated as set forth in such complaint, and waivers and provisions as required by the Commission's rules; and

The Commission, having considered the agreement, hereby accepts same, issues its complaint in the form contemplated by said agreement, makes the following jurisdictional findings and enters the following order:

1. Respondent Woodbury Chemical Company, is a corporation organized, existing and doing business under and by virtue of the laws of the State of Missouri, with its office and principal place of business located at 426 Monterey in the city of St. Joseph, State of Missouri.

Respondents Herbert A. Woodbury, Vera L. Woodbury, Richard W. Douglas and Leonard Everett are officers of said corporation and their address is the same as that of said corporation.

2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondents, and the proceeding is in the public interest.

ORDER

It is ordered, That respondents Woodbury Chemical Company, a corporation, and its officers, and Herbert A. Woodbury, Vera L. Woodbury, Richard W. Douglas and Leonard Everett, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of the product STA-THION or any other economic poison in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

> Making any statements or representations or disseminating any advertisements which are inconsistent with, negate or contradict any statements set forth on the labeling of any such product or which in any way limit, qualify or detract from any statement appearing on the labeling of any such product.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Complaint

IN THE MATTER OF

BENSON & RIXON COMPANY ET AL.

CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF THE FEDERAL TRADE COMMISSION ACT

Docket C-1036. Complaint, Jan. 20, 1966—Decision, Jan. 20, 1966

Consent order requiring Chicago, Ill., distributors of flags and banners to cease misrepresenting themselves as manufacturers through use of the word "Manufacturers" on letterheads and in advertising and promotional material, and preticketing their flag kits with a deceptive retail selling price.

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act, and by virtue of the authority vested in it by said Act, the Federal Trade Commission, having reason to believe that Benson & Rixon Company, a corporation, Loyal Flag Company, a corporation, and Edward Freeman and Donald B. Weren, individually and as officers of said corporation, hereinafter referred to as respondents, have violated the provisions of said Act, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest, hereby issues its complaint stating its charges in that respect as follows:

PARAGRAPH 1. Respondent Loyal Flag Company is a corporation organized, existing and doing business under and by virtue of the laws of the State of Illinois, with its office and principal place of business located at 230 South State Street, Chicago, Illinois.

Edward Freeman and Donald B. Weren are individuals and officers of said corporate respondent. They formulate, direct and control the acts and practices of the corporate respondent including the acts and practices hereinafter set forth. Their address as individuals and as officers is the same as that of the corporate respondent.

PAR. 2. The respondent Benson & Rixon Company is a corporation organized, existing and doing business under and by virtue of the laws of the State of Illinois with its office and principal place of business located at 230 South State Street, Chicago, Illinois.

Said Benson & Rixon Company owns one hundred per cent (100%) of the stock of said Loyal Flag Company. The individual

respondents are also officers of the said Benson & Rixon Company. Respondent Benson & Rixon Company furnishes space in its warehouse and in its office to the said Loyal Flag Company and the named individual respondents for the purpose of conducting their business and carrying out the practices hereinafter alleged. Respondent Benson & Rixon Company has at all times mentioned herein aided, abetted, and acquiesced in the practices of the said Loyal Flag Company and the individual respondents.

PAR. 3. Respondents are now, and for some time last past have been, engaged in the advertising, offering for sale, sale and distribution of flag kits, to retailers and dealers for resale to the consuming public, to civic and fraternal organizations such as Lions Clubs and boy scouts and to premium houses and advertising agencies for sale and distribution.

PAR. 4. In the course and conduct of their business, respondents now cause, and for some time last past have caused, their said products, when sold, to be shipped from their place of business in the State of Illinois to purchasers thereof located in various other States of the United States, and in the District of Columbia, and maintain, and at all times mentioned herein have maintained, a substantial course of trade in said products in commerce, as "commerce" is defined in the Federal Trade Commission Act.

PAR. 5. In the course and conduct of their business, and for the purpose of inducing the sale of the aforesaid articles of merchandise, respondents state on their letterheads and in advertising and promotional material, "Manufacturers of Flags—Flag Kits—Banners."

PAR. 6. Through the use of the aforesaid statement and representation and others similar thereto, but not expressly set out herein, respondents have represented, and are now representing, that they own, operate or control a factory or factories wherein their said articles of merchandise are manufactured, and that they are the manufacturers of said articles of merchandise.

PAR. 7. In truth and in fact, said respondents do not own, operate, or control a factory or factories wherein said articles of merchandise are manufactured, and do not manufacture any of the articles of merchandise sold by them.

Therefore, the statements and representations as set forth in Paragraphs Five and Six hereof were and are false, misleading and deceptive.

PAR. 8. There is a preference on the part of members of the purchasing public for dealing directly with manufacturers of

products rather than with outlets, distributors, jobbers or other intermediaries, such preference being due in part to a belief that, by dealing directly with the manufacturer, lower prices and other advantages may be obtained, a fact of which the Commission takes official notice.

PAR. 9. Respondents for the purpose of inducing the purchase of their flag kits have engaged in the practice of preticketing said merchandise by imprinting, or causing to be imprinted, in large and conspicuous numerals on packages containing said kits the price amount, "$6.95."

PAR. 10. Through the use of the aforesaid pricing practice, respondents represented and now represent, directly or by implication, that said price amount is respondents' good faith estimate of the actual retail price of said merchandise and does not appreciably exceed the highest price at which substantial sales are made in their trade area.

PAR. 11. In truth and in fact, said price amount is not respondents' good faith estimate of the actual retail selling price of said merchandise and appreciably exceeds the highest price at which substantial sales are made in respondents' trade area.

PAR. 12. By the aforesaid practice, respondents place in the hands of retailers and others the means and instrumentalities by and through which they may deceive and mislead the purchasing public as to the actual retail selling price of said flag kits in respondents' trade area.

PAR. 13. In the course and conduct of their business, at all times mentioned herein, respondents have been in substantial competition in commerce, with corporations, firms, and individuals in the sale of flag kits of the same general kind and nature as those sold by respondents.

PAR. 14. Use by respondents of the aforesaid false, misleading, and deceptive statements, representations, and practices has had, and now has, the capacity and tendency to mislead members of the purchasing public into the erroneous and mistaken belief that said statements and representations were, and are, true, and into the purchase of substantial quantities of respondents' merchandise by reason of said erroneous and mistaken belief.

PAR. 15. The aforesaid acts and practices of the respondents, as herein alleged, were and are all to the prejudice and injury of the public and of respondents' competitors and constituted, and now constitute, unfair methods of competition in commerce, and un-

fair and deceptive acts and practices in commerce, in violation of Section 5 of the Federal Trade Commission Act.

DECISION AND ORDER

The Commission having heretofore determined to issue its complaint charging the respondents named in the caption hereof with violation of the Federal Trade Commission Act, and the respondents having been served with notice of said determination and with a copy of the complaint the Commission intended to issue, together with a proposed form of order; and

The respondents and counsel for the Commission having thereafter executed an agreement containing a consent order, an admission by respondents of all the jurisdictional facts set forth in the complaint to issue herein, a statement that the signing of said agreement is for settlement purposes only and does not constitute an admission by respondents that the law has been violated as set forth in such complaint, and waivers and provisions as required by the Commission's rules; and

The Commission, having considered the agreement, hereby accepts same, issues its complaint in the form contemplated by said agreement, makes the following jurisdictional findings, and enters the following order:

1. Respondents Benson and Rixon Company and Loyal Flag Company are corporations that are organized, existing and doing business under and by virtue of the laws of the State of Illinois, with their office and principal place of business located at 230 South State Street, in the city of Chicago, State of Illinois.

Respondents Edward Freeman and Donald B. Weren are officers of the corporate respondent and their address is the same as that of said corporate respondent.

2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondents, and the proceeding is in the public interest.

ORDER

It is ordered, That respondents Benson & Rixon Company, a corporation, and its officers, and Loyal Flag Company, a corporation, and its officers, and Edward Freeman and Donald B. Weren, individually and as officers of said Loyal Flag Company, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the ad-

vertising, offering for sale, sale, or distribution of flag kits or other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that they are manufacturers or that they own, operate or control a factory or other manufacturing facility or facilities or that they manufacture the merchandise offered for sale or sold by them.

2. Representing, by preticketing or in any other manner, that any amount is the retail price of any article of merchandise, unless said amount is respondents' good faith estimate of the said article's actual retail price and said amount does not appreciably exceed the highest price at which substantial sales of said article are made in respondents' trade area.

3. Placing in the hands of jobbers, retailers, dealers and others, the means and instrumentalities by and through which they may mislead or deceive the purchasing public concerning the retail selling price of any article of merchandise in respondents' trade area.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

IN THE MATTER OF

CONTINENTAL SCHOOL OF DENVER, INC., ET AL.

CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF THE FEDERAL TRADE COMMISSION ACT

Docket C-1037. Complaint, Jan. 20, 1966—Decision, Jan. 20, 1966

Consent order requiring a Denver, Colo., correspondence school in insurance claims adjusting, to cease making false training and employment offers and exaggerated earning claims and other misrepresentations in its newspaper and magazine advertising.

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act, and by virtue of the authority vested in it by said Act, the Federal Trade Commission, having reason to believe that Continental School of Denver, Inc., a corporation, and Paul A. Schaefer, individually and as an officer of said corporation, hereinafter referred to as respondents, have violated the provisions of said Act, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest, hereby issues its complaint stating its charges in that respect as follows:

PARAGRAPH 1. Respondent Continental School of Denver, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Colorado, with its principal office and place of business located at 1466 South Federal Boulevard in the city of Denver, State of Colorado.

Respondent Paul A. Schaefer is an officer of the corporate respondent. He formulates, directs and controls the acts and practices of the corporate respondent, including the acts and practices hereinafter set forth. His address is the same as that of the corporate respondent. Respondents use, and have used, the name "Claim Adjusting School" in certain of their advertisements.

PAR. 2. Respondents are now, and for some time last past have been, engaged in the advertising, offering for sale, sale and distribution of courses of study and instruction offered to prepare students thereof for employment as insurance claim adjusters, said course being pursued by correspondence through the United States mails.

PAR. 3. In the course and conduct of their business, respondents now cause, and for some time last past have caused, their said course of study and instruction, when sold, to be shipped from their place of business in the State of Colorado to purchasers thereof located in various other States of the United States, and maintain, and at all times mentioned herein have maintained, a substantial course of trade in said course in commerce, as "commerce" is defined in the Federal Trade Commission Act.

PAR. 4. In the course and conduct of their aforesaid business, respondents have published and caused to be published, advertisements inserted in newspapers and magazines distributed through the United States mails and by other means. Respondents have sent, and caused to be sent, brochures, pamphlets, form letters and other items of printed material through the United States mails to prospective purchasers of respondents' said course. In

the aforesaid advertisements, brochures, pamphlets, form letters and other items of printed material, respondents have made many statements and representations concerning said course for the purpose of inducing the sale of said course. Among and typical, but not all inclusive, of said statements and representations are the following:

MEN WANTED
FOR CLAIM
ADJUSTING TRAINING
Earn $450 to $1000
Monthly

Prepare now to investigate all types of insurance claims. Adjusters needed in every state. Work for large companies or open your own office . . . .

We train you at home in your spare time. Excellent placement assistance . . . .

. . . Our yearly quota is limited for each state. A figure estimated at a fraction of the total demand in each state is set to assure our students a wide choice in selecting a company or locale . . . .

If accepted for this training and hired by an insurance company, or you open your own independent office, you will be required to make many decisions involving money and people. You must be able to study in your spare time and be willing to start work in the industry at $450.00 per month and up—plus all expenses. Your future in the industry can only be assured by proper training.

. . . THE CONTINENTAL SCHOOL OF DENVER, after many months of writing and a great deal of expense has completed the only accurate, thoroughly reliable, well-prepard course for new claim adjusters . . . .

. . . PLACEMENT. PROBABLY THE MOST FABULOUS PART of the entire Continental School Program is their exclusive arrangement with over one hundred Franchised Employment Agencies. Almost every year these Employment Agencies have requests for several thousand adjusters. Upon graduation your Resume is made and sent for placement to the area of your choice. *The quota set* in a state is always much less than the demands, creating many, many placement opportunities for each graduate. It is unlawful for any school to guarantee employment and this practice would also eliminate a student's Free Choice of Selection.

. . . RARE OPPORTUNITY. WE BELIEVE NO PERSON SHOULD UNDERTAKE this program just for a job. *This is a Lifetime Profession for highly trained specialists.* The demands for new adjusters are nearly fantastic in number. Our students come from varied backgrounds and past experiences, all with the same professional desires. This is a rare opportunity to be a part of this Exclusive Field.

PAR. 5. By means of the foregoing statements and representations set forth in Paragraph Four hereof, and others similar thereto but not set forth herein, respondents represent, directly or by implication, that:

(1) Persons who complete respondents' course will be fully trained and qualified insurance claims adjusters.

(2) Respondents have an exclusive arrangement with one hundred or more employment agencies and that such employment agencies will provide special services and preferential treatment to respondents' graduates in filling the openings for insurance claims adjusters available to them.

(3) Respondents know how many openings for insurance claims adjusters will occur in the States wherein respondents offer their course.

(4) Persons completing respondents' course are assured of placement as an insurance claims adjuster.

(5) Persons completing respondents' course will earn $450 per month and up as insurance claims adjusters by virtue of such training.

Such statements and representations are affirmed and repeated by respondents' sales representatives when they call upon prospective purchasers for the purpose of soliciting the sale of respondents' said course.

PAR. 6. In truth and in fact:

(1) Persons who complete respondents' course are not fully trained and qualified insurance claims adjusters.

(2) Respondents do not have an exclusive arrangement with one hundred or more employment agencies and such agencies do not provide special services and preferential treatment to respondents' graduates in filling openings for claims adjusters. Such of respondents' graduates as may be referred to an employment agency do not receive any special services or preferential treatment because the person is referred by respondents. Such persons receive the same services and treatment and are required to pay the same fees as any other person who seeks the services of the employment agency.

(3) Respondents do not know how many openings for insurance claims adjusters will occur in the States wherein respondents offer their course.

(4) Persons completing respondents' course are not assured of placement as an insurance claims adjuster.

(5) Persons completing respondents' course will not earn $450 per month and up as insurance claims adjusters by virtue of such training.

Therefore, the statements and representations as set forth in

Paragraphs Four and Five hereof were, and are, false, misleading and deceptive.

PAR. 7. In the course and conduct of their aforesaid business, respondents have published, and caused to be published, advertisements in magazines distributed through the United States mails and by other means. In such advertisements, which are intended to be read by prospective employers of insurance claims adjusters, respondents have made the following statements and representations:

These employment agencies are making a special effort to serve you

SAVE UP TO $5000

in training costs

Claim Adjusting Companies and Insurance Companies state they are now saving up to $5000 in training costs by FIRST INTERVIEWING Continental's trained or semi-trained people for

CLAIMS ADJUSTERS

(there follows a list of employment agencies)

PAR. 8. By means of the foregoing statements and representations set forth in Paragraph Seven, and others similar thereto but not expressly set out herein, respondents represent, directly or by implication, that:

(1) The employment agencies listed in respondents' advertisement have agreed with respondents to provide and do provide special services in referring respondents' graduates to employers seeking claims adjusters.

(2) Claim adjusting companies and insurance companies make it a practice to interview graduates of respondents' course before interviewing other prospective employees.

(3) Claim adjusting companies and insurance companies are saving up to $5000 in training costs for each new claims adjuster by hiring graduates of respondents' course.

PAR. 9. In truth and in fact:

(1) The employment agencies listed in respondents' advertisement have not agreed with respondents to provide and do not provide special services in referring respondents' graduates to employers seeking claims adjusters.

(2) Claims adjusting companies and insurance companies do not make it a practice to interview graduates of respondents' course before interviewing other prospective employees.

(3) Claim adjusting companies and insurance companies are not saving $5000 or any other amount in training costs for each new claims adjuster by hiring graduates of respondents' course.

Therefore, the statement and representations as set forth in Paragraphs Seven and Eight hereof were, and are, false, misleading and deceptive.

PAR. 10. In the conduct of their business, and at all times mentioned herein, respondents have been in substantial competition, in commerce, with corporations, firms and individuals engaged in the sale of courses of study and instruction covering the same or similar subjects.

PAR. 11. The use by the respondents of the aforesaid false, misleading and deceptive statements, representations and practices as set forth in Paragraphs Four and Five hereof, has had, and now has, the capacity and tendency to mislead members of the purchasing public into the erroneous and mistaken belief that said statements and representations were and are true and into the purchase of substantial quantities of respondents' course by reason of said erroneous and mistaken belief.

PAR. 12. The use by respondents of the aforesaid false, misleading and deceptive statements, representations and practices as set forth in Paragraphs Eight and Nine hereof has had, and now has, the capacity and tendency to mislead prospective employers of claims adjusters into the erroneous and mistaken belief that said statements and representations were and are true and to act in reliance thereon.

PAR. 13. The aforesaid acts and practices of respondents, as herein alleged, were, and are, all to the prejudice and injury of the public and of respondents' competitors and constituted, and now constitute, unfair methods of competition in commerce and unfair and deceptive acts and practices in commerce, in violation of Section 5 of the Federal Trade Commission Act.

DECISION AND ORDER

The Commission having heretofore determined to issue its complaint charging the respondents named in the caption hereof with violation of the Federal Trade Commission Act, and the respondents having been served with notice of said determination and with a copy of the complaint the Commission intended to issue, together with a proposed form of order; and

The respondent and counsel for the Commission having thereafter executed an agreement containing a consent order, an admission by respondents of all the jurisdictional facts set forth in the complaint to issue herein, a statement that the signing of said agreement is for settlement purposes only and does not constitute an admission by respondents that the law has been violated as set

forth in such complaint, and waivers and provisions as required by the Commission's rules; and

The Commission, having considered the agreement, hereby accepts same, issues its complaint in the form contemplated by said agreement, makes the following jurisdictional findings, and enters the following order:

1. Respondent Continental School of Denver, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Colorado, with its office and principal place of business located at 1466 South Federal Boulevard, in the city of Denver, State of Colorado.

Respondent Paul A. Schaefer is an officer of said corporation and his address is the same as that of said corporation.

2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondents, and the proceeding is in the public interest.

ORDER

It is ordered, That respondents Continental School of Denver, Inc., a corporation, and its officers, and Paul A. Schaefer, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of courses of study or instruction in insurance claims adjusting or any other subject, trade or occupation, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that:

(1) Persons who complete respondents' course in insurance claims adjusting will be fully trained and qualified insurance claims adjusters; or misrepresenting, in any manner, the training afforded by any of respondents' courses of instruction.

(2) Respondents have an exclusive arrangement with any employment agencies; or that such agencies will provide special services or preferential treatment to respondents' graduates; or misrepresenting, in any manner, the assistance furnished to graduates of any of respondents' courses in securing employment.

(3) Respondents know how many openings for insurance claims adjusters will occur at any time or in any place; or

representing, in any manner, that respondents are able to determine the demand for insurance claims adjusters.

(4) Persons completing respondents' course are assured of placement as an insurance claims adjuster; or misrepresenting, in any manner, the assurances of or opportunities for employment available to graduates of respondents' courses.

(5) Persons completing respondents' course in insurance claims adjusting will earn $450 per month and up as insurance claims adjusters by virtue of such training; or misrepresenting, in any manner, the earnings of persons completing respondents' courses.

(6) Employment agencies have agreed with respondents to furnish special services in referring respondents' graduates to employers seeking insurance claims adjusters.

(7) Any claim adjusting company or insurance company makes it a practice to interview graduates of respondents' claim adjusters course before interviewing other prospective employees.

(8) Claim adjusting companies and insurance companies are saving up to $5000 or any other amount in training costs for each new claims adjuster by hiring graduates of respondents' course.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

IN THE MATTER OF

RALPH DESALVO TRADING AS EASTERN GOLF COMPANY

CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF THE FEDERAL TRADE COMMISSION ACT

Docket C-1038. Complaint, Jan. 25, 1966—Decision, Jan. 25, 1966

Consent order requiring a Bronx, N. Y., individual trading as Eastern Golf Co. to disclose affirmatively by proper labeling of packages and wrappers that the previously used golf balls he sells have been rewashed and repainted.

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act, and by virtue of the authority vested in it by the said Act, the Federal Trade Commission, having reason to believe that Ralph DeSalvo, hereinafter referred to as respondent, an individual trading as Eastern Golf Company, has violated the provisions of the said Act, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest, hereby issues its complaint stating its charges in that respect as follows:

PARAGRAPH 1. Respondent Ralph DeSalvo is an individual trading as Eastern Golf Company with his office and principal place of business located at 2537 Boston Road, Bronx 67, New York.

PAR. 2. Respondent is now, and for some time last past has been, engaged in the offering for sale, sale and distribution of previously used, rewashed and repainted golf balls to dealers for resale to the public.

PAR. 3. In the course and conduct of his business; respondent now causes, and for some time last past has caused, his said products, when sold, to be shipped and transported from his place of business in the State of New York to purchasers thereof located in various other States of the United States and maintains, and at all times mentioned herein has maintained, a substantial course of trade in said products in said products in commerce, as "commerce" is defined in the Federal Trade Commission Act.

PAR. 4. In the course and conduct of his business respondent rewashes and repaints, or causes to be rewashed and repainted, golf balls which have been previously used.

Respondent does not disclose either on the ball itself, on the wrapper or on the box in which the balls are packed, or in any other manner, that said golf balls are previously used balls which have been rewashed or repainted.

When such previously used golf balls are rewashed and repainted, in the absence of any disclosure to the contrary, or in the absence of an adequate disclosure, such golf balls are understood to be and are readily accepted by the public as new balls, a fact of which the Commission takes official notice.

PAR. 5. By failing to disclose the fact as set forth in Paragraph Four, respondent places in the hands of uninformed, unwary, and unscrupulous dealers means and instrumentalities whereby they may mislead and deceive the public as to the nature and condition of the said golf balls.

PAR. 6. In the conduct of his business, at all times mentioned herein, respondent has been in substantial competition, in commerce, with corporations, firms and individuals in the sale of products of the same general kind and nature as those sold by respondent.

PAR. 7. The failure of the respondent to disclose on the golf ball itself, on the wrapper or on the box in which they are packed or in any other manner, that they are previously used balls which have been rewashed or repainted has had, and now has, the capacity and tendency to mislead members of the purchasing public into the erroneous and mistaken belief that said golf balls were, and are, new in their entirety and into the purchase of substantial quantities of respondent's products by means of said erroneous and mistaken belief.

PAR. 8. The aforesaid acts and practices of respondent, as herein alleged, were and are, all to the prejudice and injury of the public and of the respondent's competitors, and constituted, and now constitute, unfair methods of competition in commerce and unfair and deceptive acts and practices in commerce, in violation of Section 5 of the Federal Trade Commission Act.

DECISION AND ORDER

The Federal Trade Commission having initiated an investigation of certain acts and practices of the respondent named in the caption hereof, and the respondent having been furnished thereafter with a copy of a draft of complaint which the Bureau of Deceptive Practices proposed to present to the Commission for its consideration and which, if issued by the Commission, would charge respondent with violation of the Federal Trade Commission Act; and

The respondent and counsel for the Commission having thereafter executed an agreement containing a consent order, an admission by the respondent of all the jurisdictional facts set forth in the aforesaid draft of complaint, a statement that the signing of said agreement is for settlement purposes only and does not constitute an admission by the respondent that the law has been violated as alleged in such complaint, and waivers and provisions as required by the Commission's rules; and

The Commission, having reason to believe that the respondent has violated the Federal Trade Commission Act, and having determined that complaint should issue stating its charges in that respect, hereby issues its complaint, accepts said agreement,

makes the following jurisdictional findings and enters the following order:

1. Respondent Ralph DeSalvo is an individual trading as Eastern Golf Company. His office and principal place of business is located at 2537 Boston Road (Route #1), Bronx 67, New York.

2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondent, and the proceeding is in the public interest.

ORDER

It is ordered, That the respondent Ralph DeSalvo trading as Eastern Golf Company, or under any other trade name and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of used, rewashed or repainted golf balls in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Failing clearly to disclose on the boxes in which respondent's rewashed or repainted golf balls are packaged, on the wrapper and on said golf balls themselves, that they are previously used balls which have been rewashed or repainted: *Provided however,* That disclosure need not be made on the golf balls themselves if respondent establishes that the disclosure on the boxes and/or wrappers is such that retail customers, at the point of sale, are informed that the golf balls are previously used and have been rewashed or repainted.

2. Placing any means or instrumentality in the hands of others whereby they may mislead the public as to the prior use and rewashed or repainted nature of their golf balls.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

IN THE MATTER OF

SOUTHERN PACIFIC SALVAGE COMPANY ET AL.

CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF THE FEDERAL TRADE COMMISSION ACT

Docket C-1039. Complaint, Feb. 2, 1966—Decision, Feb. 2, 1966

Consent order requiring California retailers of general merchandise to cease deceptively using the word "Salvage" in their trade name, or otherwise representing that they are authorized liquidators, adjusters or agents engaged in the sale of bankrupt, salvage, or otherwise distressed merchandise.

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act, and by virtue of the authority vested in it by said Act, the Federal Trade Commission, having reason to believe that Southern Pacific Salvage Company, a corporation, and Jack Taff, individually and as an officer of said corporation, hereinafter referred to as respondents, have violated the provisions of said Act, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest, hereby issues its complaint, stating its charges in that respect as follows:

PARAGRAPH 1. Respondent Southern Pacific Salvage Company is a corporation organized, existing and doing business under and by virtue of the laws of the State of California, with its principal office and place of business located at 1133 S. La Cienga Boulevard, in the city of Los Angeles, State of California.

Respondent Jack Taff is an individual and an officer of the corporate respondent. He formulates, directs and controls the acts and practices of said corporation, including the acts and practices hereinafter set forth. His address is the same as that of the corporate respondent.

PAR. 2. Respondents are now, and for some time last past have been, engaged in the sale and distribution of watches, clocks, radios, tableware and other articles of merchandise to retailers and others for resale to the public and to members of the purchasing public.

PAR. 3. In the course and conduct of their business, respondents now cause, and for some time last past have caused, their said

products, when sold, to be shipped from their place of business in the State of California to purchasers thereof located in various other States of the United States and maintain, and at all times mentioned herein have maintained, a substantial course of trade in said products in commerce, as "commerce" is defined in the Federal Trade Commission Act.

PAR. 4. In the conduct of their business and at all times mentioned herein, respondents have been in substantial competition, in commerce, with corporations, firms and individuals in the sale of watches, clocks, radios, tableware and other articles of merchandise of the same general kind nature as that sold by respondents.

PAR. 5. In the course and conduct of their business, and for the purpose of inducing the purchase of their said merchandise, the respondents, through the use of their said trade name and in circulars and promotional materials sent to prospective purchasers, make numerous statements and representations respecting their trade status, the nature of their business and the source of their merchandise offered for sale.

Among and typical, but not all inclusive, of the statements and representations appearing in said advertisements are the following:

Southern Pacific Salvage Company
Consumer Service Division
Subject: Waltham lot #430#431#432#433
Helbros lot #625#626#627
Vulcain lot #214#215.

We have been authorized to liquidate a distressed shipment of * * * watches now being held for disposition at a local terminal.

Rather than dispose of these watches at public auction, this Division is being permitted to make them available to some of our commercial accounts, for the benefit of their employees.

We are liquidating them all at the one price of $19.95 each * * *.

PAR. 6. By and through the use of their aforementioned trade name separately and in connection with the foregoing statements and representations and others of similar import and meaning not expressly set out herein, respondents represent, and have represented, directly or by implication, that they are liquidators, authorized adjusters or agents engaged in the sale or disposition of bankrupt, estate, salvage, distrained or other distress or surplus merchandise for the purpose of liquidating, adjusting, paying off or otherwise settling indebtedness or claims.

PAR. 7. In truth and in fact, respondents are not liquidators, authorized adjusters or agents engaged in the sale or disposition of bankrupt, estate, salvage, distrained or other distress or surplus merchandise for the purpose of liquidating, adjusting, paying off or otherwise settling indebtedness or claims.

Instead, respondents are in the business of purchasing the advertised merchandise from manufacturers or suppliers and selling it at retail for their own account to the purchasing public.

Therefore, the statements and representations referred to in Paragraphs Five and Six hereof were and are false, misleading and deceptive.

PAR. 8. The use by respondents of the aforesaid false, misleading and deceptive statements, representations and practices has had, and now has, the capacity and tendency to mislead members of the purchasing public into the erroneous and mistaken belief that such said statements and representations were and are true and into the purchase of substantial quantities of respondents' products by reason of said erroneous and mistaken belief.

PAR. 9. The aforesaid acts and practices of respondents, as herein alleged, were and are all to the prejudice and injury of the public and of respondents' competitors and constituted, and now constitute, unfair methods of competition in commerce and unfair and deceptive acts and practices in commerce, in violation of Section 5 of the Federal Trade Commission Act.

DECISION AND ORDER

The Federal Trade Commission having initiated an investigation of certain acts and practices of the respondents named in the caption hereof, and the respondents having been furnished thereafter with a copy of a draft of complaint which the Bureau of Deceptive Practices proposed to present to the Commission for its consideration and which, if issued by the Commission, would charge respondents with violation of the Federal Trade Commission Act; and

The respondents and counsel for the Commission having thereafter executed an agreement containing a consent order, an admission by the respondents of all the jurisdictional facts set forth in the aforesaid draft of complaint, a statement that the signing of said agreement is for settlement purposes only and does not constitute an admission by the respondents that the law has been violated as alleged in such complaint, and waivers and provisions as required by the Commission's rules; and

The Commission, having reason to believe that the respondents have violated the Federal Trade Commission Act, and having determined that complaint should issue stating its charges in that respect, hereby issues its complaint, accepts said agreement, makes the following jurisdictional findings and enters the following order:

1. Respondent Southern Pacific Salvage Company is a corporation organized, existing and doing business under and by virtue of the laws of the State of California, with its principal office and place of business located at 1133 S. La Cienga Boulevard, in the city of Los Angeles, State of California.

Respondent Jack Taff is an individual and an officer of said corporation and his address is the same as that of said corporation.

2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondents, and the proceeding is in the public interest.

ORDER

It is ordered, That respondents Southern Pacific Salvage Company, a corporation, and its officers, and Jack Taff, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of watches, clocks, radios, tableware or any other merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act do forthwith cease and desist from:

1. Using the word "Salvage" or any other word or words of similar import or meaning, in or as a part of respondents' trade or corporate name, or otherwise representing, directly or by implication, that they are liquidators, authorized adjusters or agents engaged in the sale or disposition of bankrupt, estate, salvage, distrained or other distress or surplus merchandise.

2. Representing, directly or by implication, that they are liquidating, adjusting, paying off or otherwise settling indebtedness or claims.

3. Misrepresenting, in any manner, their trade or business status or the source, character or nature of the merchandise being offered for sale.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

IN THE MATTER OF

YOUTHCRAFT MANUFACTURING COMPANY, INC., ET AL.

CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF THE FEDERAL TRADE COMMISSION, THE FUR PRODUCTS LABELING, THE WOOL PRODUCTS LABELING AND THE TEXTILE FIBER PRODUCTS IDENTIFICATION ACTS

Docket C-1040. Complaint, Feb. 3, 1966—Decision, Feb. 3, 1966

Consent order requiring two Kansas City, Mo., manufacturers, wholesalers, and retailers to cease misbranding their wool, fur, and textile fiber products, furnishing false guaranties that their fur and textile fiber products were not misbranded, and deceptively invoicing and advertising their furs.

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act, the Wool Products Labeling Act of 1939, the Fur Products Labeling Act, and the Textile Fiber Products Identification Act and by virtue of the authority vested in it by said Acts, the Federal Trade Commission having reason to believe that Youthcraft Manufacturing Company, Inc., a corporation, and Coronet Manufacturing Company, Inc., a corporation, and Leon Karosen, individually and as an officer of said corporations, hereinafter referred to as respondents, have violated the provisions of said Acts and the Rules and Regulations promulgated under the Wool Products Labeling Act of 1939, the Fur Products Labeling Act and the Textile Fiber Products Identification Act, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest, hereby issues its complaint stating its charges in that respect as follows:

PARAGRAPH 1. Respondent Youthcraft Manufacturing Company, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Delaware.

Respondent Coronet Manufacturing Company, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Delaware.

Respondent Leon Karosen is an officer of the Youthcraft Manufacturing Company, Inc., and of the Coronet Manufacturing Company, Inc. Respondent Leon Karosen formulates, directs and controls the acts, practices and policies of the Youthcraft Manufacturing Company, Inc., and the Coronet Manufacturing Company, Inc., including those hereinafter set forth.

Respondents are manufacturers, wholesalers, and retailers of wool products, fur products and textile fiber products with their office and principal place of business located at 414 West 8th Street, Kansas City, Missouri.

PAR. 2. Subsequent to the effective date of the Fur Products Labeling Act on August 9, 1952, respondents Youthcraft Manufacturing Company, Inc., and Leon Karosen have been and are now engaged in the introduction into commerce, and in the sale, advertising, and offering for sale in commerce, and in the transportation and distribution in commerce, of fur products; and have sold, advertised, offered for sale, transported and distributed fur products which have been made in whole or in part of furs which have been shipped and received in commerce as the terms "commerce," "fur" and "fur product" are defined in the Fur Products Labeling Act.

Subsequent to the effective date of the Fur Products Labeling Act on August 9, 1952, respondents Coronet Manufacturing Company, Inc., and Leon Karosen have been and are now engaged in the manufacturing for introduction into commerce, fur products, and have manufactured for sale fur products which have been made in whole or in part of furs which have been shipped and received in commerce as the terms "commerce," "fur" and "fur product" are defined in the Fur Products Labeling Act.

PAR. 3. Certain of said fur products were misbranded in that they were falsely and deceptively labeled to show that fur contained therein was natural, when, in fact, such fur was pointed, bleached, dyed, tip-dyed, or otherwise artificially colored, in violation of Section 4(1) of the Fur Products Labeling Act.

PAR. 4. Certain of said fur products were misbranded in that they were falsely and deceptively labeled to show conflicting information, in violation of Section 4(1) of the Fur Products Labeling Act.

PAR. 5. Certain of said fur products were misbranded in that

they were not labeled as required under the provisions of Section 4(2) of the Fur Products Labeling Act and in the manner and form prescribed by the Rules and Regulations promulgated thereunder.

Among such misbranded fur products, but not limited thereto, were fur products without labels, and fur products with labels which failed to disclose that the fur contained in the fur products was bleached, dyed or otherwise artificially colored, when such was the fact.

PAR. 6. Certain of said fur products were misbranded in violation of the Fur Products Labeling Act in that they were not labeled in accordance with the Rules and Regulations promulgated thereunder in the following respects:

(a) The term "natural" was not used on labels to describe fur products which were not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored, in violation of Rule 19(g) of said Rules and Regulations.

(b) Required item numbers were not set forth on labels, in violation of Rule 40 of said Rules and Regulations.

PAR. 7. Certain of said fur products were falsely and deceptively invoiced by the respondents in that they were not invoiced as required by Section 5(b)(1) of the Fur Products Labeling Act and the Rules and Regulations promulgated under such Act.

Among such falsely and deceptively invoiced fur products, but not limited thereto, were fur products covered by invoices which failed to show the true animal name of the fur used in the fur product.

PAR. 8. Certain of said fur products were falsely and deceptively invoiced in violation of the Fur Products Labeling Act in that they were not invoiced in accordance with the Rules and Regulations promulgated thereunder in the following respects:

(a) The term "natural" was not used on invoices to describe fur products which were not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored, in violation of Rule 19(g) of said Rules and Regulations.

(b) Required item numbers were not set forth on invoices, in violation of Rule 40 of said Rules and Regulations.

PAR. 9. Certain of said fur products were falsely and deceptively advertised in violation of the Fur Products Labeling Act in that said advertisements intended to aid, promote and assist, directly or indirectly, in the sale and advertising of such fur prod-

ucts were not in accordance with the provisions of Section 5(a) of the said Act.

Among and included in the aforesaid advertisements, but not limited thereto, were advertisements of respondents which appeared in catalogs distributed by the respondents.

Among such false and deceptive advertisements, but not limited thereto, were advertisements which failed:

1. To show that the fur contained in the fur product was bleached, dyed, or otherwise artificially colored, when such was the fact.

2. To show the country of origin of imported furs contained in fur products.

PAR. 10. By means of the aforesaid advertisements and others of similar import and meaning not specifically referred to herein, respondents falsely and deceptively advertised fur products in that certain of said advertisements contained the name or names of the animal or animals other than those contained in the fur product, in violation of Section 5(a) (5) of the Fur Products Labeling Act.

PAR. 11. By means of the aforesaid advertisements and others of similar import and meaning not specifically referred to herein, respondents falsely and deceptively advertised fur products in violation of the Fur Products Labeling Act in that the said fur products were not advertised in accordance with the Rules and Regulations promulgated thereunder inasmuch as the term "natural" was not used to describe fur products which were not pointed, bleached, dyed, tip-dyed or otherwise artifically colored, in violation of Rule 19(g) of the said Rules and Regulations.

PAR. 12. Respondents furnished false guaranties under Section 10(b) of the Fur Products Labeling Act with respect to certain of their said fur products by falsely representing in writing that respondents had a continuing guaranty on file with the Federal Trade Commission when respondents in furnishing such guaranties had reason to believe that the fur products so falsely guaranteed would be introduced, sold, transported, and distributed in commerce, in violation of Rule 48(c) of said Rules and Regulations under the Fur Products Labeling Act and Section 10(b) of said Act.

PAR. 13. The aforesaid acts and practices of respondents, as herein alleged, are in violation of the Fur Products Labeling Act and Rules and Regulations promulgated thereunder and constitute unfair and deceptive acts and practices and unfair methods

of competition in commerce under the Federal Trade Commission Act.

PAR. 14. Subsequent to the effective date of the Wool Products Labeling Act of 1939, respondents Youthcraft Manufacturing Company, Inc., and Leon Karosen have introduced into commerce, sold, transported, distributed, delivered for shipment, shipped and offered for sale in commerce wool products as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939.

Subsequent to the effective date of the Wool Products Labeling Act of 1939, respondents Coronet Manufacturing Company, Inc., and Leon Karosen have manufactured for introduction into commerce, wool products as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939.

PAR. 15. Certain of said wool products were misbranded by the respondents within the intent and meaning of Section 4(a) (1) of the Wool Products Labeling Act of 1939 and the Rules and Regulations promulgated thereunder, in that they were falsely and deceptively labeled or tagged with respect to the character and amount of the constituent fibers contained therein.

Among such misbranded wool products, but not limited thereto, were wool products labeled or tagged by respondents as "100% Wool" wherein, in truth and in fact, said products contained less than the represented quantity of wool.

PAR. 16. Certain of said wool products were misbranded by respondents in that they were not stamped, tagged, labeled, or otherwise identified as required under the provisions of Section 4(a) (2) of the Wool Products Labeling Act of 1939 and in the manner and form as prescribed by the Rules and Regulations promulgated under said Act.

Among such misbranded wool products, but not limited thereto, were certain wool products with labels on or affixed thereto which failed to disclose the percentage of the total fiber weight of the wool products, exclusive of ornamentation not exceeding 5 per centum of said total fiber weight, of (1) woolen fibers; (2) each fiber other than wool if said percentage by weight of such fiber is 5 per centum or more; and (3) the aggregate of all other fibers.

PAR. 17. Certain of said wool products were misbranded in violation of the Wool Products Labeling Act of 1939 and that they were not labeled in accordance with the Rules and Regulations promulgated thereunder in the following respects:

1. Fibers present in the amount of less than five per centum

were not designated by the term "other fibers," in violation of Rule 3(b) of said Rules and Regulations.

2. The generic names of the fibers in the wool products were not set forth on labels, in violation of Rule 8 of said Rules and Regulations.

3. Samples, swatches or specimens of wool products subject to the Act used to promote or effect sales of such products were not labeled to show the information required under the said Act and Regulations, in violation of Rule 22 of said Rules and Regulations.

PAR. 18. The acts and practices of the respondents as set forth above were, and are, in violation of the Wool Products Labeling Act of 1939 and the Rules and Regulations promulgated thereunder, and constituted and now constitute, unfair and deceptive acts and practices and unfair methods of competition in commerce, within the intent and meaning of the Federal Trade Commission Act.

PAR. 19. Subsequent to the effective date of the Textile Fiber Products Identification Act of March 3, 1960, respondents Youthcraft Manufacturing Company, Inc., and Leon Karosen have been and are now engaged in the introduction, delivery for introduction, sale, advertising, and offering for sale, in commerce, and in the transportation or causing to be transported in commerce, and in the importation into the United States, of textile fiber products; and have sold, offered for sale, advertised, delivered, transported and caused to be transported textile fiber products, which have been advertised or offered for sale in commerce; and have sold, offered for sale, advertised, delivered, transported, and caused to be transported after shipment in commerce, textile fiber products, either in their original state or contained in other textile fiber products; as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act.

Subsequent to the effective date of the Textile Fiber Products Identification Act of March 3, 1960, respondents Coronet Manufacturing Company, Inc., and Leon Karosen have been and are now engaged in manufacture for introduction in commerce, textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act.

PAR. 20. Certain of said textile fiber products were misbranded by respondents in that they were not stamped, tagged, labeled, or

otherwise identified as required under the provisions of Section 4(b) of the Textile Fiber Products Identification Act, and in the manner and form as prescribed by the Rules and Regulations promulgated under said Act.

Among such misbranded textile fiber products, but not limited thereto, were textile fiber products which were not labeled to show in words and figures plainly legible the true generic name of the fibers present.

PAR. 21. Respondents furnished false guaranties that certain of their textile fiber products were not misbranded and falsely invoiced, in violation of Section 10(b) of the Textile Fiber Products Identification Act.

PAR. 22. Certain of said textile fiber products were misbranded by the respondents in violation of the Textile Fiber Products Identification Act in that they were not labeled in accordance with the Rules and Regulations promulgated thereunder in that samples, swatches or specimens of textile fiber products used to promote or effect sales of textile fiber products were not labeled to show the information required under the said Act and Regulations, in violation of Rule 21 of said Rules and Regulations.

PAR. 23. The acts and practices of the respondents as set forth above were, and are, in violation of the Textile Fiber Products Identification Act, and the Rules and Regulations promulgated thereunder, and constituted and now constitute unfair and deceptive acts and practices and unfair methods of competition in commerce under the Federal Trade Commission Act.

DECISION AND ORDER

The Commission having heretofore determined to issue its complaint charging the respondents named in the caption hereof with violation of the Federal Trade Commission Act, the Fur Products Labeling Act, the Wool Products Labeling Act of 1939 and the Textile Fiber Products Identification Act, and the respondents having been served with notice of said determination and with a copy of the complaint the Commission intended to issue, together with a proposed form of order; and

The respondents and counsel for the Commission having thereafter executed an agreement containing a consent order, an admission by respondents of all the jurisdictional facts set forth in the complaint to issue herein, a statement that the signing of said agreement is for settlement purposes only and does not constitute an admission by respondents that the law has been violated as set

forth in such complaint, and waivers and provisions as required by the Commission's rules; and

The Commission, having considered the agreement, hereby accepts same, issues its complaint in the form contemplated by said agreement, makes the following jurisdictional findings, and enters the following order:

1. Respondents Youthcraft Manufacturing Company, Inc., and Coronet Manufacturing Company, Inc., are corporations organized, existing and doing business under and by virtue of the laws of the State of Delaware with their office and principal place of business located at 414 West 8th Street, Kansas City, Missouri.

Respondent Leon Karosen is an officer of said corporations and his address is the same as that of said corporations.

2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondents, and the proceeding is in the public interest.

ORDER

It is ordered, That respondents Youthcraft Manufacturing Company, Inc., a corporation, and its officers, and Coronet Manufacturing Company, Inc., a corporation, and its officers, and Leon Karosen, individually and as an officer of said corporations, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Representing directly or by implication on labels that the fur contained in any fur product is natural when the fur contained therein is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

2. Setting forth conflicting information on labels.

3. Failing to affix labels to fur products showing in words and in figures plainly legible all the information

required to be disclosed by each of the subsections of Section 4(2) of the Fur Products Labeling Act.

4. Failing to set forth the term "natural" as part of the information required to be disclosed on labels under the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

5. Failing to set forth on labels the item number or mark assigned to a fur product.

B. Falsely and deceptively invoicing fur products by:

1. Failing to furnish invoices as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of Section 5(b) (1) of the Fur Products Labeling Act.

2. Failing to set forth the term "natural" as part of the information required to be disclosed on invoices under the Fur Products Labeling Act and Rules and Regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. Failing to set forth on invoices the item number or mark assigned to fur products.

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of any fur product and which:

1. Fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of Section 5(a) of the Fur Products Labeling Act.

2. Sets forth the name or names of any animal or animals other than the name of the animal producing the furs contained in the fur product as specified in the Fur Products Name Guide and as prescribed by the Rules and Regulations.

3. Fails to set forth the term "natural" as part of the information required to be disclosed in advertisements under the Fur Products Labeling Act and the Rules and

Regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

It is further ordered, That respondents Youthcraft Manufacturing Company, Inc., a corporation, and its officers, and Coronet Manufacturing Company, Inc., a corporation, and its officers, and Leon Karosen, individually and as an officer of said corporations, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any fur product is not misbranded, falsely invoiced or falsely advertised when the respondents have reason to believe that such fur product may be introduced, sold, transported or distributed in commerce.

It is further ordered, That respondents Youthcraft Manufacturing Company, Inc., a corporation, and its officers, and Coronet Manufacturing Company, Inc., a corporation, and its officers, and Leon Karosen, individually and as an officer of said corporations, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment in commerce, of any wool product, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from:

Misbranding wool products by:

1. Falsely and deceptively stamping, tagging, labeling or otherwise identifying such product as to the character or amount of constituent fibers contained therein.

2. Failing to securely affix to, or place on each such product a stamp, tag, label, or other means of identification, showing in a clear and conspicuous manner each element of information required to be disclosed by Section 4(a) (2) of the Wool Products Labeling Act of 1939.

3. Failing to affix labels to samples, swatches and specimens of wool products used to promote or effect sales of such wool products showing in words and figures plainly legible all the information required to be disclosed by Section 4(a) (2) of the Wool Products Labeling Act of 1939.

4. Failing to set forth the term "other fibers" to designate fibers present in the amount of less than 5 per centum.

5. Failing to set forth the common generic name of fibers in the required information on labels, tags, or other means of identification attached to wool products.

It is further ordered, That respondents Youthcraft Manufacturing Company, Inc., a corporation, and its officers, and Coronet Manufacturing Company, Inc., a corporation, and its officers, and Leon Karosen, individually and as an officer of said corporations, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported, in commerce, or the importation into the United States of any textile fiber product; or in connection with the sale, or offering for sale, advertising, delivery, transportation or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Failing to affix labels to such textile fiber products showing in a clear, legible and conspicuous manner each element of information required to be disclosed by Section 4(b) of the Textile Fiber Products Identification Act.

2. Failing to affix labels to samples, swatches and specimens of textile fiber products, showing in a clear, legible and conspicuous manner each element of information required to be disclosed by Section 4(b) of the Textile Fiber Products Identification Act.

It is further ordered, That respondents Youthcraft Manufacturing Company, Inc., a corporation, and its officers, and Coronet Manufacturing Company, Inc., a corporation, and its officers, and Leon Karosen, individually and as an officer of said corporations,

and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any textile fiber product is not misbranded or falsely invoiced.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

IN THE MATTER OF

STEIN & SALOMON ET AL.

CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF THE FEDERAL TRADE COMMISSION, THE FUR PRODUCTS LABELING, THE WOOL PRODUCTS LABELING AND THE TEXTILE FIBER PRODUCTS IDENTIFICATION ACTS

Docket C-1041. Complaint, Feb. 10, 1966—Decision, Feb. 10, 1966

Consent order requiring a Chicago, Ill., wholesaler to cease misbranding, deceptively invoicing, and failing to keep required records on fur products; misbranding wool products; and misbranding, furnishing false guaranties for, and failing to keep required records on textile fiber products.

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act, the Fur Products Labeling Act, the Wool Products Labeling Act of 1939 and the Textile Fiber Products Identification Act, and by virtue of the authority vested in it by said Acts, the Federal Trade Commission, having reason to believe that Stein & Salomon, a partnership, and Joseph B. Hochberger and John B. Smith, individually and as copartners trading as Stein & Salomon and Bobby Jean, hereinafter referred to as respondents, have violated the provisions of said Acts and the Rules and Regulations promulgated under the Fur Products Labeling Act, the Wool Products Labeling Act of 1939 and the Textile Fiber Products Identification Act, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest,

hereby issues its complaint stating its charges in that respect as follows:

PARAGRAPH 1. Respondent Stein & Salomon is a partnership, existing and doing business in the State of Illinois.

Respondents Joseph B. Hochberger and John B. Smith, are individual copartners trading as Stein & Salomon and Bobby Jean.

Respondents are wholesalers of fur products, wool products, and textile fiber products with their office and principal place of business located at 318 West Adams Street, Chicago, Illinois.

PAR. 2. Subsequent to the effective date of the Fur Products Labeling Act on August 9, 1952, respondents have been and are now engaged in the introduction into commerce, and in the sale, advertising, and offering for sale in commerce, and in the transportation and distribution in commerce, of fur products; and have sold, advertised, offered for sale, transported and distributed fur products which have been made in whole or in part of furs which have been shipped and received in commerce, as the terms "commerce," "fur" and "fur product" are defined in the Fur Products Labeling Act.

PAR. 3. Certain of said fur products were misbranded in that they were falsely and deceptively labeled or otherwise falsely and deceptively identified with respect to the name or designation of the animal or animals that produced the fur from which the said fur products had been manufactured, in violation of Section 4(1) of the Fur Products Labeling Act.

Among such misbranded fur products, but not limited thereto, were fur products which were labeled as "Mink" when the fur contained in such products was "Japanese Mink."

PAR. 4. Certain of said fur products were misbranded in that they were falsely and deceptively labeled or otherwise falsely and deceptively identified with the respect to the name of the country of origin of furs contained in such fur products, in violation of Section 4(1) of the Fur Products Labeling Act.

Among such misbranded fur products, but not limited thereto, were fur products labeled to show the country of origin of furs used in such fur products as "Denmark" when the country of origin of such furs was, in fact, "United States."

PAR. 5. Certain of said fur products were misbranded in that they were not labeled as required under the provisions of Section 4(2) of the Fur Products Labeling Act and in the manner and form prescribed by the Rules and Regulations promulgated thereunder.

Among such misbranded fur products, but not limited thereto, were fur products with labels which failed:

1. To show the true animal name of the fur used in the fur product.

2. To disclose that the fur contained in the fur product was bleached, dyed, or otherwise artificially colored, when such was the fact.

3. To show the country of origin of the imported furs contained in the fur product.

PAR. 6. Certain of said fur products were misbranded in violation of the Fur Products Labeling Act in that they were not labeled in accordance with the Rules and Regulations promulgated thereunder in the following respects:

(a) The term "blended" was used on labels as part of the information required under Section 4(2) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder to describe the pointing, bleaching, dyeing, tip-dyeing or otherwise artificial coloring of furs, in violation of Rule 19(f) of said Rules and Regulations.

(b) The term "natural" was not used on labels to describe fur products which were not pointed, bleached, dyed, tip-dyed, or otherwise artifically colored, in violation of Rule 19(g) of said Rules and Regulations.

(c) Information required under Section 4(2) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder was set forth in handwriting on labels, in violation of Rule 29(b) of said Rules and Regulations.

(d) Information required under Section 4(2) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder was not set forth in the required sequence, in violation of Rule 30 of said Rules and Regulations.

(e) Required item numbers were not set forth on labels, in violation of Rule 40 of said Rules and Regulations.

PAR. 7. Certain of said fur products were falsely and deceptively invoiced by the respondents in that they were not invoiced as required by Section 5(b)(1) of the Fur Products Labeling Act and the Rules and Regulations promulgated under such Act.

Among such falsely and deceptively invoiced fur products, but not limited thereto, were fur products covered by invoices which failed to show the true animal name of the fur used in the fur product.

PAR. 8. Certain of said fur products were falsely and deceptively

invoiced with respect to the name or designation of the animal or animals that produced the fur from which the said fur products had been manufactured, in violation of Section 5(b)(2) of the Fur Products Labeling Act.

Among such falsely and deceptively invoiced fur products, but not limited thereto, were fur products which were invoiced as "Squirrel" when, in fact, the fur contained in such products was "Dyed Red Fox."

PAR. 9. Respondents falsely and deceptively invoiced fur products, in violation of Section 5(b)(2) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder by representing that respondents are manufacturers of fur products when, in fact, respondents' operations with respect to fur products are limited to wholesaling such products.

PAR. 10. Certain of said fur products were falsely and deceptively invoiced in violation of the Fur Products Labeling Act in that they were not invoiced in accordance with the Rules and Regulations promulgated thereunder in the following respects:

(a) The term "natural" was not used on invoices to describe fur products which were not pointed, bleached, dyed, tip-dyed or otherwise artificially colored, in violation of Rule 19(g) of said Rules and Regulations.

(b) Required item numbers were not set forth on invoices, in violation of Rule 40 of said Rules and Regulations.

PAR. 11. Respondents in substituting labels as provided for in Section 3(e) of the Fur Products Labeling Act, have failed to keep and preserve the records required in violation of said Section 3(e) and Rule 41 of the Rules and Regulations promulgated under the said Act.

PAR. 12. The aforesaid acts and practices of the respondents, as herein alleged, are in violation of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder and constituted unfair and deceptive acts and practices and unfair methods of competition in commerce under the Federal Trade Commission Act.

PAR. 13. Subsequent to the effective date of the Wool Products Labeling Act of 1939, respondents have introduced into commerce, sold, transported, distributed, delivered for shipment, shipped, and offered for sale in commerce, wool products as "commerce" and "wool product" are defined in said Act.

PAR. 14. Certain of said wool products were misbranded by respondents in that they were not stamped, tagged, labeled or other-

wise identified as required under the provisions of Section 4(a)(2) of the Wool Products Labeling Act of 1939 and in the manner and form as prescribed by the Rules and Regulations promulgated under said Act.

Among such misbranded wool products, but not limited thereto, were certain wool products with labels on or affixed thereto which failed to disclose the percentage of the total fiber weight of the wool products, exclusive of ornamentation not exceeding 5 per centum of said total fiber weight; of (1) woolen fibers; (2) each fiber other than wool if said percentage by weight of such fiber is 5 per centum or more; (3) the aggregate of all other fibers.

PAR. 15. Certain of said wool products were misbranded in violation of the Wool Products Labeling Act of 1939 in that they were not labeled in accordance with the Rules and Regulations promulgated thereunder inasmuch as the respective common generic names of the fibers present in the wool products were not used in naming such fibers in required information on stamps, tags, labels or other means of identification affixed to such wool products, in violation of Rule 8 of the aforesaid Rules and Regulations.

PAR. 16. The acts and practices of the respondents as set forth above were, and are, in violation of the Wool Products Labeling Act of 1939 and the Rules and Regulations promulgated thereunder, and constituted and now constitute, unfair and deceptive acts and practices and unfair methods of competition in commerce within the intent and meaning of the Federal Trade Commission Act.

PAR. 17. Subsequent to the effective date of the Textile Fiber Products Identification Act of March 3, 1960, respondents have been and are now engaged in the introduction, delivery for introduction, sale, advertising, and offering for sale, in commerce, and in the transportation or causing to be transported in commerce, and in the importation into the United States, of textile fiber products; and have sold, offered for sale, advertised, delivered, transported, and caused to be transported textile fiber products which have been advertised or offered for sale, in commerce; and have sold offered for sale, advertised, delivered, transported and caused to be transported after shipment in commerce, textile fiber products, either in their original state or contained in other textile fiber products; as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act.

PAR. 18. Certain of said textile fiber products were misbranded by the respondents in that they were not stamped, tagged, labeled, or otherwise identified as required under the provisions of Section 4(b) of the Textile Fiber Products Identification Act and in the manner and form as prescribed by the Rules and Regulations promulgated under said Act.

Among such misbranded textile fiber products, but not limited thereto, were textile fiber products which were not labeled to show in words and figures plainly legible the true generic name of the fibers present in the textile fiber products.

PAR. 19. Certain of said textile fiber products were misbranded by the respondents in violation of the Textile Fiber Products Identification Act in that they were not labeled in accordance with the Rules and Regulations promulgated thereunder in the following respects:

1. Fiber trademarks were placed on labels without the generic names of the fibers appearing on such labels, in violation of Rule 17(a) of the aforesaid Rules and Regulations.

2. Fiber trademarks were used on labels without full and complete fiber content disclosure the first time the generic name or fiber trademark appeared on the label, in violation of Rule 17(b) of the aforesaid Rules and Regulations.

3. The respective percentages of fibers contained in the front and back of pile fabrics were not set out in such a manner as to give the ratio between the face and back of such fabrics where an election was made to separately set out the fiber content of the face and back of textile fiber products containing pile fabrics, in violation of Rule 24 of the aforesaid Rules and Regulations.

PAR. 20. Respondents furnished false guaranties under Section 10(b) of the Textile Fiber Products Identification Act with respect to certain of their textile fiber products by falsely representing that respondents had a continuing guaranty on file with the Federal Trade Commission in violation of Section 10(b) of the Textile Fiber Products Identification Act.

PAR. 21. Respondents in substituting stamps, tags, labels, or other identification pursuant to Section 5(b) of the Textile Fiber Products Identification Act have failed to maintain records to show the information set forth on stamps, tags, labels, or other identification that they removed and the name or names of the person or persons from whom such textile fiber products were received, in violation of Section 6 (b) of the Textile Fiber Products Identification Act and Rule 39 of the Rules and Regulations.

PAR. 22. The acts and practices of respondents as set forth above were, and are, in violation of the Textile Fiber Products Identification Act, and the Rules and Regulations promulgated thereunder, and constituted and now constitute unfair and deceptive acts and practices and unfair methods of competition in commerce under the Federal Trade Commission Act.

DECISION AND ORDER

The Commission having heretofore determined to issue its complaint charging the respondents named in the caption hereof with violation of the Federal Trade Commission Act, the Fur Products Labeling Act, the Wool Products Labeling Act of 1939 and the Textile Fiber Products Identification Act, and the respondents having been served with notice of said determination and with a copy of the complaint the Commission intended to issue, together with a proposed form of order; and

The respondents and counsel for the Commission having thereafter executed an agreement containing a consent order, an admission by respondents of all the jurisdictional facts set forth in the complaint to issue herein, a statement that the signing of said agreement is for settlement purposes only and does not constitute an admission by respondents that the law has been violated as set forth in such complaint, and waivers and provisions as required by the Commission's rules; and

The Commission, having considered the agreement, hereby accepts same, issues its complaint in the form contemplated by said agreement, makes the following jurisdictional findings, and enters the following order:

1. Respondent Stein & Salomon is a partnership, existing and doing business in the State of Illinois, with its office and principal place of business located at 318 West Adams Street, Chicago, Illinois.

Respondents Joseph B. Hochberger and John B. Smith are individual copartners trading as Stein & Salomon and Bobby Jean and their address is the same as that of the said partnership.

2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondents, and the proceeding is in the public interest.

ORDER

It is ordered, That respondents Stein & Salomon, a partnership, and Joseph B. Hochberger and John B. Smith, individually and

as copartners trading as Stein & Salomon and Bobby Jean, or under any other trade name, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale, in commerce, or the transporting or distributing, in commerce of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "fur," "commerce," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Falsely or deceptively labeling or otherwise identifying any such fur product as to the name or designation of the animal or animals that produced the fur contained in the fur product.

2. Falsely or deceptively labeling or otherwise identifying any such fur product as to the country of origin of furs contained in such fur product.

3. Failing to affix labels to fur products showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of Section 4(2) of the Fur Products Labeling Act.

4. Setting forth the term "blended" or any term of like import on labels as part of the information required under Section 4(2) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder to describe the pointing, bleaching, dyeing, tip-dyeing or otherwise artificial coloring of furs contained in fur products.

5. Failing to set forth the term "natural" as part of the information required to be disclosed on labels under the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

6. Setting forth information required under Section 4(2) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder in handwriting on labels affixed to fur products.

7. Failing to set forth information required under

Section 4(2) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder on labels in the sequence required by Rule 30 of the aforesaid Rules and Regulations.

8. Failing to set forth on labels the item number or mark assigned to a fur product.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed in each of the subsections of Section 5(b) (1) of the Fur Products Labeling Act.

2. Setting forth on invoices pertaining to fur products any false or deceptive information with respect to the name or designation of the animal or animals that produced the fur contained in such fur product.

3. Falsely or deceptively representing that respondents are manufacturers of fur products.

4. Failing to set forth the term "natural" as part of the information required to be disclosed on invoices under the Fur Products Labeling Act and Rules and Regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

5. Failing to set forth on invoices the item number or mark assigned to fur products.

It is further ordered, That respondents Stein & Salomon, a partnership, and Joseph B. Hochberger and John B. Smith, individually and as copartners trading as Stein & Salomon and Bobby Jean, or under any other trade name, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, sale, advertising or offering for sale, in commerce, or the processing for commerce of fur products; or in connection with the selling, advertising, offering for sale or processing of fur products which have been shipped and received in commerce, do herewith cease and desist from failing to keep and preserve the records required by the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder in substituting labels as permitted by Section 3(e) of the said Act.

It is further ordered, That respondents Stein & Salomon, a

partnership, and Joseph B. Hochberger and John B. Smith, individually and as copartners trading as Stein & Salomon and Bobby Jean, or under any other trade name, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or offering for sale, sale, transportation, distribution or delivery for shipment, or shipment, in commerce, of any wool product as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding any such product by:

A. Failing to securely affix to, or place on such product a stamp, tag, label, or other means of identification, showing in a clear and conspicuous manner each element of information required to be disclosed by Section 4(a)(2) of the Wool Products Labeling Act of 1939.

B. Failing to set forth the common generic name of fibers in the required information on labels, tags or other means of identification attached to any such product.

It is further ordered, That respondents Stein & Salomon, a partnership, and Joseph B. Hochberger and John B. Smith, individually and as copartners trading as Stein & Salomon and Bobby Jean, or under any other trade name, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, sale, advertising or offering for sale, in commerce, or the transportation or causing to be transported, in commerce, or the importation into the United States of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, after shipment in commerce of any textile fiber product, whether in its original state or contained in other textile fiber products; as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Failing to affix labels to such textile fiber products showing in a clear, legible and conspicuous manner each

element of information required to be disclosed by Section 4(b) of the Textile Fiber Products Identification Act.

2. Using a fiber trademark on labels affixed to such textile fiber products without the generic name of the fiber appearing on such label.

3. Using a generic name or fiber trademark on any label, whether required or nonrequired, without making a full and complete fiber content disclosure in accordance with the Textile Fiber Products Identification Act and the Rules and Regulations promulgated thereunder the first time such generic name or fiber trademark appears on the label.

4. Failing to disclose the respective percentages of the face and back of pile fabrics in such a manner as will show the ratio between the face and back when an election is made to set forth the percentages of the fiber content of the face and back separately.

It is further ordered, That respondents Stein & Salomon, a partnership, and Joseph B. Hochberger and John B. Smith, individually and as copartners trading as Stein & Salomon and Bobby Jean, or under any other trade name, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any textile fiber product is not misbranded or falsely invoiced.

It is further ordered, That respondents Stein & Salomon, a partnership, and Joseph B. Hochberger and John B. Smith, individually and as copartners trading as Stein & Salomon and Bobby Jean, or under any other trade name, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from failing to keep and preserve the records required by the Textile Fiber Products Identification Act and the Rules and Regulations promulgated thereunder in substituting stamps, tags, labels or other means of identification permitted by Section 5(b) of the Textile Fiber Products Identification Act.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

IN THE MATTER OF

FRUEHAUF TRAILER COMPANY*

MODIFIED ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF SEC. 7 OF THE CLAYTON ACT AND THE FEDERAL TRADE COMMISSION ACT

Docket 6608. Complaint, Aug. 17, 1956—Decision, Feb. 11, 1966

Modified divestiture order, in compliance with the final order of the Court of Appeals, Seventh Circuit, of January 21, 1966, requiring respondent to divest itself within 1 year of its Strick Trailers Division which was acquired in 1956, Strick must be restored as a going concern and effective competitor in all lines of commerce in which it was engaged immediately prior to its acquisition by respondent, and forbiding respondent from acquiring any other manufacturer of truck trailers for 10 years without approval of the Commission;

Divestiture order of May 28, 1965, 67 F.T.C. 878, required respondent to divest itself of Strick plus the Hobbs Manufacturing Co. of Fort Worth, Texas, and Hobbs Trailer and Equipment Co. of Dallas, Texas, which it acquired in 1955.

MODIFIED ORDER

Fruehauf Corporation, having filed in the United States Court of Appeals for the Seventh Circuit on August 6, 1965, a petition to review and set aside the order of divestiture issued herein on May 28, 1965 [67 F.T.C. 878]; and the Commission and Fruehauf Corporation, having subsequently agreed upon a plan of divestiture and upon the provisions of a final order modifying the order entered by the Commission on May 28, 1965; and the Court, on Janurary 21, 1966, having issued its final order affirming and enforcing said order as submitted by the Commission and Fruehauf Corporation;

Now, therefore, it is hereby ordered, That the order of May 28, 1965, be, and it hereby is, modified in accordance with the final order of the Court to read as follows:

It is ordered, That

(A) Respondent, the Fruehauf Corporation, a corporation, and its officers, directors, agents, representatives, and employees shall, within one (1) year from the date of this order, divest itself absolutely, in good faith, of all assets of its Strick Trailers Division and such other assets as may be necessary to restore the Strick Company and Strick Plastics

*Now known as the Fruehauf Corporation.

Corporation as a going concern and effective competitor in all the lines of commerce in which it was engaged immediately prior to its acquisition by respondent.

As used in this order, "assets" shall include any properties, rights and privileges, tangible and intangible, including but not limited to all plants, machinery, equipment, contract rights, patents, licenses, trade names, trademarks and good will of whatever description.

(B) Pending divestiture, respondent shall not make any changes in any of the above-mentioned assets which impair their present capacity for the production, distribution, sale or financing of truck-trailers, or impair their market value, unless such capacity or value is restored prior to divestiture.

(C) Respondent in such divestiture shall not sell or transfer, directly or indirectly, any of the assets to be divested to anyone who at the time of divestiture owns or controls more than one percent (1%) of respondent's stock, or who is an officer, director, representative, employee or agent of, or under the control, influence or direction of respondent, or any of respondent's subsidiary or affiliated companies, or to anyone who is not approved in advance by the Federal Trade Commission.

(D) If respondent divests the assets, properties, rights and privileges, described in paragraph A of this order, to a new corporation or corporations, the stock of each of which is wholly owned by the Fruehauf Corporation, and if respondent then distributes all of the stock in said corporation or corporations to the stockholders of the Fruehauf Corporation, in proportion to their holding of the Fruehauf Corporation stock, then paragraph (C) of this order shall be inapplicable, and the following paragraphs (E) and (F) shall take force and effect in its stead.

(E) No person who is an officer, director, or executive employee of the Fruehauf Corporation, or who owns or controls, directly or indirectly, more than one (1) percent of the stock of the Corporation, shall be an officer, director or executive employee of any new corporation or corporations described in paragraph (D) or shall own or control, directly or indirectly, more than one (1) percent of the stock of any new corporation or corporations described in paragraph (D).

(F) Any person who must sell or dispose of a stock interest in the Fruehauf Corporation or the new corporation or

corporations described in paragraph (D) in order to comply with paragraph (E) of this order may do so within six (6) months after the date on which distribution of the stock of the said corporation or corporations is made to stockholders of Fruehauf Corporation.

It is further ordered, That for a period of ten (10) years after the date of service of this Order upon respondent, respondent shall cease and desist from acquiring, directly or indirectly, through subsidiaries or otherwise, any interest in any concern engaged in the business of manufacturing truck trailers without the prior approval of the Federal Trade Commission.

It is further ordered, That respondent shall submit to the Commission on the first day of each calendar month a report in writing setting forth its progress in carrying out the divestiture requirement of this order until the divestiture has been completed with the approval of the Commission; and respondent shall submit to the Commission on the first day of each calendar year a report in writing setting forth its compliance with the cease and desist provisions of this order.

IN THE MATTER OF

MAR-TEE FASHIONS, INC., ET AL

CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF THE FEDERAL TRADE COMMISSION AND THE WOOL PRODUCTS LABELING ACTS

Docket C-1042. Complaint, Feb. 11, 1966—Decision, Feb. 11, 1966

Consent order requiring a California marketer of woolen wearing apparel to cease violating the Wool Products Labeling Act by misbranding its wool products, deceptively using the term "cashmere," and falsely invoicing its merchandise as to constituent fibers.

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, and by virtue of the authority vested in it by said Acts, the Federal Trade Commission, having reason to believe that Mar-Tee Fashions, Inc., a

corporation, and George Gonick and Larry Taylor, individually and as principal stockholders and managers of said corporation, hereinafter referred to as respondents, have violated the provisions of said Acts and the Rules and Regulations promulgated under the Wool Products Labeling Act of 1939, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest, hereby issues its complaint stating its charges in that respect as follows:

PARAGRAPH 1. Respondent Mar-Tee Fashions, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of New York with its principal address located at 2221 South Main Street, Los Angeles, California.

Individual respondents George Gonick and Larry Taylor are principal stockholders in Mar-Tee Fashions, Inc., and participate in the formulation, direction, and control of the acts, practices and policies of said corporation. Their office and principal place of business is located at the same address as that of said corporation.

PAR. 2. Subsequent to the effective date of the Wool Products Labeling Act of 1939, respondents have introduced into commerce, sold, transported, distributed, delivered for shipment, shipped and offered for sale in commerce as "commerce" is defined in said Act, wool products as "wool product" is defined therein.

PAR. 3. Certain of said wool products were misbranded by the respondents within the intent and meaning of Section 4(a) (1) of the Wool Products Labeling Act of 1939 and Rules and Regulations promulgated thereunder, in that they were falsely and deceptively stamped, tagged, labeled or otherwise identified with respect to the character and amount of the constituent fibers contained therein.

Among such misbranded wool products, but not limited thereto, were men's woolen slacks stamped, tagged, labeled, or otherwise identified by respondents as 85% reprocessed cashmere, 15% nylon, whereas in truth and in fact, said products contained substantially different fibers and amounts of fibers than represented.

PAR. 4. Certain of said wool products were further misbranded by respondents in that they were not stamped, tagged, labeled, or otherwise identified as required under the provisions of Section 4(a) (2) of the Wool Products Labeling Act of 1939 and in the manner and form as prescribed by the Rules and Regulations promulgated under said Act.

Among such misbranded wool products, but not limited thereto, were wool products with labels on or affixed thereto which failed to disclose:

(a) The percentage of the total fiber weight of the said wool products, exclusive of ornamentation not exceeding 5% of the total fiber weight, of (1) wool; (2) reprocessed wool; (3) reused wool; (4) each fiber other than wool present in the wool product when said percentage by weight of such fiber was 5% or more; and (5) the aggregate of all other fibers.

PAR. 5. Certain of said wool products were misbranded in violation of the Wool Products Labeling Act of 1939 in that they were not labeled in accordance with the Rules and Regulations promulgated thereunder in the following respects:

(a) Wool products were offered or displayed for sale or sold to purchasers or the consuming public and the required stamp, tag, label and other mark of identification attached to the said wool product and the required information contained therein, was minimized, rendered obscure and inconspicuous, and placed so as likely to be unnoticed or unseen by purchasers and purchaser-consumer by reason of among others:

(1) Small or indistinct type,

(2) Failure to use letters and numerals of equal size and conspicuousness,

(3) Insufficient background contrast, in violation of Rule (11) of the aforesaid Rules and Regulations.

(b) The term "Cashmere" was used in lieu of the word "wool" in setting forth the required fiber content information on labels affixed to wool products when certain of the fibers so described were not entitled to such designation, in violation of Rule 19 of the aforesaid Rules and Regulations.

PAR. 6. The acts and practices of the respondents as set forth above were, and are in violation of the Wool Products Labeling Act of 1939 and the Rules and Regulations promulgated thereunder, and constituted, and now constitute, unfair and deceptive acts and practices and unfair methods of competition in commerce, within the intent and meaning of the Federal Trade Commission Act.

PAR. 7. Respondents are now, and for some time last past, have been engaged in the offering for sale, sale and distribution of certain products, namely woolen wearing apparel to distributors and the purchasing public. In the course of their business, respondents, now cause, and for some time last past have caused, their

said products, when sold, to be shipped from their place of business in the State of New York to purchasers located in various other states of the United States, and maintain, and at all times mentioned herein, have maintained, a substantial course of trade in said products, in commerce, as "commerce" is defined in the Federal Trade Commission Act.

PAR. 8. Respondents in the course and conduct of their business, as aforesaid, have made statements on invoices and shipping memoranda to their customers misrepresenting the character and fiber content of certain of their said products. Among such misrepresentations, but not limited thereto, were statements representing certain products to be "85% Reprocessed Cashmere, 15% Nylon," whereas said fabrics contained substantially different fibers and quantities of fibers than represented.

PAR. 9. The acts and practices set out in Paragraphs Seven and Eight have had and now have the tendency and capacity to mislead and deceive the purchasers of said products as to the true content thereof and to cause said purchasers to misbrand products manufactured by them in which said materials were used.

PAR. 10. The acts and practices of the respondents set out in Paragraphs Seven and Eight were, and are, all to the prejudice and injury of the public and of respondents' competitors and constituted and now constitute, unfair and deceptive acts and practices, in commerce, within the intent and meaning of the Federal Trade Commission Act.

DECISION AND ORDER

The Federal Trade Commission having initiated an investigation of certain acts and practices of the respondents named in the caption hereof, and the respondents having been furnished thereafter with a copy of a draft of complaint which the Bureau of Textiles and Furs proposed to present to the Commission for its consideration and which, if issued by the Commission, would charge respondents with violation of the Federal Trade Commission Act and the Wool Products Labeling Act of 1939; and

The respondents and counsel for the Commission having thereafter executed an agreement containing a consent order, an admission by the respondents of all the jurisdictional facts set forth in the aforesaid draft of complaint, a statement that the signing of said agreement is for settlement purposes only and does not constitute an admission by the respondents that the law has been

violated as alleged in such complaint, and waivers and provisions as required by the Commission's rules; and

The Commission, having reason to believe that the respondents have violated said Acts, and having determined that complaint should issue stating its charges in that respect, hereby issues its complaint, accepts said agreement, makes the following jurisdictional findings and enters the following order:

1. Respondent Mar-Tee Fashions, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of New York, with its principal address located at 2221 South Main Street, Los Angeles, California.

Respondents George Gonick and Larry Taylor are principal stockholders in Mar-Tee Fashions, Inc., and their address is the same as that of the said corporation.

2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondents, and the proceeding is in the public interest.

ORDER

It is ordered, That respondents Mar-Tee Fashions, Inc., a corporation, and its officers, and George Gonick and Larry Taylor, individually and as principal stockholders and managers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the offering for sale, sale, transportation, delivery for shipment, or shipment in commerce, of any wool product, as "wool product" and "commerce" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from:

A. Misbranding such products by:

1. Falsely and deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by Section 4(a)(2) of the Wool Products Labeling Act of 1939.

3. Affixing or placing the stamp, tag, label or mark of identification required under the said Act, or the information required by said Act and the Rules and Regulations promulgated thereunder, on wool products in such

a manner as to be minimized, rendered obscure or inconspicuous or so as to be unnoticed or unseen by purchasers and purchaser-consumers, when said wool products are offered or displayed for sale or sold to purchasers or the consuming public.

4. Using the term "cashmere" in lieu of the word "wool" in setting forth the required information on labels affixed to wool products unless the fibers described as cashmere are entitled to such designation and are present in at least the amount stated.

It is further ordered, That respondents Mar-Tee Fashions, Inc., a corporation, and its officers, and George Gonick and Larry Taylor, individually and as principal stockholders and managers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of garments, or other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting the character or amounts of constituent fibers contained in such products on invoices or shipping memoranda applicable thereto, or in any other manner.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

IN THE MATTER OF

PARFUMERIE LIDO, INC., ET AL.

ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF THE FEDERAL TRADE COMMISSION ACT

Docket 8667. Complaint, Oct. 15, 1965—Decision, Feb. 16, 1966

Order requiring a New York City distributor to cease misleading the public as to the identity of its perfume and other toilet preparations by deceptively labeling the bottles and packages of its products to falsely infer that they are well-known brand name toilet preparations.

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act and by virtue of the authority vested in it by said Act, the

Federal Trade Commission, having reason to believe that Parfumerie Lido, Inc., a corporation, and Alexander S. Salz and Sam Salz, individually and as officers of said corporation, hereinafter referred to as respondents, have violated the provisions of said Act, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest, hereby issues its complaint stating its charges in that respect as follows:

PARAGRAPH 1. Respondent Parfumerie Lido, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of New York, with its principal office and place of business located at 115 West 30th Street, in the city of New York, State of New York.

Respondents Alexander S. Salz and Sam Salz are officers of the corporate respondent. They formulate, direct and control the acts and practices of the corporate respondent including the acts and practices hereinafter set forth. Their address is the same as that of the corporate respondent.

PAR. 2. Respondents are now, and for some time last past have been, engaged in the advertising, offering for sale, sale and distribution of toilet preparations to the general public and to distributors, jobbers and retailers for resale to the public.

PAR. 3. In the course and conduct of their business, respondents now cause, and for some time last past have caused, their said products, when sold, to be shipped from their place of business in the State of New York to purchasers thereof located in various other States of the United States, and maintain, and at all times mentioned herein have maintained, a substantial course of trade in said products in commerce, as "commerce" is defined in the Federal Trade Commission Act.

PAR. 4. In the course and conduct of their business, and for the purpose of inducing the purchase of their products, respondents have engaged in the practices of imprinting upon, or on labels affixed thereto, the bottles containing said toilet preparations, or the cartons in which said bottles are enclosed, as such products are intended to be, and are, sold to the purchasing public, one of the following letters or groups of letters: "C," "A," "WS" or "MS."

PAR. 5. By and through the use of the aforementioned practice, and others of similar import not specifically set out herein, respondents represented, and have placed in the hands of distributors, jobbers and retailers the means and instrumentalities for representing, directly or indirectly, that said products labeled

with the initials "C," "A," "WS" or "MS" are respectively the same as the products sold under the brand names of "Chanel" by Chanel, Industries, Inc., "Arpege" by Lanvin Parfums, Inc., "White Shoulders" by Evyan Perfumes, Inc., and "My Sin" by Lanvin Parfums, Inc.

PAR. 6. In truth and in fact, said products are not the same as those sold under the brand names hereinabove stated in Paragraph Five:

Therefore, the statements and representations set forth in Paragraph Four hereof are false, misleading and deceptive.

PAR. 7. There is a preference on the part of a substantial number of the purchasing public for the aforesaid cosmetic preparations of said Chanel Industries, Inc., Lanvin Parfums, Inc., and Evyan Perfumes, Inc. which said toilet preparations are nationally advertised and widely sold, of which facts the Commission takes official notice.

PAR. 8. By the aforesaid practices, respondents mislead and deceive the public as to the identity of their said toilet preparations, and place in the hands of distributors, jobbers and retailers the means and instrumentalities by and through which they may likewise mislead and deceive the public.

PAR. 9. In the course and conduct of their business at all times mentioned herein, respondents have been in substantial competition, in commerce, with corporations, firms and individuals in the sale of toilet preparations of the same general kind and nature as those sold by respondents.

PAR. 10. The use by respondents of the aforesaid false, misleading and deceptive statement, representations and practices has had, and now has, the capacity and tendency to mislead members of the purchasing public into the erroneous and mistaken belief that said statements and representations were and are true and into the purchase of substantial quantities of respondents' products by reason of said erroneous and mistaken belief.

PAR. 11. The aforesaid acts and practices of respondents, as herein alleged, were and are all to the prejudice and injury of the public and of respondents' competitors and constituted and now constitute, unfair and deceptive acts and practices in commerce in violation of Section 5 of the Federal Trade Commission Act.

Mr. Harold A. Kennedy and *Mr. Harmon D. Maxson* supporting the complaint.

Mr. Stanley Hendricks, New York, N.Y., for respondents.

INITIAL DECISION BY WILLIAM K. JACKSON, HEARING EXAMINER
JANUARY 7, 1966

This proceeding was commenced by the issuance of a complaint on October 15, 1965, charging Parfumerie Lido, Inc., a corporation, and the two named individual respondents, individually and as officers of said corporation, with unfair and deceptive acts and practices and unfair methods of competition, in commerce, in violation of Section 5 of the Federal Trade Commission Act by misleading and deceiving the public as to the identity of their toilet preparations.

In particular, the complaint alleges that the respondents imprint upon the bottles containing their toilet preparations, upon the labels affixed thereto, or upon the cartons in which said bottles are enclosed, one of the following letters or groups of letters: "C," "A," "WS," or "MS." The complaint further alleges that by and through the use of such lettering, respondents represent directly or indirectly that said products labeled with the initials "C," "A," "WS," or "MS," are respectively the same as the products sold under the brand names of "Chanel" by Chanel Industries, Inc., "Arpege" by Lanvin Parfums, Inc., "White Shoulders" by Evyan Perfumes, Inc., and "My Sin" by Lanvin Parfums, Inc., when in truth and in fact said products are not the same as those sold under the aforesaid brand names.

After being duly served with the complaint, the aforesaid respondents appeared by counsel and thereafter on November 18, 1965, filed a joint answer admitting a number of the specific allegations in the complaint, but denying generally the illegality of the practices charged in the complaint and affirmatively alleging several defenses.

By order dated November 22, 1965, the hearing examiner scheduled a hearing on the contested issues raised by the complaint and answer to commence on December 14, 1965, at New York, New York. Prior to the commencement of the hearing, by letter dated December 10, 1965, addressed to the hearing examiner, counsel for respondents requested permission to withdraw respondents' answer previously interposed in this matter on November 18, 1965, and further requested permission to substitute in lieu thereof an amended answer admitting all of the material allegations of the complaint.

The hearing examiner treated said letter of December 10, 1965, as a motion to substitute an amended answer, and by order dated December 14, 1965, granted respondents' motion and ordered that

the letter of December 10, 1965, be treated as an admission answer and substituted for their answer previously filed on November 18, 1965.

By their amended answer, respondents have admitted all the material allegations of the complaint and have agreed that the order hereinafter set forth should be entered.

Based upon the entire record, consisting of the complaint, amended answer, and other agreements and matters of record, the hearing examiner makes the following findings as to facts, conclusions drawn therefrom, and order.

FINDINGS OF FACTS

1. Respondent Parfumerie Lido, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of New York, with its principal office and place of business located at 115 West 30th Street, in the city of New York, State of New York.

2. Respondents Alexander S. Salz and Sam Salz are officers of the corporate respondent. They formulate, direct and control the acts and practices of the corporate respondent including the acts and practices hereinafter set forth. Their address is the same as that of the corporate respondent.

3. Respondents are now, and for some time last past have been, engaged in the advertising, offering for sale, sale and distribution of toilet preparations to the general public and to distributors, jobbers and retailers for resale to the public.

4. In the course and conduct of their business, respondents now cause, and for some time last past have caused, their said products, when sold, to be shipped from their place of business in the State of New York to purchasers thereof located in various other States of the United States, and maintain, and at all times mentioned herein have maintained, a substantial course of trade in said products in commerce, as "commerce" is defined in the Federal Trade Commission Act.

5. In the course and conduct of their business, and for the purpose of inducing the purchase of their products, respondents have engaged in the practices of imprinting upon, or on labels affixed thereto, the bottles containing said toilet preparations, or the cartons in which said bottles are enclosed, as such products are intended to be, and are, sold to the purchasing public, one of the following letters or groups of letters: "C," "A," "WS," or "MS."

6. By and through the use of the aforementioned practice, and

others of similar import not specifically set out herein, respondents represented, and have placed in the hands of distributors, jobbers and retailers the means and instrumentalities for representing, directly or indirectly, that said products labeled with the initials "C," "A," "WS," or "MS," are respectively the same as the products sold under the brand names of "Chanel" by Chanel Industries, Inc., "Arpege" by Lanvin Parfums, Inc., "White Shoulders" by Evyan Perfumes, Inc., and "My Sin" by Lanvin Parfums, Inc.

7. In truth and in fact, said products are not the same as those sold under the brand names herein stated in Finding No. 6. Therefore, the statements and representations set forth in Finding No. 5 are false, misleading and deceptive.

8. There is a preference on the part of a substantial number of the purchasing public for the aforesaid cosmetic preparations of said Chanel Industries, Inc., Lanvin Parfums, Inc., and Evyan Perfumes, Inc., which said toilet preparations are nationally advertised and widely sold, of which facts the Commission takes official notice.

9. By the aforesaid practices, respondents mislead and deceive the public as to the identity of their said toilet preparations, and place in the hands of distributors, jobbers and retailers the means and instrumentalities by and through which they may likewise mislead and deceive the public.

10. In the course and conduct of their business, and at all times mentioned herein, respondents have been in substantial competition, in commerce, with corporations, firms and individuals engaged in the sale of toilet preparations of the same general kind and nature as those sold by respondents.

11. The use by respondents of the aforesaid false, misleading and deceptive statements, representations and practices has had, and now has, the capacity and tendency to mislead members of the purchasing public into the erroneous and mistaken belief that said statements and representations were and are true and into the purchase of substantial quantities of respondents' products by reason of said erroneous and mistaken belief.

CONCLUSIONS

1. The aforesaid acts and practices of respondents were and are all to the prejudice and injury of the public and of respondents' competitors and constituted and now constitute, unfair and

deceptive acts and practices in commerce in violation of Section 5 of the Federal Trade Commission Act.

2. The Federal Trade Commission has jurisdiction of and over respondents and the subject matter of this proceeding.

3. The complaint herein states a cause of action and this proceeding is in the public interest.

The order as hereinafter set forth is the order agreed upon by the parties and accepted by the hearing examiner as appropriate in the circumstances and the findings of fact heretofore made.

ORDER

It is ordered, That respondents Parfumerie Lido, Inc., a corporation, and its officers, and Alexander S. Salz and Sam Salz individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of perfume or other toilet preparations, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(a) Using the letters "C," "A," "WS," or "MS," either singly or in combination, in any manner to designate, identify or describe such perfumes or other toilet preparations, unless they are in fact genuine Chanel, Arpege, White Shoulders or My Sin, respectively.

(b) Using any other letters, numerals or symbols, either singly or in combination, suggestive of or associated with the identity of any perfume or toilet preparation, to designate or identify any such product, unless it is in fact the genuine perfume or other toilet preparation thus represented or suggested.

FINAL ORDER

No appeal from the initial decision of the hearing examiner having been filed, and the Commission having determined that the case should not be placed on its own docket for review, and that pursuant to Section 3.21 of the Commission's Rules of Practice (effective August 1, 1963), the initial decision should be adopted and issued as the decision of the Commission:

It is ordered, That the initial decision of the hearing examiner shall, on the 16th day of February, 1966, become the decision of the Commission.

It is further ordered, That Parfumerie Lido, Inc., a corporation, and Alexander S. Salz and Sam Salz, individually and as officers of said corporation, shall, within sixty (60) days after service of this order upon them, file with the Commission a report in writing, signed by such respondents, setting forth in detail the manner and form of their compliance with the order to cease and desist.

IN THE MATTER OF

M. RUBIN & SONS, INC., ET AL.

CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF THE FEDERAL TRADE COMMISSION, THE WOOL PRODUCTS LABELING AND THE TEXTILE FIBER PRODUCTS IDENTIFICATION ACTS

Docket C-1043. Complaint, Feb. 28, 1966—Decision, Feb. 28, 1966

Consent order requiring a New York City corporation to cease misbranding and deceptively advertising its textile fiber products and furnishing false guaranties for its wool products.

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act, the Wool Products Labeling Act of 1939, and the Textile Fiber Products Identification Act, and by virtue of the authority vested in it by said Acts, the Federal Trade Commission having reason to believe that M. Rubin & Sons, Inc., a corporation, and Milton Rubin, Donald L. Rubin, Philip Rubin and Robert Rubin, individually and as officers of said corporation, hereinafter referred to as respondents, have violated the provisions of the said Acts and the Rules and Regulations promulgated under the Textile Fiber Products Identification Act, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest, hereby issues its complaint, stating its charges in that respect as follows:

PARAGRAPH 1. Respondent M. Rubin & Sons, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of New York. Said corporation has its office and principal place of business located at 707 Broadway, New York, New York.

Respondents Milton Rubin, Donald L. Rubin, Philip Rubin and Robert Rubin are officers of the corporate respondent. They formulate, direct and control the acts and practices of the corporate respondent including the acts and practices hereinafter set forth. Said individual respondents have their office and principal place of business located at 707 Broadway, New York, New York.

PAR. 2. Subsequent to the effective date of the Textile Fiber Products Identification Act on March 3, 1960 respondents have been and are now engaged in the introduction, delivery for introduction, manufacture for introduction, sale, advertising and offering for sale in commerce and in the importation into the United States of textile fiber products; and have sold, offered for sale, advertised, delivered, transported and caused to be transported, textile fiber products, which have been advertised or offered for sale in commerce; and have sold, offered for sale, advertised, delivered, transported and caused to be transported, after shipment in commerce, textile fiber products, either in their original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act.

PAR 3. Certain of said textile fiber products were misbranded by respondents within the intent and meaning of Section 4(a) of the Textile Fiber Products Identification Act and the Rules and Regulations promulgated thereunder in that they were falsely and deceptively stamped, tagged, labeled, invoiced, advertised, or otherwise identified as to the name or amount of constituent fibers contained therein.

Among such misbranded textile fiber products, but not limited thereto, were textile fiber products with labels which set forth the fiber content without disclosing the portion of the garment the fiber content disclosures referred to.

Also among such misbranded textile fiber products, but not limited thereto, were textile fiber products invoiced or advertised by means of invoices and brochures prepared by respondents, containing terms which represented, directly or by implication, certain fibers as present in the said products when such was not the case.

Among such terms, but not limited thereto, was the term "niletex."

PAR. 4. Certain of said textile fiber products were falsely and deceptively advertised in that respondents in making disclosures or implications as to the fiber content of such textile fiber prod-

ucts in written advertisements used to aid, promote, and to assist directly or indirectly in the sale, or offering for sale of said products, failed to set forth the required information as to fiber content as specified by Section 4(c) of the Textile Fiber Products Identification Act, and in the manner and form prescribed by the Rules and Regulations promulgated under said Act.

Among the aforesaid disclosures and implications as to fiber content, but not limited thereto were the terms "satin twill," "niletex" and "ballon cloth."

Among such textile fiber products, but not limited thereto were sportswear and sleeping bags which were falsely and deceptively advertised by means of catalogs and other printed matter distributed by the respondents throughout the United States, in that the true generic name of the fibers contained in such products were not set forth.

PAR. 5. Respondents have failed to maintain proper records showing the fiber content of the textile fiber products manufactured by them, in violation of Section 6(a) of the Textile Fiber Products Identification Act and Rule 39 of the Regulations promulgated thereunder.

PAR. 6. Certain of said textile fiber products were misbranded in violation of the Textile Fiber Products Identification Act in that they were not labeled in accordance with the Rules and Regulations promulgated thereunder in the following respects:

1. Fiber trademarks used in conjunction with the required information did not appear in immediate conjunction with the generic name of the fiber nor did it appear in type or lettering of equal size and conspicuousness, in violation of Rule 17(a) of the aforesaid Rules and Regulations.

2. The required information as to fiber content was not set forth in such a manner as to separately show the fiber content of each section of textile fiber products containing two or more sections, in violation of Rule 25(b) of the aforesaid Rules and Regulations.

PAR. 7. Certain of said textile fiber products were further falsely and deceptively advertised in violation of the Textile Fiber Products Identification Act in that they were not advertised in accordance with the Rules and Regulations promulgated thereunder.

Among such textile fiber products, but not limited thereto, were sleeping bags which were falsely and deceptively advertised by means of catalogs, and other printed matter distributed by the

respondents throughout the United States in the following respects:

1. A fiber trademark was used in advertising textile fiber products without a full disclosure of the fiber content information required by the said Act and the Rules and Regulations thereunder in at least one instance in said advertisement, in violation of Rule 41(a) of the aforesaid Rules and Regulations.

2. A fiber trademark was used in advertising textile fiber products containing more than one fiber and such fiber trademark did not appear in the required fiber content information in immediate proximity, and conjunction with the generic name of the fiber in plainly legible type or lettering of equal size and conspicuousness, in violation of Rule 41(b) of the aforesaid Rules and Regulations.

3. All parts of the required information were not set forth in immediate conjunction with each other in legible and conspicuous type or lettering of equal size and prominence, in violation of Rule 42(a) of the aforesaid Rules and Regulations.

PAR. 8. The acts and practices of respondents, as set forth above were, and are, in violation of the Textile Fiber Products Identification Act and the Rules and Regulations promulgated thereunder, and constituted, and now constitute unfair and deceptive acts and practices and unfair methods of competition in commerce, within the intent and meaning of the Federal Trade Commission Act.

PAR. 9. Subsequent to the effective date of the Wool Products Labeling Act of 1939, respondents have introduced into commerce, sold, transported, distributed, delivered for shipment, shipped and offered for sale in commerce as "commerce" is defined in said Act, wool products as the term "wool products" is defined therein.

PAR. 10. Respondents have furnished their customers with false guaranties that certain of their wool products were not misbranded by falsely representing in writing on invoices that respondents had filed a continuing guaranty under the Wool Products Labeling Act of 1939 with the Federal Trade Commission, in violation of Rule 33(d) of the Rules and Regulations under the Wool Products Labeling Act of 1939 and Section 9(b) of said Act.

PAR. 11. The acts and practices of the respondents as set forth above, were and are in violation of the Wool Products Labeling Act of 1939 and the Rules and Regulations promulgated thereunder, and constituted, and now constitute, unfair and deceptive acts and practices and unfair methods of competition in com-

merce, within the intent and meaning of the Federal Trade Commission Act.

DECISION AND ORDER

The Federal Trade Commission having initiated an investigation of certain acts and practices of the respondents named in the caption hereof, and the respondents having been furnished thereafter with a copy of a draft of complaint which the Bureau of Textiles and Furs proposed to present to the Commission for its consideration and which, if issued by the Commission, would charge respondents with violation of the Federal Trade Commission Act, the Wool Products Labeling Act of 1939 and the Textile Fiber Products Identification Act; and

The respondents and counsel for the Commission having thereafter executed an agreement containing a consent order, an admission by the respondents of all the jurisdictional facts set forth in the aforesaid draft of complaint, a statement that the signing of said agreement is for settlement purposes only and does not constitute an admission by the respondents that the law has been violated as alleged in such complaint, and waivers and provisions as required by the Commission's rules; and

The Commission having reason to believe that the respondents have violated the Federal Trade Commission Act, the Wool Products Labeling Act of 1939 and the Textile Fiber Products Identification Act, and having determined that complaint should issue stating its charges in that respect, hereby issues its complaint, accepts said agreement, makes the following jurisdictional findings and enters the following order:

1. Respondent M. Rubin & Sons, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of New York, with its office and principal place of business located at 707 Broadway, New York, New York.

Respondents Milton Rubin, Donald L. Rubin, Philip Rubin and Robert Rubin are officers of said corporation, with their office and principal place of business the same as that of said corporation.

2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondents, and the proceeding is in the public interest.

ORDER

It is ordered, That respondents M. Rubin & Sons, Inc., a corporation, and Milton Rubin, Donald L. Rubin, Philip Rubin and

Robert Rubin, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States of textile fiber products; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber products, which have been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce of any textile fiber products, whether they are in their original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising or otherwise identifying such products as to the name or amount of constituent fibers contained therein.

2. Failing to separately set forth the information as to fiber content on the required label in such a manner as to separately show the fiber content of the separate sections of textile fiber products containing two or more sections where such form of marking is necessary to avoid deception.

3. Using a fiber trademark as a part of the required information on labels affixed to such textile fiber products without the required generic name of the fiber appearing on the said labels in immediate conjunction therewith and in type or lettering of equal size and conspicuousness.

B. Falsely and deceptively advertising textile fiber products by:

1. Making any representations, by disclosure or by implication, as to fiber content of any textile fiber product in any written advertisement which is used to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of such textile fiber product unless the same information required to be shown on the stamp,

tag, label or other means of identification under Section 4(b)(1) and (2) of the Textile Fiber Products Identification Act is contained in the said advertisement, except that the percentages of a fiber present in the textile fiber product need not be stated.

2. Using a fiber trademark in advertisements without a full disclosure of the required content information in at least one instance in the said advertisement.

3. Using a fiber trademark in advertising textile fiber products containing more than one fiber without such fiber trademark appearing in the required fiber content information in immediate proximity and conjunction with the generic name of the fiber in plainly legible type or lettering of equal size and conspicuousness.

4. Failing to set forth all parts of the required information in advertisements of textile fiber products in immediate conjunction with each other in legible and conspicuous type or lettering of equal size and prominence.

C. Failing to maintain and preserve for at least 3 years proper records showing the fiber content of textile fiber products manufactured by them, as required by Section 6(a) of the Textile Fiber Products Identification Act and Rule 39 of the Regulations promulgated thereunder.

It is further ordered, That respondents M. Rubin & Sons, Inc., a corporation, and its officers, and Milton Rubin, Donald L. Rubin, Philip Rubin and Robert Rubin, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any wool product is not misbranded under the Wool Products Labeling Act of 1939 and the Rules and Regulations promulgated thereunder when there is reason to believe that any wool product so guaranteed may be introduced, sold, transported or distributed in commerce as the term "commerce" is defined in the aforesaid Act.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Modified Order

IN THE MATTER OF

INLAND CONTAINER CORPORATION ET AL.

MODIFIED ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF SEC. 7 OF THE CLAYTON ACT

Docket 7993. Complaint, June 24, 1960—Decision, March 1, 1966

Order modifying the divestiture order of the Commission of July 31, 1964, 66 F.T.C. 329, in accordance with a final order of the Court of Appeals, Seventh Circuit, dated January 27, 1966, requiring respondent, in lieu of divestiture, to establish, as an effective competitor, a corrugated shipping container manufacturing plant in the Louisville, Ky., area, providing necessary assistance as required by order herein;

The divestiture order of July 31, 1964 directed respondent to sell the Louisville, Ky., corrugated shipping container plant of the General Box Co., which it acquired in 1958.

MODIFIED ORDER

Inland Container Corporation and its subsidiary by the same name, having filed in the United States Court of Appeals for the Seventh Circuit on September 23, 1964, a petition to review and set aside the order of divestiture issued herein on July 31, 1964 [66 F.T.C. 329]; and the Commission and respondents having subsequently agreed upon the provisions of a final order modifying the order entered by the Commission on July 31, 1964; and the Court, on January 27, 1966, having issued its final order affirming and enforcing said order as submitted by the Commission and respondents;

Now, therefore, it is hereby ordered, That the order of July 31,1964, be, and it hereby is, modified in accordance with the final order of the Court to read as follows:

It is ordered, That:

I

The terms listed below are used herein in the sense defined unless otherwise indicated by their content.

A. *Louisville.* The area within a ten-mile radius of the city limits of Louisville, Kentucky.

B. *Eligible Company.* A corrugated shipping container manufacturer (1) not controlled directly or indirectly by Inland; (2) with no shipping container plant in the Louisville area at this time; (3) which can make a showing that it intends to conduct a shipping container manufacturing business with an additional

corrugator plant in the Louisville area, provided it can be furnished adequate financial backing for the same, and (4) which is approved in advance by the Commission.

C. *Corrugator plant.* A plant for the manufacture of corrugated shipping containers which is equipped with a corrugator.

D. *Sheet plant.* A plant which performs the same functions as a corrugator plant in the manufacture of corrugated shipping containers except that it does not manufacture, but purchases corrugated sheets.

II

Respondents, Inland Container Corporation and its wholly owned subsidiary Inland Container Corporation, and their officers, directors, agents, representatives, and employees, shall as soon as practicable, but in no event in excess of one (1) year from the date this order becomes final, present an Eligible Company and a contract between respondents and said Eligible Company, both subject to Commission approval, providing for and containing the following: The Eligible Company will, within one (1) year following Commission approval, enter into business as a corrugator plant, or, at the option of said Eligible Company, as a sheet plant. In the event Eligible Company elects to enter the corrugated shipping container business as a sheet plant, respondents' contract with the Eligible Company shall provide that said Eligible Company will phase into and engage in business as a corrugator plant and to achieve such status and to operate as such within two (2) years from the date of commencement of the operation of said Eligible Company's plant.

III

Respondents, in connection with the requirements of Paragraph II of this order, will:

A. Assure to Eligible Company, by way of becoming surety for its borrowings or guarantor of its obligations, adequate financing, in addition to its own funds available for the purpose, sufficient to enable said Eligible Company to provide for itself at Louisville—

(1) A building suitable for the operation of a corrugator plant with corrugator capacity of a minimum of 300-million square feet per year.

(2) Such machinery, equipment, facilities, and other property as may be necessary to make such plant a sound and going concern for the manufacture and sale of corrugated

shipping containers. The corrugator shall have a capacity of a minimum of 300-million square feet per year.

(3) Adequate working capital for the opening and early expansion of the business above described for a period of three (3) years beginning with the opening of the plant for business.

IV

Respondents shall maintain a continuing offer by the contract with the Eligible Company for an agreed initial period of two years after opening of the plant either to buy sheets and/or containers from it, or assign customer orders to it for its own account to a total of not less than thirty-five (35) million square feet per year of corrugated sheets and/or containers.

V

If the Eligible Company does not achieve as its own business (*i.e.*, excluding sales to or for respondents' account) sales in any quarter of twenty-five (25 mm.) million square feet during its third year of operation, respondents shall continue in good faith their efforts to assign to the Eligible Company as its own business the difference between the Eligible Company's achieved quarterly volume and twenty-five (25 mm.) million square feet for each quarter of the third year of operation to assure in the third year a minimum total of one hundred (100 mm.) million square feet of its own business. In the event respondents' best efforts fail to produce sufficient assigned business and they can establish before the Commission that they have acted in good faith, the deficit may then be made up by respondents with other than assigned business.

VI

The selection of orders to be filled by the Eligible Company's plant shall be made by respondents and the Eligible Company jointly in good faith for the purpose, not only of discharging respondents' volume obligations hereunder, but also to promote an efficient operation of the Eligible Company's plant.

VII

The contract with the Eligible Company will be in form approved by the Commission with prices to be paid to the Eligible Company by respondents equal to those paid by the customers and with prices on assigned orders billed directly by the Eligible Company to the customers at the agreed price. As to any orders

not so assigned on which respondents may elect to make deliveries, respondents may charge cost of delivery. Said contract may also provide that: the Eligible Company may consider such assigned business which it has been directly servicing with the customers as its own continuing volume at the risk of holding it against competitors other than respondents; the sheets shall be manufactured to respondents' specifications and shall be bought by respondents at not less than the going delivered prices in Louisville at or about the dates of the orders; the containers shall be manufactured to the specifications of assigned customers, or of respondents' customers which are provided to the Eligible Company by respondents.

VIII

In the event the requirements of this order have not been fully met within the time prescribed therein, respondents, upon their showing of good faith efforts to comply with said requirements, shall be heard by the Commission before it issues any further order it may deem appropriate to effectuate and establish as a going concern the additional corrugator plant contemplated in this order.

IX

Respondents shall periodically, within sixty (60) days from the date this order becomes final and every ninety (90) days thereafter until the provisions of this order have been complied with, submit to the Commission a detailed written report of their actions, plans and progress in complying with the provisions of this order and fulfilling its objectives.

IN THE MATTER OF

GOLDSTEIN COMPANY, INC., ET AL.

CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF THE FEDERAL TRADE COMMISSION AND THE FUR PRODUCTS LABELING ACTS

Docket C-1044. Complaint, March 1, 1966—Decision, March 1, 1966

Consent order requiring a Birmingham, Ala., corporation to cease misbranding, falsely and deceptively invoicing, and advertising its fur products, and failing to keep adequate records to support its claims.

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act and the Fur Products Labeling Act, and by virtue of the authority vested in it by said Acts, the Federal Trade Commission, having reason to believe that Goldstein Company, Inc., a corporation, and Sol L. Goldstein, individually and as an officer of said corporation, hereinafter referred to as respondents, have violated the provisions of said Acts and the Rules and Regulations promulgated under the Fur Products Labeling Act, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest, hereby issues its complaint stating its charges in that respect as follows:

PARAGRAPH 1. Respondent Goldstein Company, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Alabama.

Respondent Sol L. Goldstein is an officer of the corporate respondent, and he formulates, directs and controls the acts, practices and policies of the said corporate respondent including those hereinafter set forth.

Respondents are retailers of fur products with their office and principal place of business located at 1811 Third Avenue, North, Birmingham, Alabama.

PAR. 2. Subsequent to the effective date of the Fur Products Labeling Act on August 9, 1952, respondents have been and are now engaged in the introduction into commerce, and in the sale, advertising, and offering for sale in commerce, and in the transportation and distribution in commerce, of fur products; and have sold, advertised, offered for sale, transported and distributed fur products which have been made in whole or in part of furs which have been shipped and received in commerce, as the terms "commerce," "fur" and "fur product" are defined in the Fur Products Labeling Act.

PAR. 3. Certain of said fur products were misbranded in violation of Section 4(1) of the Fur Products Labeling Act in that they were falsely and deceptively labeled or otherwise falsely and deceptively identified in that labels affixed to fur products, contained representations, either directly or by implication, that the prices of such fur products were reduced from respondents' former bona fide prices in the recent regular course of business and the amount of such purported reduction constituted savings to purchasers of respondents' fur products. In truth and in fact,

the alleged former prices were false and deceptive in that they were not the actual, bona fide prices at which respondents offered the products to the public on a regular basis for a reasonably substantial period of time in the recent regular course of business. The said fur products were not reduced in prices as represented, nor were savings afforded purchasers of respondents' fur products as represented.

PAR. 4. Certain of said fur products were misbranded in that they were falsely and deceptively labeled or otherwise falsely or deceptively identified with respect to the name of the country of origin of furs contained in such fur products, in violation of Section 4(1) of the Fur Products Labeling Act.

Among such misbranded fur products, but not limited thereto, were fur products labeled to show the country of origin of furs used in such fur products as Canada when the country of origin of such furs was, in fact, Russia.

PAR. 5. Certain of said fur products were misbranded in that they were not labeled as required under the provisions of Section 4(2) of the Fur Products Labeling Act and in the manner and form prescribed by the Rules and Regulations promulgated thereunder.

Among such misbranded fur products, but not limited thereto, were fur products without labels, and fur products with labels which failed:

1. To show that the fur product contained or was composed of used fur, when such was the fact.

2. To show the country of origin of the imported furs contained in the fur product.

PAR. 6. Certain of said fur products were misbranded in violation of the Fur Products Labeling Act in that they were not labeled in accordance with the Rules and Regulations promulgated thereunder in the following respects:

(a) The disclosure "second-hand," where required, was not set forth on labels, in violation of Rule 23 of said Rules and Regulations.

(b) Information required under Section 4(2) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder was not set out on labels in a legible manner, in letters of equal size and conspicuousness, in violation of Rule 29(a) of the said Rules and Regulations.

(c) Information required under Section 4(2) of the Fur Products Labeling Act and Rules and Regulations promulgated there-

under was not set forth in the required sequence, in violation of Rule 30 of said Rules and Regulations.

(d) Information required under Section 4(2) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder was not set forth separately on labels with respect to each section of fur products composed of two or more sections containing different animals furs, in violation of Rule 36 of the said Rules and Regulations.

(e) Required item numbers were not set forth on labels, in violation of Rule 40 of said Rules and Regulations.

PAR. 7. Certain of said fur products were falsely and deceptively invoiced by the respondents in that they were not invoiced as required by Section 5(b)(1) of the Fur Products Labeling Act and the Rules and Regulations promulgated under such Act.

Among such falsely and deceptively invoiced fur products, but not limited thereto, were fur products covered by invoices which failed:

1. To show the true animal name of the fur used in the fur product.

2. To disclose that the fur contained in the fur product was bleached, dyed, or otherwise artificially colored, when such was the fact.

3. To show the country of origin of imported furs used in fur products.

PAR. 8. Certain of said fur products were falsely and deceptively invoiced with respect to the name of the country of origin of the imported furs used in the fur products, in violation of Section 5(b)(2) of the Fur Products Labeling Act.

Among such falsely and deceptively invoiced fur products, but not limited thereto, were fur products invoiced to show the name of the country of origin of furs contained in fur products as U.S.A. when the country of origin of such furs was, in fact, Canada.

PAR. 9. Certain of said fur products were falsely and deceptively invoiced in violation of the Fur Products Labeling Act in that they were not invoiced in accordance with the Rules and Regulations promulgated thereunder in the following respects:

(a) Information required under Section 5(b)(1) of the Fur Products Labeling Act and Rules and Regulations promulgated thereunder was set forth on invoices in abbreviated form, in violation of Rule 4 of the said Rules and Regulations.

(b) The disclosure "second-hand," where required, was not set

forth on invoices, in violation of Rule 23 of said Rules and Regulations.

(c) Required item numbers were not set forth on invoices, in violation of Rule 40 of said Rules and Regulations.

PAR. 10. Certain of said fur products were falsely and deceptively advertised in violation of the Fur Products Labeling Act in that certain advertisements intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of such fur products were not in accordance with the provisions of Section 5(a) of the said Act.

Among and included in the aforesaid advertisements, but not limited thereto, were advertisements of respondents which appeared in issue of the Birmingham News, a newspaper published in the city of Birmingham, State of Alabama.

Among such false and deceptive advertisements, but not limited thereto, were advertisements which failed to show the fur contained in the fur products was bleached, dyed, or otherwise artificially colored, when such was the fact.

PAR. 11. By means of the aforesaid advertisements and other advertisements of similar import and meaning not specifically referred to herein, respondents falsely and deceptively advertised fur products, in violation of Section 5(a) (5) of the Fur Products Labeling Act and Rule 44(a) of the Rules and Regulations promulgated thereunder by representing directly or by implication through statements appearing in newspapers such as "Save ¼ to ½ and More Off Furs Offered For Sale in September 1963 and not sold." "Natural Ranch Mink ¾ Coat $1995—Fiesta Clearance $775, that the prices of such fur products were reduced from the actual, bona fide prices at which respondents offered the products to the public at a particular period of time in the recent regular course of business and the amount of such purported reduction constituted savings to purchasers of respondents' fur products. In truth and in fact the alleged former prices were fictitious in that they were not reduced from the actual, bona fide prices at which respondents had offered the product to the public at a particular period of time in the recent regular course of business and the said fur products were not reduced in prices as represented and savings were not afforded purchasers of respondents' fur products as represented.

PAR. 12. Respondents falsely and deceptively advertised fur products in violation of Section 5(a) (5) of the Fur Products Labeling Act and Rule 44(a) of the Rules and Regulations promul-

gated thereunder by affixing labels thereto which represented either directly or by implication that the prices of such fur products were reduced from respondents' former bona fide prices in the recent regular course of business and the amount of such purported reduction constituted savings to purchasers of respondents' fur products. In truth and in fact, the alleged former prices were false and deceptive in that they were not the acutal, bona fide prices at which the respondents offered the products to the public on a regular basis for a reasonably substantial period of time in the recent regular course of business. The said fur products were not reduced in prices as represented, nor were savings afforded purchasers of respondents' fur products as represented.

PAR. 13. In advertising fur products for sale as aforesaid, respondents represented through such statement as "Save ¼ to ½ and More" that prices of fur products were reduced in direct proportion to the percentages stated and that the amount of said reduction afforded savings to the purchasers of respondents' fur products when in fact such prices were not reduced in direct proportion to the percentages stated and the represented savings were not thereby afforded to the said purchasers, in violation of Section 5(a) (5) of the Fur Products Labeling Act.

PAR. 14. By means of the aforesaid advertisements and others of similar import and meaning not specifically referred to herein, respondents falsely and deceptively advertised fur products in that certain or said fur products were falsely or deceptively identified with respect to the name or designation of the animal or animals that produced the fur from which the said fur products had been manufactured, in violation of Section 5(a) (5) of the Fur Products Labeling Act.

Among such falsely and deceptively advertised fur products, but not limited thereto, were fur products advertised as "Broadtail Lamb" when the fur contained in such fur products was, in fact, "Dyed Broadtail-processed Lamb."

PAR. 15. In advertising fur products for sale as aforesaid, respondents made pricing claims and representations of the types covered by subsections (a), (b), (c) and (d) of Rule 44(e) of the Regulations under the Fur Products Labeling Act. Respondents in making such claims and representations failed to maintain full and adequate records disclosing the facts upon which such claims and representations were based, in violation of Rule 44(e) of said Rules and Regulations.

PAR. 16. By means of the aforesaid advertisements and others of similar import and meaning not specifically referred to herein, respondents falsely and deceptively advertised fur products in violation of the Fur Products Labeling Act in that the said fur products were not advertised in accordance with the Rules and Regulations promulgated thereunder in the following respects:

(a) Information required under Section 5(a) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder was set forth in abbreviated form, in violation of Rule 4 of the said Rules and Regulations.

(b) The term "natural" was not used to describe fur products which were not pointed, bleached, dyed, tip-dyed or otherwise artificially colored, in violation of Rule 19(g) of the said Rules and Regulations.

DECISION AND ORDER

The Commission having heretofore determined to issue its complaint charging the respondents named in the caption hereof with violation of the Federal Trade Commission Act and the Fur Products Labeling Act, and the respondents having been served with notice of said determination and with a copy of the complaint the Commission intended to issue, together with a proposed form of order; and

The respondents and counsel for the Commission having thereafter executed an agreement containing a consent order, an admission by respondents of all the jurisdictional facts set forth in the complaint to issue herein, a statement that the signing of said agreement is for settlement purposes only and does not constitute an admission by respondents that the law has been violated as set forth in such complaint, and waivers and provisions as required by the Commission's rules; and

The Commission, having considered the agreement, hereby accepts same, issues its complaint in the form contemplated by said agreement, makes the following jurisdictional findings, and enters the following order:

1. Respondent Goldstein Company, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Alabama, with its office and principal place of business located at 1811 Third Avenue, North, in the city of Birmingham, State of Alabama.

Respondent Sol L. Goldstein is an officer of said corporation and his address is the same as that of said corporation.

2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondents, and the proceeding is in the public interest.

ORDER

It is ordered, That respondents Goldstein Company, Inc., a corporation, and its officers and Sol L. Goldstein, individually and as an officer of said corporation, and respondents' representatives. agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Representing, directly or by implication on labels, that any price whether accompanied or not by descriptive terminology is the respondents' former price of fur products when such price is in excess of the price at which such fur products have been sold or offered for sale in good faith by the respondents in the recent regular course of business, or otherwise misrepresenting the price at which such fur products had been sold or offered for sale by respondents.

2. Misrepresenting in any manner on labels or other means of identification the savings available to purchasers of respondents' fur products.

3. Falsely or deceptively labeling or otherwise identifying any such fur product as to the country of origin of furs contained in such fur products.

4. Failing to affix labels to fur products showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of Section 4(2) of the Fur Products Labeling Act.

5. Failing to disclose that fur products contain or are composed of second-hand used fur.

6. Failing to set forth information required under Section 4(2) of the Fur Products Labeling Act and the

Rules and Regulations thereunder in a legible manner, in letters of equal size and conspicuousness.

7. Failing to set forth information required under Section 4(2) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder on labels in the sequence required by Rule 30 of the aforesaid Rules and Regulations.

8. Failing to set forth separately information required under Section 5(b) (1) of the Fur Products Labeling Act and Rules and Regulations promulgated thereunder with respect to each section of fur products composed of two or more sections containing different animal furs.

9. Failing to set forth on labels the item number or mark assigned to a fur product.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed in each of the subsections of Section 5(b) (1) of the Fur Products Labeling Act.

2. Misrepresenting in any manner on invoices, the country of origin of the fur contained in fur products.

3. Setting forth information required under Section 5(b) (1) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder in abbreviated form.

4. Failing to disclose that fur products contain or are composed of second-hand used fur.

5. Failing to set forth on invoices the item number or mark assigned to fur products.

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of any fur product, and which:

1. Fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of Section 5(a) of the Fur Products Labeling Act.

2. Represents, directly or by implication, that any price, whether accompanied or not by descriptive terminology is the respondents' former price of fur products

when such price is in excess of the price at which such fur products have been sold or offered for sale in good faith by the respondents in the recent regular course of business, or otherwise misrepresenting the price at which such fur products have been sold or offered for sale by respondents.

3. Misrepresents in any manner the savings available to purchasers of respondents' fur products.

4. Sets forth information required under Section 5(a) of the Fur Products Labeling Act and Rules and Regulations promulgated thereunder in abbreviated form.

5. Fails to set forth the term "natural" as part of the information required to be disclosed in advertisements under the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

D. Making claims and representations of the types covered by subsections (a), (b), (c) and (d) of Rule 44(e) of the Rules and Regulations promulgated under the Fur Products Labeling Act unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

IN THE MATTER OF

LEVY-ABRAMS CO. ET AL.

CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF THE FEDERAL TRADE COMMISSION, THE WOOL PRODUCTS LABELING AND THE TEXTILE FIBER PRODUCTS IDENTIFICATION ACTS

Docket C-1045. Complaint, March 2, 1966—Decision, March 2, 1966

Consent order requiring a San Francisco, Calif., partnership to cease misbranding their wool coats and other wool and textile fiber products.

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act, the Wool Products Labeling Act of 1939 and the Textile

Fiber Products Identification Act and by virtue of the authority vested in it by said Acts, the Federal Trade Commission, having reason to believe that Levy-Abrams Co., a partnership, and Julian Levy and Howard Abrams, individually and as copartners trading as Levy-Abrams Co., Calmoor Coats and Nichole of California, hereinafter referred to as respondents, have violated the provisions of the said Acts and the Rules and Regulations promulgated under the Wool Products Labeling Act of 1939 and the Textile Fiber Products Identification Act, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest, hereby issues its complaint stating its charges in that respect as follows:

PARAGRAPH 1. Respondent Levy-Abrams Co., is a partnership comprised of Julian Levy and Howard Abrams who formulate, direct and control the acts and practices of the said partnership, including the acts and practices hereinafter set forth. The office and principal place of business of respondent is located at 154 Sutter Street, San Francisco, California.

Respondents Julian Levy and Howard Abrams are individuals and copartners trading and doing business as Levy-Abrams Co., Calmoor Coats and Nichole of California, and their address is the same as that of said partnership.

PAR. 2. Subsequent to the effective date of the Wool Products Labeling Act of 1939, respondents have introduced into commerce, sold, transported, distributed, delivered for shipment and offered for sale in commerce, as "commerce" is defined in said Act, wool products as "wool product" is defined therein.

PAR. 3. Certain of said wool products were misbranded within the intent and meaning of Section 4(a)(1) of the Wool Products Labeling Act of 1939 and the Rules and Regulations promulgated thereunder, in that they were falsely and deceptively stamped, tagged, labeled or otherwise identified with respect to the character and amount of the constituent fibers contained therein.

Among such misbranded wool products, but not limited thereto, were coats stamped, tagged or labeled as containing 100% Mohair, whereas in truth and in fact, said coats contained substantially less Mohair than represented and in addition contained a substantial amount of other woolen fibers.

PAR. 4. Certain of said wool products were further misbranded in that they were not stamped, tagged, labeled or otherwise identified as required under the provisions of Section 4(a)(2) of the Wool Products Labeling Act of 1939 and in the manner and form

as prescribed by the Rules and Regulations promulgated under said Act.

Among such misbranded wool products, but not limited thereto, were certain coats with labels on or affixed thereto which failed to disclose the percentage of the total fiber weight of the wool product, exclusive of ornamentation not exceeding 5 per centum of said total fiber weight, of (1) woolen fibers; (2) each fiber other than wool when said percentage by weight of such fiber was 5 per centum or more; and (3) the aggregate of all other fibers.

PAR. 5. Certain of said wool products were misbranded in violation of the Wool Products Labeling Act of 1939 in that they were not labeled in accordance with the Rules and Regulations promulgated thereunder in that the term "mohair" was used in lieu of the word "wool" in setting forth the required fiber content information on labels affixed to wool products when certain of the fibers so described were not entitled to such designation, in violation of Rule 19 of the aforesaid Rules and Regulations.

PAR. 6. The acts and practices of the respondents as set forth above were, and are in violation of the Wool Products Labeling Act of 1939 and the Rules and Regulations promulgated thereunder, and constituted, and now constitute, unfair and deceptive acts and practices and unfair methods of competition in commerce, within the intent and meaning of the Federal Trade Commission Act.

PAR. 7. Subsequent to the effective date of the Textile Fiber Products Identification Act on March 3, 1960, respondents have been and are now engaged in the introduction, delivery for introduction, manufacture for introduction, sale, advertising, and offering for sale, in commerce, and in the transportation or causing to be transported in commerce, and in the importation into the United States, of textile fiber products; and have sold, offered for sale, advertised, delivered, transported and caused to be transported, textile fiber products, which have been advertised or offered for sale in commerce; and have sold, offered for sale, advertised, delivered, transported and caused to be transported, after shipment in commerce, textile fiber products, either in their original state or contained in other textile fiber products; as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act.

PAR. 8. Certain of said textile fiber products were misbranded by respondents in that they were not stamped, tagged, labeled, or otherwise identified as required under the provisions of Section

4(b) of the Textile Fiber Products Identification Act, and in the manner and form prescribed by the Rules and Regulations promulgated under said Act.

Among such misbranded textile fiber products, but not limited thereto, were textile fiber products which were not labeled to show in words and figures plainly legible; (1) the true generic names of the constituent fibers present in the textile fiber products; (2) the percentage of each such fibers; and (3) the terms "other fiber" or "other fibers" to designate any fiber or group of fibers present in the amount of 5 per centum or less.

PAR. 9. The acts and practices of respondents as set forth in Paragraph Eight above were, and are, in violation of the Textile Fiber Products Identification Act and the Rules and Regulations promulgated thereunder and constituted, and now constitute, unfair and deceptive acts and practices and unfair methods of competition in commerce within the intent and meaning of the Federal Trade Commission Act.

DECISION AND ORDER

The Federal Trade Commission having initiated an investigation of certain acts and practices of the respondents named in the caption hereof, and the respondents having been furnished thereafter with a copy of a draft of complaint which the Bureau of Textiles and Furs proposed to present to the Commission for its consideration and which, if issued by the Commission, would charge respondents with violation of the Federal Trade Commission Act, the Wool Products Labeling Act of 1939 and the Textile Fiber Products Identification Act; and

The respondents and counsel for the Commission having thereafter executed an agreement containing a consent order, an admission by the respondents of all the jurisdictional facts set forth in the aforesaid draft of complaint, a statement that the signing of said agreement is for settlement purposes only and does not constitute an admission by the respondents that the law has been violated as alleged in such complaint, and waivers and provisions as required by the Commission's rules; and

The Commission, having reason to believe that the respondents have violated the said Acts, and having determined that complaint should issue stating its charges in that respect, hereby issues its complaint, accepts said agreement, makes the following jurisdictional findings and enters the following order:

1. Respondent Levy-Abrams Co. is a partnership comprised of

respondent Julian Levy and respondent Howard Abrams, who are individuals and copartners trading and doing business as Levy-Abrams Co., Calmoor Coats and Nichole of California. The office and principal place of business of said respondents is located at 154 Sutter Street, San Francisco, California.

2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondents, and the proceeding is in the public interest.

ORDER

It is ordered, That respondents Levy-Abrams Co., a partnership, and Julian Levy and Howard Abrams, individually and as copartners trading as Levy-Abrams Co., Calmoor Coats and Nichole of California or any other name and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from introducing into commerce, or offering for sale, selling, transporting, distributing or delivering for shipment in commerce, wool coats or other wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939:

1. Which are falsely or deceptively stamped, tagged, labeled or otherwise identified as to the character or amount of the constituent fibers contained therein.

2. Unless such products have securely affixed thereto or placed thereon a stamp, tag, label or other means of identification correctly showing in a clear and conspicuous manner each element of information required to be disclosed by Section 4(a) (2) of the Wool Products Labeling Act of 1939.

3. To which are affixed required fiber content labels using the term "mohair" in lieu of the word "wool" in setting forth the required information, unless the fibers described as mohair are entitled to such designation and are present in at least the amount stated.

It is further ordered, That respondents Levy-Abrams Co., a partnership, and Julian Levy and Howard Abrams, individually and as copartners trading as Levy-Abrams Co., Calmoor Coats and Nichole of California or any other name and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any tex-

tile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from misbranding such textile fiber products by failing to affix labels thereto showing in a clear, legible and conspicuous manner each element of information required to be disclosed by Section 4(b) of the Textile Fiber Products Identification Act.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

IN THE MATTER OF

A. E. ALEXANDER, LTD.

CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF THE FEDERAL TRADE COMMISSION AND THE WOOL PRODUCTS LABELING ACTS

Docket C-1046. Complaint, March 3, 1966—Decision, March 3, 1966

Consent order requiring a New York City corporation to cease violating the Wool Products Labeling Act by falsely labeling the fiber content of its wool products and failing to comply with other statutory requirements of the Act.

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, and by virtue of the authority vested in it by said Acts, the Federal Trade Commission, having reason to believe that A. E. Alexander, Ltd., a corporation, hereinafter referred to as respondent has violated the provisions of said Acts and the Rules and Regulations promulgated under the Wool Products Labeling Act of 1939, and it appearing to the Commission that a proceeding by it in respect

thereof would be in the public interest, hereby issues its complaint stating its charges in that respect as follows:

PARAGRAPH 1. Respondent A. E. Alexander, Ltd., is a corporation organized, existing and doing business under and by virtue of the laws of the State of New York.

Respondent is a manufacturer of wool products with its office and principal place of business located at 520 Eighth Avenue, New York, New York. The aforesaid respondent conducts its business in part through the use of subsidiary corporations such as Bernard Weinstein Company, Inc., and Toronto Coat Co., Inc., among others and by means of trade names, such as "Peggy N Sue" and "A Young Original Petite," among others, but not limited thereto.

PAR. 2. Subsequent to the effective date of the Wool Products Labeling Act of 1939 respondent has manufactured for introduction into commerce, introduced into commerce, sold, transported, distributed, delivered for shipment, shipped and offered for sale in commerce as "commerce" is defined in said Act, wool products as "wool product" is defined therein.

PAR. 3. Certain of said wool products were misbranded by respondent within the intent and meaning of Section 4(a)(1) of the Wool Products Labeling Act of 1939 and the Rules and Regulations promulgated thereunder, in that they were falsely and deceptively stamped, tagged, labeled or otherwise identified with respect to the character and amount of the materials contained therein.

Among such misbranded wool products, but not limited thereto, were wool products stamped, tagged, labeled or otherwise identified as containing leopard fur whereas in truth and in fact, said wool products did not contain any leopard fur.

PAR. 4. Certain of said wool products were misbranded by respondent in that they were not stamped, tagged, labeled or otherwise identified as required under the provisions of Section 4(a)(2) of the Wool Products Labeling Act of 1939, and in the manner and form as prescribed by the Rules and Regulations promulgated under said Act.

Among such misbranded wool products, but not limited thereto, were certain wool products with labels on or affixed thereto which failed to disclose the percentage of the total fiber weight of the wool product, exclusive of ornamentation not exceeding 5 per centum of said total fiber weight; and (1) woolen fibers; (2) each fiber other than wool if said percentage by weight of such fiber is 5 per centum or more; (3) the aggregate of all other fibers.

PAR. 5. The acts and practices of the respondent as set forth above were, and are, in violation of the Wool Products Labeling Act of 1939 and the Rules and Regulations promulgated thereunder, and constituted, and now constitute, unfair and deceptive acts and practices and unfair methods of competition in commerce within the intent and meaning of the Federal Trade Commission Act.

DECISION AND ORDER

The Commission having heretofore determined to issue its complaint charging the respondent named in the caption hereof with violation of the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, and the respondent having been served with notice of said determination and with a copy of the complaint the Commission intended to issue, together with a proposed form of order; and

The respondent and counsel for the Commission having thereafter executed an agreement containing a consent order, an admission by respondent of all the jurisdictional facts set forth in the complaint to issue herein, a statement that the signing of said agreement is for settlement purposes only and does not constitute an admission by respondent that the law has been violated as set forth in such complaint, and waivers and provisions as required by the Commission's rules; and

The Commission, having considered the agreement, hereby accepts same, issues its complaint in the form contemplated by said agreement, makes the following jurisdictional findings, and enters the following order:

1. Respondent A. E. Alexander, Ltd., is a corporation organized, existing and doing business under and by virtue of the laws of the State of New York, with its office and principal place of business located at 520 Eighth Avenue, New York, New York. Said respondent conducts its business in part through the use of subsidiary corporations, such as Bernard Weinstein Company, Inc., and Toronto Coat Co., Inc., among others, and by means of trade names, such as "Peggy N Sue" and "A Young Original Petite," among others, but not limited thereto.

2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondent, and the proceeding is in the public interest.

ORDER

It is ordered, That respondent A. E. Alexander, Ltd., a corporation, and its officers, and its subsidiary corporations and respondent's representatives, agents and employees, trading as "Peggy N Sue," and "A Young Original Petite," or under any other name, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, distribution or delivery for shipment, or shipment in commerce, of wool products as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from:

Misbranding such products by:

1. Falsely and deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of constituent fibers or materials contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by Section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

IN THE MATTER OF

SPINNERIN YARN CO., INC.

CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF THE FEDERAL TRADE COMMISSION AND THE WOOL PRODUCTS LABELING ACTS

Docket C-1047. Complaint, March 3, 1966—Decision, March 3, 1966

Consent order requiring a New Jersey importer and wholesaler to cease misbranding and falsely invoicing its wool yarns and other wool products, and furnishing false guaranties that it had a Continuing Guaranty on

file with the Commission and said products were properly labeled and not misbranded.

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, and by virtue of the authority vested in it by said Acts, the Federal Trade Commission, having reason to believe that Spinnerin Yarn Co., Inc., a corporation, hereinafter referred to as respondent has violated the provisions of the said Acts and the Rules and Regulations promulgated under the Wool Products Labeling Act of 1939, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest, hereby issues its complaint stating its charges in that respect as follows:

PARAGRAPH 1. Respondent Spinnerin Yarn Co., Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of New Jersey.

Respondent corporation is an importer and wholesaler of wool products with its office and principal place of business located at 30 Wesley Street, South Hackensack, New Jersey.

PAR. 2. Subsequent to the effective date of the Wool Products Labeling Act of 1939, respondent has introduced into commerce, sold, transported, distributed, delivered for shipment and offered for sale in commerce, as "commerce" is defined in said Act, wool products as "wool product" is defined therein.

PAR. 3. Certain of said wool products were misbranded within the intent and meaning of Section 4(a) (1) of the Wool Products Labeling Act of 1939 and the Rules and Regulations promulgated thereunder, in that they were falsely and deceptively stamped, tagged, labeled or otherwise identified with respect to the character and amount of the constituent fibers contained therein.

Among such misbranded wool products, but not limited thereto, were certain yarns stamped, tagged or labeled as containing "Mohair and wool," whereas, in truth and in fact, said yarns contained a substantial amount of non-woolen fibers.

PAR. 4. Certain of said wool products were further misbranded within the intent and meaning of Section 4(a) (1) of the Wool Products Labeling Act of 1939 and the Rules and Regulations promulgated thereunder in that they were falsely and deceptively stamped, tagged, labeled, or otherwise identified with respect to the country of origin of said wool products.

Among such further misbranded wool products, but not limited

thereto, were yarns stamped, tagged, or labeled as being "Inspired in Switzerland," thereby implying that the yarns were manufactured or imported from Switzerland, whereas, in truth and in fact, said yarns were manufactured in the United States and purchased by respondent from said domestic manufacturer.

PAR. 5. Certain of said wool products were further misbranded in that they were not stamped, tagged, labeled or otherwise identified as required under the provisions of Section 4(a)(2) of the Wool Products Labeling Act of 1939 and in the manner and form as prescribed by the Rules and Regulations promulgated under said Act.

Among such misbranded wool products, but not limited thereto, were certain yarns with labels on or affixed thereto which failed to disclose the percentage of the total fiber weight of the wool product, exclusive of ornamentation not exceeding 5 per centum of said total fiber weight of (1) woolen fibers; (2) each fiber other than wool if said percentage by weight of such fiber is 5 per centum or more; and (3) the aggregate of all other fibers.

PAR. 6. Certain of said wool products were misbranded in violation of the Wool Products Labeling Act of 1939 in that they were not labeled in accordance with the Rules and Regulations promulgated thereunder in that information required under Section 4(a)(2) of the Wool Products Labeling Act of 1939 and the Rules and Regulations described portions of the fiber content as "Retractyl," "Orlon" and also as "viscose" instead of using the common generic names of said fibers, in violation of Rule 8 of the aforesaid Rules and Regulations.

PAR. 7. Respondent furnished false guaranties that certain of its wool products were not falsely or deceptively stamped, tagged, labeled, or otherwise identified when respondent in furnishing such guaranties had reason to believe that wool products so falsely guarantied would be introduced, sold, transported or distributed in commerce, in violation of Section 9(b) of the Wool Products Labeling Act of 1939.

Respondent furnished false guaranties that certain of its wool products were not falsely or deceptively stamped, tagged, labeled, or otherwise identified in that it had filed with the Federal Trade Commission a Continuing Guaranty that such wool products are not falsely or deceptively stamped, tagged, labeled, or otherwise identified and also in that respondent's invoices relating to falsely or deceptively stamped, tagged or labeled wool products set forth a separate guaranty that wool products listed on such invoices are

properly labeled under the provisions of the Wool Products Labeling Act of 1939 and are not misbranded.

PAR. 8. The acts and practices of the respondent as set forth above were, and are in violation of the Wool Products Labeling Act of 1939 and the Rules and Regulations promulgated thereunder, and constituted, and now constitute, unfair and deceptive acts and practices and unfair methods of competition in commerce, within the intent and meaning of the Federal Trade Commission Act.

PAR. 9. In the course and conduct of its business, respondent now causes and for some time last past, has caused its said products, when sold, to be shipped from its place of business in the State of New Jersey to purchasers located in various other States of the United States, and maintained a substantial course of trade in said products in commerce, as "commerce" is defined in the Federal Trade Commission Act.

PAR. 10. Respondent in the course and conduct of its business, as aforesaid, has made statements on invoices and shipping memoranda to its customers misrepresenting the fiber content of certain of its said products.

Among such misrepresentations, but not limited thereto, were statements representing the fiber content thereof as "Mohair" whereas, in truth and in fact, said yarns contained substantially different fibers and amounts of fibers than represented.

PAR. 11. The acts and practices set out in Paragraph Ten have had and now have the tendency and capacity to mislead and deceive the purchasers of said products as to the true content thereof and to cause them to misbrand products sold by them in which said materials were used.

PAR. 12. The aforesaid acts and practices of respondent as herein alleged, were and are all to the prejudice and injury of the public and of respondent's competitors and constituted, and now constitute unfair and deceptive acts and practices in commerce, within the intent and meaning of the Federal Trade Commission Act.

DECISION AND ORDER

The Commission having heretofore determined to issue its complaint charging the respondent named in the caption hereof with violation of the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, and the respondent having been served with notice of said determination and with a copy of the

complaint the Commission intended to issue, together with a proposed form of order; and

The respondent and counsel for the Commission having thereafter executed an agreement containing a consent order, an admission by respondent of all the jurisdictional facts set forth in the complaint to issue herein, a statement that the signing of said agreement is for settlement purposes only and does not constitute an admission by respondent that the law has been violated as set forth in such complaint, and waivers and provisions as required by the Commission's rules; and

The Commission, having considered the agreement, hereby accepts same, issues its complaint in the form contemplated by said agreement, makes the following jurisdictional findings, and enters the following order:

1. Respondent Spinnerin Yarn Co., Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of New Jersey, with its office and principal place of business located at 30 Wesley Street, South Hackensack, New Jersey.

2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondent, and the proceeding is in the public interest.

ORDER

It is ordered, That respondent Spinnerin Yarn Co., Inc., a corporation, and its officers, and respondent's representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from introducing into commerce, or offering for sale, selling, transporting, distributing or delivering for shipment in commerce wool yarn or any other wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939:

1. Which are falsely and deceptively stamped, tagged, labeled or otherwise identified as to the character or amount of the constituent fibers contained therein.

2. Which are falsely or deceptively stamped, tagged, labeled, or otherwise identified, either directly or by implication, as to the country of origin.

3. Unless each such product has securely affixed thereto or placed thereon a stamp, tag, label or other means of identification;

(a) Correctly showing in a clear and conspicuous manner each element of information required to be disclosed by Section 4(a) (2) of the Wool Products Labeling Act of 1939;

(b) Setting forth the common generic name of fibers in the required information on labels, tags or other means of identification attached to wool products.

It is further ordered, That respondent Spinnerin Yarn Co., Inc., a corporation, and its officers, and respondent's representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any wool product is not falsely or deceptively stamped, tagged, labeled, or otherwise identified when respondent has reason to believe that such wool product may be introduced, sold, transported or distributed in commerce.

It is further ordered, That respondent Spinnerin Yarn Co., Inc., a corporation, and its officers, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of yarn or any other textile products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting the character or amount of constituent fibers contained in yarn or any other textile products on invoices or shipping memoranda applicable thereto or in any other manner.

It is further ordered, That the respondent herein shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

IN THE MATTER OF

NATIONAL TEA CO.

ORDER, OPINIONS, ETC., IN REGARD TO THE ALLEGED VIOLATION OF THE FEDERAL TRADE COMMISSION ACT AND SEC. 7 OF THE CLAYTON ACT

Docket 7453. Complaint, March 26, 1959—Decision, March 4, 1966

The Commission, having set aside the initial decision of its hearing examiner, makes new findings of fact and conclusions of law on the record, and or-