

IN THE MATTER OF
ETABLISSEMENTS RIGAUD, INC., ET AL.

MODIFIED CEASE AND DESIST ORDER

Docket 3337. Order, May 20, 1942

Modified order, pursuant to provisions of section 5 (i) of Federal Trade Commission Act, and in accordance with decree below referred to, in proceeding in question, in which original order issued on September 27, 1939, 29 F. T. C. 1032, and in which Circuit Court of Appeals for Second Circuit, on February 4, 1942, in *Etablissements Rigaud, Inc., et al. v. Federal Trade Commission*, 125 F. (2d) 590, rendered its opinion and on February 24, 1942 issued its final decree affirming aforesaid order of Commission by modifying same in certain particulars—

Requiring respondent, its officers, etc., in connection with offer, etc., in commerce, of perfumes, to cease and desist from (1) representing, through use of term "Paris" or "Paris, France," or any other terms, words, symbols, or picturizations indicative of French or other foreign origin of such products, or in any manner that perfumes that are made or compounded in the United States are made or compounded in France or in any other foreign country, subject to proviso in order set forth with respect to permitting statement of country of origin of the various ingredients; and (2) using the terms "Un Air Embaume," "Rigaud," "Igora," or any other French or other foreign words or terms as brand or trade names for perfumes made or compounded in the United States without clearly and conspicuously stating, as in order specified, said fact.

MODIFIED ORDER TO CEASE AND DESIST

This proceeding coming on for further hearing before the Federal Trade Commission and it appearing that on September 27, 1939, the Commission made its findings as to the facts herein and concluded therefrom that the respondents, Etablissements Rigaud, Inc. and E. Fougera & Co., Inc., corporations, have violated the provisions of section 5 of the Federal Trade Commission Act and issued and subsequently served its order to cease and desist; and it further appearing that on February 4, 1942 the United States Circuit Court of Appeals for the Second Circuit rendered its opinion, and on February 24, 1942, issued its final decree affirming the aforesaid order of the Commission by modifying said order in certain particulars.

Now, therefore, Pursuant to the provisions of subsection (i) of section 5 of the Federal Trade Commission Act, the Commission issues this its modified order to cease and desist in conformity with the said decree.

1232

Order

It is ordered, That the respondents, Etablissements Rigaud, Inc. and E. Fougere & Co., Inc., their officers, representatives, agents, and employees, directly or through any corporate or other device in connection with the offering for sale, sale, and distribution of perfumes in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, through the use of the term "Paris," or "Paris, France" or any other terms, words, symbols, or picturization indicative of French or other foreign origin of such products, or in any manner that perfumes which are made or compounded in United States are made or compounded in France or in any other foreign country: *Provided, however,* That the country of origin of the various ingredients thereof may be stated when immediately accompanied by a statement that such products are made or compounded in the United States.

2. Using the terms "Un Air Embaume," "Rigaud," "Igora," or any other French or other foreign words or terms as brand on trade names for perfumes made or compounded in the United States without clearly and conspicuously stating in immediate connection and conjunction therewith that such products are made or compounded in the United States.

It is further ordered, That the respondents, Etablissements Rigaud, Inc. and E. Fougere & Co., Inc., shall within 30 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.