

Complaint

IN THE MATTER OF
NATHAN AND BURTON SAMORS DOING BUSINESS AS
QUALITY PATCH COMPANY AND TEXTILE BY-PROD-
UCTS COMPANY

COMPLAINT, FINDINGS, AND ORDERS IN REGARD TO THE ALLEGED VIOLATION
OF SEC. 5 OF AN ACT OF CONGRESS APPROVED SEPT. 26, 1914

Docket 5915. Complaint, Aug. 16, 1951—Decision, Nov. 24, 1951

Where two partners engaged in conducting a mail order business in the sale of patches and remnants of cloth to the general public—

- (a) Represented through advertisements in various magazines that the assortments offered by them consisted chiefly of pieces of cloth of full width with which the purchaser could make dozens of such things as aprons, curtains, table cloths, quilts, rompers, and pillows;

The facts being that there were ordinarily included in said assortments only a small number of pieces of sufficient size to make any of the articles above enumerated, and the balance consisted of scraps, trimmings, and small irregular pieces; and

- (b) Falsely represented that patterns and new trimming ideas were furnished free to the purchasers; the fact being it was necessary to purchase an "assortment" before said articles were furnished, and their cost was included in the assortment's price;

With tendency and capacity to mislead and deceive a substantial portion of the purchasing public into the erroneous belief that such representations were true and into the purchase of substantial quantities of their said products in reliance thereon:

Held, That such acts and practices, under the circumstances set forth, were all to the prejudice and injury of the public and constituted unfair and deceptive acts and practices in commerce.

Before *Mr. Frank Hier*, trial examiner.

Mr. John C. Williams for the Commission.

Horvitz & Horvitz, of Fall River, Mass., for respondents.

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 Nathan Samors and Burton Samors, co-partners, doing business as Quality Patch Company and Textile By-Products Company, 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

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

PARAGRAPH 1. Respondents Nathan Samors and Burton Samors are co-partners doing business as Quality Patch Company and Textile By-Products Company, with their office and principal place of business located at 56 11th Street, Fall River, Massachusetts. Said respondents are now and for several years last past have been engaged in conducting a mail order business in the sale of patches and remnants of cloth to the general public.

PAR. 2. In connection with said business respondents have caused said products, when sold, to be shipped from their place of business in the city of Fall River, Massachusetts, into and through other States of the United States to purchasers located in said other States. Respondents maintain and have maintained a course of trade in said products, in commerce, among and between the various States of the United States. Their volume of trade in said products in such commerce is and has been substantial.

PAR. 3. In the course and conduct of their aforesaid business, and for the purpose of promoting the sale of their said products in commerce, respondents have made certain statements, representations and claims concerning said products and the use to which the same may be put, by means of advertisements inserted in various magazines. Among and typical of said statements and representations are the following:

NINETEEN YARDS!

All Print

R E M N A N T S

and Assorted BIG Patches

4 POUNDS \$1.95

(Picturization of bolt of cloth)

Makes scores of

USEFUL

ARTICLES

Never before such a USEFUL assortment!
Make APRONS, CURTAINS, TABLECLOTHS,
QUILTS, ROMPERS, PILLOWS—just DOZENS
of things from the LARGE PIECES, and
FULL WIDTH goods included. Pastel
BROADCLOTHS and PERCALES. All sizes
usable. FREE patterns and NEW trimming
ideas. 4 lbs. in sturdy box—now only
\$1.95. Money back if not delighted!
Sent C. O. D. Order by mail NOW.

QUALITY PATCH COMPANY

Box 747

Dept. K. Fall River, Mass.

PAR. 4. By and through the use of the aforesaid statements, respondents represented that their assortments consisted chiefly of pieces of cloth of full widths with which the purchaser could make dozens of such things as aprons, curtains, tablecloths, quilts, rompers and pillows and that patterns and new trimming ideas were furnished free to the purchaser of their assortment.

PAR. 5. The said representations were false, misleading and deceptive. In truth and in fact, there were ordinarily included in said assortments only a small number of pieces of cloth of sufficient size from which any one of the articles enumerated in Paragraph Four could be made. The balance of said assortments consisted of scraps, trimmings and small irregular pieces of cloth. Patterns and new trimming ideas were not given "free." On the contrary, it was necessary to purchase an "assortment" before said articles were furnished and the cost thereof was included in the price charged for the assortment.

PAR. 6. The use by the respondents of the aforesaid false, misleading and deceptive statements and representations has had the tendency and capacity to mislead and deceive a substantial portion of the purchasing public into the erroneous and mistaken belief that such representations were true and into the purchase of substantial quantities of respondents' said products in reliance on such erroneous belief.

PAR. 7. The aforesaid acts and practices of the respondents, as herein alleged, are all to the prejudice and injury of the public and constitute unfair and deceptive acts and practices in commerce within the intent and meaning of the Federal Trade Commission Act.

DECISION OF THE COMMISSION

Pursuant to Rule XXII of the Commission's Rules of Practice, and as set forth in the Commission's "Decision of the Commission and Order to File Report of Compliance," dated November 24, 1951, the initial decision in the instant matter of Trial Examiner Frank Hier, as set out as follows, became on that date the decision of the Commission.

INITIAL DECISION BY FRANK HIER, TRIAL EXAMINER

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission on August 16, 1951, issued and subsequently served its complaint in this proceeding upon respondents Nathan Samors and Burton Samors, co-partners doing business as Quality Patch Company and Textile By-Products Company, charg-

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ing them with the use of unfair and deceptive acts and practices in commerce in violation of the provisions of said Act. On August 30, 1951, respondents' counsel wrote the Federal Trade Commission a letter denying therein any intent to misrepresent and stating that they had no objection to the entry against them of the tentative and proposed order to cease and desist, set out in the notice at the end of the formal complaint. Thereafter, on September 17, 1951, respondents by counsel filed an answer admitting all the material allegations of fact set forth in said complaint, waiving hearing as to the facts and all intervening procedure and again denying any intention to misrepresent. Thereafter, the proceeding regularly came on for final consideration by the above-named trial examiner, theretofore duly designated by the Commission upon said complaint and answer, all intervening procedure having been waived, and said trial examiner, having duly considered the record herein, finds that this proceeding is in the interest of the public and makes the following findings as to the facts, conclusion drawn therefrom, and order:

FINDING AS TO THE FACTS

PARAGRAPH 1. Respondents Nathan Samors and Burton Samors are co-partners doing business as Quality Patch Company and Textile By-Products Company, with their office and principal place of business located at 56 11th Street, Fall River, Massachusetts. Said respondents are now and for several years last past have been engaged in conducting a mail order business in the sale of patches and remnants of cloth to the general public.

PAR. 2. In connection with said business respondents have caused said products, when sold, to be shipped from their place of business in the city of Fall River, Massachusetts, into and through other States of the United States to purchasers located in said other States. Respondents maintain and have maintained a course of trade in said products, in commerce, among and between the various States of the United States. Their volume of trade in said products in such commerce is and has been substantial.

PAR. 3. In the course and conduct of their aforesaid business, and for the purpose of promoting the sale of their said products in commerce, respondents have made certain statements, representations and claims concerning said products and the use to which the same may be put, by means of advertisements inserted in various magazines. Among and typical of said statements and representations are the following:

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NINETEEN YARDS!

All Print

REMNANTS

and Assorted BIG Patches

4 POUNDS \$1.95

(Picturization of bolt of cloth)

Makes scores of

USEFUL

ARTICLES

Never before such a USEFUL assortment!

Make APRONS, CURTAINS, TABLECLOTHS,

QUILTS, ROMPERS, PILLOWS—just DOZENS

of things from the LARGE PIECES, and

FULL WIDTH goods included. Pastel

BROADCLOTHS and PERCALES. All sizes

usable. FREE patterns and NEW trimming

ideas. 4 lbs. in sturdy box—now only

\$1.95. Money back if not delighted!

Sent C. O. D. Order by mail NOW

QUALITY PATCH COMPANY

Box 747

Dept. K. Fall River, Mass.

PAR. 4. By and through the use of the aforesaid statements, respondents represented that their assortments consisted chiefly of pieces of cloth of full widths with which their purchaser could make dozens of such things as aprons, curtains, tablecloths, quilts, rompers and pillows and that patterns and new trimming ideas were furnished free to the purchaser of their assortment.

PAR. 5. The said representations were false, misleading and deceptive. In truth and in fact, there were ordinarily included in said assortments only a small number of pieces of cloth of sufficient size from which any one of the articles enumerated in Paragraph Four could be made. The balance of said assortments consisted of scraps, trimmings and small irregular pieces of cloth. Patterns and new trimming ideas were not given "free." On the contrary, it was necessary to purchase an "assortment" before said articles were furnished and the cost thereof was included in the price charged for the assortment.

PAR. 6. The use by the respondents of the aforesaid false, misleading and deceptive statements and representations has had the tendency and capacity to mislead and deceive a substantial portion of the purchasing public into the erroneous and mistaken belief that such representations were true and into the purchase of substantial quantities of respondents' said products in reliance on such erroneous belief.

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CONCLUSION

The aforesaid acts and practices of the respondents, as herein found, are all to the prejudice and injury of the public and constitute unfair and deceptive acts and practices in commerce within the intent and meaning of the Federal Trade Commission Act.

ORDER

It is ordered, That the respondents Nathan Samors and Burton Samors, individually and as co-partners trading as Quality Patch Company and Textile By-Products Company, or trading under any other name, their representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution or remnants or patches of cloth 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 assortments of remnants or patches include pieces of cloth sufficiently large to be made into aprons, curtains, tablecloths, quilts, rompers, or pillows, or like articles, unless such assortments do in fact consist in substantial part of pieces of cloth which are of sufficient size for such purposes.

2. Using the word "free" or any other word of similar import, to designate or describe articles the cost of which is included in the price of other merchandise or which are not in fact gifts or gratuities furnished without cost or obligation to the recipient thereof.

ORDER TO FILE REPORT OF COMPLIANCE

It is 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 the order to cease and desist (as required by said declaratory decision and order of November 24, 1951).

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IN THE MATTER OF
SNAPPY FASHIONS, INC. ET AL.

COMPLAINT, FINDINGS, AND ORDERS IN REGARD TO THE ALLEGED VIOLATION
OF SEC. 5 OF AN ACT OF CONGRESS APPROVED SEPT. 26, 1914, AND OF AN
ACT OF CONGRESS APPROVED OCT. 14, 1940

Docket 5918. Complaint, Aug. 20, 1951—Decision, Nov. 24, 1951

Where a corporation and its president, engaged in the manufacture, sale and distribution in commerce of wool products as defined in the Wool Products Labeling Act—

Misbranded certain ladies' coats with interlinings within the intent and meaning of said Act and rules and regulations relating thereto in that (1) they were falsely and deceptively labeled with respect to the character and amount of the constituent fibers; (2) they did not have affixed to the interlinings a separate stamp, tag or label setting forth similar information as required; and (3) falsely labeled as "100% wool", they contained no separate disclosure as to interlining content:

Held, That such acts and practices, under the circumstances set forth, were in violation of the provisions of said Act and rules and regulations promulgated thereunder, and were to the prejudice and injury of the public and constituted unfair and deceptive acts and practices in commerce.

Before *Mr. Earl J. Kolb*, trial examiner.

Mr. Jesse D. Kash and *Mr. C. J. Aimone* for the Commission.

Mr. Manuel S. Gottdenker, of New York City, for respondents.

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 Snappy Fashions, Inc., a corporation, and Jules Levy, individually and as an officer of said corporation 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, Snappy 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 place of business located at 222 West 37th Street, New York, N. Y. Respondent Jules Levy is located at the same address. He is president of corporate re-