

Complaint

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IN THE MATTER OF

ED HAMILTON FURS, INC., OF OREGON, ET AL.

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

Docket 6159. Complaint, Feb. 2, 1954—Decision, Aug. 26, 1954

Consent settlement order requiring furriers in Portland, Oreg., and Seattle, Wash., to cease violating the Fur Products Labeling Act and the Federal Trade Commission Act through failing to label fur products as required and through advertising falsely as to prices, quality, value of their products, etc.

Before *Mr. Abner E. Lipscomb*, hearing examiner.

Mr. Charles S. Cox for the Commission.

Mr. George W. Mead, of Portland, Oreg., for respondents.

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 Ed Hamilton Furs, Inc., of Oregon, a corporation, Ed Hamilton Furs, Inc., of Washington, a corporation, and Ed Hamilton and Elizabeth Hamilton, individually and as officers of said corporations, 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 Ed Hamilton Furs, Inc., of Oregon is a corporation organized, existing and doing business by virtue of the laws of the State of Oregon with its office and principal place of business located at 910 S. W. Morrison Street, City of Portland, State of Oregon; respondent Ed Hamilton Furs, Inc., of Washington, is a corporation organized, existing and doing business under and by virtue of the laws of the State of Washington with an office and principal place of business located at 1522 Fifth Avenue, City of Seattle, State of Washington. Individual respondent Ed Hamilton is president of respondent Ed Hamilton Furs, Inc., of Oregon, a corporation, and respondent Ed Hamilton Furs, Inc., of Washington, a cor-

poration. Individual respondent Elizabeth Hamilton is secretary-treasurer of respondent Ed Hamilton Furs, Inc., of Oregon, a corporation, and was vice-president of Ed Hamilton Furs, Inc., of Washington, a corporation, until approximately May 15, 1953, since which time she has been secretary-treasurer of same. The post office address of this individual respondent and of respondent Ed Hamilton is 910 S. W. Morrison Street, Portland, Oregon.

The individual respondents, Ed Hamilton and Elizabeth Hamilton, have acted and now act in conjunction and cooperation with each other in formulating, directing and controlling the business, acts, practices and policies of said respective corporate respondents, including the labeling and invoicing of merchandise and the advertising claims made directly and indirectly by said respondents Ed Hamilton Furs, Inc., of Oregon, a corporation, and Ed Hamilton Furs, Inc., of Washington, a corporation.

PAR. 2. Individual respondents Ed Hamilton and Elizabeth Hamilton and respondent Ed Hamilton Furs, Inc., of Oregon, a corporation, since 1947, and respondent Ed Hamilton Furs, Inc., of Washington, a corporation, since April 1952, have been engaged in the purchase, sale and distribution of fur products, including fur coats, fur jackets, fur stoles, fur scarfs and related fur garments. Respondents cause and have caused the aforesaid fur products, when sold, to be transported from their respective places of business in the State of Oregon and in the State of Washington to purchasers thereof at their respective points of location in various States of the United States. Respondents maintain, and at all times mentioned herein have maintained, a course of trade in said products in commerce among and between various States of the United States.

PAR. 3. Respondents are engaged in the receipt in commerce, the introduction into commerce, and in the sale, advertising, and offering for sale, transportation, and distribution of fur products in commerce, as such products are defined in the Fur Products Labeling Act, and as "commerce" is defined in said Act. Respondents' fur products are composed of "fur" as that term is defined in the Fur Products Labeling Act, and which products are subject to the provisions of said Act and the Rules and Regulations promulgated thereunder. Since August 8, 1952, respondents have violated the provisions of said Fur Products Labeling Act and said Rules and Regulations promulgated thereunder in the introduction into commerce, and in the sale, advertising and offering for sale, transportation and distribution of said fur products in said commerce, and in the sale, advertising, offering for sale, transportation and distribution of fur products composed in

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whole or in part of furs which had been shipped and received in commerce, by causing them to be misbranded and falsely and deceptively advertised and invoiced within the intent and meaning of the Fur Products Labeling Act and said Rules and Regulations promulgated thereunder.

PAR. 4. Among the products referred to in Paragraph Three hereof were scarfs, coats, capes, stoles and other articles of ladies wearing apparel composed in whole or in part of fur. Exemplifying respondents' practice of violating said Fur Products Labeling Act and the Rules and Regulations promulgated thereunder is their

(A) Misbranding, false advertising and false invoicing of such fur products by:

(1) Failing to affix labels to fur products, failing to show in advertisements of fur products, and failing to furnish invoices to purchasers of fur products showing:

(a) the name or names of the animal or animals producing the fur contained in the fur products as set forth in the Fur Products Name Guide and as permitted under the Rules and Regulations;

(b) that the fur product contains or is composed of used fur;

(c) that the fur product is secondhand;

(d) that the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur;

(e) that the fur product is composed in whole or in substantial part of paws, tails, bellies or waste fur;

(f) the name of the country of origin of any imported furs used in a fur product;

(2) Abbreviating parts of the required information in violation of the Fur Products Labeling Act and Rule 4 of the Regulations thereunder;

(3) Using certain terms descriptive of the breed, species, strain or coloring of an animal which connote a false geographical origin of the animal. Exemplifying this practice, but not limited thereto, is the practice of describing an animal as "Aleutian Mink" in violation of the Fur Products Labeling Act and Rule 7 of the Regulations thereunder;

(4) Using a coined name as being descriptive of the fur of an animal which is in fact fictitious or non-existent, in violation of the Fur Products Labeling Act and Rule 11 of the Regulations thereunder. Exemplifying this practice, but not limited thereto, is the practice of describing the fur as "Hudson Seal," when there is in fact no such animal;

(5) Using the term "assembled" to describe fur products or fur mats or plates made of the pieces set out in Rule 20 (a) of the Regulations under the Fur Products Labeling Act without disclosing the named pieces, in violation of the Fur Products Labeling Act and such rule;

(6) Using the name of another animal in addition to the name of the animal actually producing the fur contained in the fur product.

(B) Further misbranding their fur products by:

(1) Falsely and deceptively labeling and otherwise identifying said fur products, and in the use of labels affixed to such products containing various forms of misrepresentation and deception with respect to such fur products. Exemplifying this practice, but not limited thereto, is the use of non-required labels containing statements conflicting with the required information appearing on the required labels;

(2) Setting out on labels required information in type smaller than pica or 12 point; mingling non-required information with required information; using handwriting in describing parts of the required information in violation of the Fur Products Labeling Act and Rule 29 of the Regulations thereunder:

(3) Failing to set out the applicable parts of the required information in the sequence provided in Rule 30 of the Regulations under the Fur Products Labeling Act;

(4) Failing to set forth on labels the name or other identification issued and recorded by the Commission of one or more persons who manufactured such fur products for introduction into commerce, introduced it in commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce.

(C) Further falsely advertising fur products by:

(1) Misrepresenting the prices of their fur products as being wholesale prices and as being so low as to attract other retailers as customers;

(2) Misrepresenting prices of fur products as being reduced from the regular or usual prices where the so-called regular or usual prices are in fact fictitious in that they are not the prices at which such merchandise is usually or regularly sold;

(3) Misrepresenting prices as being reduced where no reduction has been made;

(4) Misrepresenting the savings afforded by reduced prices on said products in that the represented savings are in excess of the savings actually afforded from any recent or current market values of said products;

(5) Misrepresenting the grade, quality and value of said products;

(6) Misrepresenting fur products as having been acquired at "close-

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out sales," "distress sales" and under other circumstances, indicating that they were purchased at bargain prices contrary to fact;

(7) Misrepresenting fur products as "furs of the Hollywood stars," "Hollywood Fashion Furs," "Fabulous designer Furs," "purchases from the leading Mink designers," "Each intended originally for a Hollywood star" and by other representations indicating that the designer of said products, the source from which they were obtained and the persons for whom they were originally intended is other than the fact;

(8) Misrepresenting that any fur product was originally intended to be priced higher than is the fact.

PAR. 5. The aforesaid acts, practices and methods of respondents, as herein alleged, were 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. 6. Respondents, during the periods herein stated, in the course and conduct of said business in commerce, as "commerce" is defined in the Federal Trade Commission Act, have made many statements and representations, including those misrepresentations described in Paragraph 4 (C) of this complaint which are incorporated herein by reference, concerning their said business, methods of operation of same, the composition, quality, price and value of the fur products offered for sale by them by means of advertisements inserted in newspapers, in circulars and in other advertising media, all of which were circulated and distributed among the purchasing public.

Typical of the said statements and representations, made in addition to those set out or described in Paragraph 4 (C) of this complaint, but not all inclusive, are the following:

You see our designers took the soft, underfur of the Squirrel Flanks and created these glorious new fashions!

1000 furs * * * offered under one roof at a single price

1000 furs * * * coats * * * capes * * * jackets * * * scarfs * * * at one astonishing price \$125

Marvelous Muskrat. In four luxurious shades * * * Dyed Deep Brown * * * chocolate * * * moonglow \$235

* * * wheat shade plus tax

Only Ed Hamilton offers you such a marvelous selection in the newest smartest shades * * * and in the new sweeps for '53. These are the choice of the market * * * We suggest comparison with coats priced up to \$375 elsewhere.

Ed Hamilton's Anniversary sale * * * a sale four months in the making * * * A feast of values as great as any in our 98 years! * * * It's a new year and Ed Hamilton furs is 98 years old * * *

PAR. 7. Respondents, through the use of the statements appearing in the aforesaid advertisements, represented that they employ their

own fur designers and manufacture their fur products; that they offered for sale 1,000 fur products at \$125.00 each; that their muskrat coats offered for \$235.00 were comparable in quality to muskrat coats sold for \$375.00 by their competitors; and that respondents' fur business has been in existence for 98 years.

PAR. 8. In fact, respondents do not employ fur designers or manufacture their fur products; they did not have 1,000 fur products for sale at \$125.00 each; their muskrat coats offered for \$235.00 were not comparable to the quality of muskrat coats sold by their competitors for \$375.00; and respondents' fur business has not been in existence for 98 years, Ed Hamilton having established said business in 1946.

PAR. 9. Respondents, in addition to the foregoing, also engaged in unfair and deceptive acts and practices as follows:

(1) placing tags on their fur products listing prices thereon which were far in excess of those at which respondents intended to sell said merchandise;

(2) changing price tag labels on fur products with increases in prices listed thereon in order to offset any credit given on any merchandise certificates or trade-in allowances toward the purchase of a fur or fur product from respondents.

PAR. 10. Respondents, in the conduct and operation of said business, have also engaged in promotional activities, typical of which is the "Free Squirrel Cape offer." In connection therewith, respondents represented that during their "JANUARY FUR CLEARANCE SALE" twenty-five beautiful luxurious Russian Squirrel capes" would be awarded at no extra cost, and that said capes were of a \$200.00 value.

Said representations were false, misleading and deceptive. In truth and in fact no such capes were awarded during said sale at the store in the City of Seattle, State of Washington, and only two were awarded during said sale at the store in the City of Portland, State of Oregon. Furthermore, the capes that were awarded were not of a \$200.00 value, that is, were not sold by respondents for \$200.00 in their regular course of business.

PAR. 11. Respondents, in connection with the conduct and operation of said business, also operated a "Lucky Number Contest" in which it was represented that \$38,000 in prizes would be awarded; that the first fifteen prizes would consist of various fur capes and coats and that there would be at least 500 extra awards of \$65 each in merchandise certificates good toward the purchase of any Ed Hamilton fur coat or jacket.

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Said representations were false, misleading and deceptive. In truth and in fact, respondents did not award \$38,000 in prizes either in dollars or in merchandise. The so-called merchandise certificates were worthless in that respondents marked up the prices of all coats and jackets so as to absorb the amount listed on the merchandise certificate.

PAR. 12. Respondents, in connection with said business, also operated a "\$55,000 Fur Puzzle Contest" in which it was represented that the first ten prizes were a stole, a cape, coats and a scarf of values ranging from \$200 to \$1,500, and that the "tenth" through the "twentieth" prizes would each be a \$100.00 Siberian Kolinsky scarf; that the total value of all the fur or fur products offered as prizes from one to twenty, inclusive, would be \$5,500. In addition to the fur or fur products to be given as prizes, respondents represented that there was added "at least 1,000 \$50 certificates * * * good on the purchase of any Ed Hamilton fur coat, cape, jacket, or scarf for a full 30 days."

Said representations were false, misleading and deceptive. The represented value of the prizes was greatly in excess of the usual and regular prices respondents charged for merchandise comparable to that given as prizes. Furthermore, practically every person entering the so-called contest was considered a winner and awarded a merchandise certificate. However, respondents marked up the price on the merchandise on which they would allow the merchandise certificate to be applied, so that any article sold would be at a price in excess of the usual or regular price so as to offset the amount of the credit given for the merchandise certificate. Furthermore, respondents have on occasions refused to honor the said merchandise certificates when the same were presented at respondents' said stores in accordance with the terms of the certificate and have stated that they were not acceptable toward the purchase of "sale" merchandise.

PAR. 13. The use by respondents of the statements, representations, and practices set out or referred to in Paragraphs 6 to 12, inclusive, has had and now has the tendency and capacity to confuse, mislead and deceive members of the public into the erroneous and mistaken belief that such statements and representations are true, and to induce them to purchase respondents' said fur products.

PAR. 14. The acts and practices of respondents, as herein alleged in Paragraphs 6 to 12, inclusive, were all to the prejudice of the public and constituted 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 August 26, 1954, the initial decision in the instant matter of hearing examiner Abner E. Lipscomb, as set out as follows, became on that date the decision of the Commission.

INITIAL DECISION BY ABNER E. LIPSCOMB, HEARING EXAMINER

On February 2, 1954, the Federal Trade Commission issued its complaint against the above-named respondents, charging them with acts and practices in violation of the Federal Trade Commission Act, the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder. Subsequent to service of this complaint upon respondents, and the filing of respondents' answer thereto, a hearing was held at Portland, Oregon on June 1, 1954, at which respondents and their attorney entered into an agreement with counsel in support of the complaint, and, pursuant thereto, submitted to the hearing examiner a Stipulation For Consent Order.

In this stipulation respondent Ed Hamilton Furs, Inc., of Oregon is identified as a corporation organized under the laws of the State of Oregon, with its office and principal place of business located at 908 S. W. Morrison Street, Portland, Oregon; respondent Ed Hamilton Furs, Inc., of Washington is identified as a corporation organized under the laws of the State of Washington, with its offices and principal place of business, at the time of the issuance of the complaint herein, and prior thereto, located at 1522 Fifth Avenue, Seattle, Washington and at 908 S. W. Morrison Street, Portland, Oregon; and respondents Ed Hamilton and Elizabeth Hamilton are identified as individuals and officers of the corporate respondents, with their offices and principal place of business located at 908 S. W. Morrison Street, Portland, Oregon.

Respondents admit all the jurisdictional allegations set forth in the complaint and stipulate that the record herein may be taken as if the Commission had made findings of jurisdictional facts in accordance with such allegations. All respondents request that their answer filed herein on February 25, 1954, be withdrawn, and expressly waive the filing of an answer to the complaint and further procedure before the hearing examiner and the Commission. Respondents agree that the order contained in said stipulation shall have the same force and effect as if made after a full hearing, presentation of evidence, and

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findings and conclusions thereon, and specifically waive all right, power or privilege to contest the validity of said order. Said stipulation recites that said complaint may be used in construing the terms of the aforesaid order, and that said order may be altered, modified, or set aside in the manner provided by statute for orders of the Commission.

It is further agreed therein that said Stipulation For Consent Order, together with the complaint, shall constitute the entire record of this proceeding, and that the order contained therein may be entered upon the record, in the disposition of this proceeding, without further notice.

In view of the provisions of the Stipulation For Consent Order as outlined above, it appears that respondents' request that their answer to the complaint herein be withdrawn should be granted, and that such action, together with the issuance of the order contained in the stipulation, will resolve all the issues arising by reason of the complaint in this proceeding and respondents' answer thereto, and will safeguard the public interest to the same extent as could be accomplished by full hearing, and all other adjudicative procedure, waived in said stipulation. Accordingly, the hearing examiner, in consonance with the terms of said agreement, accepts the Stipulation For Consent Order submitted herein; grants respondents' request that their answer to the complaint herein, filed on February 25, 1954, be withdrawn; and issues the following order:

It is ordered that respondent Ed Hamilton Furs, Inc., of Oregon, a corporation, and its officers, respondent Ed Hamilton Furs, Inc., of Washington, a corporation, and its officers, and respondents Ed Hamilton and Elizabeth Hamilton, individually and as officers of said corporations, and their respective 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 "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

(A) Misbranding, false advertising, or false invoicing of fur products by:

(1) Failing to affix labels to fur products, failing to show in advertisements of fur products, or failing to furnish invoices to purchasers of fur products, showing:

(a) the name or names of the animal or animals producing the fur contained in the fur products as set forth in the Fur Products Name Guide and as permitted under the Rules and Regulations;

(b) that the fur product contains or is composed of used fur, when such is a fact;

(c) that the fur product is secondhand, when such is a fact;

(d) that the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is a fact;

(e) that the fur product is composed in whole or in substantial part of paws, tails, bellies or waste fur, when such is a fact;

(f) the name of the country of origin of any imported furs used in a fur product;

(2) Abbreviating parts of the information required under the Fur Products Labeling Act and the Rules and Regulations thereunder;

(3) Using terms descriptive of the breed, species, strain, or coloring of an animal which connote a false geographical origin of the animal;

(4) Using the term "Hudson Seal," or any other coined name, as being descriptive of the fur of an animal which is in fact fictitious or non-existent;

(5) Using the term "assembled" to describe fur products or fur mats or plates made of the pieces set out in Rule 20 (a) of the Regulations under the Fur Products Labeling Act without disclosing the named pieces;

(6) Using on labels attached to fur products, in advertisements of fur products, and on invoices of fur products, the name of another animal in addition to the name of the animal actually producing the fur contained in the fur product.

(B) Misbranding their fur products by:

(1) Falsely or deceptively labeling or otherwise identifying said fur product, or using labels affixed to such products which contain any form of misrepresentation or deception with respect to such fur products;

(2) Setting out on labels attached to fur products the required information in type smaller than pica or 12 point; mingling non-required information with required information; or using handwriting in describing any of the required information;

(3) Failing to set out the applicable parts of the required information on labels in the sequence provided in Rule 30 of the Regulations under the Fur Products Labeling Act;

(4) Failing to set forth on required labels attached to fur products the name or other identification issued and registered by the Commission of one or more persons who manufactured such fur products for

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introduction into commerce, introduced it in commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce.

(C) Falsely advertising fur products by representing, directly or by implication:

(1) That the price of any such product is a wholesale price or is so low as to attract other retailers as customers unless such is the fact;

(2) That the customary or regular price of any such product is any amount in excess of the price at which such product has been offered for sale in good faith or has been sold by respondents in the recent regular course of business;

(3) That the regular price of any such product is a reduced price;

(4) That a price enables purchasers to make any saving in excess of the difference between said price and the price at which comparable products sold at the time specified or, if no time is specified, in excess of the difference between said price and the current price at which comparable products are sold;

(5) That any such product is of a higher grade, quality or value than is the fact;

(6) That any said products were acquired at "close out sales" or other distress sales or were acquired under other special conditions conducive to low or bargain prices unless such is the fact;

(7) That the designer of any such product, the source from which it was obtained, or the person for whom it was originally intended is other than the fact;

(8) That any such product was originally intended to sell or be priced at a higher price unless products of like grade and quality were customarily so priced and sold.

It is further ordered that respondent Ed Hamilton Furs, Inc., of Oregon, a corporation, and its officers, respondent Ed Hamilton Furs, Inc., of Washington, a corporation, and its officers, respondents Ed Hamilton and Elizabeth Hamilton, individually and as officers of said corporations, and their respective representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of fur products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Making any of the representations listed in sub-paragraphs C (1) through (8) of this order;

(2) Representing, directly or by implication:

(a) That they manufacture or design any of said products, unless such is the fact;

(b) That the number of said products available for sale is other than the fact;

(c) That the price of any said product is lower than competitors' products of comparable quality, unless such is the fact;

(d) That they have engaged in the fur business for a longer period of time than is the fact;

(e) That merchandise certificates have any value in excess of the amount of reduction from the regular price of a fur product allowed a purchaser presenting said certificate for credit;

(f) That the total value, individual value, or number of the awards to be made by respondents in any manner is other than the fact;

(3) Increasing the price of any of said products for the purpose of nullifying any part of the value of their merchandise certificates presented for credit on the purchase of said product;

(4) Refusing to honor at face value or placing any limitation on the honoring of any merchandise certificate or other award issued by them unless the basis for refusal or limitation is clearly and conspicuously set forth in the certificate or award and in the advertising referring to said certificates or awards.

It is further ordered that the answer to the complaint herein filed by respondents on February 25, 1954, be, and the same hereby is, withdrawn from the record.

ORDER TO FILE REPORT OF COMPLIANCE

It is ordered that respondents Ed Hamilton Furs, Inc., of Oregon, a corporation; Ed Hamilton Furs, Inc., of Washington, a corporation; and Ed Hamilton and Elizabeth Hamilton, individually and as officers of said corporations, 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 August 26, 1954].

Decision

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IN THE MATTER OF
THE CAPITOL SERVICE, INC., ET AL.

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

Docket 6164. Complaint, Feb. 5, 1954—Decision, Aug. 31, 1954

Order requiring the corporate operator of a correspondence course of study for United States Civil Service examinations and its president-manager in Lansing, Mich., to cease representing falsely, through postal cards, circulars and other advertising matter, and statements of sales agents, that they were connected with the U. S. Civil Service Commission and their sales agents were employees thereof; that many thousands of civil service positions, near their homes and at high starting salaries, were available and guaranteed to students completing the course but that taking the course was the only way to obtain a Government job; that purchasers of the course would receive specialized training for specific positions and were specially selected, among other things.

Before *Mr. William L. Pack*, hearing examiner.

Mr. William L. Pencke for the Commission.

Robbins & Wechsler, of Detroit, Mich., for respondents.

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 August 31, 1954, the initial decision in the instant matter of hearing examiner William L. Pack, as set out as follows, became on that date the decision of the Commission.

INITIAL DECISION BY WILLIAM L. PACK, HEARING EXAMINER

The complaint in this matter charges respondents with the use of certain unfair and deceptive acts and practices in violation of the Federal Trade Commission Act. After hearings had been held at which certain evidence in support of and in opposition to the complaint was received, a stipulation of facts was entered into by counsel which provided, among other things, that the record might be closed insofar as the reception of evidence was concerned and the case submitted to the hearing examiner for final consideration upon the record as made up to that time including the stipulation, the filing of proposed findings and conclusions and oral argument being waived. The matter