

Order

51 F. T. C.

IN THE MATTER OF  
FRED SCHAMBACH

## MODIFIED CEASE AND DESIST ORDER

*Docket 5405. Order, Oct. 11, 1954*

Order modifying, in accordance with orders of CA-DC, subparagraph "1" of the Commission's order of September 30, 1952,<sup>1</sup> so that it forbid Schambach to sell or distribute in commerce, lottery devices "which are designed or intended to be used in the sale or distribution of merchandise to the public by means of a game of chance, gift enterprise or lottery scheme".

Before *Mr. James A. Purcell*, hearing examiner.

*Mr. J. W. Brookfield, Jr.* for the Commission.

*Nash & Donnelly*, of Washington, D. C., for respondent.

## ORDER MODIFYING ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, testimony and other evidence, and the recommended decision of the hearing examiner; and the Commission having made its findings as to the facts, concluded that respondent had violated the provisions of the Federal Trade Commission Act, and on September 30, 1952, issued an order to cease and desist against said respondent and his agents, representatives and employees; and

Respondent thereafter having filed in the United States Court of Appeals for the District of Columbia Circuit his petition to review and set aside said order to cease and desist; and that Court having considered the cause, on September 15, 1953, and October 9, 1953, and entered orders modifying said Commission order and affirming and enforcing the Commission's order as so modified; and

The Commission being of the opinion that subparagraph number "1" of its order and the preamble, insofar as applicable thereto, should be modified so as to accord with the judgment of the United States Court of Appeals for the District of Columbia Circuit, the same is hereby modified to read as follows:

*It is ordered* that respondent, Fred Schambach, his agents, representatives and employees, directly or through any corporate or any other device, do forthwith cease and desist from:

<sup>1</sup>The original order had prohibited Schambach from supplying to others push cards or other lottery devices "which \* \* \* are to be used, or which, due to their design, are suitable for use in the sale or distribution of \* \* \* merchandise to the public." 49 F. T. C. 248, 255.

Selling or distributing in commerce, as "commerce" is defined in the Federal Trade Commission Act, push cards, punchboards, or other lottery devices which are designed or intended to be used in the sale or distribution of merchandise to the public by means of a game of chance, gift enterprise or lottery scheme.

*It is further ordered* that respondent Fred Schambach, an individual, shall, within thirty (30) 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 the order of September 30, 1952, as modified herein.

## IN THE MATTER OF

## I. SPIEWAK &amp; SONS, INC., ET AL.

CONSENT ORDER IN REGARD TO THE ALLEGED VIOLATION OF THE  
FEDERAL TRADE COMMISSION ACT*Docket 6220. Complaint, June 24, 1954—Decision, Oct. 19, 1954*

Consent order requiring manufacturers of Armed Service type jackets, in New York City to cease representing falsely, by use of colors and styles and of affixed markings, insignia, labels, etc., that said outer garments were manufactured for the U. S. Armed Forces and in accordance with the Armed Forces specifications.

Before *Mr. John Lewis*, hearing examiner.

*Mr. Terral A. Jordan* for the Commission.

*Chambers & Chambers*, of New York City, 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 I. Spiewak & Sons, Inc., a corporation, and Philip Spiewak, Gerald Spiewak, and Robert Spiewak, 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 I. Spiewak & Sons, 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 1186 Broadway, New York, New York. Respondents Philip Spiewak, Gerald Spiewak and Robert Spiewak are respectively President, Vice President and Treasurer of said corporate respondent. These individuals acting in cooperation with each other formulate, direct and control all of the policies, acts and practices of said corporation. The address of said individual respondents is the same as that of corporate respondent.

PAR. 2. Respondents are now, and have been for more than one year last past, engaged in the manufacture, sale and distribution of heavy outerwear, including imitation Armed Service type jackets, in commerce, among and between the various States of the United States