

Complaint

IN THE MATTER OF
GOLDIN-FELDMAN, INC., 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 6266. Complaint, Nov. 26, 1954—Decision, Mar. 18, 1955

Consent order requiring furriers in New York City to cease violating the Fur Products Labeling Act through misbranding and false invoicing of mink stoles, jackets, and other fur garments as to the country of origin, and otherwise failing to comply with requirements of the Act.

Before *Mr. Frank Hier*, hearing examiner.

Mr. William R. Fincher for the Commission.

Baron & Baron, of Brooklyn, N. Y., 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 Goldin-Feldman, Inc., a corporation; Morris Schilling and William Feldman individually and as officers of said corporation, and Morris Schilling, William Feldman and Fred Goldin, copartners trading as A. Goldin-S. Feldman Company, 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 Goldin-Feldman, Inc., is a corporation organized under the laws of the State of New York. Its officers are Morris Schilling, President, and William Feldman, Secretary-Treasurer. These individuals formulate, direct and control the acts and practices of corporate respondent. Respondents Morris Schilling, William Feldman and Fred Goldin are copartners trading as A. Goldin-S. Feldman Company. The office and principal place of business of all respondents is 345 Seventh Avenue, New York, New York.

PAR. 2. Subsequent to the effective date of the Fur Products Labeling Act on August 9, 1952, the respondents have introduced, manufactured for introduction, sold, offered for sale, transported, and dis-

tributed in commerce, as "commerce" is defined in the Fur Products Labeling Act, fur products, as that term is defined in such Act, and have manufactured for sale, sold, offered for sale, transported, and distributed, fur products, which have been made in whole or in part of fur, which had been shipped and received in commerce. Among such fur products were mink stoles, jackets and other garments.

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 of the country of origin of imported furs contained in said fur products, 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 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.

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

PAR. 6. Certain of said fur products were falsely and deceptively invoiced in that such invoices misrepresented the name of the country of origin of imported furs contained in said fur products, in violation of Section 5 (b) (2) of the Fur Products Labeling Act.

PAR. 7. The aforesaid acts and practices of respondents were in violation of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder, 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 March 18, 1955, the initial decision in the instant matter of hearing examiner Frank Hier, as set out as follows, became on that date the decision of the Commission.

INITIAL DECISION BY FRANK HIER, HEARING EXAMINER

Pursuant to the provisions of the Federal Trade Commission Act and the Fur Products Labeling Act, the Federal Trade Commission

on November 26, 1954, issued and subsequently served its complaint upon respondents herein, who have their principal place of business at 345 Seventh Avenue, New York, New York, and are engaged in the manufacture, sale and distribution of fur products.

On February 1, 1955, there was filed with the Federal Trade Commission a stipulation between the parties providing for entry of a consent order, which stipulation appears of record. By the terms thereof, respondents admit all the jurisdictional allegations set forth in the complaint; stipulate that the record herein may be taken as if the Commission had made findings of jurisdictional facts in accordance with such allegations and stipulate that the agreement is for settlement purposes only and does not constitute an admission by respondents that they have engaged in any violation of law. The parties to such stipulation expressly waive the filing of an answer; a hearing before the hearing examiner or the Commission; the making of findings of fact or conclusions of law by the hearing examiner or the Commission; the filing of exceptions or oral arguments before the Commission, and all other and further procedure before the hearing examiner and the Commission to which respondents may be entitled under the Federal Trade Commission Act or the Rules of Practice of the Commission. Such stipulation further provides that respondents agree that the order hereinafter entered shall have the same force and effect as if made after a full hearing, presentation of evidence, and findings and conclusions thereon; specifically waive any and all right, power or privilege to challenge or contest the validity of the order entered in accordance with the stipulation; further, that the stipulation, together with the complaint, constitutes the entire record herein and that the complaint may be used in construing the terms of the aforesaid order, which order may be altered, modified or set aside in the manner provided by the statute for orders of the Commission. Such stipulation further provides that it is subject to approval in accordance with Rule V and XXII of the Commission's Rules of Practice and that said order shall have no force and effect unless and until it becomes the order of the Commission.

On the basis of the foregoing, the undersigned hearing examiner concludes that this proceeding is in the public interest and in conformity with the action contemplated and agreed upon by such stipulation makes the following order:

ORDER

It is ordered, That respondent Goldin-Feldman, Inc., a corporation, and its officers; respondents Morris Schilling and William Feldman,

individually and as officers of said corporation, and Morris Schilling, William Feldman and Fred Goldin, copartners trading as A. Goldin-S. Feldman Company, or under any other name, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introducing into commerce, or the sale or offering for sale in commerce, or the transportation or distribution in commerce, of any fur products; or in connection with the manufacturing for sale, sale, 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 fur products by:

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

2. Failing to affix labels to fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed 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 contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is a fact;

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

(e) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce;

(f) The name of the country of origin of any imported furs used in the fur product.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the Rules and Regulations;

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

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

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

(e) The name and address of the person issuing such invoice;

(f) The name of the country of origin of any imported fur or furs contained in a fur product.

2. Using on invoices the name of any country of origin of fur or furs contained in any fur product other than the actual name of the country of origin of fur or furs contained in said fur product, or furnishing invoices which contain any form of misrepresentation or deception, directly or by implication, with respect to such fur product.

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 March 18, 1955].

Complaint

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IN THE MATTER OF
FOSTER-MILBURN COMPANY AND STREET & FINNEY,
INC.

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

Docket 5937. Complaint, Nov. 20, 1951—Decision, Mar. 25, 1955

Consent order requiring a corporation in Buffalo, N. Y., and its advertising agency, to cease advertising falsely that the drug preparation "Doan's Pills" constituted a cure or remedy for diseases and disorders of the kidneys and bladder and would relieve symptoms thereof.

Before *Mr. J. Earl Cox*, hearing examiner.

Mr. William L. Pencke and *Mr. Joseph Callaway* for the Commission.

Denning & Wohlstetter, of Washington, D. C., and *Ballantine, Bushby, Palmer & Wood*, 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 Foster-Milburn Company, a corporation, and Street & Finney, Inc., a 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 Foster-Milburn Company is a corporation organized under the laws of the State of New York and having its office and principal place of business in Buffalo, New York.

PAR. 2. Said respondent is now and has been for more than five years last past engaged in the business of selling and distributing a preparation containing drugs as "drug" is defined in the Federal Trade Commission Act.

The designation used by respondent for said preparation, the formula, and directions for use thereof are as follows: