

Decision

IN THE MATTER OF
NORTHERN FEATHER WORKS, INC., ET AL.ORDER, OPINION, ETC., IN REGARD TO THE ALLEGED VIOLATION OF THE
FEDERAL TRADE COMMISSION ACT*Docket 6137. Complaint, Oct. 28, 1953—Decision, June 30, 1955*

Order requiring a manufacturer in Newark, N. J., to cease misrepresenting the feather and down content of its pillows on labels affixed thereto or otherwise.

Mr. Ames W. Williams for the Commission.

Thacher, Proffitt, Prizer, Crawley & Wood, of New York City, for respondents.

INITIAL DECISION BY J. EARL COX, HEARING EXAMINER

The complaint charges that the respondents have violated the provisions of the Federal Trade Commission Act by misrepresenting the contents of feather pillows which they manufacture and distribute in commerce.

After the filing of an answer, hearings were held, in which testimony and other evidence was presented, duly recorded and filed in the office of the Commission. By stipulation all the evidence in the companion feather cases was made a part of the record in this case, except so far as such evidence relates exclusively to the identification, contents and analyses of the feather samples in each of those cases.¹ Proposed findings of fact, conclusions and order have been submitted by counsel. On the basis of the entire record, the following findings of fact are made:

1. Respondent Northern Feather Works, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of New York, with its office and principal place of business located at 31-39 Backus Street, Newark, N. J. Respondent Joseph P. Jespersen (erroneously designated in the complaint as Joseph P. Jespersen), an individual, is the president of said corporate respondent.

¹ The companion feather cases are: Docket 6132, National Feather & Down Company; Docket 6133, The L. Buchman Co., Inc., et al.; Docket 6134, Burton-Dixie Corp., et al.; Docket 6135, N. Sumergrade & Sons, et al.; Docket 6137, Northern Feather Works, Inc., et al.; Docket 6161, The Salisbury Co., et al.; Docket 6188, Globe Feather & Down Co., et al.; and Docket 6208, Sanitary Feather & Down Co., Inc., et al.

2. Respondents are now, and for more than one year last past have been, engaged in the manufacture and sale of pillows, and other products, designated as feather and down products, to dealers for resale to the public. Said respondents have caused and now cause said products, when sold, to be shipped from their place of business to purchasers thereof located in various other States of the United States.

Said respondents maintain, and at all times mentioned herein have maintained, a course of trade in said feather and down products, in commerce, among and between the various States of the United States.

3. In the course and conduct of their aforesaid business, said respondents are now, and have been, in substantial competition in commerce with other corporations, and with firms, partnerships, and individuals engaged in the sale and distribution of feather and down products, including pillows.

4. In the course and conduct of their aforesaid business, respondents have caused labels to be affixed to certain of their pillows purporting to state and set out the kinds or types and proportions thereof of filling material contained therein, and have similarly identified in invoices the composition of such filling material. On these labels and invoices, respondents have made representations with respect to their pillows designated "Victor," as follows:

All New Material consisting of 50% Crushed Duck Feathers
50% Crushed Chicken Feathers,

and with respect to respondents' pillows, designated "Olive,"

All New Material consisting of Crushed White Goose
Feathers,

and with respect to respondents' baby pillows,

All New Material consisting of Down.

5. Through the use of the aforesaid statements, said respondents have represented that the filling material in the pillows designated "Victor" is composed of 50% new crushed duck feathers and 50% new crushed chicken feathers; that the filling material of the pillows designated "Olive" is composed entirely of new crushed white goose feathers; and that the filling material of respondents' baby pillows is composed entirely of new down.

6. Two pillows of each of the above-mentioned designations were procured by a representative of the Commission at the same time from the same retail dealer, and were introduced in evidence. The contents of these pillows were analyzed by an expert for the Commission and by an expert for the respondents. The analyses showed as follows:

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Pillows designated "Victor"

	Pillow 1 (by weight)	Pillow 2 (by weight)	Computed average
By the Commission's expert:	<i>Percent</i>	<i>Percent</i>	<i>Percent</i>
Duck feathers.....	41.8	38.2	47.8
Duck fibers.....	9.6	6.0	
Chicken feathers.....	35.4	43.5	47.0
Chicken fibers.....	8.2	6.9	
Pith and scale.....	5.0	5.4	5.2
Amount analyzed.....	<i>Grams</i> 3.746	Not shown	
By respondents' expert:	<i>Percent</i>		
Crushed feathers.....	91.7	76.9	92.75
Feather fibers.....	4.7	12.2	
Down.....	1.0	2.5	1.75
Waste.....	2.6	8.4	5.5

Pillows designated "Olive"

By the Commission's expert:	<i>Percent</i>	<i>Percent</i>	
Goose feathers.....	48.0	61.2	82.6
Goose fibers.....	28.4	21.4	
Chicken feathers.....	7.3	6.9	
Chicken fibers.....	4.3	2.4	
Pith and scale.....	12.0	8.1	
Amount analyzed.....	<i>Grams</i> 3.3475	<i>Grams</i> (inc. quills) 3.440	
By respondents' expert:	<i>Percent</i>		
Crushed feathers.....	76.9		
Feather fiber.....	12.2		
Down.....	2.5		
Waste.....	8.4		

Baby pillows

By the Commission's expert:	<i>Percent</i>	<i>Percent</i>	<i>Percent</i>
Down.....	58.8	47.0	69.3
Downy fiber.....	15.3	17.5	
New waterfowl feathers.....	14.8	15.5	15.15
Second-hand waterfowl feathers.....	2.4	2.1	2.25
New chicken feathers.....	2.7	.6	1.65
Second-hand chicken feathers.....	1.1	.2	.65
Feather fiber.....	4.2	17.0	10.6
Pith and scale.....	.7	.1	.4
By respondents' expert:			
Down.....	95.0	93.7	94.35
Feathers.....	5.0	6.3	5.65

7. In determining whether or not the representations as to the pillow contents are false within the meaning of the Act, it is helpful to have an understanding of the manufacturing methods used in the feather industry.

(1) In general, three sources of feather supplies are or have been available:

(a) *The American Source*

First, there are the domestic feathers, which ordinarily are properly labeled, but are not available in sufficient quantities to meet the industry's requirements.

(b) *The European Source*

Second, there is the European source of supply from which feathers are procured, but from this source it is impossible to get unadulterated, new stock, because of a common practice of mixing second-hand feathers with new. European feathers are purchased on the basis of samples, and each manufacturer must judge from these samples the quality and type of feathers available to him.

(c) *The Oriental Source*

The third source is the Orient, from which adequate supplies may be had; but in the Orient there is no careful sorting, and a bale of feathers purchased as goose feathers may contain substantial quantities of duck or chicken feathers. These feathers are usually purchased through importers and commission merchants who submit offers to manufacturers. A typical offer will show as available for purchase by respondents or other pillow manufacturers 100 bales of 200 pounds each at 90¢ per pound, the feathers being Formosan grey goose feathers, 90% clean, maximum 20% duck feathers, 5% chicken feathers, 3% quills, minimum 30% down. Oriental feathers are purchased on the basis of these representations, without sampling.

(2) After raw feathers are procured by the manufacturer they are thoroughly washed, dried and fluffed up. Then they are sorted by means of a machine which separates the various constituents of the feather bulk by a blowing or suction process. The feathers are put through the sorting machine in lots of fifty pounds. The down, being lighter, is more readily blown over the baffle in the sorting machine, and passes into its particular bin or container. Then follow the downy-type feathers, and the various other feathers, in appropriate classifications according to weight or specific gravity, each into a specially prepared container. By this process it is reasonably practical to segregate a high percentage of down, but in down, as in the other classifications, there are always some feathers which are inappropriate to the particular classification. In the downy-type feather receptacle will be some pure down and some heavier-type feathers. Similar discrepancies will occur in each of the other classifications. It is impossible to separate feathers according to type of fowl or to remove inferior or second-hand feathers. The only possible separations are those which can be obtained by the application of the principles of specific gravity. Feathers of the same degree of lightness will go over the baffle at the same time, irrespective of the kind

of fowl from which they may have been plucked, or whether they are new or used.

(3) The down and feathers thus sorted and placed in separate containers have no uniformity or homogeneity; the heavier feathers will be at the bottom, the down at the top of each container. Although there be a vigorous agitation of the feathers and down in a storage bin, the resulting mixture will at no time be of uniform content throughout, and no mixture of feathers and down is or will remain uniform or constant throughout its bulk. When a pillow order is to be made up, the manufacturer puts into the filling bin the number of bags of each type of feather requisite to obtain the desired mixture. The filling bins usually are approximately 5 x 10 x 12 feet in size, and hold up to 350 or 400 pounds of feathers. Two or three hundred pairs of pillows may be filled out of one mixture, and it is not unusual for a manufacturer to fill from twelve to fourteen hundred pairs of pillows during a day.

(4) During the filling process, the feathers are agitated by means of wooden forks, and the pillows are filled by suction. The proportion of down and feathers that go into each pillow depends partly, of course, upon the filling-bin mixture, but also to a large extent upon what part of the bin the filling suction reaches. Even with the exercise of the greatest care, pillows filled from the same bin will vary in content. Those being filled from the bottom of the bin will contain the heavier feathers, and the greater amounts of pith, scale, and other extraneous matter. The exact amount or proportion of down and feathers going into any particular pillow cannot be controlled by mechanical means. The expert whose testimony was presented in support of the complaint stated that the contents of pillows filled from the same bin will vary as much as 30%; that the same percentage will not be found in any two pillows; that the mixture in each pillow will vary from the mixture in the filling bin; that if any one pillow should contain exactly the same percentage of feathers and down as that originally placed in the filling bin, it would be pure accident; and that the closest practical indication of the contents of a pillow product of a manufacturer and the correctness of its labeling will result if several different pillows are sampled, preferably pillows obtained at different times and places.

(5) The same difficulties arise in analyzing the contents of a single pillow. Except by pure accident, no two samples will have the same content; so there is no sure or positive method of measuring the contents of feather pillows with scientific accuracy, other than by taking all of the content out of the pillow and separating it into its com-

ponent elements, then weighing each element. Such a process is so completely impractical that, usually, a test is made by opening the pillow-ticking and taking samples from three different portions of the pillow. These samples are thoroughly mixed and a smaller testing sample, of which the analysis is to be made, is taken from this mixture. The expert who testified in support of the complaint selected three samples from the opening by inserting his hand and reaching to different portions of the pillow. Samples selected by the respondents were obtained by taking a small quantity of feathers from each of three openings in each pillow. The hearing examiner was present when respondents' samples were taken. As each opening was made in the pillow ticking, some down escaped, and as each withdrawal was made, more down escaped before the sample could be enclosed in a container; while the feathers, being heavier and bulkier, were easier to retain. No sample can be exactly representative of the original content of the pillow, just as the content of no one pillow can be exactly representative of the original mixture in the filling bin. The average sample for analysis weighed approximately 3 grams, representing between $\frac{1}{4}$ and $\frac{1}{2}$ of 1% of the contents of a pillow, and the appearance of a single heavy feather in a sample of this size would make as much as 4% difference in the final result. This method is far from satisfactory, and the resulting percentages are not conclusive.

(6) The crushing or curling process is a manner of giving a twist or curl to landfowl feathers, such as chicken and turkey, to increase their resiliency and tend to prevent their matting, and thus improve their quality for use as pillow-filling material. The same process is applied to waterfowl quill feathers (that is, feathers from the wings and tails of ducks and geese), which otherwise would not be suitable for pillow-filling material. A considerable amount of fiber, pith and scale result from the crushing, and are carried over into the filling mixture. As to utility, crushed landfowl feathers are better than crushed waterfowl feathers, and crushed turkey feathers are better than crushed chicken feathers.

The mixture of crushed feathers is made by weighing out the proper proportions of the various kinds of crushed feathers that are to be mixed, and taking alternate handfuls of feathers from the separate containers and throwing these into the hopper of the curling or crushing machine. Because of the nature of these larger feathers, they frequently go through the hopper in lumps, so that it is impossible to get a mixture with any degree of homogeneity. Despite agitation in mixing, slugs of chicken or turkey feathers and slugs of quill feathers will get into the pillows without ever being separated or mixed. The

label "Crushed Feathers," showing the types of feathers used, can indicate no more than that the mixture was made from the types or kinds of feathers stated on the label.

It is impossible to separate and analyze crushed feathers accurately. A pillow filled with crushed feathers is the cheapest product of the industry, and in the minds of the general public, there is very little distinction among the various kinds of crushed feathers, whether goose, duck, chicken or turkey. The expert who testified in support of the complaint indicated that pillows filled with crushed feathers are the least desirable of all pillows, and are the lowest class of pillows on the market. In his opinion, it is impractical to attempt to distinguish between the various types of crushed feathers in any batch of such pillows, and he suggested during the course of his tests for the Commission that no further pillows filled with crushed feathers be sent to him for analysis.

(7) On the basis of the foregoing, the conclusion is inescapable that as a practical matter, the contents of feather pillows cannot be accurately labeled. In fact, to require accurate labeling as to content, of a product such as feather pillows, which by nature, vary constantly and at random in content, is to require an impossibility. No manufacturer of feather pillows could comply with such a requirement except by analyzing the filling of each pillow individually. Obviously that is an impossible task. Incidentally, it points up the dangers involved in attempting to reach a conclusion as to pillow content on the basis of testing two pillows out of a batch that may have included one hundred or two hundred pairs of pillows.

(8) Despite these facts, however, some 28 States have labeling requirements with which pillow manufacturers must comply; and the Federal Trade Commission, on April 26, 1951, promulgated Trade Practice Rules for the Feather and Down Products Industry, which undertake to interpret the Act and express the Commission's policy with respect to the practices complained of in this proceeding. Although these Rules are not binding upon the hearing examiner, they should be given careful consideration in applying the law to the facts of this proceeding. The pertinent parts of those Rules applicable thereto are as follows:

RULE 3—IDENTIFICATION AND DISCLOSURE OF KIND AND TYPE OF FILLING MATERIAL
IN INDUSTRY PRODUCTS

I. In the sale, offering for sale, or distribution of industry products, it is an unfair trade practice to misrepresent or deceptively conceal the identity of the kind or type of filling material contained in any of such products, or of the kinds or types, and proportions of each, when the filling material is a mixture

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of more than one kind or type. Such identification and disclosure shall be made by tag or label securely affixed to the outside covering of each product and in invoices and all advertising and trade promotional literature relating to the product; and when the filling material is a mixture of more than one kind or type, each kind and type shall either be listed in the order of its predominance by weight, or be listed with an accompanying disclosure of the fraction or percentage by weight of the entire mixture which it represents.

II. Identification of the kind and type of feather and down stock by use of any of the terms listed and defined below will be considered proper when in accord with the definition set forth for such term:

Definitions:

(a) *Down*: The undercoating of waterfowl, consisting of clusters of the light, fluffy filaments growing from one quill point but without any quill shaft.

(b) *Down fiber*: The barbs of down plumes separated from the quill points.

(c) *Waterfowl feathers*: Goose feathers, duck feathers, or any mixture of goose and duck feathers.

(d) *Feathers* (or *Natural Feathers*): Bird and fowl plumage having quill shafts and barbs and which has not been processed in any manner other than by washing, dusting, and sterilizing.

(e) *Quill feathers* (or *Quills*): Wing feathers or tail feathers or any mixture of wing and tail feathers.

(f) *Crushed feathers*: Feathers which have been processed by a crushing or curling machine which has changed the original form of the feathers without removing the quill.

* * * * *

(h) *Feather fiber*: The barbs of feathers which have been completely separated from the quill shaft and any aftershaft and which are in nowise joined or attached to each other.

* * * * *

(j) *Damaged feathers*: Feathers, other than crushed, chopped, or stripped, which are broken, damaged by insects, or otherwise materially injured.

III. *Tolerance*: (a) Subject to the restrictions and limitations hereinafter set forth, the filling material of an industry product may be represented as being of but one kind or type when 85% of the weight of all filling material contained in the product is of the represented kind or type; or may be represented as being of a mixture of two or more kinds or types with accompanying disclosure of a fraction or percentage of the weight of the entire mixture represented by each if the fraction or percentage shown is not at variance with the actual proportion of the weight of the entire mixture represented by each such kind or type by more than 15% of the stated fraction or percentage. (The tolerance provided for in this paragraph III is to be understood as being an allowance for error and as not embracing any intentional adulteration.)

Limitations and Restrictions

(b) When the filling material of an industry product is represented, directly or indirectly, as being wholly of down, any proportion within the tolerance percentage provided for in (a) above which is not down shall consist principally of down fiber and/or small, light, and fluffy waterfowl feathers, shall contain no quill feathers, crushed feathers, or chopped feathers, and shall not contain

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damaged feathers, quill pith, quill fragments, trash, or any matter foreign to feather and down stock in excess of 2% by weight of the filling material contained in the product or which in the aggregate exceeds 5% of such weight.

* * * * *

(e) When the filling material of an industry product is represented, directly or indirectly, as being wholly of a mixture of down and feathers, or of down and more than one kind or type of feathers, or of feathers of more than one kind or type, any proportion, or the aggregate of any proportions, of the filling material of the product at variance with the representation, but within the tolerance percentage provided for in (a) above, shall not contain quill pith, quill fragments, trash, or any matter foreign to feather and down stock in excess of 2% by weight of the filling material in the product or which in the aggregate exceeds 5% of such weight; and, unless nondeceptively disclosed in the representation, not in excess of 5% by weight of the filling material of the product shall consist of crushed feathers, chopped feathers, quill feathers, or damaged feathers.

Note.—It is the consensus of the industry that determination as to whether any representation is violative of the provisions of this Rule should be based on an average of the results of tests of at least two products of the same type when same are readily available for testing, * * *.

RULE 5—SECOND-HAND FEATHERS, DOWN, AND OTHER COMPONENTS

To offer for sale, sell, or distribute any industry product containing any component which has previously been used in any product, or used for any purpose, without clearly disclosing that fact in describing, advertising, labeling, invoicing and selling such product, and in all representations concerning the product, is an unfair trade practice. It is likewise an unfair trade practice to misrepresent or deceptively conceal the type, kind, or amount of such components, or to use with reference to said products descriptive words, phrases, labels, or other representations which have the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers concerning the effect on said material of such prior use or concerning the type, extent, method, or effect of any reprocessing, renovation, or resterilization of such material.

The Rules further provide that samples of equal weight and size be drawn from at least three different locations in the product; that such samples be thoroughly mixed; and that a test be made of not less than 3 grams of the mixture. Application of the law and a reasonable interpretation of these Rules to the facts of this proceeding results in the following:

Conclusions:

I. The test procedures adopted and followed by the experts who made the analyses of the pillow contents in this proceeding comply with the Trade Practice Rules.

II. Respondents' "Victor" pillows contain crushed duck feathers and crushed chicken feathers in substantially the same proportions as indicated on the label. This conclusion is reached by combining the

fiber with the crushed feather content, which, according to the testimony of the experts, is proper. Respondents' "Olive" pillows likewise contain crushed goose feathers substantially within the allowable tolerance if all the constituents of crushed feathers are included, to wit, crushed feathers, goose feather fibers, pith, scale and quills—all of which are the normal resultants of the crushing process.

Furthermore, respondents' pillows designated "Victor" and "Olive" are crushed-feather pillow products, and there is no reliable, probative and substantial evidence to show that there is any public interest either in the matter of the labeling or price-listing of such pillows, or in distinguishing between the various kinds of crushed feather content thereof. It is therefore concluded that no misrepresentation and no violation of the Act has been shown insofar as respondents' "Victor" and "Olive" pillows are concerned.

III. Respondents' two baby pillows are represented as containing all new down. The test results do not justify such a representation. The careful and obviously complete separation performed by the Commission's expert shows an average down content of 69.3% if downy fiber is included as down. While there is justification for including some downy fiber as down content, the proportion of downy fiber shown in the analysis is excessive, over 5%, and the 69.3% average is therefore unduly weighted in respondents' favor.

The analyses made by respondents' expert were much less detailed, hence less conclusive; but, assuming the results are of equal validity with those shown by the Commission's expert, and using the weighted one, 69.3%, with the 94.35% average reached by respondents' expert, the down content of the two pillows as disclosed by the average of all four tests is 81.825%. This is slightly more than 3% below the 85% down content permissible, tolerance being considered.

The Commission's expert shows a total average fiber content (downy fiber and feather fiber) of 27.0%; new and second-hand waterfowl feathers, 17.40%; new and second-hand chicken feathers, 2.30%. These factors militate against extending any further conclusions to respondents as to these particular pillows.

Respondents urge that two baby pillows containing only a small amount of filling material, estimated at from 8 ounces to 19 ounces, cannot be taken as representative of respondents' baby pillows or of the contents of the bin from which they were filled. Accepting that argument at face value, the facts must be recognized that the representations are made on each separate pillow, and there is a strong presumption that an individual purchaser at retail would seldom buy more than one or two baby pillows at any one time. Such a purchaser would be

interested in the content of the pillows which he was purchasing, not in the content of the bin from which they were filled, nor in the average content of all the pillows in any given batch. One of the purposes of the Act is to protect the consumer, and that can be done only if each pillow is properly labeled. It must be concluded, therefore, that respondents' baby pillows are not properly labeled, and that the representations on the labels attached to those pillows are false and deceptive.

IV. The labeling and representations hereinabove found to be false (Conclusion III) constitute unfair trade practices, are to the prejudice and injury of the public, and constitute unfair and deceptive acts and practices and unfair methods of competition in commerce.

V. The use by respondents of the false and misleading statements on the labels affixed to their pillows has had and now has the tendency and capacity to mislead and deceive dealers and the purchasing public into the erroneous and mistaken belief that such statements are true, and to induce the purchase of substantial quantities of said pillows because of such mistaken and erroneous belief.

VI. This proceeding is found to be in the public interest, and the following order is issued:

It is ordered, That respondents Northern Feather Works, Inc., a corporation, and Joseph P. Jespersen (erroneously designated in the complaint as Joseph P. Jesperson) individually, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondents' feather and down products, do forthwith cease and desist from:

Misrepresenting in any manner, or by any means, directly or by implication, the identity of the kind or type of filling material contained in any such products, or of the kinds or types, and proportions of each, when the filling material is a mixture of more than one kind or type.

ON APPEAL FROM INITIAL DECISION

By SECREST, Commissioner:

This is one of a group of ten cases, all tried and considered together, involving the use on labels of allegedly false and deceptive representations with respect to the filling materials contained in feather and down pillows. The hearing examiner having filed his initial decision in which he found that the respondents have in fact mislabeled certain of their pillows and in which he included an order directing them to forthwith cease and desist from such practices, the respondents ap-

pealed. The case was heard on the appeal brief and opposing brief filed by counsel supporting the complaint and oral arguments of counsel.

Except as to the result of the analyses of the different pillows used as exhibits, as to which the record in each of these cases is specific and definite, this case is not unlike that in the matter of Burton-Dixie Corporation, et al., Docket No. 6134, in which the Commission has written an opinion setting forth in some detail its views on the issues involved. In view of this similarity between the cases, the opinion in that case is equally applicable here except as noted hereinafter, and, for the reasons stated, the Commission is of the view that the hearing examiner's findings and conclusions that the respondent corporation has misrepresented the contents of certain of its pillows in violation of the Federal Trade Commission Act are correct.

The initial decision dismissed the charges of mislabeling as they pertained to certain other pillows including those sold under the name "Olive." The filling materials of the latter pillows were represented on labels as new and consisting of crushed white goose feathers. Analyses of samples of filling material from two of those pillows revealed an aggregate of 11.6% chicken feathers and chicken feather fiber in one and 9.3% in the other. The pillow samples also contained an average of 10% pith and scale and the remainder of their contents comprised crushed goose feathers and fibers. Pith and scale are natural to crushed feather products and the preponderance of the pith and scale present there undoubtedly originated with the crushed goose feathers. The chicken feather and fiber content being proportionately small in relation to the goose feather material, the situation presented with respect to the "Olive" pillows is to be distinguished from that in the Burton-Dixie Corporation case in which we have reversed the hearing examiner's finding that public interest is lacking with respect to the labeling of the crushed feather products there considered.

The order to cease and desist which is contained in the initial decision is directed not only against the corporate respondent but also against its president in his individual capacity. The president of the corporation is P. Jespersen who was erroneously named in the complaint as Joseph P. Jespersen. Since the proof was deficient as to his participation in the practices engaged in by the respondent corporation, the charges of the complaint are accordingly dismissed as to him and the initial decision is so modified hereby.

The appeal is granted as to respondent P. Jespersen and denied as to respondent Northern Feather Works, Inc., and the initial decision as it relates to the respondent corporation is affirmed.

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Final Order

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The respondents having filed an appeal from the hearing examiner's initial decision in this proceeding; and the matter having been heard on briefs and oral argument, and the Commission having rendered its decision granting the appeal of respondent P. Jespersen and dismissing the proceeding as to him and denying the appeal of respondent Northern Feather Works, Inc., and affirming the initial decision as thus modified:

It is ordered, That the respondent, Northern Feather Works, Inc., shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist contained in the aforesaid initial decision.

IN THE MATTER OF
THE SALISBURY COMPANY ET AL.

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

Docket 6161. Complaint, Feb. 2, 1954—Decision, June 30, 1955

Order requiring a manufacturer in Minneapolis, Minn., to cease misrepresenting the down and feather content of its pillows on labels affixed thereto or otherwise.

Mr. Ames W. Williams for the Commission.

Faegre & Benson, of Minneapolis, Minn., and *Davidson, Cohen & Zelkin*, of New York City, for respondents.

INITIAL DECISION BY J. EARL COX, HEARING EXAMINER

The complaint charges that the respondents have violated the provisions of the Federal Trade Commission Act by misrepresenting the contents of feather pillows which they manufacture and distribute in commerce.

After the filing of an answer, hearings were held, in which testimony and other evidence was presented, duly recorded and filed in the office of the Commission. By stipulation all the evidence in the companion feather cases was made a part of the record in this case, except so far as such evidence relates exclusively to the identification, contents and analyses of the feather samples in each of those cases.¹ Proposed findings of fact, conclusions and order have been submitted by counsel. On the basis of the entire record, the following findings of fact are made:

1. Respondent, The Salisbury Company is a corporation organized, existing and doing business under and by virtue of the laws of the State of Delaware, with its principal office and place of business located at 1042 Second Avenue, S. E., Minneapolis, Minnesota. Respondents W. R. Salisbury, E. D. Salisbury, Fred Salisbury and Maurice E. Salisbury are the officers of said corporate respondent.

2. Respondents are now, and for more than one year last past have been, engaged in the manufacture and sale of pillows, and other prod-

¹ The Companion feather cases are: Docket 6132, National Feather & Down Company; Docket 6133, The L. Buchman Co., Inc., et al.; Docket 6134, Burton-Dixie Corp., et al.; Docket 6135, N. Sumergrade & Sons, et al.; Docket 6137, Northern Feather Works, Inc., et al.; Docket 6161, The Salisbury Co., et al.; Docket 6188, Globe Feather & Down Co., et al.; and Docket 6208, Sanitary Feather & Down Co., Inc., et al.