

Complaint

IN THE MATTER OF

T. F. DENMAN TRADING AS THE FUR DOCTOR

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

Docket 6298. Complaint, Feb. 25, 1955—Decision, Sept. 8, 1955

Consent order requiring a furrier in San Francisco, Calif., to cease violating the Fur Products Labeling Act by labeling, invoicing, and newspaper advertising which named other animals than those producing the fur in certain fur products or failed to name any animal or the country of origin of imported furs, and failed in other respects to conform to requirements of the Act.

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

Mr. John T. Walker and *Mr. Edward F. Downs* for the Commission.

Mr. Ralph Leon Isaacs, of San Francisco, Calif., for respondent.

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 T. F. Denman, an individual trading as The Fur Doctor, hereinafter referred to as respondent, has 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 T. F. Denman is an individual trading as The Fur Doctor, with his principal place of business located at 1521 Market Street, San Francisco, California.

PAR. 2. Subsequent to the effective date of the Fur Products Labeling Act on August 9, 1952, respondent has been, and is now, engaged in the introduction into commerce, and in the sale, advertising, and offering for sale in commerce, and in the transportation and distribution in commerce of fur products, and has sold, advertised, 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, as "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act.

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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 or names of the animal or animals that produced the fur from which said fur products had been manufactured, 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 misbranded in that, on labels attached thereto, respondent set forth the name of an animal other than the name of the animal that produced the fur product, in violation of Section 4 (3) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder.

PAR. 6. Certain of said fur products were misbranded, in violation of the Fur Products Labeling Act, in that they were not labeled in accordance with the rules and regulations promulgated thereunder in the following respects:

(A) Required information was set forth in abbreviated form, in violation of Rule 4 of the aforesaid rules and regulations.

(B) The term "Fur Origin" did not precede the country of origin on labels as part of the required information, in violation of Rule 12 (e) of the aforesaid rules and regulations.

(C) Required information was mingled with non-required information on labels, in violation of Rule 29 (a) of the aforesaid rules and regulations.

(D) Required information was set forth in handwriting on labels, in violation of Rule 29 (b) of the aforesaid rules and regulations.

PAR. 7. 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. 8. Certain of said fur products were falsely and deceptively invoiced, in violation of the Fur Products Labeling Act, in that they were not invoiced in accordance with the rules and regulations promulgated thereunder in that required information was set forth in abbreviated form, in violation of Rule 4 of the aforesaid rules and regulations.

PAR. 9. Certain of said fur products were falsely and deceptively advertised, in violation of the Fur Products Labeling Act, in that

respondent caused the dissemination in commerce, as "commerce" is defined in said Act, of certain advertisements concerning said fur products, by means of newspapers and by various other means, which advertisements were not in accordance with the provisions of Section 5 (a) of the Fur Products Labeling Act, and which advertisements were intended to and did aid, promote, and assist, directly or indirectly, in the sale and offering for sale of said fur products.

PAR. 10. Among and including the advertisements as aforesaid, but not limited thereto, were advertisements of respondent which appeared in issues of the "Sun Reporter," a newspaper published in San Francisco, California, and having wide circulation in that State and in adjacent areas of other States of the United States. By means of the aforesaid advertisements, and through others of similar import and meaning, not specifically referred to herein, the respondent falsely and deceptively advertised its fur products, in that said advertisements:

(A) Failed to disclose the name or names of the animal or animals producing the fur or furs contained in the fur products as set forth in the Fur Products Name Guide, in violation of Section 5 (a) (1) of the Fur Products Labeling Act.

(B) Contained the name or names of an animal or animals other than those producing the fur contained in the fur product, in violation of Section 5 (a) (5) of the Fur Products Labeling Act.

(C) Failed to set forth the country of origin of imported furs contained in fur products as required by Section 5 (a) (6) of the Fur Products Labeling Act or in the manner and form permitted by Rule 38 (b) of the rules and regulations promulgated thereunder.

PAR. 11. The aforesaid acts and practices of respondent, 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 in commerce under the Federal Trade Commission Act.

INITIAL DECISION BY ABNER E. LIPSCOMB, HEARING EXAMINER

On February 25, 1955, the Federal Trade Commission issued its complaint in this proceeding, charging the Respondent with unfair and deceptive acts and practices in connection with the sale in commerce of imported and domestic fur products, in violation of the Fur Products Labeling Act and the Federal Trade Commission Act.

Thereafter, on March 28, 1955, Respondent filed with the Commission his Answer To Complaint, and on June 9, 1955, entered into an agreement with counsel supporting the complaint, and, pursuant

thereto, submitted to the hearing examiner a Stipulation For Consent Order disposing of all the issues involved in this proceeding.

Respondent is identified in the stipulation as an individual with his office and principal place of business located at 1521 Market Street, in the city of San Francisco, State of California.

Respondent admits all the jurisdictional allegations set forth in the complaint, and stipulates that the record herein may be taken as if the Commission had made findings of jurisdictional facts in accordance therewith.

Respondent states in the Stipulation For Consent Order that he withdraws his answer, filed by him on March 28, 1955, and for all legal purposes said answer will hereafter be regarded as withdrawn. Respondent expressly waives a hearing before a 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 and oral argument before the Commission; and all further and other procedure before the hearing examiner or the Commission to which Respondent may be entitled under the Federal Trade Commission Act or the Rules of Practice of the Commission. Respondent agrees that the order contained in the stipulation shall have the same force and effect as if made after a full hearing, presentation of evidence, and findings and conclusions thereon. Respondent specifically waives any and all right, power, or privilege to challenge or contest the validity of such order.

It is also agreed that said Stipulation For Consent Order together with the complaint, shall constitute the entire record in this proceeding, upon which the initial decision shall be based. The stipulation sets forth that the complaint herein may be used in construing the terms of the aforesaid order, which may be altered, modified, or set aside in the manner provided by statute for orders of the Commission.

The stipulation further provides that the signing of the Stipulation For Consent Order is for settlement purposes only, and does not constitute either an admission or a denial by Respondent of any violation of law alleged in the complaint.

In view of the facts outlined above, and the further fact that the order embodied in the aforesaid stipulation is identical with the order accompanying the complaint herein, it appears that such order will safeguard the public interest to the same extent as could be accomplished by the issuance of an order after full hearing and all other adjudicative procedure waived in said stipulation. Accordingly, in consonance with the terms of the aforesaid stipulation, the hearing examiner accepts the Stipulation For Consent Order submitted herein; finds that this proceeding is in the public interest; and issues the following order:

It is ordered, That respondent, T. F. Denman, an individual trading as The Fur Doctor or under any other trade name, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the 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 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 fur products by:

1. Falsely or deceptively labeling or otherwise identifying any such product as to the name or names of the animal or animals that produced the fur from which such product was manufactured.

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.

3. Setting forth, on labels attached to fur products, the name or names of any animal or animals other than the name or names provided for in Paragraph A (2) (a) above.

4. Setting forth on labels attached to fur products:

(a) Required information in abbreviated form or in handwriting;

(b) Non-required information mingled with required information.

5. Failing to show on labels attached to fur products made in whole or in part of imported fur the term "Fur Origin" preceding the country of origin on said labels, as required by Rule 12 (e) of the aforesaid rules and regulations.

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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 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 and address of the person issuing such invoice;

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

2. Setting forth required information in abbreviated form.

C. Falsely or deceptively advertising fur products, through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

1. Fails to disclose:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur products as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) The country of origin of imported furs, as required by the Fur Products Labeling Act or in the manner and form permitted by Rule 38 (b) of the rules and regulations promulgated thereunder.

2. Contains the name or names of any animal or animals other than the name or names provided for in Paragraph 5 (a) (1) of the Fur Products Labeling Act.

DECISION OF THE COMMISSION AND ORDER TO FILE REPORT OF COMPLIANCE

Pursuant to Section 3.21 of the Commission's Rules of Practice, the initial decision of the hearing examiner shall, on the 8th day of September, 1955, become the decision of the Commission; and, accordingly:

It is ordered, That respondent T. F. Denman, an individual, trading as The Fur Doctor, shall, within sixty (60) 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 to cease and desist.

Complaint

IN THE MATTER OF
CHESTER A. PAGE DOING BUSINESS AS BROWNSVILLE
WOOLEN MILLS ET AL.

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

Docket 6360. Complaint, June 6, 1955—Decision, Sept. 8, 1955

Consent order requiring operators of a woolen mill at Brownsville, Ore., to cease violating the Wool Products Labeling Act by falsely labeling certain blankets as to their constituent fibers and by otherwise failing to conform to labeling requirements of the Act.

Before *Mr. Everett F. Haycraft*, hearing examiner.
Mr. R. D. Young, Jr. for the Commission.

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 Chester A. Page, individually, trading and doing business as Brownsville Woolen Mills, and Chester E. Page, individually, hereinafter referred to as respondents, have violated the provisions of said Acts, 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, Chester A. Page, is an individual trading and doing business under the name of Brownsville Woolen Mills. Respondent Chester E. Page is superintendent of the mill operated by Chester A. Page as Brownsville Woolen Mills and is responsible for the tagging and labeling of wool products manufactured at said mill as to the fiber content thereof. Said respondents have their offices and principal place of business at Brownsville, Oregon.

PAR. 2. Subsequent to the effective date of the Wool Products Labeling Act of 1939, and more especially since January 1951, respondent Chester A. Page, doing business as Brownsville Woolen Mills, has manufactured for introduction into commerce, introduced into commerce, sold, transported, distributed, delivered for shipment and offered for sale in commerce, as "commerce" is defined in said Act, wool products, as "wool products" are defined therein.