

IN THE MATTER OF
GLOVE CITY CHAMOIS COMPANY, INC., ET AL.

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

Docket 6508. Complaint, Feb. 14, 1956—Decision, Aug. 2, 1956

Consent order requiring distributors in Gloversville, N.Y., to cease representing falsely by labeling and use of the word "Chamois" in their corporate name and on letterheads, circulars, etc., that their "Deerskin Chamois" was a type of chamois, oil tanned, superior to genuine chamois, and was approved and endorsed by the New York State Weights and Measures and the Federal Trade Commission.

Mr. Charles S. Cox for the Commission.

INITIAL DECISION BY ABNER E. LIPSCOMB, HEARING EXAMINER

On February 14, 1956, the Federal Trade Commission issued its complaint in this proceeding, charging the Respondents with unfair and deceptive acts and practices and unfair methods of competition in commerce by misrepresenting some of their leather products as genuine chamois, in violation of the Federal Trade Commission Act.

On June 11, 1956, Respondents and counsel supporting the complaint entered into an Agreement Containing Consent Order To Cease And Desist, which was approved by the Director and Assistant Director of the Commission's Bureau of Litigation, and thereafter submitted to the Hearing Examiner for consideration.

Respondent Glove City Chamois Company, Inc. is identified in the agreement as a New York corporation, with its office and principal place of business located at 118 S. Main Street, Gloversville, New York, and Respondents Catherine Hauser and Benjamin Kaplan, respectively, are identified as the president and treasurer, and as the general manager, thereof, having their office at the same place as the corporate Respondent, the acts, practices and policies of which they formulate, direct and control.

Respondents admit all the jurisdictional facts alleged in the complaint and agree that the record may be taken as if findings of jurisdictional fact had been duly made in accordance with such allegations.

Respondents, in the agreement, waive any further procedure before the Hearing Examiner and the Commission; the making of findings of fact or conclusions of law; and all the rights they may have to challenge or contest the validity of the order to cease and

desist entered in accordance therewith. All parties agree that the record on which the initial decision and the decision of the Commission shall be based shall consist solely of the complaint and the agreement; that the order to cease and desist as contained in the agreement shall have the same force and effect as if entered after a full hearing, and may be altered, modified or set aside in the manner provided for other orders; and that the complaint herein may be used in construing the terms of said order.

After consideration of the charges set forth in the complaint, and the provisions of the agreement and the proposed order, the Hearing Examiner is of the opinion that such order will safeguard the public interest to the same extent as could be accomplished by an order issued after full hearing and all other adjudicative procedure waived in said agreement. Accordingly, in consonance with the terms of the aforesaid agreement, the Hearing Examiner accepts the Agreement Containing Consent Order To Cease And Desist; finds that the Commission has jurisdiction over the Respondents and over their acts and practices as alleged in the complaint; and finds that this proceeding is in the public interest. Therefore,

It is ordered, That Respondent Glove City Chamois Company, Inc., a corporation, and its officers, and Respondents Catherine Hauser, individually and as an officer of said corporation, and Benjamin Kaplan, individually and as general manager of said corporation, and said Respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with offering for sale, sale or distribution of leather products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Branding or labeling such products as "Chamois" or "Chamois Type," or in any other manner representing that such products are "Chamois" or "Chamois Type" or are made from "Chamois" unless such products are made

- (a) from the skin of the Alpine Antelope, commonly known and referred to as Chamois, or

- (b) from the fleshers or undersplits of sheep skin which have been tanned in oil after splitting;

2. Using the name "Chamois" in any corporate or trade name in connection with the sale and distribution of leather products unless and until such leather products are composed and made of "Chamois" as set forth in Paragraph 1 hereof;

3. Representing, directly or indirectly, that their products are superior to Chamois;

Decision

53 F.T.C.

4. Representing, directly or indirectly, that their products are oil tanned;

5. Representing, directly or indirectly, that any of their products are approved or endorsed by the Federal Trade Commission or the New York State Weights & Measures;

6. Representing, directly or indirectly, that any of their products are approved or endorsed by any governmental agency, when such is not the fact.

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 2nd day of August, 1956, become the decision of the Commission; and, accordingly:

It is ordered, That respondents Glove City Chamois Company, Inc., a corporation, and Catherine Hauser, individually and as an officer of said corporation, and Benjamin Kaplan, individually and as general manager of said corporation, 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.

Decision

IN THE MATTER OF
N. L. KAPLAN, INC., ET AL.

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

Docket 6530. Complaint, Mar. 21, 1956—Decision, Aug. 2, 1956

Consent order requiring furriers in Buffalo, N.Y., to cease violating the Fur Products Labeling Act through failing to comply with the labeling requirements; invoicing products falsely; and by advertising which failed to show the names of animals which produced certain fur and represented prices as reduced and the products as of greater value than the sale price without maintaining adequate records as basis for such claims.

Mr. Terral A. Jordan for the Commission.

Saperston, McNaughtan & Saperston, of Buffalo, N.Y., for respondents.

INITIAL DECISION BY JOHN LEWIS, HEARING EXAMINER

The Federal Trade Commission issued its complaint against the above-named respondents on March 21, 1956, charging them with having violated the Fur Products Labeling Act and the rules and regulations issued thereunder, and the Federal Trade Commission Act. After being served with said complaint, respondents appeared by counsel and entered into an agreement, dated May 16, 1956, containing a consent order to cease and desist, purporting to dispose of all of this proceeding as to all parties without hearing. Said agreement for consent order, which has been signed by counsel supporting the complaint, by counsel for respondents and by all respondents except Nathan L. Kaplan, and approved by the Director and Assistant Director of the Bureau of Litigation, has been submitted to the above-named hearing examiner for his consideration, in accordance with Section 3.25 of the Commission's Rules of Practice and Procedure.

The agreement for consent order recites that the individual respondent Nathan L. Kaplan is now deceased and is not included in the term "respondents" as used in said agreement. Submitted with said agreement is a photostatic copy of certificate of death of the New York State Department of Health, attesting to the decease of said individual. Respondents, pursuant to the aforesaid agreement, have admitted all the jurisdictional allegations of the complaint and agreed that the record may be taken as if findings of jurisdictional facts had been duly made in accordance with such