

IN THE MATTER OF
ISRAEL RETTINGER ET AL. DOING BUSINESS AS
RETTINGER RAINCOAT MFG. CO.

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

Docket 6534. Complaint, Mar. 22, 1956—Decision, Aug. 17, 1956

Consent order requiring manufacturers of rainwear in New York City to cease labeling their products with the word "Goodyear," thereby furnishing jobbers and retailers with means for misleading the public as to the identity of the manufacturer.

Mr. Terral A. Jordan for the Commission.

Bader & Belson, of New York City, for respondents.

INITIAL DECISION BY ROBERT L. PIPER, HEARING EXAMINER

The Federal Trade Commission issued its complaint against the above-named respondents on March 22, 1956, charging them with having violated the Federal Trade Commission Act by making false and misleading representations concerning the source of their rainwear products. In lieu of submitting answer to the complaint, respondents appeared by counsel and entered into an agreement, dated May 31, 1956, containing a consent order to cease and desist, disposing of all the issues in this proceeding without hearing, which agreement has been duly approved by the Director of the Bureau of Litigation. Said agreement has been submitted to the undersigned, heretofore duly designated to act as hearing examiner herein, for his consideration in accordance with Section 3.25 of the Rules of Practice of the Commission.

Respondents, pursuant to the aforesaid agreement, have admitted all of 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 allegations. Said agreement further provides that respondents waive all further procedural steps before the hearing examiner or the Commission, including the making of findings of fact or conclusions of law and the right to challenge or contest the validity of the order to cease and desist entered in accordance with such agreement. It has also been agreed that the record herein shall consist solely of the complaint and said agreement, that the agreement shall not become a part of the official record unless and until it becomes a part of the decision of the Commission, that said agreement is for settlement

132

Order

purposes only and does not constitute an admission by respondents that they have violated the law as alleged in the complaint, that said order to cease and desist 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 may be used in construing the terms of the order.

This proceeding having now come on for final consideration on the complaint and the aforesaid agreement containing the consent order, and it appearing that the order and agreement cover all of the allegations of the complaint and provide for appropriate disposition of this proceeding, the same are hereby accepted and ordered filed upon becoming part of the Commission's decision pursuant to Sections 3.21 and 3.25 of the Rules of Practice, and the hearing examiner accordingly makes the following findings, for jurisdictional purposes, and order:

1. Respondents Israel Rettinger and David Rettinger are individuals trading and doing business as a copartnership under the name of Rettinger Raincoat Mfg. Co., with their office and principal place of business located at 630 Broadway, in the City of New York, State of New York.

2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondents hereinabove named. The complaint states a cause of action against said respondents under the Federal Trade Commission Act, and this proceeding is in the interest of the public.

ORDER

It is ordered, That respondents Israel Rettinger and David Rettinger, as individuals or as copartners trading and doing business as Rettinger Raincoat Mfg. Co., or under any other trade name, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of rainwear, including rubber raincoats and rainsuits, and other similar kinds of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the name "Goodyear" unless in immediate connection therewith the name of the person, firm or corporation manufacturing such merchandise and the fact that such person, firm or corporation is the manufacturer thereof, is clearly and conspicuously revealed.

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 17th day

Decision

53 F.T.C.

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

It is ordered, That respondents Israel Rettinger and David Rettinger, individually and as copartners, doing business as Rettinger Raincoat Mfg. Co., 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.

Commissioner Anderson not participating.

Decision

IN THE MATTER OF
CLEMMIE L. CARMICHAEL TRADING AS
DEX PHARMACAL COMPANY ET AL.

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

Docket 6549. Complaint, May 8, 1956—Decision, Aug. 18, 1956

Consent order requiring distributors in Birmingham, Ala., of a drug preparation designated as "K & K", to cease representing in advertising, mainly by radio, that said "K & K" would cure colds and prevent pneumonia and was an effective treatment for various nose and throat ailments and their symptoms, among other things, when its only therapeutic value was in providing temporary relief of coughs due to colds and minor throat irritations.

Mr. R. P. Bellinger for the Commission.

Rogers, Howard & Redden, of Birmingham, Ala., for respondents.

INITIAL DECISION BY ROBERT L. PIPER, HEARING EXAMINER

The Federal Trade Commission issued its complaint against the above-named respondents on May 8, 1956, charging them with having violated the Federal Trade Commission Act by making false and misleading representations concerning the therapeutic value of their drug products. In lieu of submitting answer to the complaint, respondents appeared by counsel and entered into an agreement, dated June 21, 1956, containing a consent order to cease and desist, disposing of all the issues in this proceeding without hearing, which agreement has been duly approved by the Director of the Bureau of Litigation. Said agreement has been submitted to the undersigned, heretofore duly designated to act as hearing examiner herein, for his consideration in accordance with Section 3.25 of the Rules of Practice of the Commission.

Respondents, pursuant to the aforesaid agreement, have admitted all of 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 allegations. Said agreement further provides that respondents waive all further procedural steps before the hearing examiner or the Commission, including the making of findings of fact or conclusions of law and the right to challenge or contest the validity of the order to cease and desist entered in accordance with such agreement. It has also been agreed that the record herein shall consist solely of the complaint and said agreement, that the agreement shall not become a part of the official