

Decision

IN THE MATTER OF
OTIS ELEVATOR COMPANY ET AL.

ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF SEC. 2(a)
OF THE CLAYTON ACT

Docket 6350. Complaint, May 16, 1955—Decision, Sept. 7, 1956

Order dismissing, for lack of proof of the effect on competition required by the statute, complaint charging manufacturers of industrial trucks, with main factory in Cleveland, Ohio, with discriminating in price by means of quantity discounts and rebates, both non-cumulative and cumulative, in violation of Sec. 2(a) of the Clayton Act.

Mr. William H. Smith for the Commission.

Mr. Fayette S. Dunn, of New York City, for respondents.

INITIAL DECISION DISMISSING COMPLAINT BY FRANK HIER,
HEARING EXAMINER

Counsel in support of the complaint in this proceeding, having moved, before any evidence taken, to dismiss the complaint without prejudice, on the ground that he is unable to prove the effect on competition prescribed by the statute under which the complaint is brought, and nothing to the contrary appearing, and counsel for respondent obviously having no objection, said motion is granted, and, accordingly,

It is ordered, That the complaint herein be, and the same hereby is, dismissed without prejudice.

DECISION OF THE COMMISSION

Pursuant to Section 3.21 of the Commission's Rules of Practice, the initial decision of the hearing examiner shall, on the 7th day of September, 1956, become the decision of the Commission.

Commissioners Gwynne and Mason not participating.

IN THE MATTER OF
STONE & STONE, INC., ET AL.

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

Docket 6538. Complaint, Mar. 23, 1956—Decision, Sept. 7, 1956

Consent order requiring a New York City furrier to cease violating the Fur Products Labeling Act by failing to disclose on labels the fact that a fur product was dyed, failing to label fur products as required, and invoicing certain fur falsely as natural when it was artificially colored.

Mr. John T. Walker for the Commission.

Mr. Alexander Slater, of New York City, for respondents.

INITIAL DECISION BY ABNER E. LIPSCOMB, HEARING EXAMINER

The complaint herein was issued on March 23, 1956, alleging that the Respondents are, and subsequent to August 9, 1952, the effective date of the Fur Products Labeling Act, have been using unfair and deceptive acts and practices in commerce by misbranding and falsely and deceptively invoicing certain of their fur products, in violation of the Fur Products Labeling Act, the Rules and Regulations promulgated thereunder, and the Federal Trade Commission Act.

On July 11, 1956, Respondents, their counsel 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 Stone & Stone, Inc. is identified in the agreement as a New York corporation, with its office and principal place of business located at 333 Seventh Avenue, New York, New York, and Respondents Max Stone and Jerome Magnus, respectively, are identified as the President and Treasurer, and as the Production Manager, thereof, having their office at the same place as the corporate Respondent, whose acts, policies and practices they, acting in cooperation with each other, 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 facts 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