

Decision

IN THE MATTER OF

HENRY R. DURYEE ET AL. DOING BUSINESS AS
NATIONAL INFORMATION SERVICE

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

Docket 6566. Complaint, June 12, 1956—Decision, Oct. 16, 1956

Consent order requiring four individuals engaged in Arlington, Virginia, in securing and selling to their retailer customers information as to the current addresses, employers, etc., of delinquent debtors, to cease representing by use of their trade name and a Washington mailing address that their letters requesting information were sent by an agency of the U.S. Government; and through statements in letters sent to delinquent debtors that the information requested in accompanying questionnaires would be to the advantage of the person addressed and that a check for money would be sent to him upon completion of the questionnaire.

Mr. Michael J. Vitale for the Commission.

Respondents appearing for themselves.

INITIAL DECISION BY JOSEPH CALLAWAY, HEARING EXAMINER

This proceeding was initiated June 12, 1956. The complaint charges the above named respondents with having violated the Federal Trade Commission Act by using unfair and deceptive acts and practices, in commerce, in connection with the business of obtaining information concerning delinquent debtors. In lieu of submitting answer to the complaint, after service, respondents entered into an agreement, dated August 23, 1956, containing a consent order to cease and desist which disposes of all the issues in this proceeding as to all parties and which agreement has been approved by the Assistant Director and the Director of the Bureau of Litigation. The agreement has been submitted to the undersigned, heretofore duly designated as hearing examiner herein, for his consideration in accordance with Section 3.25 of the Rules of Practice of the Commission.

By said agreement respondents have admitted all the jurisdictional facts alleged in 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 and 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

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with the agreement. Said agreement also provides that the record herein shall consist solely of the complaint and the 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 purposes only and does not constitute an admission by respondents that they have violated the law as alleged in the complaint, that the order to cease and desist entered in accordance with 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 may be used in construing the terms of the order.

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

1. Respondents Henry R. Duryee, Mildred Duryee, Milton Hoffman and Fay Hoffman are individuals trading and doing business as copartners under the name of National Information Service with their office and principal place of business located at 2025 North Moore Street, Arlington, Virginia.

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

ORDER

It is ordered, That respondents, Henry R. Duryee, Mildred Duryee, Milton Hoffman and Fay Hoffman, copartners, trading and doing business under the name of National Information Service, or under any other name, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the business of obtaining information concerning delinquent debtors, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using or placing in the hands of others for use, any form, questionnaire or other material, printed or written, which represents, directly or by implication, that the purpose for which the

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information is requested is other than that of obtaining information concerning delinquent debtors.

2. Representing, or placing in the hands of others any means of representing, directly or by implication, that any sum of money will be sent in the form of a check or otherwise to the person from whom information is requested, unless the amount is clearly stated.

3. Using the name "National Information Service" or any other word or phrase of similar import or otherwise representing, directly or by implication, that requests for information concerning delinquent debtors are from the United States Government or any agency or branch thereof, or that their business is in any way connected with the United States Government.

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 16th day of October, 1956, become the decision of the Commission; and, accordingly:

It is ordered, That the respondents herein 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.

IN THE MATTER OF
STERGIOS NIKIDES AND JOHN LAKIS TRADING AS
NIKIDES & LAKIS

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

Docket 6535. Complaint, Mar. 22, 1956—Decision, Oct. 23, 1956

Consent order requiring furriers in New York City, to cease violating the Fur Products Labeling Act by failing to show on invoices when their fur products contained bleached or artificially colored fur.

Mr. John T. Walker for the Commission.

Mr. Stergios Nikides and *Mr. John Lakis*, of New York City, for respondents.

INITIAL DECISION BY ABNER E. LIPSCOMB, HEARING EXAMINER

The complaint herein was issued on March 22, 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 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 June 27, 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 the Assistant Director of the Commission's Bureau of Litigation, and thereafter submitted to the Hearing Examiner for consideration.

Respondents Stergios Nikides and John Lakis are identified in the agreement as individuals and copartners trading as Nikides & Lakis, with their office and principal place of business presently located at 333 Seventh Avenue, New York, New York.

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 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 Com-