

Decision

IN THE MATTER OF
BECKERMAN FUR CORPORATION, ET AL.

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

Docket 6574. Complaint, June 22, 1956—Decision, Nov. 6, 1956

Consent order requiring a New York furrier to cease violating the Fur Products Labeling Act by falsely labeling and invoicing fur products with respect to the name of the animal producing the fur, using fictitious and non-existent animal names, and otherwise failing to conform to statutory requirements.

Mr. John T. Walker for the Commission.

Respondents appearing for themselves.

INITIAL DECISION BY JOSEPH CALLAWAY, HEARING EXAMINER

The Federal Trade Commission issued its complaint against the above-named respondents on June 22, 1956 charging them with violation of the Federal Trade Commission Act, and the Fur Products Labeling Act and the Rules and Regulations promulgated under the last mentioned act as set forth in said complaint. After being served with the complaint, respondents on September 7, 1956, entered into an agreement for a consent order to cease and desist from the practices complained of, which agreement disposes of all the issues in this proceeding without hearing. The agreement has been duly approved by the Assistant Director and the Director of the Bureau of Litigation and has been submitted to the undersigned heretofore designated to act as hearing examiner herein, for his consideration in accordance with Rule 3.25 of the Rules of Practice of the Commission.

Respondents Beckerman Fur Corporation, a corporation and Abraham Beckerman individually and as president of the said corporation, in the aforesaid agreement have admitted all the jurisdictional allegations of the complaint and have agreed that the record may be taken as if findings of the jurisdictional facts had been duly made in accordance with such allegations. Said agreement provides further 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 the agreement. It has also been agreed that the record herein shall consist solely of the complaint and said

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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 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 of the Commission 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 agreement and order cover all the allegations of the complaint and provide for appropriate disposition of this proceeding, the order and agreement 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. Respondent Beckerman Fur Corporation is a corporation having its office and principal place of business at 115 West 30th Street in the City of New York, State of New York. Respondent Abraham Beckerman is an individual and president of the corporate respondent and formulates and controls the policies, acts, and practices of the corporate respondent.

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 under the Fur Products Labeling Act and the Rules and Regulations promulgated under the last mentioned Act. This proceeding is in the public interest.

ORDER

It is ordered, That respondent, Beckerman Fur Corporation, a corporation, and its officers, and respondent Abraham Beckerman, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, manufacture for introduction, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of fur products, or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation, or distribution of fur products which have been made in whole or in part of furs which have been shipped and received in commerce, as "commerce," "fur"

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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 falsely 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 the fact.

c. That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact.

d. That the fur product is composed in whole or in substantial part of paws, tails, bellies or waste fur, when such is the 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.

g. The item number of such fur product.

3. Setting forth on labels attached to fur products:

a. Non-required information mingled with required information.

b. Required information in handwriting.

c. Required information in abbreviated form.

d. A fictitious or non-existent animal name.

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 products as set forth in the Fur Products Name Guide and as prescribed by the Rules and Regulations.

b. That the fur product contains or is composed of used fur, when such is the fact.

c. That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact.

d. That the fur product is composed in whole or in substantial part of paws, tails, bellies or waste fur, when such is the 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 the fur product.
- g. The item number of such fur product.
- 2. Setting forth on invoices of fur products:
 - a. Required information in abbreviated form.
 - b. A fictitious or non-existent animal name.
- C. Falsely and deceptively invoicing fur products as to the name or names of the animal or animals that produced the fur from which such product was manufactured.

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 6th day of November, 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.

Decision

IN THE MATTER OF
STEIN BROTHERS FUR COMPANY, INC., ET AL.

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

Docket 6586. Complaint, July 9, 1956—Decision, Nov. 6, 1956

Consent order requiring a Wichita, Kans., furrier to cease violating the Fur Products Labeling Act by false and deceptive labeling, invoicing and advertising which, variously, used names of other animals than those producing a particular fur, failed to disclose that certain products were composed of flanks or of second-hand used fur, and failed in other respects to conform to statutory requirements; and through failing to maintain adequate records upon which their claims of price reductions and comparative pricing were based.

Mr. John T. Walker and Mr. S. F. House for the Commission.
Mr. J. D. Fair, of Wichita, Kans., for respondents.

INITIAL DECISION BY WILLIAM L. PACK, HEARING EXAMINER

The complaint in this matter charges the respondents with certain violations of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder, and the Federal Trade Commission Act. An agreement has now been entered into by respondents and counsel supporting the complaint which provides, among other things, that respondents admit all of the jurisdictional allegations in the complaint; that the record on which the initial decision and the decision of the Commission shall be based shall consist solely of the complaint and agreement; that the inclusion of findings of fact and conclusions of law in the decision disposing of this matter is waived, together with any further procedural steps before the hearing examiner and the Commission; that the order hereinafter set forth may be entered in disposition of the proceeding, such order to have the same force and effect as if entered after a full hearing, respondents specifically waiving any and all rights to challenge or contest the validity of such order; that the order may be altered, modified, or set aside in the manner provided for other orders of the Commission; and that the 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.

The hearing examiner having considered the agreement and proposed order and being of the opinion that they provide an adequate basis for an appropriate disposition of the proceeding, the agreement