

IN THE MATTER OF
ROSLYN FURS, INC., ET AL.

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

Docket 6562. Complaint, June 7, 1956—Decision, Nov. 22, 1956

Consent order requiring a furrier in Toledo, Ohio, to cease violating the Fur Products Labeling Act, by false advertising, false invoicing, and misbranding of fur products, including failure to disclose the names of animals producing certain furs or naming other animals, false representations that fur products were being offered for sale from the stock of a business in liquidation, removal or mutilation of required labels, failure to maintain full records on which comparative prices and percentage claims were based, and failure to conform otherwise to the requirements of the Act.

Mr. R. D. Young, Jr. for the Commission.

Mr. Meyer Rosenberg, President of the corporate respondent, of Toledo, Ohio, for respondents.

INITIAL DECISION BY ABNER E. LIPSCOMB, HEARING EXAMINER

The complaint herein was issued on June 7, 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 advertising certain of their fur products in newspapers and by other means; by removing or mutilating, or causing the removal or mutilation of, labels required to be affixed to such products; by misbranding and falsely and deceptively invoicing such products; and by failing to maintain full and adequate records disclosing the facts upon which comparative prices and percentage savings claims were purportedly based, in violation of the Fur Products Labeling Act, the Rules and Regulations promulgated thereunder, and the Federal Trade Commission Act.

On August 13, 1956, no answer to the complaint herein having been filed, Respondents and counsel supporting the complaint entered into an Agreement Containing Consent Order To Cease And Desist, which was approved by the Director of the Commission's Bureau of Litigation, and thereafter submitted to the Hearing Examiner for consideration.

Respondent Roslyn Furs, Inc. is identified in the agreement as an Ohio corporation, with its office and principal place of business located at 224 Erie Street, Toledo, Ohio, and Respondent Meyer

Rosenberg (erroneously named in the complaint as Mayer Rosenberg) is identified as president thereof.

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 name of the individual Respondent appearing in the complaint as Mayer Rosenberg is and should be Meyer Rosenberg; 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 allegations of the complaint and the provisions of the agreement and the proposed order, the Hearing Examiner is of the opinion that such order constitutes a satisfactory disposition of this proceeding. 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 Roslyn Furs, Inc., a corporation, and its officers, and Respondent Meyer Rosenberg, 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 into commerce, 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 sale, advertising, offering for sale, transportation, or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce." "fur" and "fur products" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Falsely or deceptively advertising fur products through the

Order

53 F.T.C.

use of any advertisement, representation, public announcement, or notice which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

1. Fails to disclose 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;

2. Contains the name or names of an animal or animals other than those producing the furs contained in the fur product;

3. Represents that said fur products are being offered for sale from stock of a business in state of liquidation, when such is not the fact;

B. Making use in advertisements of comparative prices and percentage savings claims unless there are maintained full and adequate records disclosing the facts upon which such prices and claims are based;

C. Misbranding fur products by:

1. Falsely or deceptively labeling or otherwise identifying any such product as to the name or names of the animal or animals that produce 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 a fact;

- (c) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur when such is a fact;

- (d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is a 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;

3. Setting forth on the labels attached to fur products, the name or names of any animal or animals other than the name or names provided for in paragraph C(2)(a) above;

4. 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. Removing, mutilating, or causing or participating in the removal or mutilation of, prior to the time said fur products are sold and delivered to the ultimate consumer, labels required by the Fur Products Labeling Act to be affixed to such fur products;

E. 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 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 a fact;

(c) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur when such is a fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur when such is a fact;

(e) The name and address of the person issuing such invoices;

(f) The name of the country of origin of any imported furs contained in the fur product;

2. Abbreviating required information on invoices;

3. Failing to set forth on invoices the item number of the fur product;

4. Setting forth on invoices the name or names of any animal or animals other than the name or names provided for in paragraph E(1)(a), above.

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 22nd day of November, 1956, become the decision of the Commission; and, accordingly:

It is ordered, That respondent, Roslyn Furs, Inc., a corporation, and its officers, and respondent Meyer Rosenberg, individually and as an officer 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.

IN THE MATTER OF
COMFORTE, INC., ET AL.

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

Docket 6547. Complaint, Apr. 30, 1956—Decision, Nov. 24, 1956

Consent order requiring a Chicago manufacturer to cease violating the Wool Products Labeling Act by labeling bed comforters which contained substantial amounts of other fibers than wool as "All new material consisting of Tanners Wool" and failing to label certain other comforters as required; and to cease violating the Federal Trade Commission Act by representing falsely on advertising inserts enclosed in the individual containers, that certain bed comforters were guaranteed moth proof for five years, carried the Good Housekeeping guarantee and "Seal of Approval," were filled with new and virgin wool and that exaggerated amounts were the usual retail prices. Excepted from the consent agreement was a charge of fictitious pricing.

Mr. William R. Kearney for the Commission.

Mr. Mandel L. Anixter, of Chicago, Ill., for respondents.

INITIAL DECISION AS TO CERTAIN ISSUES BY WILLIAM L. PACK,
HEARING EXAMINER

The complaint in this matter charges the respondents with certain violations of the Wool Products Labeling Act and the Rules and Regulations promulgated thereunder, and the Federal Trade Commission Act, in connection with the sale of bed comforters. An agreement with respect to some of the issues raised in the complaint has now been entered into by counsel supporting the complaint and all of the respondents, except Earl Chapman, which provides, among other things, that said 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 said issues 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 said issues, such order to have the same force and effect as if entered after a full hearing, said 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 set-