

Decision

IN THE MATTER OF
FIT-RITE WATCH CASE CORPORATION ET AL.

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

Docket 6604. Complaint, July 30, 1956—Decision, Dec. 27, 1956

Consent order requiring a New York City seller of watch cases to distributors and jobbers to cease stamping as "14 K" gold, watch cases manufactured from gold of 13½ karat fineness.

Mr. Donald K. King for the Commission.

Mr. Herbert S. Greenberg, of New York City, for respondents.

INITIAL DECISION BY JOSEPH CALLAWAY, HEARING EXAMINER

The Federal Trade Commission issued its complaint against the above named respondents on July 30, 1956, charging them with violation of the Federal Trade Commission Act as set forth in said complaint. After issuance and service of the complaint, all respondents on October 24, 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. This agreement has been duly approved by the Assistant Director and 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 Fit-Rite Watch Case Corporation, a corporation, Alex Fenster, Harry Steingart (erroneously identified in the complaint and the caption hereof as Harry Steingardt) Murry Crown and Earl Freyeisen, individually, and as officers of said corporation in the aforesaid agreement have admitted all the jurisdictional facts alleged in 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 into in accordance with the 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

Order

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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 Fit-Rite Watch Case Corporation is a corporation existing and doing business under and by virtue of the laws of the State of New York with its office and principal place of business located at 141 Wooster Street, in the City of New York, State of New York.

2. The individual respondents, Alex Fenster, Harry Steingart, Murry Crown and Earl Freyeisen are officers of the corporate respondent and formulate, direct and control the policies, acts and practices of the corporate respondent. Their address is the same as that of the corporate respondent.

3. 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. This proceeding is in the public interest.

ORDER

It is ordered, That respondents, Fit-Rite Watch Case Corporation, a corporation, and its officers, and Alex Fenster, Harry Steingart, Murry Crown and Earl Freyeisen, individually and as officers of said corporation, and their agents, representatives and employees, directly or through any corporate or other device in connection with the offering for sale, sale, or distribution of any articles composed in whole or in part of gold or an alloy of gold in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Stamping, branding, engraving, or marking any article with any phrase or mark such as 14 K, or otherwise representing directly or by implication that the whole or a part of any article is composed of gold or an alloy of gold of a designated fineness, unless the article or part thereof so marked or represented is composed of gold of the designated fineness within the permissible tolerances established by the National Stamping Act (15 U.S. Code, Sections 294, et seq.).

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 27th day of December, 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
KENNETH R. OGLE ET AL. TRADING AS
APPROVED PHOTOGRAPHERS ASSOCIATION

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

Docket 6611. Complaint, Aug. 20, 1956—Decision, Dec. 27, 1956

Consent order requiring a Cincinnati, Ohio, firm, engaged in the sale of photograph albums and certificates for photographs to be taken at independent affiliated studios, to cease representing falsely through statements of sales agents, that persons solicited were specially selected, that the albums were free, that prices at which photographs were offered were promotional and reduced, and that photographers would take the pictures at the homes of customers; to cease using the fictitious name "Second National Credit Bureau" in collection of delinquent accounts; and to cease representing by their trade name that their private business was an association of photographers.

Mr. Edward F. Downs for the Commission.

Pott & Brown by *Mr. John D. Brown*, of Cincinnati, Ohio, for Kenneth R. Ogle.

Mr. John A. Lloyd, Jr., of Cincinnati, Ohio, for Bruno G. Jaeger.

INITIAL DECISION BY FRANK HIER, HEARING EXAMINER

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission on August 20, 1956, issued and subsequently served its complaint in this proceeding against respondents Kenneth R. Ogle and Bruno G. Jaeger, individually and doing business as Approved Photographers Association, with their office and principal place of business located at 2801 Union Central Building, Cincinnati, Ohio. The respondents at all times mentioned in the complaint were doing business as a partnership which, on or about September 14, 1956, was dissolved, and respondent Bruno G. Jaeger severed all connections with Approved Photographers Association.

On November 2, 1956, there was submitted to the undersigned hearing examiner an agreement between respondents and counsel supporting the complaint providing for the entry of a consent order. By the terms of said agreement, 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. By such agreement, respondents waive any further procedural steps before the hearing