

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

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examiner and the Commission; waive the making of findings of fact and conclusions of law; and waive all of the rights they may have to challenge or contest the validity of the order to cease and desist entered in accordance with this agreement. Such agreement further provides that it disposes of all of this proceeding as to all parties; that the record on which this initial decision and the decision of the Commission shall be based shall consist solely of the complaint and this agreement; that the latter shall not become a part of the official record unless and until it becomes a part of the decision of the Commission; 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; and that the following order to cease and desist may be entered in this proceeding by the Commission without further notice to respondents, and, when so entered, it 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.

The hearing examiner having considered the agreement and proposed order, and being of the opinion that they provide an appropriate basis for settlement and disposition of this proceeding, the agreement is hereby accepted, the following jurisdictional findings made, and the following order issued.

1. Respondents Kenneth R. Ogle and Bruno G. Jaeger are individuals doing business as Approved Photographers Association, with their office and principal place of business located at 2801 Union Central Building, Cincinnati, Ohio.

2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondents, and the proceeding is in the public interest.

ORDER

It is ordered, That respondents Kenneth R. Ogle and Bruno G. Jaeger, individually and doing business as Approved Photographers Association, or doing business under any other name or names jointly or severally, their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of photograph albums or certificates for photographs, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing directly or by implication:
 - (a) That they sell only to selected persons;

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- (b) That their albums are given free or without cost;
- (c) That their albums are worth or of a certain value, which is in excess of the prices at which they are regularly and customarily sold in the normal course of business;
- (d) That the prices at which they regularly or customarily sell their products are reduced or promotional prices; and
- (e) That photographs will be taken in purchasers' homes without additional charge.

2. Collecting or attempting to collect their delinquent accounts by what is represented, directly or by implication, to be an independent collection agency when such agency is in fact operated by respondents.

3. Using the name "Approved Photographers Association," or any other name of similar import, to designate, describe, or refer to respondents' business, or otherwise representing that their business is an association of photographers.

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
ANGLO FABRICS COMPANY, INC., ET AL.

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

Docket 6603. Complaint, July 30, 1956—Decision, Jan. 1, 1957

Consent order requiring a manufacturer, with mill at Webster, Mass., and offices in New York City, to cease violating the Wool Products Labeling Act through labeling fabrics containing little or no Guanaco as "54% Guanaco, 6% Rabbit Hair, 40% Wool," through failing to stamp or label certain other wool products as required, and through furnishing false guarantees that certain wool products were not misbranded; and to cease violating the Federal Trade Commission Act by aforesaid practices, by misrepresenting the fiber content of wool products in sales invoices, shipping memoranda, correspondence and orally, and by furnishing labels bearing such misrepresentations to customers to be attached to garments manufactured from their products.

Mr. John T. Walker for the Commission.

Otterbourg, Steindler, Houston & Rosen, 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 and the Wool Products Labeling Act of 1939 and the Rules and Regulations promulgated under the last mentioned act as set forth in said complaint. After the issuance and service of the complaint, all of the respondents, on October 19, 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 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 Anglo Fabrics Company, Inc., a corporation, Leo Honig and John H. Honig 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 agree-