

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-

ment 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 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 Anglo Fabrics Company, Inc., 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 1407 Broadway in the City of New York, State of New York.

2. The individual respondent Leo Honig is the president and treasurer of the corporate respondent and his address is the same as that of the corporate respondent. The individual respondent John H. Honig is the second vice-president of the corporate respondent and the manager of its mill located at Webster, Massachusetts, which is his address.

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 and under the Wool Products Labeling Act of 1939 and the Rules and Regulations promulgated under the last mentioned Act. This proceeding is in the public interest.

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Order

ORDER

It is ordered, That the respondent, Anglo Fabrics Company, Inc., a corporation; its officers; the respondents, Leo Honig and John H. Honig, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce (as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act) of piece goods or other "wool products" (as "wool products" are defined in the Wool Products Labeling Act), do forthwith cease and desist from:

A. Misbranding such products by:

1. Attaching or using stamps, tags, labels, or other means of identification which represent that such products contain a certain percentage of hair or fiber which is contrary to fact;

2. Otherwise falsely or deceptively stamping, tagging, labeling, or identifying such products as to the character or amount of their constituent fibers;

3. Failing to affix securely on each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner;

(a) The percentage of the total fiber weight of such wool product (exclusive of ornamentation not exceeding five percentum of the total fiber weight) of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where the percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of such wool product, of any nonfibrous loading, filling, or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution, or delivery for shipment of such wool product in commerce (as "commerce" is defined in the Wool Products Labeling Act of 1939).

B. Furnishing false guaranties that piece goods, or other wool products (as "wool products" are defined in the Wool Products Labeling Act) are not misbranded under the provisions of the Wool Products Labeling Act, when there is reason to believe that the wool products so guaranteed may be introduced, sold, transported, or distributed in commerce.

Provided, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by Paragraphs (a) and (b) of Section 3 of the Wool Products Labeling Act of 1939; and

Provided further, That nothing contained in this order shall be construed as limiting any applicable provisions of said Act or the Rules and Regulations promulgated thereunder.

It is further ordered, That the respondent, Anglo Fabrics Company, Inc., a corporation; its officers; the respondents Leo Honig and John H. Honig, individually and as officers of said corporation; and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce (as "commerce" is defined in the Federal Trade Commission Act) of piece goods, or other wool products, do forthwith cease and desist from:

A. Misrepresenting by statements or representations, orally or in writing in contracts, orders, confirmations, correspondence, or other documents or by any other means the character or amount of the constituent fibers contained in such products.

B. Furnishing to or placing in the hands of others stamps, tags, or labels by means of which the respondents' products, or garments made from them, may be falsely or deceptively stamped, tagged, labeled, or otherwise identified, either as to character or amount of their constituent fibers or in any other respect.

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 1st day of January, 1957, 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
SIDNEY RINGLER FUR CO., INC., ET AL.

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

Docket 6536. Complaint, Mar. 22, 1956—Decision, Jan. 5, 1957

Consent order requiring a furrier in New York City to cease misbranding and false invoicing in violation of the Fur Products Labeling Act through failing to disclose on labels that certain fur products were dyed and failing in other respects to label fur products as required, and through invoicing which did not conform to requirements of the Act or which showed artificially colored fur in certain products as natural.

Mr. John T. Walker for the Commission.

Mr. Jack Flamhaft, 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 misbranding and 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 25, 1956, Respondents filed an answer to the complaint herein, and thereafter, on November 8, 1956, Respondents, their counsel, and counsel supporting the complaint entered into an Agreement Containing Consent Order To Cease And Desist, which was approved by the Director and Assistant Director of the Commission's Bureau of Litigation, and thereafter submitted to the Hearing Examiner for consideration.

Respondent Sidney Ringler Fur Co., Inc. is identified in the agreement as a New York corporation, with its office and principal place of business located at 150 West 30th Street, New York, New York. Individual Respondents Sidney Ringler, Samuel Ringler and Morris Hudes, respectively, are identified as President, Secretary, and Treasurer thereof, having their office at the same address as the corporate Respondent, and acting in cooperation with each other to formulate, direct and control the acts, policies and practices thereof.

Respondents admit all the jurisdictional facts alleged in the complaint and agree that the record may be taken as if findings of