

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

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 Respondents' answer to the complaint shall be considered as having been withdrawn and 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 Respondents Sidney Ringler Fur Co., Inc., a corporation, and its officers; and Sidney Ringler, Samuel Ringler, and Morris Hudes, individually and as officers of said corporation; and their 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 any fur product, or in connection with the sale, advertising, offering for sale, transportation, or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by failing to affix labels to such 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;

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(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;

B. Falsely or deceptively invoicing fur products by 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 invoice;

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

C. Falsely and deceptively invoicing fur products as being made of "natural" furs when they are in fact bleached, dyed, or otherwise artificially colored.

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 5th day of January, 1957, become the decision of the Commission; and, accordingly:

It is ordered, That respondents Sidney Ringler Fur Co., Inc., a corporation, and Sidney Ringler, Samuel Ringler, and Morris Hudes, individually and as officers 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
SCHLOSSMANS INC., ET AL.

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

Docket 6576. Complaint, June 22, 1956—Decision, Jan. 5, 1957

Consent order requiring an operator of department stores in New York City to cease representing falsely in bait advertising in newspapers that they were making bona fide offers to sell certain furniture and upholstery at greatly reduced prices, and to cease misrepresenting in such advertising the customary retail price of certain furniture and the foam rubber and hair content of upholstery.

Mr. Terral A. Jordan for the Commission.

Mr. Manuel Maxwell, of New York City, for respondents.

INITIAL DECISION BY JOSEPH CALLAWAY, HEARING EXAMINER

This proceeding was initiated June 22, 1956 by the issuance of a Commission complaint, which charges the above named respondents with unfair methods of competition in commerce and unfair and deceptive acts and practices in commerce in connection with the business of offering for sale, selling and distributing household furniture, upholstering, slip covers, mattresses and other merchandise. After service of the complaint, and the filing of answer thereto respondents, on November 2, 1956, entered into an agreement containing a consent order to cease and desist which purports to dispose of all the issues in this proceeding as to all parties and which agreement has been approved by the Assistant Director and the Director of the Bureau of Litigation. This agreement has been submitted to the undersigned, heretofore duly designated as hearing examiner herein, for his consideration in accordance with Section 3.25 of the Rules of Practice of the Commission.

It is noted that said agreement provides that the name of the corporate respondent is correctly written as "Schlossmans Inc.," without a comma between "Schlossmans" and "Inc.," and that the correct spelling of the name of one of the respondents is Dorothy Pregoshen instead of Dorothy Pregashin as it is spelled in the complaint and caption to this proceeding.

By said agreement respondents have admitted all the jurisdictional facts alleged in the complaint and agreed that the record may be taken as if findings of jurisdictional facts had been duly made in accordance with such allegations. Said agreement further provides