

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

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

Docket 6572. Complaint, June 19, 1956—Decision, Feb. 21, 1957

Order dismissing complaint charging a New York City furrier with violating the Fur Products Labeling Act by setting out on invoices of fur products fictitious prices or values and by failing to comply in other respects with invoicing requirements.

Mr. S. F. House for the Commission.

Mr. Norman Lazarus, of New York City, for respondents.

ORDER DISMISSING COMPLAINT WITHOUT PREJUDICE

INITIAL DECISION BY JOHN LEWIS, HEARING EXAMINER

Pursuant to the provisions of the Federal Trade Commission Act, and the Fur Products Labeling Act, the Federal Trade Commission on June 19, 1956, issued and subsequently served its complaint in this proceeding upon the above-named respondents, charging them with having violated the Fur Products Labeling Act and the rules and regulations issued thereunder, and the Federal Trade Commission Act. Thereafter counsel supporting the complaint moved for a continuance of the proceedings for the reason that the individual respondent is now deceased and that counsel for respondents would file an affidavit that the corporate respondent will cease doing business. On August 22, 1956, the undersigned granted said motion and issued his order cancelling the then scheduled hearing.

By motion filed December 28, 1956, counsel supporting the complaint moved for a dismissal of the complaint by reason of the death of the individual respondent and the cessation of business by the corporate respondent. In verification of these facts counsel submitted with said motion, and as a part thereof, a photostatic copy of the death certificate of the individual respondent and affidavits of the widow of said respondent attesting to the facts that at the time of his death the individual respondent was the sole active officer of the corporate respondent, that said corporate respondent has ceased doing business and that the widow of said individual respondent has no intention of resuming business under the name of the corporate respondent.

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Decision

This proceeding having now come on for final consideration on the complaint and the motion for dismissal by counsel supporting the complaint, and the undersigned being of the opinion that, under the circumstances stated in said motion of counsel supporting the complaint, the public interest does not require any further proceedings in this matter at this time,

It is ordered, That the motion of counsel supporting the complaint to dismiss the complaint herein, be, and the same hereby is, granted, and

It is ordered, That the complaint herein, be, and the same hereby is, dismissed without prejudice.

DECISION OF THE COMMISSION

Pursuant to Section 3.21 of the Commission's Rules of Practice, the initial decision of the hearing examiner shall, on the 21st day of February, 1957, become the decision of the Commission.

IN THE MATTER OF
PHIL H. GREEN TRADING AS PHILLIP'S FURS

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

Docket 6649. Complaint, Oct. 11, 1956—Decision, Feb. 28, 1957

Consent order requiring a furrier in Dallas, Texas, to cease violating the Fur Products Labeling Act by removing and mutilating required labels, deceptively identifying names of animals or naming other animals than those producing the fur in certain products, failing to label products, failing to include on labels the information required by the Act, and by invoicing which failed to use the term "secondhand used fur" where applicable and which failed in other respects to comply with the law.

Mr. S. F. House for the Commission.

Mr. Phil H. Green, of Dallas, Tex., *pro se*.

INITIAL DECISION AND ORDER BY LOREN H. LAUGHLIN,
HEARING EXAMINER

The Federal Trade Commission (hereinafter referred to as the Commission) on October 11, 1956, issued its complaint herein under the Federal Trade Commission Act, and the Fur Products Labeling Act against the above-named respondent Phil H. Green, an individual trading as Phillip's Furs. The complaint charges respondent with having violated in certain particulars the provisions of said Acts and the Rules and Regulations promulgated under the Fur Products Labeling Act. The respondent was duly served with process. Respondent being in default of answer or other pleading, however, the hearing examiner on December 5, 1956, set a hearing to be held in Washington, D.C., on December 18, 1956, in order to determine the form of order to be issued. But upon being later advised that Commission's counsel and the respondent had, on December 10, 1956, entered into an agreement for a consent cease and desist order pursuant to § 3.25 of the Commission's Rules of Practice for Adjudicative Proceedings, which was in due course to be submitted to the examiner for his approval, said hearing so set for December 18, 1956, was cancelled.

On December 20, 1956, there was filed with the hearing examiner of the Commission an "Agreement Containing Consent Order to Cease and Desist," which had been entered into by and between the said respondent and S. F. House, counsel supporting the complaint, under date of December 10, 1956, and subject to the approval by