

IN THE MATTER OF
GLENSDER TEXTILE CORPORATION ET AL.

CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF THE
FEDERAL TRADE COMMISSION AND THE FLAMMABLE FABRICS ACTS

Docket 6690. Complaint, Dec. 13, 1956—Decision, May 15, 1957

Consent order requiring an importer in New York City to cease violating the Flammable Fabrics Act by importing into the United States and selling Japanese silk scarves "so highly flammable as to be dangerous when worn".

Mr. Brockman Horne for the Commission.

Mr. Walter E. Joyce, of Washington, D.C., for respondents.

INITIAL DECISION BY JAMES A. PURCELL, HEARING EXAMINER

The complaint in this proceeding, issued December 13, 1956, charges the respondents Glensder Textile Corporation, a corporation existing and doing business by virtue of the laws of the State of Delaware, and Edwin Rosenberg, Arthur Klein, Sidney Nathan and Louis Grossman, individually and as officers of the respondent corporation with violation of the Federal Trade Commission Act and of the Flammable Fabrics Act and the Rules and Regulations promulgated thereunder, in connection with the importation, sale, offering for sale and transporting, in interstate commerce, of articles of wearing apparel which articles were so highly flammable as to be dangerous when worn by individuals.

After the issuance of said complaint, respondents entered into an agreement for consent order with counsel in support of complaint, disposing of all the issues in this proceeding, which agreement was duly approved by the Director and the Assistant Director of the Bureau of Litigation. It was expressly provided in said agreement that the signing thereof is for settlement purposes only and does not constitute an admission by respondents that they have violated the law as alleged in the complaint.

By the terms of said agreement, the respondents admitted all of the jurisdictional allegations of the complaint and agreed that the record herein may be taken as though the Commission had made findings of jurisdictional facts in accordance with such allegations. By said agreement the parties expressly waived a hearing before the Hearing Examiner or the Commission, the making of findings of fact or conclusions of law by the Hearing Examiner or the Commission, the filing of exceptions and oral arguments before the Commission, and all further and other procedure before the

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Hearing Examiner or the Commission to which the respondents may be otherwise entitled under the Federal Trade Commission Act or the Rules of Practice of the Commission.

By said agreement, respondents further agreed that the order to cease and desist issued in accordance with said agreement shall have the same force and effect as though made after a full hearing, presentation of evidence and findings and conclusions thereon, and specifically waive any and all right, power or privilege to challenge or contest the validity of such order.

It was further provided that said agreement, together with the complaint, shall constitute the entire record herein; that the complaint herein may be used in construing the terms of the order issued pursuant to said agreement, and that said order may be altered, modified or set aside in the manner provided by statute for other orders of the Commission.

Said agreement recites that respondent Glensder Textile Corporation, is a corporation existing under and by virtue of the laws of the State of Delaware; that respondents Edwin Rosenberg, Arthur Klein, Sidney Nathan and Louis Grossman are individuals and are, respectively, President, Vice President, Secretary, and Treasurer of the corporate respondent and, as such, formulate, direct, and control the policies, acts, and practices of said corporation. The office and principal place of business of all respondents is located at No. 417 Fifth Avenue, New York, New York.

The Hearing Examiner has considered such agreement and the order therein contained, and, it appearing that said agreement and order provides for an appropriate disposition of this proceeding, the same is hereby accepted and is ordered filed upon becoming part of the Commission's decision in accordance with Sections 3.21 and 3.25 of the Rules of Practice, and in consonance with the terms of said agreement, the Hearing Examiner finds that the Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of all the respondents named herein; that this proceeding is in the public interest and issues the following order:

ORDER

It is ordered. That respondent Glensder Textile Corporation, a corporation, and its officers, and respondents Edwin Rosenberg, Arthur Klein, Sidney Nathan, and Louis Grossman, individually and as officers of said corporation and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from:

(a) Importing into the United States; or

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(b) Selling, offering for sale, introducing, delivering for introduction, transporting or causing to be transported, in commerce, as "commerce" is defined in the Flammable Fabrics Act; or

(c) Transporting or causing to be transported, for the purpose of sale or delivery after sale in commerce; any article of wearing apparel, which, under the provisions of Section 4 of the said Flammable Fabrics Act, as amended, is so highly flammable as to be dangerous when worn by individuals.

DECISION OF THE COMMISSION AND ORDER TO FILE REPORT OF COMPLIANCE

Pursuant to Sec. 3.21 of the Commission's Rules of Practice, the initial decision of the hearing examiner shall, on the 15th day of May, 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
EMERSON RADIO AND PHONOGRAPH CORPORATION
CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF THE
FEDERAL TRADE COMMISSION ACT

Docket 6614. Complaint, Aug. 20, 1956—Decision, May 18, 1957

Consent order requiring a manufacturer of radios in Jersey City, N.J., to cease representing falsely in advertising in newspapers, periodicals, etc., and in advertising matter furnished to dealers, that its products were "transistor" radios, did not contain vacuum tubes, and were the smallest pocket radios ever made.

Edward F. Downs, Esq. in support of the complaint.

Marw Leva, Esq., and *Alexander B. Hawes, Esq.*, of the firm of *Fowler, Leva, Hawes & Symington*, of Washington, D.C., for the respondent.

INITIAL DECISION BY JAMES A. PURCELL, HEARING EXAMINER

The complaint in this proceeding, issued August 20, 1956, charges the respondent Emerson Radio and Phonograph Corporation, a corporation existing by virtue of the laws of the State of New York, with violation of the Federal Trade Commission Act in connection with the offering for sale, sale or distribution of radios in commerce, as "commerce" is defined in said Act.

After the issuance of said complaint, respondent entered into an agreement for consent order with counsel in support of the complaint, disposing of all of the issues in this proceeding, which agreement was duly approved by the Director and the Assistant Director of the Bureau of Litigation. It was expressly provided in said agreement that the signing thereof is for settlement purposes only and does not constitute an admission by respondent that it has violated the law as alleged in the complaint.

By the terms of said agreement, the respondent admitted all the jurisdictional allegations of the complaint and agreed that the record herein may be taken as though the Commission had made findings of jurisdictional facts in accordance with such allegations. By said agreement the parties expressly waived a hearing before the Hearing Examiner or the Commission, the making of findings of fact or conclusions of law by the Hearing Examiner or the Commission, the filing of exceptions and oral argument before the Commission, and all further and other procedure before the Hearing Examiner and the Commission to which respondent may be entitled under the