

Decision

IN THE MATTER OF
D. MENDELSON, INC., ET AL.

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

Docket 6799. Complaint, May 14, 1957—Decision, May 23, 1957

Consent order requiring a manufacturer in New York City to cease violating the Wool Products Labeling Act by labeling and invoicing as "100% Reprocessed Wool" and "100% Wool", quilted and woven interlining materials which contained substantial quantities of fibers other than wool, and by failing in other respects to comply with the labeling requirements of the Act.

Mr. William M. King for the Commission.

Mr. David Mendelson, of New York, N.Y., for respondents.

INITIAL DECISION BY ABNER E. LIPSCOMB, HEARING EXAMINER

The complaint herein was issued on May 14, 1957, charging Respondents with misbranding their wool products, consisting of interlining materials, by falsely and deceptively representing the character and amount of the constituent fibers contained therein, and by failing to stamp, tag or label such products, in violation of §4(a)(1) and §4(a)(2) of the Wool Products Labeling Act of 1939 and the Rules and Regulations promulgated thereunder, and of the Federal Trade Commission Act.

On May 15, 1957, Respondents and counsel supporting the complaint entered into an Agreement Containing Consent Order To Cease And Desist, which was approved by the Director and the Assistant Director of the Commission's Bureau of Litigation, and thereafter submitted to the Hearing Examiner for consideration.

Respondent D. Mendelson, Inc. is identified in the agreement as a New York corporation, with its principal place of business located at 247 West 37th Street, New York, New York, and Respondent David Mendelson as President and Secretary thereof, having the same address.

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 service upon them of the complaint herein, as well as 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 with the agreement. All parties agree that 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; that the complaint herein may be used in construing the terms of said order; and 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.

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 D. Mendelsohn, Inc., a corporation, and its officers, and David Mendelsohn, individually and as an officer of said corporation, and Respondents' representatives, agents or 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 1939, of interlining materials or other "wool products", as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any way are represented as containing "wool", "reprocessed wool" or "reused wool", do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers included therein;

2. Failing to securely affix to or place 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 said

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total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentages by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentages of the total weight of such wool product of any non-fibrous 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 thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

It is further ordered, That Respondents D. Mendelsohn, Inc., a corporation, and its officers, and David Mendelsohn, individually and as an officer of said corporation, and Respondents' representatives, agents or employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of interlining materials, or any other materials, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting the constituent fibers thereof on invoices or other shipping memoranda or in any other manner.

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 23rd day of May, 1957, become the decision of the Commission; and, accordingly:

It is ordered, That the above-named respondents 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
STAMINA INDUSTRIES, INC., ET AL.

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

Docket 6800. Complaint, May 14, 1957—Decision, May 23, 1957

Consent order requiring a manufacturer in Forestdale, R.I., to cease violating the Wool Products Labeling Act by labeling as "100% Wool" and "All Wool", interlining materials and blankets which contained substantial quantities of non-woolen fibers and by failing in other respects to comply with the labeling requirements of the Act.

Mr. William M. King for the Commission.

Mr. Samuel M. Stayman and *Mr. Samuel Ketover*, of Forestdale, R. I., for respondents.

INITIAL DECISION BY ABNER E. LIPSCOMB, HEARING EXAMINER

The complaint herein was issued on May 14, 1957, charging Respondents with misbranding their wool products, consisting of interlining materials and blankets, by falsely and deceptively representing the character and amount of the constituent fibers contained therein, and by failing to stamp, tag or label such products, in violation of § 4(a)(1) and § 4(a)(2) of the Wool Products Labeling Act of 1939 and the Rules and Regulations promulgated thereunder, and of the Federal Trade Commission Act.

On May 15, 1957, Respondents and counsel supporting the complaint entered into an agreement Containing Consent Order To Cease And Desist, which was approved by the Director and the Assistant Director of the Commission's Bureau of Litigation, and thereafter submitted to the Hearing Examiner for consideration.

Respondent Stamina Industries, Inc. is identified in the agreement as a Delaware corporation, with its office and principal place of business located at Forestdale, Rhode Island, and Respondents Samuel M. Stayman and Samuel Ketover as President and Treasurer, and Vice President, respectively, thereof, having the same address, and, as such officers, formulating, directing and controlling the policies, acts and practices of said corporation, and also, as individuals, the policies, acts and practices of various associated corporations and commission agents for the corporate Respondent.

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.