

## Decision

IN THE MATTER OF  
SIDNEY SUGAR TRADING AS SIDNEY SUGAR & CO.

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

*Docket 6801. Complaint, May 14, 1957—Decision, May 23, 1957*

Consent order requiring a manufacturer in Chicago, Ill., to cease violating the Wool Products Labeling Act by labeling as "All Wool", interlining materials which contained substantial quantities of non-woolen fibers and by failing in other respects to conform to the labeling requirements of the Act.

*Mr. William M. King* for the Commission.

*Mr. Sidney Sugar*, of Chicago, Ill., for himself.

INITIAL DECISION BY ABNER E. LIPSCOMB, HEARING EXAMINER

The complaint herein was issued on May 14, 1957, charging Respondent with misbranding his 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, Respondent 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 Sidney Sugar is identified in the agreement as an individual trading as Sidney Sugar & Co., with his office and principal place of business located at 333 South Franklin Street, Chicago, Illinois.

Respondent admits all the jurisdictional facts alleged in the complaint and agrees that the record may be taken as if findings of jurisdictional facts had been duly made in accordance with such allegations.

Respondent, in the agreement, waives service upon him 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 he 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 Respondent that he has 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 Respondent and over his acts and practices as alleged in the complaint; and finds that this proceeding is in the public interest. Therefore,

*It is ordered*, That Respondent Sidney Sugar, trading as Sidney Sugar & Co., or under any other name, and Respondent's 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, 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 total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentages by

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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.

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 Respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with the order to cease and desist.

IN THE MATTER OF  
THE VIRGINIA WOOLEN COMPANY ET AL.

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

*Docket 6618. Complaint, Aug. 22, 1956—Decision, May 24, 1957*

Consent order requiring a manufacturer in Winchester, Va., to cease violating the Wool Products Labeling Act by labeling and invoicing as "92½% Wool 7½% Rayon", fabrics containing substantially less than 92½% wool, and by failing in other respects to comply with the labeling requirements of the Act.

The charges of the complaint were dismissed as to one individual respondent.

*Mr. Donald K. King and Mr. S. F. House* supporting the complaint.

*Stroock & Stroock & Lavan & John P. McGann* of New York City, for The Virginia Woolen Co. and William H. Mellor, Jr.

*Mr. Flournoy L. Largent, Jr.*, of Winchester, Va., appearing for himself.

INITIAL DECISION BY JOSEPH CALLAWAY, HEARING EXAMINER

The Federal Trade Commission issued its complaint against the above-named respondents on August 22, 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 and the filing of answers thereto, a hearing was held in Winchester, Virginia, pursuant to notice, on November 19 and 20, 1956, at which time evidence in support of the complaint was taken. Following the above-mentioned hearing respondent Flournoy L. Largent, Jr. on November 23, 1956, filed motion to dismiss as to him, which counsel supporting the complaint does not oppose.

Subsequent to said hearing, respondents, The Virginia Woolen Company and William H. Mellor, Jr., on April 3, 1957, entered into an agreement with counsel supporting the complaint for a consent order to cease and desist from the practices complained of which agreement purports to dispose of all the issues in this proceeding as to them. 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.