

Decision

IN THE MATTER OF

J. DAVID PAISLEY CO.

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

Docket 6769. Complaint, Apr. 8, 1957—Decision, July 10, 1957

Consent order requiring an individual seller in St. Louis, Mo., of his "Wonder-Vue" sheet of transparent plastic sprayed with colored paint and designed to be fastened over the viewing screen of a television set, to cease representing falsely in circulars and advertising material supplied to dealer customers that attachment of the product "Wonder-Vue" to a black-and-white television set would produce the same visual effect as a color television, and that its use would prevent and eliminate eyestrain caused by viewing television, and eliminate snow, blurring, and haziness from television screens.

Mr. Brockman Horne for the Commission.

Mr. J. David Paisley, of St. Louis, Mo., *pro se*.

INITIAL DECISION BY LOREN H. LAUGHLIN, HEARING EXAMINER

The Federal Trade Commission (sometimes hereinafter referred to as the Commission), on April 8, 1957, issued its complaint herein under the Federal Trade Commission Act against the above-named respondent, J. David Paisley, an individual trading as J. David Paisley Co., charging said respondent with having violated the provisions of the Federal Trade Commission Act in certain particulars. The respondent was duly served with process.

On May 24, 1957, there was submitted to the undersigned hearing examiner of the Commission for his consideration and approval an "Agreement Containing Consent Order to Cease and Desist," which had been entered into by and between said respondent and Brockman Horne, counsel supporting the complaint, under date of May 21, 1957, and subject to the approval of the Bureau of Litigation of the Commission. Such agreement had been thereafter duly approved by the Director and Assistant Director of the Commission's Bureau of Litigation.

In view of the subsequent approval herein of said agreement, the initial hearing set for June 13, 1957, at ten o'clock in St. Louis, Missouri, as fixed in the notice portion of the complaint, is hereby canceled.

On due consideration of the said "Agreement Containing Consent Order to Cease and Desist," the hearing examiner finds that said agreement, both in form and in content, is in accord with Section 3.25 of the Commission's Rules of Practice for Adjudicative

Proceedings and that by said agreement the parties have specifically agreed that:

1. Respondent is an individual trading as J. David Paisley Co. His office and principal place of business is at 3423 Olive Street, St. Louis 3, Missouri.

2. Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission, on April 8, 1957, issued its complaint in this proceeding against respondent, and a true copy was thereafter duly served on respondent.

3. 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.

4. This agreement disposes of all the proceeding as to the only respondent.

5. Respondent waives:

a. Any further procedural steps before the hearing examiner and the Commission;

b. The making of findings of fact or conclusions of law; and

c. All of the rights he may have to challenge or contest the validity of the order to cease and desist entered in accordance with this agreement.

6. The record on which the initial decision and the decision of the Commission shall be based shall consist solely of the complaint and this agreement.

7. This agreement shall not become a part of the official record unless and until it becomes a part of the decision of the Commission.

8. This 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.

In the said agreement, the parties have further specifically agreed that the proposed order to cease and desist included therein may be entered in this proceeding by the Commission without further notice to the respondent; that when so entered it shall have the same force as if entered after a full hearing; that it may be altered, modified or set aside in the manner provided for other orders; and that the complaint may be used in construing the terms of the order.

Upon due consideration of the complaint filed herein, and the said "Agreement Containing Consent Order to Cease and Desist," the latter is hereby approved, accepted and ordered filed, the same not to become a part of the record herein, unless and until it becomes part of the decision of the Commission. The hearing examiner finds from the complaint and the said "Agreement Containing Consent

Order to Cease and Desist" that the Commission has jurisdiction of the subject matter of this proceeding and of the person of the respondent herein; that the complaint states a legal cause for complaint under the Federal Trade Commission Act both generally and in each of the particular charges alleged therein; that this proceeding is in the interest of the public; that the following order as proposed in said agreement is appropriate for the full disposition of all the issues in this proceeding, such order to become final only if and when it becomes the order of the Commission; and that said order, therefore, should be, and hereby is, entered as follows:

ORDER

It is ordered, That respondent J. David Paisley, trading under the name of J. David Paisley Co., or under any other name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of a plastic sheet to be fastened over the viewing screen of a television set, designated as "Wonder-Vue," or any other product of substantially the same characteristics whether sold under the same or any other name, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or by implication, that by the use of said product:

1. In connection with the operation of a black-and-white television set, said television will thereby produce the same visual effect as a color television set or misrepresenting in any manner the color provided by said product when used in connection with a television set;

2. Eye strain caused by viewing television will be prevented or eliminated;

3. Snow, blurring or haziness will be eliminated from television screens.

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 10th day of July, 1957, become the decision of the Commission; and, accordingly:

It is ordered, That respondent J. David Paisley, an individual trading as J. David Paisley Co., 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
HENRY MONOSSON ET AL. TRADING AS
MONO FUR COMPANY AND INTERNATIONAL FUR CO.

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

Docket 6629. Complaint, Sept. 12, 1956—Decision, July 11, 1957

Consent order requiring furriers in Los Angeles, Calif., to cease violating the Fur Products Labeling Act by advertising in newspapers which misrepresented prices, grade, and value of fur products, by failing to maintain adequate records as a basis for such pricing claims, and failing to comply with the labeling and invoicing requirements of the Act.

Mr. George E. Steinmetz and Mr. William M. King for the Commission.

Mr. Jerome S. Monosson, of Los Angeles, Calif., for respondents.

INITIAL DECISION BY EARL J. KOLB, HEARING EXAMINER

The complaint in this proceeding issued September 12, 1956, charged respondents Henry Monosson and Yetta Monosson, individually and as copartners trading as Mono Fur Company and International Fur Co., located at 818 South Broadway, Los Angeles, California, with the use of unfair and deceptive acts and practices in interstate commerce in violation of the provisions of the Federal Trade Commission Act and the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder.

After the issuance of said complaint, the respondents Henry Monosson and Yetta Monosson, individually and as copartners trading as Mono Fur Company and International Fur Co., entered into an agreement for consent order with counsel in support of the complaint disposing of all the issues in this proceeding, except the charge applicable to such records as pleaded in Paragraph Nine of the complaint, which agreement was duly approved by the Director and 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 said respondents admitted all the jurisdictional facts alleged in the complaint, except the charge