

IN THE MATTER OF
ALBERT GROSS FURS, INC., ET AL.

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

Docket 6738. Complaint, Mar. 8, 1957—Decision, Aug. 7, 1957

Consent order requiring a furrier in New York City to cease violating the Fur Products Labeling Act by invoicing of fur products which failed to conform to the requirements of the Act.

Mr. Robert E. Vaughan and Mr. Ross D. Young for the Commission.

Wiess & Wiener, by *Mr. Leo Wiener*, of New York, N.Y., for respondents.

INITIAL DECISION BY J. EARL COX, HEARING EXAMINER

The complaint charges respondents with violation of the Federal Trade Commission Act and of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder, by falsely and deceptively invoicing their fur products.

After the issuance of the complaint, respondents, their counsel, 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 transmitted to the Hearing Examiner for consideration.

The agreement identifies respondent Albert Gross Furs, Inc. as a New York corporation, with its office and principal place of business located at 146 West 29th Street, New York, New York, and respondent Albert Gross as an individual, now president of respondent corporation, who directs and controls the acts and practices of the respondent corporation and has the same address as the corporate respondent.

The agreement provides, among other things, that 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; that 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; that the agreement shall not become a part of the official record unless and until it becomes a part of the decision of the

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Commission; that the complaint may be used in construing the terms of the order agreed upon, which may be altered, modified or set aside in the manner provided for other orders; 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; and that the order set forth in the agreement and hereinafter included in this decision shall have the same force and effect as if entered after a full hearing.

Respondents waive any further procedural steps before the Hearing Examiner and the Commission; the making of findings of fact or conclusions of law; and all of the rights they may have to challenge or contest the validity of the order to cease and desist entered in accordance with the agreement.

The order agreed upon fully disposes of all the issues raised in the complaint, and adequately prohibits the acts and practices charged therein as being in violation of the Federal Trade Commission Act, the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder. Accordingly, the Hearing Examiner finds this proceeding to be in the public interest and accepts the agreement containing consent order to cease and desist as part of the record upon which this decision is based. Therefore,

It is ordered, that respondent Albert Gross Furs, Inc., a corporation, and its officers, and respondent Albert Gross, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device in connection with the introduction or manufacture for introduction, into commerce, or the sale, or offering for sale in commerce, or the transportation or distribution in commerce, of fur products, or in connection with the manufacture for sale, sale, offering for sale, transportation, or distribution of fur products which have been made in whole or in part of furs which have been shipped and received in commerce, as "commerce," "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing:

a. The name or names of the animal or animals producing the fur or furs contained in the fur products as set forth in the Fur Products Name Guide and as prescribed by the Rules and Regulations;

b. That the fur product contains or is composed of used fur, when such is the fact;

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- c. That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;
- d. That the fur product is composed in whole or in substantial part of paws, tails, bellies or waste fur, when such is the fact;
- e. The name and address of the person issuing such invoice;
- f. The name of the country of origin of any imported furs contained in the fur product;
- g. The item number of such fur product as required in Rule 40(a) of the Regulations under the Fur Products Labeling Act;
- 2. Setting forth on invoices of fur products:
 - a. Information, required under Section 5(b)(1) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder, in abbreviated form.

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 7th day of August, 1957, become the decision of the Commission; and, accordingly:

It is ordered, That respondents Albert Gross Furs, Inc., a corporation, and Albert Gross, individually and as an officer of said corporation, 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.

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IN THE MATTER OF
SIBERIAN FUR SHOP, INC., ET AL.CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF THE
FEDERAL TRADE COMMISSION AND THE FUR PRODUCTS LABELING ACTS*Docket 6775. Complaint, Apr. 11, 1957—Decision, Aug. 7, 1957*

Consent order requiring a furrier in Greenfield, Mass., to cease violating the Fur Products Labeling Act by advertising in newspapers and by radio which failed to disclose names of animals producing certain furs and to state when furs were artificially colored, and which represented falsely that certain furs were "stock of a business in a state of liquidation"; and by failing in other respects to comply with the advertising, labeling, and invoicing requirements of the Act, and to keep adequate records as a basis for comparative prices and percentage savings claims.

Michael J. Vitale and Thomas A. Ziebarth, Esqs., in support of the complaint.

Levy & Winer, by Burton Winer, Esq., of Greenfield, Mass., for respondents.

INITIAL DECISION BY JAMES A. PURCELL, HEARING EXAMINER

The complaint in this proceeding, issued April 11, 1957, charges the respondents, Siberian Fur Shop, Inc., a corporation, and Abraham J. Levinsky, individually and as an officer of the corporate respondent, with violation of the provisions of the Federal Trade Commission Act and of the Fur Products Labeling Act, in connection with the sale, advertising and offering for sale, transportation and distribution, shipping and receiving in commerce, of fur and fur products, as "commerce," "fur" and "fur products" are defined in the Fur Products Labeling Act.

After the issuance and service of said complaint the respondents, on May 16, 1957, filed answer thereto which answer, it was agreed between the parties, should be withdrawn of record because of subsequent developments hereinafter set forth, and permission is hereby granted that said answer be withdrawn and held for naught.

Thereafter, on June 6, 1957, both respondents entered into an agreement with counsel in support of the complaint for a consent order (filed in the proceeding June 18, 1957), disposing of all of the issues in this proceeding, which agreement was duly approved by the Director and Assistant Director of the Bureau of Litigation of the Federal Trade Commission. It was expressly provided in said agreement that the signing thereof is for settlement purposes