

## Decision

IN THE MATTER OF  
ARTISTIC MODERN, INC., ET AL.CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION  
OF THE FEDERAL TRADE COMMISSION ACT*Docket 6784. Complaint, Apr. 22, 1957—Decision, Aug. 23, 1957*

Consent order requiring a seller in New York City to cease advertising falsely that the price of chairs which regularly sold for \$124.95 and \$99.95 had been reduced to \$44.95 and \$39.95, respectively, with consequent savings to purchasers, when in fact the latter were the usual selling prices; and that the quantity of the chairs was limited.

*Mr. Charles W. O'Connell* for the Commission.

Artistic Modern, Inc., Harry Shapiro and Cyril Shapiro, of New York, N.Y., pro se.

## INITIAL DECISION BY WILLIAM L. PACK, HEARING EXAMINER

The complaint in this matter charges the respondents with violation of the Federal Trade Commission Act through the making of certain misrepresentations in connection with furniture sold by them. An agreement has now been entered into by counsel supporting the complaint and respondents which provides, among other things, that respondents admit all of the jurisdictional allegations in the complaint; that the record on which the initial decision and the decision of the Commission shall be based shall consist solely of the complaint and agreement; that the inclusion of findings of fact and conclusions of law in the decision disposing of this matter is waived, together with any further procedural steps before the hearing examiner and the Commission; that the order hereinafter set forth may be entered in disposition of the proceeding, such order to have the same force and effect as if entered after a full hearing, respondents specifically waiving any and all rights to challenge or contest the validity of such order; that the order may be altered, modified, or set aside in the manner provided for other orders of the Commission; that the complaint may be used in construing the terms of the 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.

The hearing examiner having considered the agreement and proposed order and being of the opinion that they provide an adequate basis for an appropriate disposition of the proceeding, the agree-

ment is hereby accepted, the following jurisdictional findings made, and the following order issued:

1. Respondent Artistic Modern, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of New York, with its office and principal place of business located at 157 East 33rd Street, New York, New York. Respondents Harry Shapiro and Cyril Shapiro are individuals and officers of said corporation with their office and principal place of business the same as that of the corporate respondent.

2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondents, and the proceeding is in the public interest.

#### ORDER

*It is ordered*, That respondent Artistic Modern, Inc., a corporation, and its officers, and respondents Harry Shapiro and Cyril Shapiro, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the sale, offering for sale, or distribution of chairs or other merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. That any amount is the regular or usual price for merchandise when it is in excess of the price at which the merchandise offered is regularly and customarily sold in the normal course of business.

2. That any savings are afforded on the sale of merchandise, unless the represented savings are based upon the price at which the merchandise offered is regularly and customarily sold in the normal course of business.

3. That the supply of merchandise offered for sale is limited, unless such is the fact.

#### 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 August, 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  
FREE STATE PRODUCTS, INC., ET AL.CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF  
THE FEDERAL TRADE COMMISSION ACT

*Docket 6621. Complaint, Aug. 28, 1956—Decision, Aug. 24, 1957*

Consent order requiring a manufacturer in Baltimore, Md., to cease selling punchboards and push cards to manufacturers and dealers who assembled them with assortments of candy, cigarettes, clocks, razors, cosmetics, clothing, etc., and thereafter sold the merchandise by means of the lottery devices.

*Mr. John W. Brookfield, Jr.*, for the Commission.

*Mr. Horace J. Donnelly, Jr.*, of Washington, D.C., for respondent.

## INITIAL DECISION BY LOREN H. LAUGHLIN, HEARING EXAMINER

The Federal Trade Commission (sometimes hereinafter referred to as the Commission), on August 28, 1956, issued its complaint herein under the Federal Trade Commission Act against the above-named respondents, Free State Products, Inc., a corporation, and Allen B. Tabakof and Jules J. Greenspan, individually and as officers of said corporation, charging said respondents with having violated the provisions of the Federal Trade Commission Act in certain particulars. The respondents were duly served with process. Respondents' answer was filed October 3, 1956. After several continuances for good cause had been granted upon the several or joint applications of counsel for the parties, the initial hearing was held April 12, 1957, in Washington, D.C., and a further hearing ordered to be held was subsequently canceled pending the negotiation by the parties of an agreement containing a consent order to cease and desist.

On July 2, 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 each of the respondents and John W. Brookfield, Jr., counsel supporting the complaint, and Horace J. Donnelly, Jr., counsel for respondents, under date of June 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.