

IN THE MATTER OF
JACOB SCHACHTER TRADING AS J. SCHACHTER

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

Docket 6762. Complaint, Apr. 4, 1957—Decision, Aug. 24, 1957

Consent order requiring a manufacturer in New York City to cease labeling bed comforters falsely as to the wool and other fiber content and failing to label them as required, in violation of the Wool Products Labeling Act; and to cease representing falsely on advertising streamers and inserts enclosed in individual containers of the comforters that the filling was 100% new material, that the comforters were treated with Westinghouse ultraviolet ray lamps, and that a fictitious and excessive figure was the usual retail price.

Mr. Harry E. Middleton, Jr., for the Commission.

INITIAL DECISION BY JOHN B. POINDEXTER, HEARING EXAMINER

The complaint in this proceeding charges that Jacob Schachter, erroneously referred to in the complaint as "Jacob Schachter," trading as J. Schachter, hereinafter called respondent, violated the provisions of the Federal Trade Commission Act, the Wool Products Labeling Act, and the Rules and Regulations promulgated thereunder, in the operation of his business.

After issuance and service of the complaint, counsel supporting the complaint and the respondent entered into an agreement for a consent order. The agreement has been approved by the Director and Assistant Director of the Bureau of Litigation. The order corrects the misspelling of respondent's name and disposes of the matters complained about.

The material provisions of said agreement are as follows: Respondent admits all jurisdictional facts; the complaint may be used in construing the terms of the order; the order shall have the same force and effect as if entered after a full hearing and the said agreement shall not become a part of the official record of the proceeding unless and until it becomes a part of the decision of the Commission; respondent waives the requirement that the decision must contain a statement of findings of fact and conclusion of law; respondent waives further procedural steps before the hearing examiner and the Commission, and the order may be altered, modified, or set aside in the manner provided by statute for other orders; respondent waives any right to challenge or contest the validity of the order entered in accordance with the agreement; and the signing of said agreement is for settlement purposes only and does not consti-

230

Order

tute an admission by respondent that he has violated the law as alleged in the complaint.

The hearing examiner having considered the agreement and proposed order and being of the opinion that the acceptance thereof will be in the public interest, hereby accepts such agreement, makes the following jurisdictional findings, and issues the following order:

JURISDICTIONAL FINDINGS

1. The respondent Jacob Schachter, erroneously referred to in the complaint as Jacob Schacter, does business under the name of J. Schachter, and his office and principal place of business is located at 115 Allen Street, New York, New York.

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

ORDER

It is ordered, That respondent Jacob Schachter, an individual trading as J. Schachter or trading under any other name, and respondent's 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 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 bed comforters or other "wool products," as such products are defined in and subject to said Wool Products Labeling Act, which products contain, purport to contain, or in any way are represented as containing "wool," "reprocessed wool" or "reused wool" as those terms are defined in said Act, 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 contained therein.

2. Failing to securely affix to or place on each such product a stamp, tag or 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 percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers;

Decision

54 F. T. C.

(b) The maximum percentage 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 respondent Jacob Schachter, trading as J. Schachter or trading 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 or distribution of bed comforters or any other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from directly or indirectly:

1. Representing in any manner that bed comforters or other products are "Westinghouse Ultra-Violet Treated" or treated in any other manner, when such is not the fact.

2. Representing, on labels or in any other manner, that certain amounts are the usual and regular retail prices of products when such amounts are in excess of the prices at which the products are usually and regularly sold at retail.

3. Putting into operation any plan whereby retailers or others may misrepresent (a) the regular and usual retail price of merchandise, and (b) the character, quality or treatment of the materials in such merchandise.

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 24th day of August, 1957, become the decision of the Commission; and, accordingly:

It is ordered, That respondent Jacob Schachter (erroneously referred to in the complaint as Jacob Schacter), an individual trading as J. Schachter, 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.

Decision

IN THE MATTER OF
NUSSBAUM AND DONNENFELD, INC., ET AL.

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

Docket 6782. Complaint, Apr. 18, 1957—Decision, Aug. 27, 1957

Consent order requiring a furrier in New York City to comply with the labeling and invoicing requirements of the Fur Products Labeling Act.

Mr. Michael J. Vitale and Mr. Thomas A. Ziebarth for the Commission.

Mr. Milton Horowitz, of New York, N.Y., for respondents.

INITIAL DECISION BY ABNER E. LIPSCOMB, HEARING EXAMINER

The complaint herein was issued on April 18, 1957, charging Respondents with misbranding and falsely and deceptively invoicing their fur products, in violation of § 4(2) and § 5(b)(1) of the Fur Products Labeling Act, Rule 40(a) of the Rules and Regulations promulgated thereunder, and the Federal Trade Commission Act.

On June 18, 1957, 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 submitted to the Hearing Examiner for consideration.

Respondent Nussbaum and Donnenfeld, Inc. is identified in the agreement as a New York corporation, with its office and principal place of business located at 135 West 29th Street, New York, New York, and individual Respondents Harry Nussbaum and Max Donnenfeld, respectively, as president and treasurer 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 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 Com-