

IN THE MATTER OF
SWIFT & ANDERSON, INC., ET AL.

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

Docket 6818. Complaint, June 14, 1957—Decision, Sept. 17, 1957

Consent order requiring a firm in Boston, Mass., importing lenses from Japan and movements for weather instruments from England and Germany which they fitted into frames and cases, respectively, for sale to the purchasing public, to cease failing to properly label such products to show the place of origin of the component parts, falsely representing them to be of domestic manufacture, and misrepresenting all air-to-glass lens surfaces of their binoculars as "coated".

Mr. Floyd O. Collins for the Commission.

Mr. Joseph F. Knowles, of *Goodwin, Procter & Hoar*, of Boston, Mass., for respondents.

INITIAL DECISION BY JOHN B. POINDEXTER, HEARING EXAMINER

The complaint in this proceeding charges that Swift & Anderson, Inc., a corporation, Robert W. Swift, Jr., Humphrey H. Swift, Clifford O'Brien, and Charles H. Kent, individually and as officers of said corporation, hereinafter called respondents, violated the provisions of the Federal Trade Commission Act while engaged in their business of importing, assembling, offering for sale, selling and distributing magnifiers, reading glasses, binoculars and weather instruments.

After issuance and service of the complaint, counsel supporting the complaint and respondents, with their counsel, 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 disposes of the matters complained about.

The material provisions of said agreement are as follows: Respondents admit 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; respondents waive the requirement that the decision must contain a statement of findings of fact and conclusion of law; respondents waive 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; respondents

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waive 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 constitute an admission by respondents that they have violated the law as alleged in the complaint.

The undersigned 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 Swift & Anderson, Inc., is a corporation organized and doing business under the laws of the State of Massachusetts, with its office and principal place of business located at 952 Dorchester Avenue, Boston, Massachusetts. The respondent Robert W. Swift, Jr., is president and secretary of said corporation; the respondent Humphrey H. Swift is a vice president of said corporation; Clifford O'Brien is a vice president of said corporation; and the respondent Charles H. Kent is chairman of the board of directors and treasurer of said corporation. The office and principal place of business of each individual respondent is the same as that of the corporation.

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 the respondents Swift & Anderson, Inc., a corporation, and its officers and Robert W. Swift, Jr., Humphrey H. Swift, Clifford O'Brien and Charles H. Kent, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of binoculars, reading glasses, magnifiers and weather instruments in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Offering for sale or selling reading glasses or magnifiers containing imported lenses without affirmatively disclosing thereon or in immediate connection therewith such foreign origin.

2. Representing in any manner that their reading glasses or magnifiers containing lenses imported from foreign countries are of domestic manufacture.

3. Offering for sale or selling weather instruments containing movements imported from foreign countries without affirmatively disclosing thereon or in immediate connection therewith such foreign origin.

4. Representing in any manner that their weather instruments containing movements imported from foreign countries are domestic made.

5. Representing directly or by implication that all the air-to-glass surfaces of the lenses of their binoculars are coated, unless such is a 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 17th day of September 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
NEW HAVEN QUILT & PAD CO., INC., ET AL.

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

Docket 6760. Complaint, Apr. 3, 1957—Decision, Sept. 18, 1957

Consent order requiring a manufacturer in New Haven, Conn., to cease violating the Wool Products Labeling Act by labeling as "All new material consisting of wool battling," bed comforters which contained substantial amounts of fibers other than wool, by failing to label some of the comforters, and by furnishing false guaranties that their wool products were not misbranded; and to cease representing falsely that some of the comforters were mothproofed for five years by "Westinghouse Ultra-Violet" process, contained all new wool and "chlorophyll," and sold regularly at retail at the fictitious price of \$24.95, all on streamers enclosed in individual containers, thereby placing in the hands of retailers a means for deceiving the purchasing public.

Mr. Michael J. Vitale and *Mr. Thomas A. Ziebarth* supporting the complaint.

Mr. Edward Gallagher, of Washington, D.C., for respondents.

INITIAL DECISION BY JOHN LEWIS, HEARING EXAMINER

The Federal Trade Commission issued its complaint against the above-named respondents on April 3, 1957, charging them with having violated the Wool Products Labeling Act of 1939 and the Rules and Regulations promulgated thereunder, and the Federal Trade Commission Act, through misbranding certain wool products, furnishing false guarantees that they were not misbranded, falsely representing that certain bed comforters were moth proofed and treated with chlorophyll, and using fictitious prices greatly in excess of the usual and regular retail price of such comforters. After being served with said complaint, respondents appeared by counsel and entered into an agreement containing a consent order to cease and desist, dated June 4, 1957, purporting to dispose of all of this proceeding as to all parties. Said agreement, which has been signed by all respondents, by counsel for said respondents, and by counsel supporting the complaint, and approved by the Director and Assistant Director of the Commission's Bureau of Litigation, has been submitted to the above-named hearing examiner for his considera-