

IN THE MATTER OF
CIMIER WATCH CORP. ET AL.

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

Docket 6703. Complaint, Jan. 8, 1957—Decision, Nov. 9, 1957

Consent order requiring two concerns doing business at the same address in New York City to cease misrepresenting their "Cimier" watches by display cards and posters furnished to jobbers and dealers and by them distributed to retailers, which advertised the watches falsely as "Golden De Luxe," "Jeweled Movement," with "One Year Unconditional Guarantee"; and by the word "jeweled" imprinted on the face of the watches.

Mr. Frederick McManus supporting the complaint.

Mr. Ruben Schwartz and *Mr. Robert W. Adler*, of New York City, for respondents.

INITIAL DECISION BY JOSEPH CALLAWAY, HEARING EXAMINER

The Federal Trade Commission issued its complaint against the above-named respondents on January 8, 1957, charging them with violation of the Federal Trade Commission Act as alleged in said complaint. After service of the complaint, all respondents and their counsel, except AB-Swiss Watch Corporation on September 19, 1957 entered into an agreement with counsel supporting the complaint for a consent order to cease and desist from the practices complained of, which agreement purports to dispose of all of the issues in this proceeding, without hearing. This agreement has been duly approved by the Assistant Director and the Director of the Bureau of Litigation and has been submitted to the undersigned, heretofore designated to act as hearing examiner herein for his consideration in accordance with Rule 3.25 of the Rules of Practice of the Commission.

It is noted that said agreement contains a provision that the complaint be dismissed as to respondent AB-Swiss Watch Corporation, based on the dissolution of that corporate respondent. This agreement is considered as a joint motion to dismiss as to said respondent and is granted.

In said agreement, respondents Cimier Watch Corporation, a corporation, Irving Abelov and Barnett Shiff, individually and as officers of respondent Cimier Watch Corporation and as copartners trading as Swiss Time Company, have admitted all the jurisdictional facts alleged in the complaint and have agreed that the record may

be taken as if findings of jurisdictional facts had been duly made in accordance with such allegations. Said agreement provides further that respondents waive all further procedural steps before the hearing examiner or the Commission, including the making of findings of fact or conclusions of law and the right to challenge or contest the validity of the order to cease and desist entered into in accordance with the agreement. It has also been agreed that the record herein shall consist solely of the complaint and said 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 Commission, that 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, that said order to cease and desist shall have the same force and effect as if entered after a full hearing and may be altered, modified or set aside in the manner provided for other orders of the Commission and that the complaint may be used in construing the terms of the order.

This proceeding having now come on for final consideration on the complaint and the aforesaid agreement containing the consent order and it appearing that the agreement and order provide for appropriate disposition of this proceeding, the order and agreement are hereby accepted and ordered filed upon becoming part of the Commission's decision pursuant to Sections 3.21 and 3.25 of the Rules of Practice and the hearing examiner accordingly makes the following findings for jurisdictional purposes and order:

1. Respondent Cimier Watch Corporation 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 at 1 East 33rd Street, New York, New York.

2. Individual respondents Irving Abelov and Barnett Shiff are officers of corporate respondent Cimier Watch Corp. Said individual respondents formulate, direct and control the acts and practices of said corporate respondent.

3. Swiss Time Company is a partnership in which the individual respondents Irving Abelov and Barnett Shiff are the sole partners. The individual respondents have their office at the same place as that of the corporate respondent.

4. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondents executing said agreement. The complaint states a cause of action against said respondents under the Federal Trade Commission Act. This proceeding is in the public interest.

Decision

54 F.T.C.

ORDER

It is ordered, That respondents, Cimier Watch Corporation, a corporation; and its officers; Irving Abelov and Barnett Shiff, individually and as officers of said corporation, and trading as Swiss Time Company, or under any other name or names, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of watches, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or indirectly:

1. That a watch is a jeweled watch, or that it contains a jeweled movement, unless said watch contains at least seven jewels, each of which serves a mechanical purpose as a frictional bearing.
2. That the cases of watches are gold, unless such is the fact and the gold content is accurately and conspicuously described.
3. That watches are guaranteed without clearly disclosing the nature and extent of such guaranty.
4. That watches are guaranteed, when a service charge is imposed, unless the amount thereof is clearly and conspicuously disclosed.

It is further ordered, That this proceeding be dismissed as to respondent AB-Swiss Watch Corporation.

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 did, on the 9th day of November, 1957, become the decision of the Commission; and, accordingly:

It is ordered, That the respondents Cimier Watch Corp., a corporation, Irving Abelov and Barnett Shiff, individually and as officers of said corporation and as copartners trading as Swiss Time Company 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
A. A. WYN, INC., ET AL.CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION
OF THE FEDERAL TRADE COMMISSION ACT*Docket 6792. Complaint, May 13, 1957—Decision, Nov. 9, 1957*

Consent order requiring book distributors in New York City to cease selling newly titled reprints without adequate disclosure of the titles under which the books were originally published.

Mr. John W. Brookfield, Jr. supporting the complaint.

Mr. Jerome N. Wanshel, of New York, N.Y., for respondents.

INITIAL DECISION BY JOHN LEWIS, HEARING EXAMINER

The Federal Trade Commission issued its complaint against the above-named respondents on May 13, 1957, charging them with the use of unfair and deceptive acts and practices and unfair methods of competition, in commerce, in violation of the Federal Trade Commission Act, by failing to adequately disclose that certain previously published books, which were sold and distributed by respondents under new titles, are reprints of such original publications. After being served with said complaint, respondents appeared by counsel and filed their answer thereto. Thereafter said respondents entered into an agreement, dated August 26, 1957, containing a consent order to cease and desist purporting to dispose of all 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 consideration, in accordance with Section 3.25 of the Commission's Rules of Practice for Adjudicative Proceedings.

Respondents, pursuant to the aforesaid agreement, have admitted all the jurisdictional facts alleged in the complaint and agreed that the record may be taken as if findings of jurisdictional facts had been duly made in accordance with such allegations. Said agreement further provides that respondents waive any further procedural steps before the hearing examiner and the Commission, the making of findings of fact or conclusion 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 such agreement. It has been agreed that the order to cease and desist issued in accordance with