

## Decision

## IN THE MATTER OF

BEN STECKER, ALSO KNOWN AS BEN STECHER,  
TRADING AS DUMONT FURS

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

*Docket 6817. Complaint, June 11, 1957—Decision, Nov. 19, 1957*

Consent order requiring a New York City furrier to cease violating the Fur Products Labeling Act by failing to comply with the labeling and invoicing requirements.

*Mr. John T. Walker* for the Commission.

*Mr. Angelo M. Torrisi*, of New York, N.Y., for respondent.

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

The Federal Trade Commission (sometimes also hereinafter referred to as the Commission) issued its complaint herein charging the above-named respondent, Ben Stecker, also known as Ben Stecher, an individual trading as Dumont Furs, with having violated the provisions of the Federal Trade Commission Act in certain particulars.

On October 3, 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 said respondent and by his attorney and John T. Walker, counsel supporting the complaint, under date of September 24, 1957, and subject to the approval of the Bureau of Litigation of the Commission. Such agreement had been thereafter duly approved by that Bureau.

On due consideration of the said "Agreement Containing Consent Order To Cease And Desist," the hearing examiner finds that said agreement, both in form and in content, is in accord with Section 3.25 of the Commission's Rules of Practice for Adjudicative Proceedings and that by said agreement the parties have specifically agreed that:

1. Respondent Ben Stecker, also known as Ben Stecher, is an individual trading as Dumont Furs, with his office and principal place of business located at 115 West 30th Street, in the City of New York, State of New York.

2. Pursuant to the provisions of the Federal Trade Commission Act and the Fur Products Labeling Act, the Federal Trade Commission, on June 11, 1957, issued its complaint in this proceeding against respondent, and a true copy was thereafter duly served on respondent.

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3. Respondent admits all the jurisdictional facts alleged in the complaint and agrees that the record may be taken as if findings of jurisdictional facts had been duly made in accordance with such allegations.

4. This agreement disposes of all of this proceeding as to all parties.

5. Respondent waives:

(a) Any further procedural steps before the hearing examiner and the Commission;

(b) The making of findings of fact or conclusions of law; and

(c) All of the rights he may have to challenge or contest the validity of the order to cease and desist entered in accordance with this agreement.

6. 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.

7. This agreement shall not become a part of the official record unless and until it becomes a part of the decision of the Commission.

8. This agreement is for settlement purposes only and does not constitute an admission by respondent that he has violated the law as alleged in the complaint.

Upon due consideration of the complaint filed herein, and the said "Agreement Containing Consent Order To Cease And Desist," the latter is hereby approved, accepted and ordered filed, the same not to become a part of the record herein, unless and until it becomes part of the decision of the Commission. The hearing examiner finds from the complaint and the said "Agreement Containing Consent Order To Cease And Desist," that the Commission has jurisdiction of the subject matter of this proceeding and of the person of the respondent herein; that the complaint states a legal cause for complaint under the Federal Trade Commission Act both generally and in each of the particular charges alleged therein; that this proceeding is in the interest of the public; that the following order as proposed in said agreement is appropriate for the full disposition of all the issues in this proceeding, such order to become final only if and when it becomes the order of the Commission; and that said order, therefore, should be, and hereby is, entered as follows:

## ORDER

*It is ordered,* That Ben Stecker, also known as Ben Stecher, an individual trading as Dumont Furs, or under any other trade name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the in-

roduction into commerce, or manufacture for introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product, or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has 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. Misbranding fur products by:

1. Falsely or deceptively labeling or otherwise falsely or deceptively identifying any such fur product by affixing a label thereto that contains a Registered Identification Number other than respondent's.

2. Failing to affix labels to fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the Rules and Regulations;

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

(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 or other identification registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it in commerce, advertised or offered it for sale in commerce;

(f) The name of the country of origin of any imported furs used in the fur product;

(g) The item number or mark assigned to a fur product.

B. 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 product as set forth in the Fur Products Name Guide and as prescribed under the Rules and Regulations;

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

(c) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

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- (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 used in a fur product;
- (g) The item number or mark assigned to a fur product.

## 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 19th day of November, 1957, become the decision of the Commission; and, accordingly:

*It is ordered,* That respondent Ben Stecker, also known as Ben Stecher, an individual trading as Dumont Furs, 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

HARRY PELTZ ET AL., TRADING AS  
BRESLAU, AND M. H. PELTZ, INC.

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

*Docket 6694. Complaint, Dec. 13, 1956\*—Decision, Nov. 22, 1957*

Consent order requiring two associated furriers in Washington, D.C., and Baltimore, Md., to cease violating the Fur Products Labeling Act by advertising, labeling, and invoicing which, variously, carried fictitious prices and misrepresented values, named animals other than those producing certain furs, failed to disclose that the fur in certain products was secondhand used, and failed in other respects to comply with the requirements of the Act.

*Mr. Brockman Horne* supporting the complaint.

*Mr. Webster Ballinger* of Washington, D.C., for respondents.

## INITIAL DECISION BY JOSEPH CALLAWAY, HEARING EXAMINER

The Federal Trade Commission issued its complaint against the above-named respondents on December 13, 1956, charging them with violation of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder and also violation of the Federal Trade Commission Act as set out in said complaint. After service of the complaint, joint answer was filed by the respondents. Hearings were held for the taking of evidence after which both sides rested. Subsequently the complaint was, on motion of counsel supporting the complaint, without objection by respondents, amended to conform to the proof. The original answer was allowed to stand as answer to the complaint, as amended. The hearing examiner fixed the time for filing proposed findings of fact, conclusions of law and order and the reasons therefor.

On September 7, 1957 respondents and their counsel and counsel supporting the complaint entered into an agreement containing a consent order to cease and desist from the practices complained of which agreement purports to dispose of all the issues in this proceeding. 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 hearing examiner herein for his consideration in accordance with Section 3.25 of the Rules of Practice of the Commission.

\* Amended Aug. 16, 1957.