

Decision

IN THE MATTER OF
ELIZABETH JALLIS TRADING AS ERVAY APPAREL CO.ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF THE FEDERAL
TRADE COMMISSION AND THE FUR PRODUCTS LABELING ACTS*Docket 6838. Complaint, July 12, 1957—Decision, Dec. 10, 1957*

Order dismissing, for the reason that respondent had ceased business operations and her whereabouts were unknown, complaint charging a furrier in Dallas, Tex., with failing to comply with the advertising, invoicing, and labeling requirements of the Fur Products Labeling Act; and with misrepresenting savings by enclosing purported credit checks in letters to customers and adding that amount to the regular price charged.

Morton Nesmith, Esq. and John J. Mathias, Esq., for the Commission.

INITIAL DECISION BY JOHN B. POINDEXTER, HEARING EXAMINER

On July 12, 1957, the Federal Trade Commission issued a complaint in this proceeding alleging that Elizabeth Jallis, trading as Ervay Apparel Co., hereinafter called respondent, violated the provisions of the Federal Trade Commission Act and the Fur Products Labeling Act in promoting the sale of furs.

A copy of the complaint was mailed to the respondent at her place of business located at 425 S. Ervay Street, Dallas, Tex., by registered mail, but the envelope containing said complaint was returned by the postmaster undelivered. Attempts to personally serve said complaint by personal service were unsuccessful.

On October 25, 1957, counsel supporting the complaint filed a motion with the hearing examiner in this proceeding setting out that the respondent has ceased business operations at her address in Dallas, Tex., that her present whereabouts are unknown, and requesting that said complaint be dismissed.

Under the circumstances, the hearing examiner is of the opinion that said motion should be granted and the complaint dismissed. Accordingly,

It is ordered, That the complaint herein be, and it hereby is, dismissed, without prejudice to the right of the Federal Trade Commission to take such further action in the future against respondent as the facts and circumstances may warrant.

DECISION OF THE COMMISSION

Pursuant to section 3.21 of the Commission's rules of practice, the initial decision of the hearing examiner did, on the 10th day of December 1957, become the decision of the Commission.

Decision

IN THE MATTER OF
CENTURY PRODUCTS WORKS, INC., ET AL.CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF
THE FEDERAL TRADE COMMISSION ACT*Docket 6840. Complaint, July 15, 1957—Decision, Dec. 10, 1957*

Consent order requiring two associated corporations in Bronx, N.Y.—the manufacturer and sole distributor, respectively, of irons, cooker-fryers, and skillet-casseroles—to cease representing fictitious and exaggerated prices as the usual retail prices and representing falsely that certain of their products had been approved by Good Housekeeping magazine and advertised therein, in advertising material prepared for their purchasers for use in the resale of their products, in newspapers, on attached tags and labels, and on the cartons in which the products were displayed and sold.

Mr. Terral A. Jordan for the Commission.

Mr. Benjamin H. Fried. of Fried & Fried, of New York, N.Y., for respondents.

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 respondents, Century Products Works, Inc., a corporation, Century Enterprises, Inc., a corporation, and Ned M. Grossberg, Morris Brandler, and Sam Klein, individually and as officers of said corporations, with having violated the provisions of the Federal Trade Commission Act in certain particulars. The respondents were duly served with process and in due course filed their answer. The initial hearing was canceled pending negotiations of counsel for a consent agreement.

On October 21, 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 respondents and by their attorney and Terral A. Jordan, counsel supporting the complaint, under date of October 9, 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: