

IN THE MATTER OF
E. REGENSBURG & SONS ALSO TRADING AS S. FERNAN-
DEZ & CO. ET AL.

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

Docket 6854. Complaint, July 26, 1957—Decision, Jan. 15, 1958

Consent order requiring cigar manufacturers in New York City to cease using on cigar boxes a "guarantee" stamp so closely resembling the official customs stamp in lettering, design, and placement on boxes as to lead customers to believe that they were buying cigars made under Government bond.

Mr. C. W. O'Connell for the Commission.

Paskus, Gordon & Hyman by *Mr. Charles H. Lieb*, of New York, N.Y., for respondents.

INITIAL DECISION BY JOHN B. POINDEXTER, HEARING EXAMINER

The complaint in this proceeding charges that the respondents, E. Regensburg & Sons, a corporation, trading and doing business under its own name and as S. Fernandez & Co. and Edward J. Regensburg, Charles P. Regensburg, Edward B. Regensburg, and Jeannette Regensburg, individually and as officers of said corporation, hereinafter called respondents, have violated the provisions of the Federal Trade Commission Act by making misleading representations by affixing a stamp to each of the boxes containing their cigars which simulates the United States customs stamp required by the Tariff Act of 1930.

After issuance and service of the complaint, the respondents, their counsel, and counsel supporting the complaint entered into an agreement for a consent order. The order disposes of all of the matters complained about. The agreement has been approved by the director and the assistant director of the Bureau of Litigation.

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; the record herein shall consist solely of the complaint and the agreement; respondents waive the requirement that the decision must contain a statement of findings of fact and conclusion of law; re-

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spondents 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 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 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. Respondent E. Regensburg & Sons is a corporation 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 located at 468 Fourth Avenue, New York, N.Y. Respondent Edward J. Regensburg is president and treasurer of said corporation, Respondent Charles P. Regensburg is vice president in charge of sales of said corporation, respondent Edward B. Regensburg is vice president in charge of manufacturing of said corporation and respondent Jeannette Regensburg is secretary of said 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 E. Regensburg & Sons, a corporation, trading and doing business under its own name and as S. Fernandez & Co., and its officers, and Edward J. Regensburg, Charles P. Regensburg, Edward B. Regensburg, and Jeannette Regensburg, individually and as officers of said corporation, and their agents, representatives, and employees, directly or through any corporate or other device, in connection with offering for sale, sale, or distribution of cigars in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Using any stamp which either by reason of its appearance, its placement on containers of cigars, or by a combination of both effects, simulates the United States customs stamp required by the Tariff Act of 1930 and the regulations thereunder to be affixed to boxes containing cigars manufactured in bond.

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54 F.T.C.

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 15th day of January 1958, 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.

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IN THE MATTER OF
CARL COHEN TRADING AS BON TON FINDINGS

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

Docket 6858. Complaint, July 26, 1957—Decision, Jan. 15, 1958

Consent order requiring a manufacturer in New York City to cease imprinting the mark "14K" on the back or other location of watch cases which were manufactured from gold of less than 14-karat fineness, thereby enabling retailers to mislead the public as to the gold content of the product.

Edward F. Downs and Thomas A. Sterner, Esqs., in support of the complaint.

David S. Golden, Esq., New York, N.Y. for respondent.

INITIAL DECISION BY JAMES A. PURCELL, HEARING EXAMINER

The complaint in this proceeding, issued July 26, 1957, charges the respondent Carl Cohen, an individual, trading and doing business as Bon Ton Findings, with violation of the Federal Trade Commission Act in connection with the selling and distributing of watch cases. The office and principal place of business of respondent is located at No. 208 W. 27th Street, New York, N.Y.

After issuance and service of said complaint, the respondent entered into an agreement for a consent order with counsel in support of the complaint, disposing of all of the issues in this proceeding, which agreement was duly approved by the director of the Bureau of Litigation. It was expressly provided in said agreement that the signing thereof is for settlement purposes only and does not constitute an admission by respondent that he has violated the law as alleged in the complaint.

By the terms of said agreement, the respondent admitted all the jurisdictional allegations of the complaint, and agreed that the record herein may be taken as though the Commission had made findings of jurisdictional facts in accordance with such allegations. By said agreement, the parties expressly waived a hearing before the hearing examiner or the Commission, the making of findings of fact or conclusions of law by the hearing examiner or the Commission, the filing of exceptions and oral argument before the Commission, and all further and other procedure before the hearing examiner and the Commission to which respondent may be entitled under the Federal Trade Commission Act or the rules of practice of the Commission.

By said agreement, respondent further agreed that the order to