

IN THE MATTER OF
SILVERCRAFT CO., INC., ET AL.

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

Docket 6887. Complaint, Sept. 11, 1957—Decision, Jan. 22, 1958

Consent order requiring a seller of cutlery in Boston, Mass., to cease selling with the words "Made in England" etched on the blades and "FINE SHEFFIELD CUTLERY, Sheffield, England" printed on the display cartons, cutlery made with handles imported from Japan on which the word "Japan" was concealed in assembling them with steel blades and tines imported from England; and to cease selling other cutlery assembled from domestic blades and tines imported from Japan without disclosing the foreign source of the handles.

Mr. Edward F. Downs and *Mr. Thomas A. Sterner* for the Commission.

Mr. Simon Queen, of Boston, Mass., for respondents.

INITIAL DECISION BY WILLIAM L. PACK, HEARING EXAMINER

The complaint in this matter charges the respondents with misrepresenting certain cutlery products sold by them, in violation of the Federal Trade Commission Act. An agreement has now been entered into by respondents and counsel supporting the complaint which provides, among other things, that respondents admit all of the jurisdictional allegations in the complaint; that the record on which the initial decision and the decision of the Commission shall be based shall consist solely of the complaint and agreement; that the inclusion of findings of fact and conclusions of law in the decision disposing of this matter is waived, together with any further procedural steps before the hearing examiner and the Commission; that the order hereinafter set forth may be entered in disposition of the proceeding, such order to have the same force and effect as if entered after a full hearing, respondents specifically waiving any and all rights to challenge or contest the validity of such order; that the order may be altered, modified, or set aside in the manner provided for other orders of the Commission; that the complaint may be used in construing the terms of the order; and that the 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 pro-

posed order and being of the opinion that they provide an adequate basis for an appropriate disposition of the proceeding, the agreement is hereby accepted, the following jurisdictional findings made, and the following order issued:

1. Respondent Silvercraft Co., Inc., is a corporation existing and doing business under and by virtue of the laws of the Commonwealth of Massachusetts, with its office and principal place of business located at 20-24 Yeoman Street, Boston, Mass. Respondents Oscar Miller and Maurice Miller are officers of the corporate respondent and they dominate, direct, and control the policies, acts, and practices of the said corporate respondent.

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 respondent Silvercraft Co., Inc., a corporation, and its officers, and Oscar Miller and Maurice Miller, 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, or distribution of cutlery or other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Offering for sale or selling cutlery containing handles made in Japan or any other foreign country other than England, combined with other parts made in England which bear the legend "Made in England" or any other legend indicative of English origin without clearly disclosing the country of origin of the handles;

2. Offering for sale or selling cutlery containing handles made in Japan, or any other foreign country, combined with other parts made in the United States without clearly disclosing the foreign origin of the handles;

3. Offering for sale or selling any product, any substantial part of which was made in Japan, or any other foreign country, without clearly disclosing the foreign origin of such part:

4. Representing, directly or indirectly, by words or symbols on the containers in which cutlery or other products, made in substantial part in Japan, or any other foreign country other than England, are shipped or displayed, or representing in any other manner, that such products are of English origin.

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 22d day of January 1958, become the decision of the Commission; and, accordingly:

It is ordered, That 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
LESTER CONKLIN FURS

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

Docket 6881. Complaint, Aug. 30, 1957—Decision, Jan. 23, 1958

Consent order requiring a furrier in Reno, Nev., to cease violating the Fur Products Labeling Act by labeling fur products falsely with respect to the names of animals producing the fur; by failing in other respects to comply with invoicing and labeling requirements of the act; and in newspaper advertising failing to disclose the names of animals producing certain furs and that certain products were composed of artificially colored fur, and using comparative prices and representing that selling prices were reduced without maintaining the required records as a basis for such pricing claims.

Morton Nesmith and John J. Mathias, Esqs., in support of the complaint.

F.R. Breen, Esq., of Reno, Nev., for respondent.

INITIAL DECISION BY JAMES A. PURCELL, HEARING EXAMINER

The complaint in this proceeding, issued August 30, 1957, charges the respondent above-named with violation of the provisions of the Federal Trade Commission Act, the Fur Products Labeling Act and the rules and regulations promulgated under the last-named act, in connection with the sale, advertising and offering for sale, transportation and distribution, shipping and receiving in commerce, of fur and fur products, as the designations "commerce," "fur," and "fur products" are defined in the Fur Products Labeling Act.

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 and assistant director of the Bureau of Litigation. It was 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