

IN THE MATTER OF
CUESTA, REY & CO. ET AL.

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

Docket 6855. Complaint, July 26, 1957—Decision, Jan. 28, 1958

Consent order requiring cigar manufacturers in Tampa, Fla., to cease placing on boxes of their cigars a "guarantee" stamp which so closely resembled the official Customs stamp in lettering, design, and placement on boxes that purchasers believed they were buying cigars made under bond.

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

Mr. Norman S. Brown, of Brown, Brown & Corcoran, of Tampa, Fla., for respondents.

INITIAL DECISION BY JOHN B. POINDEXTER, HEARING EXAMINER

The complaint in this proceeding charges that Cuesta, Rey & Co., a corporation, Angel L. Cuesta, Jr., Ygnacio D. Rey, Karl B. Cuesta, and Eugene Simon, individually and as officers of said corporation, hereinafter called respondents, have violated the provisions of the Federal Trade Commission Act by misrepresenting that the cigars which they manufacture are made in a customs bonded warehouse.

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 the matters complained about. The agreement has been approved by the director and assistant director of the Bureau of Litigation.

The pertinent 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; respondents 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 undersigned 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. The respondent Cuesta, Rey & Co., is a corporation organized and doing business under and by virtue of the laws of the State of Florida, with its office and principal place of business located at 2416 N. Howard Avenue, Tampa, Fla. The individual respondents Angel L. Cuesta, Jr., Ygnacio D. Rey, Karl B. Cuesta, and Eugene Simon are president, vice president, treasurer, and secretary, respectively, of said corporation and their business address is the same as that of the 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 Cuesta, Rey & Co., a corporation, and its officers, and Angel L. Cuesta, Jr., Ygnacio D. Rey, Karl B. Cuesta, and Eugene Simon, individually, and as officers of said corporation, and their agents, representatives and employees, directly or through any corporate or other device, in connection with the 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.

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 28th 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.

IN THE MATTER OF

S. MANN FURS, INC., ET AL.

CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF THE
FEDERAL TRADE COMMISSION AND THE FUR PRODUCTS LABELING ACTS*Docket 6883. Complaint, Sept. 11, 1957—Decision, Jan. 28, 1958*

Consent order requiring a furrier in New York City to cease violating the Fur Products Labeling Act by labeling and invoicing fur products with the name of an animal other than that which produced the fur; by failing to comply with other invoicing and labeling requirements of the act; and by affixing labels containing purported regular prices and suggested selling prices and furnishing invoices showing two columns of figures, one designated as "was" prices and the other designated as "now" prices, without keeping the required records to substantiate such pricing claims, which were later used by the customer as the basis for comparative pricing claims in newspaper advertising.

Mr. Michael J. Vitale and Mr. Thomas A. Ziebarth for the Commission.

Kanton, Fixel and Rose, of New York, N.Y., for respondents.

INITIAL DECISION BY JOHN B. POINDEXTER, HEARING EXAMINER

The complaint in this proceeding charges that S. Mann Furs, Inc., a corporation, Sam Mann and Lila Mitchell, individuals, hereinafter called respondents, have violated the provisions of the Federal Trade Commission Act, the Fur Products Labeling Act, and the rules and regulations promulgated under the last-named act by misbranding and falsely and deceptively invoicing and advertising fur products.

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 the matters complained about. The agreement has been approved by the director and assistant director of the Bureau of Litigation.

The pertinent 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; respondents waive further procedural steps before the hearing examiner and the Commission, and the order may be altered, modified, or set aside in