

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

Order

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 S. Mann Furs, Inc. is a corporation organized and doing business under the laws of the State of New York, with its office and principal place of business located at 363 Seventh Avenue, New York, N.Y. The individual respondents Sam Mann and Lila Mitchell are president and secretary-treasurer, respectively, of the corporate respondent 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 S. Mann Furs, Inc., a corporation, and its officers and Sam Mann and Lila Mitchell, individually and as officers of said corporation, and their representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, manufacturing 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. 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.

Order

54 F.T.C.

(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 issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, advertised or offered it for sale in commerce, or transported or distributed it 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.

2. Setting forth, on labels affixed to fur products the name or names of any animal or animals other than the name or names provided for in paragraph A(1)(a) above.

3. Setting forth on labels affixed to fur products:

(a) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations thereunder in abbreviated form;

(b) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations thereunder mingled with nonrequired information;

(c) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations thereunder in handwriting;

4. Failing to show on labels affixed to fur products all the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations thereunder on one side of such labels;

5. Failing to use labels that have a minimum dimension of one and three fourths inches by two and three fourths inches;

6. Failing to show separately on labels affixed to fur products composed of two or more sections containing different animal furs the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations thereunder with respect to the fur comprising each section.

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 by 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 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;

2. Setting forth on invoices the name or names of any animal or animals other than the name or names provided for paragraph B(1)(a) above;

3. Abbreviating on invoices information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations thereunder;

4. Using the term "blended" to describe the pointing, bleaching, dyeing or tip-dyeing of furs.

C. Making price claims or representations in advertisements respecting reduced prices, comparative prices, value or quality of furs or fur products unless there are maintained by respondents adequate records disclosing the facts upon which such claims or representations are based.

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.

Decision

IN THE MATTER OF
P-X CAMERA EXCHANGE, INC., ET AL.

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

Docket 6878. Complaint, Aug. 30, 1957—Decision, Feb. 1, 1958

Consent order requiring distributors of photographic equipment and supplies in New York City to cease representing falsely through use of the term "C. Z. Jena" in advertisements and prominently inscribed on the lenses, that the Japanese-made movie lenses they sold—on which the name "Japan" in very small letters was concealed under a screwed-on protective cap—were made by Carl Zeiss, the well-known German manufacturer.

Mr. Terral A. Jordon for the Commission.

Mr. Jesse Cohen, of New York, N.Y., for respondents.

INITIAL DECISION BY FRANK HIER, HEARING EXAMINER

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission on August 30, 1957, issued and subsequently served its complaint in this proceeding against respondents P-X Camera Exchange, Inc. and Janrus Camera, Inc., corporations existing and doing business under and by virtue of the laws of the State of New York, and Herbert Robbins, individually and as president-treasurer of each of said corporations. The office and principal place of business of said respondents is located at No. 37 West 47th Street, New York 36, N.Y.

On November 18, 1957, there was submitted to the undersigned hearing examiner an agreement between respondents and counsel supporting the complaint providing for the entry of a consent order. By the terms of said agreement, respondents admit all the jurisdictional facts alleged in the complaint and agree that the record may be taken as if findings of jurisdictional facts had been duly made in accordance with such allegations. By such agreement, respondents waive any further procedural steps before the hearing examiner and the Commission; waive the making of findings of fact and conclusions of law; and waive all of the rights they may have to challenge or contest the validity of the order to cease and desist entered in accordance with this agreement. Such agreement further provides that it disposes of all of this proceeding as to all parties; that the record on which this initial decision and the decision of the Commission shall be based shall consist solely of the complaint and this agreement; that the latter shall not become a part of the official record unless and