

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

until it becomes a part of the decision of the Commission; 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; and that the following order to cease and desist may be entered in this proceeding by the Commission without further notice to respondents, and, when so entered, it shall have the same force and effect as if entered after a full hearing, and may be altered, modified, or set aside in the manner provided for other orders; and that the complaint may be used in construing the terms of the order.

The hearing examiner having considered the agreement and proposed order, and being of the opinion that they provide an appropriate basis for settlement and disposition of this proceeding, the agreement is hereby accepted, the following jurisdictional findings made, and the following order issued.

1. Respondents P-X Camera Exchange, Inc., and Janrus Camera Inc., are corporations organized, existing and doing business under the laws of the State of New York, with their office and principal place of business located at No. 37 West 47th Street, New York, N.Y. Respondent Herbert Robbins is an individual and is president-treasurer of respondent Janrus Camera, Inc. He is not an officer of respondent P-X Camera Exchange, Inc. The office and principal place of business of the individual respondent is the same as that of the corporate respondents.

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 respondents P-X Camera Exchange, Inc., a corporation, and its officers, and Janrus Camera, Inc., a corporation, and its officers, and Herbert Robbins, individually and as an officer of Janrus Camera, Inc., and each of respondents' agents, representatives, or employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of movie lenses, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the term "C. Z. Jena" to describe movie lenses not manufactured by "Carl Zeiss" in Jena, Germany, or using any other term which misrepresents the manufacturer or country of origin of said movie lenses.

It is further ordered, That the complaint be, and the same hereby is, dismissed as to respondent Herbert Robbins as an officer of respondent P-X Camera Exchange, Inc. only, but not as an individual.

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 did, on the 1st day of February 1958, become the decision of the Commission; and, accordingly:

It is ordered, That the respondents P-X Camera Exchange, Inc., a corporation, Janrus Camera, Inc., a corporation, and Herbert Robbins, individually and as an officer of Janrus Camera, Inc., 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
WICO CORP. ET AL.CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION
OF THE FEDERAL TRADE COMMISSION ACT

Docket 6859. Complaint, Aug 13, 1957—Decision, Feb. 5, 1958

Consent order requiring distributors in Chicago, Ill., to cease representing falsely in newspaper and other advertising to promote the sale of hot food service bars, that their offer was that of a wholesale distributing business of food products or a managership thereof, that "UP TO \$16,000 A YEAR" income was assured, that accounts were established for customers, that they were given exclusive distributorships, that refunds were made to those dissatisfied, that customers did not have to vend or sell, that the purchase price was secured by inventory and no financial risk was involved, etc.; and that their business was associated with and endorsed by food manufacturers and producers.

Mr. William A. Somers supporting the complaint.

Mr. Nathan Engelstein of Chicago, Ill., for respondents.

INITIAL DECISION BY JOSEPH CALLAWAY, HEARING EXAMINER

The Federal Trade Commission issued its complaint against the above-named respondents on August 13, 1957, charging them with violation of the Federal Trade Commission Act as set forth in said complaint. After issuance and service of the complaint all respondents on November 25, 1957, entered into an agreement with counsel supporting the complaint for a consent order to cease and desist from the practices complained of, which agreement purports to dispose of all the issues in this proceeding. This agreement has been duly approved by the assistant director and the director of the Bureau of Litigation and has been submitted to the undersigned, heretofore designated to act as hearing examiner herein, for his consideration in accordance with rule 3.25 of the rules of practice of the Commission.

Respondents in the aforesaid agreement have admitted all the jurisdictional facts alleged in the complaint and have agreed that the record may be taken as if findings of the jurisdictional facts had been duly made in accordance with such allegations. Said agreement provides further that respondents waive all further procedural steps before the hearing examiner or the Commission, including the making of findings of fact or conclusions of law and the right to challenge or contest the validity of the order to cease and desist entered in accordance with the agreement. It has also been agreed that the record herein shall consist solely of the complaint