

Decision

IN THE MATTER OF

A. E. LEWIS & CO. INC., ET AL.

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

Docket 6577. Complaint, June 27, 1956—Decision, Mar. 11, 1958

Consent order requiring sellers in New York City to cease selling cutlery, assembled by them from steel blades stamped "made in Sheffield, England" with handles made in Japan, some copied from English patterns—the word "Japan" on the end of the handle concealed by the assembling process—without disclosing the Japanese origin of the handles.

Mr. Morton Nesmith and Mr. Berryman Davis for the Commission.
Mr. Abraham J. Efrein, of New York, N.Y., for Respondents.

INITIAL DECISION BY ABNER E. LIPSCOMB, HEARING EXAMINER

The complaint herein was issued on June 27, 1956, charging respondents with false, misleading, and deceptive practices, in that they have failed to disclose the origin of substantial parts of their cutlery, and have misrepresented such cutlery, in its entirety, as a product of England, in violation of the Federal Trade Commission Act.

On December 30, 1957, respondents, their counsel, and counsel supporting the complaint herein entered into an agreement containing consent order to cease and desist, which was approved by the director and the assistant director of the Commission's Bureau of Litigation, and thereafter submitted to the hearing examiner for consideration.

The agreement identifies Respondent A. E. Lewis & Co., Inc., as a New York corporation, with its office and principal place of business located at 304 E. 23d Street, New York, N.Y., and respondents Alexander E. Lewis, Arthur Vinecour, and Morris Goodis as officers thereof, having the same address as the corporate respondent.

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.

Respondents waive any further procedure before the hearing examiner and the Commission; the making of findings of fact or conclusions of law; and all the rights they may have to challenge or contest the validity of the order to cease and desist entered in accordance with the agreement. All parties agree that the record

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on which the initial decision and the decision of the Commission shall be based shall consist solely of the complaint and the agreement; that the order to cease and desist, as contained in the agreement, 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; that the complaint herein may be used in construing the terms of said order; and that the agreement is for settlement purposes only and does not constitute an admission by the respondents that they have violated the law as alleged in the complaint.

After consideration of the allegations of the complaint and the provisions of the agreement and the proposed order, the hearing examiner is of the opinion that such order constitutes a satisfactory disposition of this proceeding. Accordingly, in consonance with the terms of the aforesaid agreement, the hearing examiner accepts the agreement containing consent order to cease and desist; finds that the Commission has jurisdiction over the respondents and over their acts and practices as alleged in the complaint; and finds that this proceeding is in the public interest. Therefore,

It is ordered, That respondents A. E. Lewis & Co., Inc., a corporation, and its officers, and Alexander E. Lewis, Arthur Vinecour, and Morris Goodis, 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, directly or indirectly:

1. Offering for sale or selling cutlery containing handles made in Japan, or in any other foreign country other than England, combined with other parts made in England which bear the legend "A. E. Lewis & Co., Made in Sheffield 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 any product, any substantial part of which was made in Japan, or in any other foreign country, without clearly disclosing the foreign origin of such part;

3. Representing by words or symbols on the containers in which cutlery or other products, made in substantial part in Japan, or in any other foreign country other than England, are shipped or displayed, or 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 11th day of March 1958, become the decision of the Commission; and, accordingly:

It is ordered, That respondents A. E. Lewis & Co., a corporation, and Alexander E. Lewis, Arthur Vinecour, and Morris Goodis, individually and as officers of said corporation, 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
AWON FILM & SUPPLY CO., INC., ET AL.

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

Docket 6920. Complaint, Oct. 24, 1957—Decision, Mar. 15, 1958

Consent order requiring retailers in New York City to cease advertising and selling as "Fresh Movie Film," outdated film, rolls of which often did not contain the claimed footage of usable film; representing excessive amounts as the usual selling price of such "specials" as projection screens advertised for \$14.95; and using the word "wholesalers" or otherwise representing falsely that they sold at wholesale prices.

Mr. Edward F. Downs and *Mr. Garland S. Ferguson*, for the Commission.

Mr. Alfred F. Wachtel, of Brooklyn, N.Y., for respondents.

INITIAL DECISION BY WILLIAM L. PACK, HEARING EXAMINER

The complaint in this matter charges the respondents with the making of certain misrepresentations, in connection with photograph film and photographic equipment 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-