

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Consent order requiring retailers in New York City to cease advertising and selling as "Fresh Movie Film," outdated film, rolls of which often did not contain the claimed footage of usable film; representing excessive amounts as the usual selling price of such "specials" as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-

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 Awon Film & Supply Co., Inc., is a corporation existing and doing business under and by virtue of the laws of the State of New York. Individual respondents Sam Danow, Allen Danow, and Jack Danow are officers of said corporation and formulate, direct and control the practices of the corporate respondent. The office and principal place of business of all of the respondents is located at 108 W. 29th Street, New York, N.Y.

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 Awon Film & Supply Co., Inc., a corporation, and its officers, and Sam Danow, Allen Danow, and Jack Danow, 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 photographic film or photographic equipment or any other product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication:

(a) That outdated film is fresh, or failing to clearly disclose that outdated film offered for sale, is outdated.

(b) That their rolls of film contain a certain number of feet unless such footage is the actual footage of usable film.

(c) That the regular price of any product is in excess of the price at which said product is customarily sold by respondents in their usual and normal course of business.

(d) That a specified amount is the value of a product when such amount is in excess of the price at which said product is regularly and customarily sold in the normal course of business in the same trade territory.

2. Using the word "wholesalers" or representing in any other manner that they sell at wholesale or at wholesale prices, in connection with their retail business.

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 15th day of March 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

MILLER WOOL WASTE CO., INC., ET AL.

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

Docket 6941. Complaint, Nov. 15, 1957—Decision, Mar. 15, 1958

Consent order requiring sellers in Boston, Mass., to cease violating the Wool Products Labeling Act by labeling as "100% wool," woolen stocks which contained substantial quantities of reprocessed wool.

Charles W. O'Connell, Esq., for the Commission.

Brown, Rudnick & Freed, of Boston, Mass., for respondents.

INITIAL DECISION BY JAMES A. PURCELL, HEARING EXAMINER

The complaint in this proceeding, issued November 15, 1957, charges the respondents Miller Wool Waste Co., Inc., a corporation, and Allen J. Miller, individually and as an officer of the corporate respondent, with violation of the provisions of the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, and of the rules and regulations promulgated under authority of the said Wool Products Labeling Act, in connection with the introduction into commerce, or offering for sale, sale, transportation or distribution of woolen stocks, in commerce, as "commerce" is defined in said acts.

After the issuance of said complaint respondents, on December 13, 1957, 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 acting director and assistant director of the Bureau of Litigation of the Federal Trade Commission. It was expressly provided in said agreement that the signing thereof is for settlement purposes only and does not constitute an admission by respondents that they have violated the law as alleged in the complaint.

By the terms of said agreement, the respondents admitted all of 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 conclusions of law by the hearing examiner or the Commission, the filing of exceptions and oral argument before the Commission, and all further and other procedure before the hearing examiner and the