

IN THE MATTER OF
SEA ISLE SPORTSWEAR, INC., ET AL.

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

Docket 6965. Complaint, Nov. 27, 1957—Decision, Mar. 15, 1958

Consent order requiring a manufacturer in New York City to cease violating the Wool Products Labeling Act by labeling as "100% wool," coats which did not consist entirely of wool, by failing to label certain of such products, and by failing to set forth separately on labels the fiber content of interlinings of certain coats.

Mr. Thomas A. Ziebarth for the Commission.

No appearance for respondents.

INITIAL DECISION BY WILLIAM L. PACK, HEARING EXAMINER

The complaint in this matter charges the respondents with certain violations of the Wool Products Labeling Act and the rules and regulations promulgated thereunder, and the Federal Trade Commission Act, in connection with the sale of coats and other wool products. 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 proposed order and being of the opinion that they provide an adequate basis for an appropriate disposition of the proceeding, the agreement

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Order

is hereby accepted, the following jurisdictional findings made, and the following order issued:

1. Respondent Sea Isle Sportswear, Inc., is a corporation organized, existing and doing business under the laws of the State of New York. The individual respondents, Charles Beer, Irving Friedland, and Leo Friedland, are officers of said corporation. The address of all respondents is 519 8th Avenue, 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 Sea Isle Sportswear, Inc., a corporation, and its officers, and Charles Beer, Irving Friedland, and Leo Friedland, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of coats or other "wool products" as "wool products" are defined in said Wool Products Labeling Act, do forthwith cease and desist from:

A. Misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers contained therein;

2. Failing to securely affix to or place on each such product, a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner:

a. The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is 5 percentum or more, and (5) the aggregate of all other fibers;

b. The maximum percentage of the total weight of such wool product of any nonfibrous loading, filling or adulterating matter;

c. The name or the registered identification number of the manufacturer of such wool product, or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution or delivery for shipment there-

of in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

B. Failing to separately set forth on the required stamp, tag, label or other means of identification the character and amount of the constituent fibers contained in the interlinings of such wool products as provided in rule 24 of the rules and regulations promulgated under the said Wool Products Labeling Act of 1939.

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
COLOR ART STUDIOS, INC., ET AL.ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF THE FEDERAL TRADE
COMMISSION ACT*Docket 6841. Complaint, July 15, 1957—Decision, Mar. 18, 1958*

Order requiring a seller in Washington, D.C., of photographs and color portraits made from color film transparencies and negatives, to cease representing falsely that his portraits were natural color, that the finished products would be equal in quality to samples exhibited, and that they were guaranteed to "look like proofs" and that if they did not, he would remake them.

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

Mr. Francis E. Jordan, of Washington, D.C., for respondents.

INITIAL DECISION BY EVERETT F. HAYCRAFT, HEARING EXAMINER

INTRODUCTORY STATEMENT

The complaint in this case was issued July 15, 1957, against Ralph D. White, an individual trading as Color Art Studios, with his principal place of business located at 4435 Wisconsin Avenue NW., Washington, D.C. During the course of the taking of testimony, it was developed that respondent Color Art Studios, Inc. was organized under the laws of the District of Columbia and the articles of incorporation were filed December 28, 1956. On October 11, 1957, counsel in support of the complaint made a motion on the record to amend the complaint in this matter to include Color Art Studios, Inc., and Ralph D. White, individually and as an officer of Color Art Studios, Inc. No objection was made by counsel for respondents, and the Examiner ruled that the complaint be amended to that effect. Subsequently, on December 30, 1957, an order was entered amending the complaint accordingly. The present address of respondents is 5534 Connecticut Avenue NW., Washington, D.C.

Proposed findings and conclusions were submitted by counsel for both sides, oral argument was heard thereon, and the hearing examiner's rulings thereon are implicit herein.