

Decision

IN THE MATTER OF
ADMIRAL CORP.CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF THE
FEDERAL TRADE COMMISSION ACT*Docket 6935. Complaint, Nov. 8, 1957—Decision, Mar. 18 1958*

Consent order requiring a manufacturer with principal office in Chicago to cease misrepresenting in advertising the size of certain of its television sets as "21 inch," "24 inch," etc., without clearly disclosing that the figure was the diagonal distance from opposite corners of the picture tube rather than the horizontal measurement.

Mr. William A. Somers for the Commission.

Mr. William S. Baltz, of Chicago, Ill., for respondent.

INITIAL DECISION BY FRANK HIER, HEARING EXAMINER

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission on November 8, 1957, issued and subsequently served its complaint in this proceeding against respondent Admiral Corp., a corporation existing and doing business under and by virtue of the laws of the State of Delaware, with its office and principal place of business located at 3800 Cortland Street, Chicago, Ill.

On January 22, 1958, there was submitted to the undersigned hearing examiner an agreement between respondent and counsel supporting the complaint providing for the entry of a consent order. By the terms of said agreement, respondent admits all the jurisdictional facts alleged in the complaint and agrees that the record may be taken as if findings of jurisdictional facts had been duly made in accordance with such allegations. By such agreement, respondent waives any further procedural steps before the hearing examiner and the Commission; waives the making of findings of fact and conclusions of law; and waives all of the rights it 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

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Commission; that the agreement is for settlement purposes only and does not constitute an admission by respondent that it has 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 respondent, 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. Respondent Admiral Corp., is a corporation existing and doing business under the laws of the State of Delaware, with its office and principal place of business located at 3800 Cortland Street, Chicago, Ill.

2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondent, and the proceeding is in the public interest.

ORDER

It is ordered, That respondent, Admiral Corp., a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of its television receiving sets in commerce, as "commerce" is defined in the Federal Commission Act, do forthwith cease and desist from using any figure or measurement to designate the size of the picture tube with which its television receiving sets are equipped which is greater than the horizontal measurement of the viewable area of the tube on a single plane basis, unless it is conspicuously disclosed in immediate connection therewith that said figure or measurement is the diagonal measurement, when such is the fact; or an accurate specification of the viewable area of the tube, in square inches, is conspicuously disclosed in immediate connection with such figure or measurement.

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 18th day of

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March 1958, become the decision of the Commission; and, accordingly:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

IN THE MATTER OF
BART SCHWARTZ INTERNATIONAL TEXTILES
LTD. ET AL.

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

Docket 6952. Complaint, Nov. 22, 1957—Decision, Mar. 18, 1958

Consent order requiring sellers in New York City of fabrics, some of which were composed of rayon so made as to simulate wool, to cease selling such fabrics without making adequate disclosure of the true fiber content, and to cease placing in the hands of others for use in conjunction with said fabrics and garments made therefrom, tags, labels, and advertising matter which failed to disclose the rayon content.

Mr. Michael J. Vitale and *Mr. Thomas A. Ziebarth* for the Commission.

Mr. E. Fulton Brylawski, of Washington, D.C., for the respondents.

INITIAL DECISION BY EARL J. KOLB, HEARING EXAMINER

The complaint in this proceeding issued November 22, 1957, charges the respondents Bart Schwartz International Textiles Ltd., a corporation, located at 1407 Broadway, New York, N.Y., and Bart Schwartz and Louis Rudolph, individually and as officers of said corporation, located at the same address as the corporate respondent, with violation of the provisions of the Federal Trade Commission Act in the importation, promotion, sale and distribution of certain rayon fabrics.

After the issuance of the complaint, respondents Bart Schwartz International Textiles Ltd., a corporation, and Bart Schwartz and Louis Rudolph, individually and as officers of said corporation, entered into an agreement containing consent order to cease and desist with counsel in support of the complaint, disposing of all the issues in this proceeding, which agreement was duly approved by the director and assistant director of the Bureau of Litigation. 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 said respondents admitted all the jurisdictional facts alleged in the complaint and agreed that the record herein may be taken as if the Commission had made findings of jurisdictional facts in accordance with the allegations.