

IN THE MATTER OF
EDWARD EARL MCGOWAN, JR., TRADING AS TRANSI-
MITE LABS, ETC.

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

Docket 6735. Complaint, Feb. 28, 1957—Decision, Mar. 20, 1958

Order dismissing, for lack of evidence that he was still in business, complaint charging an individual operating in Virginia and North Carolina with false advertising in connection with the sale of miniature radio kits and parts therefor.

Mr. Edward F. Downs and Mr. Garland S. Ferguson supporting the complaint.

No appearance for respondent.

INITIAL DECISION BY JOHN B. POINDEXTER, HEARING EXAMINER

On February 28, 1957, the Federal Commission issued a complaint in this proceeding alleging that Edward Earl McGowan, Jr., trading and doing business as Transi-Mite Labs, Transi-Mite Laboratories, Transi-Mite Radio Lab, Electronic Miniature Labs, and Electronic Miniatures, had violated the provisions of the Federal Trade Commission Act in the advertising and sale of miniature radio kits.

A copy of the complaint was mailed to respondent at his last known address by registered mail, but the envelope containing said complaint was returned by the postmaster undelivered. Subsequently, personal service of the complaint was effected on respondent but not until after the date specified in the complaint for the initial hearing. All attempts to serve respondent with orders rescheduling the initial hearing, both by mail and personal service, were unsuccessful.

On January 9, 1958, counsel supporting the complaint filed a motion with the hearing examiner in this proceeding setting out the matter recited above and the further circumstance that there is no indication that respondent is presently engaged in the business which led to the issuance of the complaint herein. Wherefore, counsel requested that the complaint be dismissed.

Upon consideration, the hearing examiner is of the opinion that the motion to dismiss should be granted. Accordingly,

It is ordered, That the complaint herein be, and it hereby is, dismissed, without prejudice to the right of the Federal Trade Com-

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Decision

mission to take such further action in the future against respondent as the facts and circumstances may warrant.

DECISION OF THE COMMISSION

Pursuant to section 3.21 of the Commission's rules of practice, the initial decision of the hearing examiner shall, on the 20th day of March 1958, become the decision of the Commission.

IN THE MATTER OF

MASONER & BLOOM, INC., ET AL.

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

Docket 6930. Complaint, Nov. 6, 1957—Decision, Mar. 20, 1958

Consent order requiring furriers in San Francisco to cease violating the Fur Products Labeling Act by false advertising, invoicing, and labeling, in connection with the sale of fur products at auction by others pursuant to arrangements under which they furnished price lists and other invoice memoranda and affixed labels to fur products containing purported insurance valuations greatly in excess of their usual prices, which were used as the basis of public announcements and other forms of advertising.

Mr. John J. McNally for the Commission.

O'Connor, Moran, Cohn & Hall, by *Mr. David D. Ring*, of San Francisco, Calif., for respondents.

INITIAL DECISION BY ABNER E. LIPSCOMB, HEARING EXAMINER

The complaint herein was issued on November 6, 1957, charging respondents with misbranding and falsely and deceptively advertising and invoicing certain of their fur products, in violation of the Federal Trade Commission Act and of the Fur Products Labeling Act and the rules and regulations promulgated thereunder.

Thereafter, on January 13, 1958, 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 Masonek & Bloom, Inc., as a California corporation, with its office and principal place of business located at 140 Geary Street, San Francisco, Calif., and individual respondents Sanford Masonek and Charles L. Bloom as president, and as secretary and treasurer, respectively, of the corporate respondent. The agreement states that respondents Masonek and Bloom formulate, direct and control the acts, policies, and practices of the corporate respondent, and have the same business address as the corporate respondent.