

IN THE MATTER OF
NEL-KAYE RECORD CO., INC., ET AL.

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

Docket 7012. Complaint, Dec. 27, 1957—Decision, Apr. 3, 1958

Order dismissing without prejudice, for failure to obtain service on respondents, complaint charging sellers in New York City with representing falsely in advertising that they had complete stocks of long-playing phonograph records always available and that purchasers of their records were afforded substantial savings.

Mr. Floyd O. Collins supporting the complaint.

No appearance for respondents.

INITIAL DECISION BY JOHN B. POINDEXTER, HEARING EXAMINER

On December 27, 1957, the Federal Trade Commission issued a complaint in this proceeding alleging that Nel-Kaye Record Co., Inc., a corporation, Jack Nelson and Eugene Kestenbaum, individually and as officers of Nel-Kaye Record Co., Inc., have violated the provisions of the Federal Trade Commission Act in the advertising and sale of phonograph records.

Copies of the complaint were sent to the respondents by registered mail and were returned to the Commission by the postal authorities with the notation "Removed—Left No Address."

Subsequently, representatives of the Commission have attempted to obtain personal service on respondents but were unable to locate any of the individual respondents. The respondent corporation is reported to be in bankruptcy.

On February 27, 1958, counsel supporting the complaint filed a motion addressed to the hearing examiner in this proceeding setting out the facts recited above and requesting 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 Commission to take such further action in the future against the respondents or either of them 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 did, on the 3d day of April 1958, become the decision of the Commission.

IN THE MATTER OF
FURS BY KODA, INC., ET AL

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

Docket 6846. Complaint, July 22, 1957—Decision, Apr. 4, 1958

Consent order requiring a furrier in New York City to cease violating the Fur Products Labeling Act by failing to label certain fur products as required, and by invoicing which did not set forth the terms "second-hand" and "used fur" where applicable, and which failed in other respects to conform to requirements of the Act.

Mr. John T. Walker for the Commission.

Mr. Jack Siskel, of New York, N.Y., for respondents.

INITIAL DECISION BY LOREN H. LAUGHLIN, HEARING EXAMINER

The Federal Trade Commission (hereinafter referred to as the Commission) on July 22, 1957, issued its complaint herein under the Federal Trade Commission Act, and the Fur Products Labeling Act against the above-named respondents Furs by Koda, Inc., a corporation, and Albert Gershberg, individually and as president of said corporation. The complaint charges respondents with having violated in certain particulars the provisions of said acts and the rules and regulations promulgated under the Fur Products Labeling Act. The respondents were duly served with process.

On February 7, 1958, there was submitted to the undersigned hearing examiner of the Commission for his consideration and approval an "agreement containing consent order to cease and desist," which had been entered into by and between respondents, their counsel, and counsel supporting the complaint, under date of February 1, 1958, and subject to the approval of the Bureau of Litigation of the Commission. Such agreement had been thereafter duly approved by the director and assistant director of that Bureau.

On due consideration of the said agreement containing consent order to cease and desist, the hearing examiner finds that said agreement both in form and in content is in accord with §3.25 of the Commission's rules of practice for adjudicative proceedings, and that by said agreement the parties have specifically agreed that:

1. Respondent Furs by Koda, Inc., is a corporation existing and doing business under and by virtue of the laws of the State of New