

## Decision

## IN THE MATTER OF

ALBERT D. DILL ET AL. TRADING AS RAD-TEL TUBE CO.  
CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF THE  
FEDERAL TRADE COMMISSION ACT

*Docket 6954. Complaint, Nov. 25, 1957—Decision, Apr. 15, 1958*

Consent order requiring mail order sellers in Newark, N.J., of radio parts and equipment to radio repair men and dealers, to cease representing "rejects" falsely in advertising as first quality radio tubes; failing to disclose in such advertising and on cartons, invoices, etc., the fact that they were seconds; and failing to disclose such fact adequately on the tubes themselves.

*Mr. Charles W. O'Connell* for the Commission.

*Willkie, Farr, Gallagher, Walton & Fitz Gibbon*, by *Mr. Sumner S. Kittelle*, New York, N.Y., for respondents.

## INITIAL DECISION BY FRANK HIER, HEARING EXAMINER

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission on November 25, 1957, issued and subsequently served its complaint in this proceeding against respondents Albert D. Dill and Edward J. McGrath, individuals and co-partners trading as Rad-Tel Tube Co., with their office and place of business located at 604 Market Street, Newark, N.J.

On February 12, 1958, there was submitted to the undersigned hearing examiner an agreement between respondents and counsel supporting the complaint providing for the entry of a consent order. By the terms of said agreement, respondents admit all the jurisdictional facts alleged in the complaint and agree that the record may be taken as if findings of jurisdictional facts had been duly made in accordance with such allegations. By such agreement, respondents waive any further procedural steps before the hearing examiner and the Commission; waive the making of findings of fact and conclusions of law; and waive all of the rights they 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 Commission; 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; and that the following order to cease and desist may be entered

in this proceeding by the Commission without further notice to respondents, 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. Respondents Albert D. Dill and Edward J. McGrath are individuals and copartners trading as Rad-Tel Tube Co., with their office and place of business located at 604 Market Street, Newark, N.J.

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 Albert D. Dill and Edward J. McGrath, as individuals and as copartners trading as Rad-Tel Tube Co., or under any other name, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or the distribution of radio tubes in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing directly or by implication that said radio tubes are first quality tubes, when such is not the fact.

2. Failing to reveal in advertising, invoices and shipping memoranda and on tubes and on the cartons in which the tubes are packed, by the use of the word "seconds" or "rejects" or other words or terms of the same import, that said tubes have been rejected by the manufacturers thereof, when such is the fact.

#### 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 did, on the 15th day of April 1958, become the decision of the Commission; and, accordingly:

*It is ordered*, That the 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

## HARTLEY FURS, INC., ET AL.

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

*Docket 6959. Complaint, Nov. 25, 1957—Decision, Apr. 15, 1958*

Order requiring furriers in Minneapolis, Minn., to cease violating the Fur Products Labeling Act by failing to label and invoice fur products as required; and by advertising in newspapers which failed to disclose the country of origin of imported furs, used comparative prices and percentage savings claims and represented that the selling prices were reduced from regular prices without maintaining adequate records upon which the pricing claims were based.

*Mr. Harry E. Middleton, Jr.*, for the Commission.

No appearance for respondents.

## INITIAL DECISION BY EARL J. KOLB, HEARING EXAMINER

Pursuant to the provisions of the Federal Trade Commission Act and the Fur Products Labeling Act, the Federal Trade Commission on November 25, 1957, issued and subsequently served its complaint in this proceeding upon the respondents Hartley Furs, Inc., a corporation, and Bernard Oksengorin, Raja Oksengorin, and Mike Engel, individually and as officers of said corporation, charging them with the use of unfair and deceptive acts and practices and unfair methods of competition in commerce in violation of the provisions of said acts. Subsequent thereto, said respondents failed to file their answers in this proceeding or to appear before the hearing examiner on February 10, 1958, the date set for the initial hearing in the complaint, and were declared in default. At said initial hearing counsel in support of the complaint was present and submitted a proposed order for consideration by the hearing examiner. Respondents being in default both as to answering the complaint and as to appearance at the initial hearing, and the hearing examiner having considered the proposed order submitted by counsel in support of the complaint and the record herein and being now duly advised in the premises makes the following findings as to the facts, conclusions drawn therefrom and order pursuant to rule 3.7 of the Commission's rules of practice:

1. Hartley Furs, Inc., is a corporation organized and doing business under and by virtue of the laws of the State of Minnesota. Respondents Bernard Oksengorin, Raja Oksengorin, and Mike Engel are officers of the said corporate respondent and they formulate, direct, and