

IN THE MATTER OF
TARGET 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 6995. Complaint, Dec. 17, 1957—Decision, Apr. 30, 1958

Consent order requiring a manufacturer in New York City to cease violating the Wool Products Labeling Act by falsely labeling men's jackets as "all wool;" failing to tag certain wool products and to tag others in the manner required, abbreviating required information on tags on some, and failing to set forth separately on labels on certain jackets the constituent fibers contained in interlinings.

Mr. John T. Walker for the Commission.

Mr. Murray L. Halpern, of New York, N.Y., for respondents.

INITIAL DECISION BY WILLIAM L. PACK, HEARING EXAMINER

The complaint in this matter charges the respondents with misbranding men's jackets and other wool products sold by them, in violation of the Wool Products Labeling Act and the rules and regulations promulgated thereunder and the Federal Trade Commission Act. 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

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basis for appropriate disposition of the proceeding, the agreement is hereby accepted, the following jurisdictional findings made, and the following order issued:

1. Respondent Target Sportswear, Inc., is a corporation existing and doing business under and by virtue of the laws of the State of New York. Respondents Jack Levinson and Jesse Bayer are president and vice president and treasurer, respectively, of said corporate respondent. The office and principal place of business of all respondents is 1140 Broadway, 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 the respondents, Target Sportswear, Inc., a corporation, and its officers, and Jack Levinson and Jesse Bayer, individually and as officers of said corporation, and their 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 men's jackets or other "wool products" as such products are defined in and subject to the Wool Products Labeling Act of 1939, do forthwith cease and desist from:

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

2. Misbranding such products by 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 5 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, (5) the aggregate of all other fibers;

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

(c) The name or 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

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

3. Misbranding such products by using words or terms to set forth the required information descriptive of fiber content which is abbreviated in any way.

4. Misbranding such products by failing to label or mark sample wool products used to promote or affect sales in commerce with the respective fiber contents and other information required by law.

5. Misbranding such products by failing to separately set forth on the required stamp, tag, or label or other means of identification the character and amount of the constituent fibers appearing in the interlinings of such wool products.

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 30th 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

CARL'S

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

Docket 6946. Complaint, Nov. 19, 1957—Decision, May 1, 1958

Consent order requiring a furrier in San Antonio, Tex., to cease violating the Fur Products Labeling Act by failing to comply with the invoicing and labeling requirements; and by advertising in newspapers which failed to disclose the names of animals producing certain furs or named other animals, failed to disclose that certain products were artificially colored or composed of cheap or waste fur, and to disclose the country of origin of imported furs and to set forth other information as required; and in such advertising, representing fictitious prices as the usual prices and sale prices as reduced without maintaining the required records as basis for such pricing claims.

Mr. John T. Walker supporting the complaint.

Respondent, pro se.

INITIAL DECISION BY JOHN B. POINDEXTER, HEARING EXAMINER

On November 19, 1957, the Federal Trade Commission issued a complaint charging Carl's, a corporation, hereinafter called respondent, with misbranding and falsely and deceptively invoicing and advertising fur products in violation of the Federal Trade Commission Act and the Fur Products Labeling Act.

After issuance and service of the complaint, the respondent and counsel supporting the complaint entered into an agreement for a consent order. The order disposes of the matters complained about. The agreement has been approved by the director and assistant director of the Bureau of Litigation.

The pertinent provisions of said agreement are as follows: Respondent admits all jurisdictional facts; the complaint may be used in construing the terms of the order; the order shall have the same force and effect as if entered after a full hearing and the said agreement shall not become a part of the official record of the proceeding unless and until it becomes a part of the decision of the Commission; the record herein shall consist solely of the complaint and the agreement; respondent waives the requirement that the decision must contain a statement of findings of fact and conclusion of law; respondent waives further procedural steps before