

Decision

IN THE MATTER OF
HARRY WEISS DOING BUSINESS AS IDEAL BRUSH
MANUFACTURING CO.

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

Docket 6832. Complaint, July 8, 1957—Decision, May 10, 1958

Consent order requiring a distributor in North Hollywood, Calif., of paint brushes to wholesalers and dealers, to cease using the abbreviation "Mfg." and the word "Manufacturing" in his trade name and on his merchandise, letterheads, invoices, guarantees, in trade show programs, and on display cards furnished to dealers, and thereby representing falsely that he owned or operated a factory in which his merchandise was manufactured.

Mr. Michael J. Vitale and *Mr. Arthur B. Edgeworth* for the Commission.

Mr. U. R. Gerecht, of Los Angeles, Calif., for respondent.

INITIAL DECISION BY J. EARL COX, HEARING EXAMINER

The complaint charges respondent with falsely and deceptively representing, by the use of the abbreviation "Mfg." and the word "Manufacturing," that he owns, operates, or controls a factory or factories wherein the paint brushes which he sells and distributes are manufactured, in violation of the provisions of the Federal Trade Commission Act.

After the issuance of the complaint, respondent, his counsel, and counsel supporting the complaint entered into an agreement containing consent order to cease and desist, which was approved by the Director and an Assistant Director of the Commission's Bureau of Litigation, and thereafter transmitted to the hearing examiner for consideration.

The agreement identifies respondent Harry Weiss as an individual trading and doing business as Ideal Brush Manufacturing Co., with his office and principal place of business located at 3791 Cahuenga Boulevard, North Hollywood, Calif.

The agreement provides, among other things, that 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; that the record on which the initial decision and the decision of the Commission shall be based shall consist solely of the complaint and

this agreement; that the agreement shall not become a part of the official record unless and until it becomes a part of the decision of the Commission; that the complaint may be used in construing the terms of the order agreed upon, which may be altered, modified or set aside in the manner provided for other orders; that the agreement is for settlement purposes only and does not constitute an admission by the respondent that he has violated the law as alleged in the complaint; and that the order set forth in the agreement and hereinafter included in this decision shall have the same force and effect as if entered after a full hearing.

Respondent waives any further procedural steps before the hearing examiner and the Commission, the making of findings of fact or conclusions of law, and all of the rights he may have to challenge or contest the validity of the order to cease and desist entered in accordance with the agreement.

The order agreed upon fully disposes of all the issues raised in the complaint, and adequately prohibits the act and practices charged therein as being in violation of the Federal Trade Commission Act. Accordingly, the hearing examiner finds this proceeding to be in the public interest, and accepts the agreement containing consent order to cease and desist as part of the record upon which this decision is based. Therefore,

It is ordered, That respondent Harry Weiss, trading and doing business as Ideal Brush Manufacturing Co., or trading and doing business under any other name or names, and respondent's agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of paint brushes or any other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from using the abbreviation "Mfg." or the word "Manufacturing," or any other abbreviation or word of the same import or meaning, as a part of a trade or corporate name, or representing in any other manner that respondent manufactures any merchandise sold by him, unless and until he owns, operates or absolutely controls the manufacturing plant wherein such merchandise is manufactured.

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 10th day of May 1958, become the decision of the Commission; and, accordingly:

It is ordered, That respondent Harry Weiss, an individual trading

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and doing business as Ideal Brush Manufacturing Co., shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with the order to cease and desist.

IN THE MATTER OF
GILBERT S. BISHOP DOING BUSINESS AS BISHOP HAIR
EXPERTS

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

Docket 6554. Complaint, May 15, 1956—Decision, May 12, 1958

Order requiring an individual with principal place of business in Cincinnati, Ohio, and operating treatment offices at Pittsburgh, Pa.; Buffalo, N.Y., and Cincinnati, to cease advertising falsely—in newspapers and by means of advance advertising of traveling representatives who invited the public to call on a certain date at a certain place for diagnosis and advice—that by use of his preparations and treatments, excessive hair loss or baldness would be prevented or overcome in almost every case; that hair would be induced to grow upon the heads of all but about five percent of the cases; that fuzz and thin hair would be replaced by stronger and thicker hair; and that dandruff, itching, dryness, and oiliness of the hair and scalp would be permanently eliminated; to cease representing falsely by use of the designation "trichologist" that he and certain of his employees had been trained in dermatology and the branches of medicine having to do with the diagnosis and treatment of scalp disorders affecting the hair and that he had "expanded quickly from 1 office to 14 affiliated offices in North America."

Mr. Harold A. Kennedy for the Commission.

Howrey & Simon, by *Mr. Edward F. Howrey*, *Mr. Harold F. Baker*, and *Mr. John Bodner, Jr.*, of Washington, D.C., for respondent.

INITIAL DECISION BY FRANK HIER, HEARING EXAMINER

BACKGROUND STATEMENT

Complaint in this case issued May 15, 1956, charging violation of the Federal Trade Commission Act through the use by respondent of false, misleading and deceptive advertising and the dissemination thereof by the United States mails and other means in commerce concerning various cosmetic preparations of the respondent and represented by him to prevent excessive hair loss or baldness, to grow hair, replace fuzz, or thicken hair with thicker or stronger hair, or permanently eliminate dandruff, itching, dryness or oiliness of hair and scalp. Misrepresentation is also alleged in respondent's representations that he and associates were trichologists and that he had expanded from 1 to 14 treatment offices in the United States. The