

IN THE MATTER OF
FELIX PRESBURGER TRADING AS FELIX PRESBURGER

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

Docket 6974. Complaint, Dec. 11, 1957—Decision, May 22, 1958

Consent order requiring a furrier in Los Angeles, Calif., to cease violating the Fur Products Labeling Act by mutilating labels attached to fur products prior to sale to the ultimate consumer; by falsely naming the animals producing the fur, on labels and invoices; by falsely naming the country of origin on invoices; and by failing in other respects to comply with the invoicing and labeling requirements; by advertising in newspapers which failed to disclose the names of animals producing furs, that certain products contained artificially colored or cheap or waste fur, etc., which falsely represented furs as "Direct from factory to you" and misrepresented prices; and by failing to keep adequate records as the basis for pricing claims.

Mr. John J. McNally supporting the complaint.

Mr. Norman S. Berliner, of Los Angeles, Calif., for respondent.

INITIAL DECISION BY JOSEPH CALLAWAY, HEARING EXAMINER

The Federal Trade Commission issued its complaint against the above-named respondent on December 11, 1957, charging him with having violated the Fur Products Labeling Act, the rules and regulations issued thereunder, and the Federal Trade Commission Act by misbranding, falsely invoicing and falsely advertising certain fur products. After being served with the complaint respondent entered into an agreement, dated February 13, 1958, containing a consent order to cease and desist, disposing of all the issues in this proceeding without hearing, which agreement has been duly approved by the Assistant Director and the Director of the Bureau of Litigation. Said agreement has been submitted to the undersigned, heretofore duly designated to act as hearing examiner herein, for his consideration in accordance with section 3.25 of the rules of practice of the Commission.

Respondent, pursuant to the aforesaid agreement, has admitted all of the jurisdictional allegations of the complaint and agreed that the record may be taken as if findings of jurisdictional facts had been made duly in accordance with such allegations. Said agreement further provides that respondent waives all further procedural steps before the hearing examiner or the Commission, including the making of findings of fact or conclusions of law and the right to challenge

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or contest the validity of the order to cease and desist entered in accordance with such agreement. It has also been agreed that the record herein shall consist solely of the complaint and said 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 said agreement is for settlement purposes only and does not constitute an admission by respondent that he has violated the law as alleged in the complaint; that said order to cease and desist 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.

This proceeding having now come on for final consideration on the complaint and the aforesaid agreement containing the consent order, and it appearing that the order and agreement cover all of the allegations of the complaint and provide for appropriate disposition of this proceeding, the agreement is hereby accepted and ordered filed upon this decision and said agreement becoming part of the Commission's decision pursuant to sections 3.21 and 3.25 of the rules of practice, and the hearing examiner accordingly makes the following findings, for jurisdictional purposes, and order:

1. Respondent Felix Presburger is an individual trading as Felix Presburger with his office and principal place of business at 635 South Hill Street, Los Angeles, Calif.

2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondent hereinabove named. The complaint states a cause of action against said respondent under the Fur Products Labeling Act and the Federal Trade Commission Act, and this proceeding is in the interest of the public.

ORDER

It is ordered, That respondent Felix Presburger, an individual trading as Felix Presburger, or under any other trade name or names, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale, in commerce, or the transportation or distribution in commerce, of fur products or in connection with the sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

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A. Removing, or participating in the removal of labels required by the Fur Products Labeling Act to be affixed to fur products, prior to the time any fur product is sold and delivered to the ultimate consumer.

B. Misbranding fur products by:

1. Setting forth, on labels attached to fur products, the name of any animal other than the name or names provided for in paragraph B.2.(a) below.

2. Failing to affix labels to fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(e) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale, or transported or distributed it in commerce.

(f) The name of the country of origin of any imported furs used in the fur product;

3. Setting forth the term "blended" on labels affixed to fur products to refer to or describe fur products which contain or are composed of bleached, dyed, or otherwise artificially colored fur.

4. Setting forth on labels attached to fur products information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations thereunder mingled with nonrequired information or in handwriting;

C. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is the fact;

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- (c) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;
- (d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;
- (e) The name and address of the person issuing such invoice;
- (f) The name of the country of origin of any imported fur contained in a fur product.

2. Furnishing invoices to purchasers of fur products showing:

- (a) The name of a country other than the country of origin of the animal that produced the fur contained in such fur product;
- (b) The name of an animal other than the name or names provided for in paragraph C.1.(a) above;

3. Failing to furnish invoices to purchasers of fur products containing an item number or mark assigned to such products;

D. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

1. Fails to disclose:

- (a) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;
- (b) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;
- (c) That the fur product contains or is composed, in whole or in substantial part, of paws, tails, bellies, or waste fur, when such is the fact;

2. Sets forth information required under section 5(a) of the Fur Products Labeling Act and the rules and regulations thereunder in abbreviated form;

3. Sets forth the term "blended" to refer to or describe fur products which contain or are composed of bleached, dyed, or otherwise artificially colored fur;

4. Represents that respondent is the manufacturer of fur products being offered for sale unless such is the fact;

5. Represents that savings are to be effectuated by purchasers of fur products through the use by respondent of comparative prices, percentage savings claims, or reductions from regular or usual prices unless there are maintained by respondent full and adequate records disclosing the facts upon which such claims or representations are based, as required by rule 44(e) of the rules and regulations.

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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 22d day of May 1958, become the decision of the Commission; and, accordingly:

It is ordered, That the respondent herein 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.

Decision

IN THE MATTER OF

CHARLES COHEN TRADING AS SANTA ANA FUR CO.
AND CHARLES OF THE SANTA ANA FUR CO.

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

Docket 6993. Complaint, Dec. 16, 1957—Decision, May 22, 1958

Consent order requiring a furrier in Santa Ana, Calif., to cease violating the Fur Products Labeling Act by removing labels from fur products prior to sale to the ultimate consumer; by naming on invoices fictitious or non-existent animal or animals other than those producing the fur; by failing to comply in other respects with the labeling and invoicing requirements; by advertising in newspapers which failed to disclose the names of animals producing furs or named other animals, failed to disclose that certain products were composed of artificially colored fur and the name of the country of origin of imported furs, and failed to give other required information; represented prices as reduced from regular prices which were in fact fictitious, represented falsely that he designed and manufactured his fur products, that prices were reduced in a so-called "Disruption Sale" and that they were below cost; and by failing to keep adequate records as a basis for the pricing claims.

Mr. John J. McNally supporting the complaint.
Respondent, pro se.

INITIAL DECISION BY JOSEPH CALLAWAY, HEARING EXAMINER

The Federal Trade Commission issued its complaint against the above-named respondent on December 16, 1957, charging him with having violated the Fur Products Labeling Act, the rules and regulations issued thereunder, and the Federal Trade Commission Act by misbranding, falsely invoicing and falsely advertising certain fur products. After being served with the complaint respondent entered into an agreement, dated February 15, 1958, containing a consent order to cease and desist, disposing of all the issues in this proceeding without hearing, which agreement has been duly approved by the Assistant Director and the Director of the Bureau of Litigation. Said agreement has been submitted to the undersigned, heretofore duly designated to act as hearing examiner herein, for his consideration in accordance with section 3.25 of the rules of practice of the Commission.

Respondent, pursuant to the aforesaid agreement, has admitted all of the jurisdictional allegations of the complaint and agreed that the record may be taken as if findings of jurisdictional facts had