

IN THE MATTER OF  
ADVANCE SPECTACLE CO., INC., ET AL.<sup>1</sup>

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

*Docket 6285. Complaint, Jan. 10, 1955—Decision, June 3, 1958*

Consent order requiring a Chicago firm to cease representing falsely in advertising that eyeglasses made according to prescriptions furnished by customers using its "14 LENS SAMPLE CARD" and other devices would correct defects in vision of all persons.

*Mr. William A. Somers* for the Commission.

*Froelich, Grossman, Teton and Tabin*, of Chicago, Ill., by *Mr. Alfred B. Teton*, for respondents.

INITIAL DECISION BY EARL J. KOLB, HEARING EXAMINER

The complaint in this proceeding issued January 10, 1955, charges the respondents Advance Spectacle Co., Inc., a corporation, and Michael M. Egel, individually and as an officer of Advance Spectacle Co., Inc., located at 537 South Dearborn Street, Chicago, Ill., with violation of the provisions of the Federal Trade Commission Act in the sale of eyeglasses.

After the issuance of the complaint, said respondents entered into an agreement containing consent order to cease and desist with counsel in support of the complaint, disposing of all the issues in this proceeding, which agreement was duly approved by the Director and Assistant Director of the Bureau of Litigation.

It was expressly provided in said agreement that the signing thereof is for settlement purposes only and does not constitute an admission by said respondents that they have violated the law as alleged in the complaint.

By the terms of said agreement, the said respondents admitted all the jurisdictional facts alleged in the complaint and agreed that the record herein may be taken as if the Commission had made findings of jurisdictional facts in accordance with the allegations,

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<sup>1</sup> This order "clarifies", by insertion of the words "or reducing" before the last word ("lenses") of paragraph 1, the otherwise identical order to cease and desist issued on May 22, 1955, 51 F.T.C. 1216, in this proceeding. That order was vacated and set aside October 11, 1957, and the case remanded for the reason that respondents asserted a misunderstanding on their part as to the scope of the order agreed to and it appeared to the Commission that the discussion on the record at the time of submittal of the agreement containing the order indicates a possible basis for the respondents' misunderstanding.

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and that said agreement disposes of all of this proceeding as to all parties.

By said agreement, the parties expressly waived any further procedural steps before the hearing examiner and the Commission; the making of findings of fact or conclusions of law; and all the rights they may have to challenge or contest the validity of the order to cease and desist entered in accordance with the agreement.

Respondents further agreed that the order to cease and desist, issued in accordance with said agreement, shall have the same force and effect as if made after a full hearing.

It was further provided that said agreement, together with the complaint, shall constitute the entire record herein; that the complaint herein may be used in construing the terms of the order issued pursuant to said agreement; and that said order may be altered, modified or set aside in the manner prescribed by the statute for orders of the Commission.

The hearing examiner has considered such agreement and the order therein contained, and, it appearing that said agreement and order provide for an appropriate disposition of this proceeding, the same is hereby accepted and is ordered filed upon becoming part of the Commission's decision in accordance with sections 3.21 and 3.25 of the rules of practice, and, in consonance with the terms of said agreement, the hearing examiner finds that the Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondents named herein, that this proceeding is in the interest of the public, and issues the following order:

## ORDER

*It is ordered,* That respondent Advance Spectacle Co., Inc., a corporation, and its officers, and respondent Michael M. Egel, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of eyeglasses, do forthwith cease and desist from:

1. Disseminating, or causing to be disseminated, any advertisement by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication, that the eyeglasses sold by respondents, made pursuant to the results of tests of the eyes using respondents' devices, will correct, or are capable of correcting, defects in vision of persons unless expressly limited to those persons approximately forty years of age and older

who do not have astigmatism or diseases of the eye and who require only simple magnifying or reducing lenses.

2. Disseminating, or causing to be disseminated, any advertisement by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of their eyeglasses in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains the representation prohibited in paragraph 1 hereof.

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 3d day of June 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  
GLENOIT MILLS, INC., ET AL.CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF THE  
FEDERAL TRADE COMMISSION ACT*Docket 6968. Complaint, Dec. 4, 1957—Decision, June 5, 1958*

Consent order requiring the manufacturer of an orlon-dynel fabric simulating fur designated "Glenara" to cease representing falsely in advertisements in newspapers and magazines, and others published by sellers of garments made from "Glenara," that the fabric was made from pelts, hair, or fur fibers of fur-bearing animals, particularly mink, was "let out" in the same manner as mink, was made into garments by master furriers as if real fur were used, and that it looked and felt like mink.

*M. J. Vitale and T. A. Ziebarth, Esqs., for the Commission.*

*Wolf, Block, Schorr & Solis-Cohen, by Mr. R. B. Wolf, of Philadelphia, Pa., for respondents.*

## INITIAL DECISION BY JAMES A. PURCELL, HEARING EXAMINER

The complaint in this proceeding, issued December 4, 1957, charges the respondents Glenoit Mills, Inc., a corporation, and A. M. Sonnabend, Clarence E. Hafford, Arnold W. Schmidt and Ray Tetzleff, individually and as officers of said corporation, with violation of the Federal Trade Commission Act by means of the use of certain false, misleading, and deceptive representations in connection with the manufacture, sale and distribution of fabrics made to simulate natural fur, in commerce, as "commerce" is defined in said act.

After the issuance of said complaint respondents Glenoit Mills, Inc., Clarence E. Hafford, Arnold W. Schmidt and Ray Tetzleff, on February 12, 1958, entered into an agreement for a consent order with counsel in support of the complaint which agreement was duly approved by the Director and Assistant Director of the Bureau of Litigation of the Federal Trade Commission.

The agreement disposes of all charges of the complaint as issued except in two particulars:

1. For the reasons stated in an affidavit attached to and made a part of said agreement, the parties have in said agreement specifically provided that the charges of the complaint against the individual respondent A. M. Sonnabend, should be dismissed, said concord being confirmed in the proposed order forming a part of said agreement: and

2. That the charge that respondents' products "look" like mink, as contained in subparagraph 4 of paragraph 6 of the complaint be dismissed because of the subjective character of the charge and the impossibility of proof thereof, said dismissal having been likewise confirmed and incorporated in the proposed order contained in said agreement.

It was expressly provided in said agreement that the signing thereof is for settlement purposes only and does not constitute an admission by respondents that they have violated the law as alleged in the complaint.

By the terms of said agreement, the signatory respondents admitted all of the jurisdictional allegations of the complaint and agreed that the record herein may be taken as though the Commission had made findings of jurisdictional facts in accordance with such allegations. The parties expressly waived a hearing before the hearing examiner or the Commission, the making of findings of fact or conclusions of law by the hearing examiner or the Commission, the filing of exceptions and oral argument before the Commission, and all further and other procedure before the hearing examiner and the Commission to which the signatory respondents may otherwise be entitled under the Federal Trade Commission Act or the rules of practice of the Commission.

The signatory respondents further agreed that the order to cease and desist issued in accordance with said agreement shall have the same force and effect as though made after a full hearing, presentation of evidence and findings and conclusions thereon, and specifically waived any and all right, power or privilege to challenge or contest the validity of such order.

It was further provided that said agreement, together with the complaint, shall constitute the entire record herein; that the complaint herein may be used in construing the terms of the order issued pursuant to said agreement; and that the said order may be altered, modified or set aside in the manner provided by statute for other orders of the Commission.

Said agreement recites that the respondent Glenoit Mills, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Delaware, and that Clarence E. Hafford, Arnold W. Schmidt, and Ray Tetzleff are individuals and are, respectively, vice president in charge of sales, vice president in charge of production, and treasurer of the corporate respondent. The office and principal place of business of all respondents signatory is located at No. 450 Seventh Avenue, New York, N.Y.

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The hearing examiner has considered such agreement and the order therein contained, and, it appearing that said agreement and order provides for an appropriate disposition of the proceeding, the same is hereby accepted and, without further notice to respondents, is ordered filed upon becoming part of the Commission's decision in accordance with sections 3.21 and 3.25 of the rules of practice, and in consonance with the terms of said agreement, the hearing examiner finds that the Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of all the respondents named herein, and that this proceeding is in the interest of the public, wherefore he issues the following order:

## ORDER

*It is ordered*, That respondent Glenoit Mills, Inc., a corporation, and its officers, and Clarence E. Hafford, Arnold W. Schmidt, and Ray Tetzleff, individually and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of fabrics made to simulate natural fur, 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 fabric:
  - a. Is made from the pelts, hair or fur fibers of a fur bearing animal or animals;
  - b. Has the feel of natural fur;
  - c. Is made into coats or other garments by master furriers, unless such is the fact;
  - d. Is made into coats or other garments in the same manner as if real fur were used.

- (2) Using the term "let-out," or any other words of similar import or meaning, to describe or refer to the manner in which respondents' fabrics are made into coats or other garments.

*It is further ordered*, That the complaint, insofar as it relates to respondent A. M. Sonnabend in his individual capacity, and the charge of the complaint concerning the word "Look," as set out in subparagraph 4 of paragraph 6 be, and the same is hereby, dismissed.

## 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 5th day of June 1958, become the decision of the Commission; and, accordingly:

*It is ordered*, That the respondents Glenoit Mills, Inc., a corporation, and Clarence E. Hafford, Arnold W. Schmidt, and Ray Tetzleff, individually and as officers of Glenoit Mills, Inc., 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

## STANDARD WOOL BATTING CORP. ET AL.

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

*Docket 7027. Complaint, Jan. 14, 1958—Decision, June 5, 1958*

Consent order requiring a manufacturer in New York City to cease violating the Wool Products Labeling Act by tagging and invoicing as "100 percent reprocessed wool" and "80 percent reused wool," battings which contained substantially less than such percentages of reprocessed and reused wool, and failing in other respects to comply with the labeling requirements of the act.

*Mr. Kent P. Kratz* for the Commission.

*Mr. Simon Krumholz* and *Mr. Bernard Chosnek, pro se*, and also for Standard Wool Batting Corp.

## INITIAL DECISION BY EVERETT F. HAYCRAFT, HEARING EXAMINER

The Federal Trade Commission issued its complaint against the above-named respondents on January 14, 1958, 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 the Federal Trade Commission Act, the Wool Products Labeling Act of 1939 and the Rules and Regulations promulgated under the Wool Products Labeling Act. After the issuance of said complaint and the filing of their answer thereto, the initial hearing was held on March 19, 1958, in New York, N.Y., at which time, before testimony was taken, an agreement for consent order was entered into by and between the respondents and counsel supporting the complaint, subject to approval by the Bureau of Litigation, in accordance with section 3.25 of the rules of practice and procedure of the Commission. This agreement was duly approved by the Bureau of Litigation and submitted to the hearing examiner on March 26, 1958.

By the terms of said agreement, the respondents admitted all the jurisdictional facts alleged in the complaint and agreed that the record may be taken as if findings of jurisdictional facts had been duly made in accordance with such allegations, said agreement disposing of all of this proceeding as to all parties. Respondents in the agreement expressly waived 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

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they may have to challenge or contest the validity of the order to cease and desist entered in accordance with this agreement.

It was further provided in said agreement that the record on which the initial decision and the decision of the Commission shall be based shall consist solely of the complaint and the said agreement. It was further agreed 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, and that said 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 said agreement also provided that the order to cease and desist issued in accordance therewith shall have the same force and effect as if entered after a full hearing; that it 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 by the hearing examiner on the complaint and the aforesaid agreement for consent order, and it appearing that said agreement provides for an appropriate disposition of this proceeding, the aforesaid agreement is hereby accepted and is ordered filed upon becoming part of the Commission's decision in accordance with sections 3.21 and 3.25 of the rules of practice; and in consonance with the terms of said agreement, the hearing examiner makes the following jurisdictional findings and order:

1. Respondent Standard Wool Batting Corp. is a corporation existing and doing business under and by virtue of the laws of the State of New York, with its office and principal place of business located at 4235 Park Avenue, New York, N.Y.

Individual respondents Simon Krumholz and Bernard Chosnek are president and treasurer, respectively, of respondent corporation. These individuals formulate, direct, and control the policies, acts, and practices of said corporation. Their address is the same as that of the corporate respondent.

2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondents hereinabove named. The complaint states a cause of action against said respondents under the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, and this proceeding is in the interest of the public.

## ORDER

*It is ordered,* That respondents, Standard Wool Batting Corp., a corporation, and its officers, and Simon Krumholz and Bernard

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Chosnek, individually and as officers of said corporation, and respondents' 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 wool batting or other "wool products" as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, or in any way are represented as containing "wool," "reprocessed," or "reused wool," do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers included therein.

2. 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 percentages by weight of such fiber is 5 percentum or more, and (5) the aggregate of all other fibers;

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

- (c) the name or the 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, distributing or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

*It is further ordered,* That respondents, Standard Wool Batting Corp., a corporation, and its officers, and Simon Krumholz and Bernard Chosnek, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of wool batting or any other product in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Misrepresenting the constituent fibers of which their products are composed or the percentages thereof in invoices, shipping memoranda or in any other manner.

## 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 5th day of June 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  
WOOL NOVELTY CO., INC., ET AL.

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

*Docket 6867. Complaint, Aug. 20, 1957—Decision, June 6, 1958*

Consent order requiring three affiliated concerns in New York City and Philadelphia, to cease violating the Wool Products Labeling Act by falsely tagging as "100 percent cashmere" and labeling also with a facsimile of the British flag and the significant English historical name "Drake," sweaters which were knitted in Philadelphia of yarn imported from Japan, and failing in other respects to comply with the labeling requirements of the act; and to cease representing falsely by respondent partnership's use of the trade name "Drake Knitting Mills" and the phrase "manufacturers of sweaters and knitted sportswear" on invoices, that the partnership was the manufacturer of sweaters imported from England by corporate respondent and for which it was merely the selling agent.

*Mr. Fletcher G. Cohn and Mr. Arthur B. Edgeworth* for the Commission.

*Mr. Erwin Feldman*, of New York, N.Y., for respondents.

## INITIAL DECISION BY LOREN H. LAUGHLIN, HEARING EXAMINER

The Federal Trade Commission (sometimes also hereinafter referred to as the Commission) issued its complaint herein, charging the above-named respondents with having violated the provisions of both the Federal Trade Commission Act and the Wool Products Labeling Act in certain particulars.

On April 3, 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 and the attorney for the Commission, under date of March 31, 1958, subject to the approval of the Bureau of Litigation of the Commission, which had subsequently duly approved the same.

On due consideration of such agreement, the hearing examiner finds that said agreement, both in form and in content, is in accord with section 3.25 of the Commission's rules of practice for adjudicative proceedings, and that by said agreement the parties have specifically agreed to the following matters:

1. Respondent Wool Novelty Co., Inc., is a corporation existing and doing business under and by virtue of the laws of the State of