

Decision

54 F.T.C.

IN THE MATTER OF
GOLDMAN JEWELRY CO. ET AL.

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

Docket 7054. Complaint, Jan. 28, 1958—Decision, June 10, 1958

Consent order requiring sellers of jewelry and other merchandise in Kansas City, Mo., to cease representing falsely in newspaper advertisements and otherwise that their commodities such as bone china cups and saucers, binoculars, and laprobes were being offered at reduced prices.

Mr. Thomas A. Ziebarth for the Commission.

Mr. Jules E. Kohn, of Kansas City, Mo., for respondents.

INITIAL DECISION BY ABNER E. LIPSCOMB, HEARING EXAMINER

The complaint herein was issued on January 28, 1958, charging respondents with violation of the Federal Trade Commission Act by falsely and deceptively advertising the customary and regular prices of their jewelry and other commodities, and the savings to purchasers resulting therefrom.

Thereafter, on April 15, 1958, respondents, their counsel, and counsel supporting the complaint herein 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 submitted to the hearing examiner for consideration.

The agreement identifies corporate respondent Goldman Jewelry Co. as a Missouri corporation, with its office and principal place of business located at 211 Altman Building, Kansas City, Mo.; individual respondents Fred Goldman, Sr., and George L. Goldman as president and secretary-treasurer, respectively, of the corporate respondent; and individual respondents Fred Goldman, Jr., and Richard A. Goldman as substantial stockholders in the corporate respondent and active in its management; the individual respondents having the same address as the corporate respondent.

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.

Respondents waive any further procedure before the hearing examiner and the Commission: the making of findings of fact and

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conclusions of law; and all of the rights they may have to challenge or contest the validity of the order to cease and desist entered in accordance with the agreement. All parties agree 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 agreement; that the order to cease and desist, as contained in the agreement, when it shall have become a part of the decision of the Commission, 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; that the complaint herein may be used in construing the terms of said order; and that the agreement is for settlement purposes only and does not constitute an admission by the respondents that they have violated the law as alleged in the complaint.

After consideration of the allegations of the complaint and the provisions of the agreement and the proposed order, the hearing examiner is of the opinion that such order constitutes a satisfactory disposition of this proceeding. Accordingly, in consonance with the terms of the aforesaid agreement, the hearing examiner accepts the agreement containing consent order to cease and desist; finds that the Commission has jurisdiction over the respondents and over their acts and practices as alleged in the complaint; and finds that this proceeding is in the public interest. Therefore,

It is ordered, That Respondents Goldman Jewelry Co., a corporation, and its officers; and respondents Fred Goldman, Sr., and George L. Goldman, individually and as officers of said corporation, and Fred Goldman, Jr., and Richard A. Goldman, individually, 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 commodities 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 the regular prices of respondents' commodities are any amounts in excess of the prices at which such commodities have been sold by respondents in their recent regular course of business;

2. Representing, directly or by implication, that any savings are afforded from respondents' regular prices unless the amount for which they are offered constitutes a reduction from the price at which said commodities had been sold by respondents in their recent regular course of business.

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 June 1958, become the decision of the Commission; and, accordingly:

It is ordered, That respondents named in the caption hereof 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.

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IN THE MATTER OF

CARL M. STEPHAN ET AL. TRADING AS THE FASHION

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

Docket 6956. Complaint, Nov. 25, 1957—Decision, June 11, 1958

Consent order requiring furriers in San Antonio, Tex., to cease violating the Fur Products Labeling Act by failing to comply with the labeling, invoicing, and advertising requirements, and specifically by advertising in newspapers which failed to disclose the names of animals producing the furs in certain products or the country of origin, or that some products contained artificially colored or cheap or waste fur.

Mr. John T. Walker supporting the complaint.

Respondents, pro se.

INITIAL DECISION BY JOHN B. POINDEXTER, HEARING EXAMINER

On November 25, 1957, the Federal Trade Commission issued a complaint charging Carl M. Stephan, Earl Marcus, Gladys Stephan, Murray Marcus, Carol Marcus and Janet Marcus, individually and as copartners, trading as The Fashion, hereinafter referred to as respondents, with misbranding, 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 respondents and counsel supporting the complaint entered into an agreement for a consent order. The agreement has been approved by the Director and Assistant Director of the Bureau of Litigation. The agreement disposes of the matters complained about.

The pertinent provisions of said agreement are as follows: Respondents admit 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; respondents waive the requirement that the decision must contain a statement of findings of fact and conclusions of law; respondents waive further procedural steps before the hearing examiner and the Commission, and the order may be altered, modified, or set aside in the manner provided by statute for other orders; respondents waive any right to challenge or con-