

IN THE MATTER OF
PRESENT TRADING CORP. ET AL.

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

Docket 7073. Complaint, Feb. 28, 1958—Decision, June 27, 1958

Consent order requiring a concern in New York City, engaged in distributing imported stainless steel table flatware to retail stores, house-to-house installment companies, and houseware jobbers for resale to the public, to cease misrepresenting regular retail prices by placing fictitious and exaggerated prices on packages of such products and on empty boxes and cartons which it sold to its customers for said flatware sets.

Mr. Garland S. Ferguson for the Commission.

Mr. Lawrence I. Hammer, of New York, N.Y., for respondents.

INITIAL DECISION BY EARL J. KOLP, HEARING EXAMINER

The complaint in this proceeding, issued February 28, 1958, charges the respondents Present Trading Corp., a corporation, and Ignatz Present and David Mermelstein, individually and as officers of said corporation, the office and principal place of business of all respondents being located at 220 Fifth Avenue, New York, N.Y., with violation of the Federal Trade Commission Act in the sale and distribution of imported stainless steel table flatware.

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 as to all parties 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.

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

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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 section 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 respondents Present Trading Corp., a corporation, and its officers, and Ignatz Present, and David Mermelstein, 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, and distribution of stainless steel table flatware, or any other merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Setting forth prices on the boxes or cartons in which their merchandise is packed for sale, or on boxes or cartons furnished in connection with their said merchandise, which are in excess of the prices at which said merchandise is usually and customarily sold at retail, or representing in any other manner that any price is the usual or regular retail price which is in excess of the price at which said merchandise is usually and customarily sold at retail.

2. Putting any plan in operation whereby retailers or others may misrepresent the usual and customary retail prices of merchandise.

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 27th 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
BERNARD W. COATES DOING BUSINESS AS ASSOCIATED
MAIL MERCHANTISERS

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

Docket 6988. Complaint, Dec. 13, 1957—Decision, June 28, 1958

Consent order requiring an individual in Dorchester, Mass., engaged in the sale and distribution of merchandise and supplies for use in a mail order business, to cease representing falsely through the use of various trade names and advertising material mailed to prospective purchasers that he offered limited and exclusive membership in a cooperative association operated for the profit of its members, that said members were carefully selected and were assisted in the operation of their mail order enterprises by a large and experienced staff, that merchandise available for mail order sale by them had been selected after extensive research and trial tested for salability, and that members would earn large incomes; and to cease misleading use of the words "Association" or "Associated" in his trade names.

Mr. Terral A. Jordan for the Commission.

Mr. Harold J. Field, of Boston, Mass., for respondent.

INITIAL DECISION BY FRANK HIER, HEARING EXAMINER

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission on December 13, 1957, issued and subsequently served its complaint in this proceeding against respondent Bernard W. Coates an individual trading and doing business as a sole proprietorship under the name of Associated Mail Merchandisers, with his office and principal place of business located at 35 Pleasant Street, Dorchester, Mass.

On May 7, 1958, there was submitted to the undersigned hearing examiner an agreement between respondent and counsel supporting the complaint providing for the entry of a consent order. By the terms of said agreement, 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. By such agreement, respondent waives any further procedural steps before the hearing examiner and the Commission; waives the making of findings of fact and conclusions of law; and waives all of the rights he may have to challenge or contest the validity of the order to cease and desist entered in accordance with this agreement. Such agreement further provides that it disposes of all of this