

Decision

IN THE MATTER OF
MOORE PRODUCTS CORP. ET AL.CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF
THE FEDERAL TRADE COMMISSION ACT*Docket 7126. Complaint, Apr. 18, 1958—Decision, Sept. 11, 1958*

Consent order requiring distributors in New York City to cease selling without disclosure of Japanese origin, expansion watchbands of base metals which they imported, colored gold by electrolytic process, and sold to jobbers and wholesalers under the trade name "Mor-Flex"; and to cease representing falsely that such products were "Gold Plated" and "Guaranteed."

Mr. Garland S. Ferguson for the Commission.

No appearance for respondents.

INITIAL DECISION BY EARL J. KOLB, HEARING EXAMINER

The complaint in this proceeding issued April 18, 1958, charges the respondents Moore Products Corp., a corporation, located at 35 West 31st Street, New York, N.Y., and Joseph M. Moore and Ann Moore, individually and as officers of said corporation, located at the same address as the corporate respondent, with violation of the provisions of the Federal Trade Commission Act in the sale and distribution of expansion watchbands under the trade name "Mor-Flex."

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.

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

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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 complain 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 provides 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 respondents Moore Products Corp., a corporation, and its officers, and Joseph M. Moore and Ann Moore, 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 expansion watchbands or any other product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Offering for sale or selling any product made in Japan, or any other foreign country, without clearly disclosing the country of origin of said product.
2. Representing in any manner, directly or by implication, that a product, or any part thereof, is gold plated, unless the whole, or the part thereof, is mechanically plated with a substantial thickness of gold.
3. Representing, directly or by implication, that any product sold by respondents is guaranteed, unless the nature and extent

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of such guarantee and the manner in which the guarantor will perform are clearly disclosed.

4. Representing, directly or by implication, that any product sold by respondents is guaranteed when a service charge is imposed, unless the amount thereof is clearly disclosed.

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 11th day of September 1958, become the decision of the Commission; and, accordingly:

It is ordered, That 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.

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IN THE MATTER OF
BROMFIELD APPAREL, INC., ET AL.

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

Docket 7143. Complaint, May 7, 1958—Decision, Sept. 11, 1958

Consent order requiring manufacturers in Boston, Mass., to cease violating the Wool Products Labeling Act by tagging as "100% Wool" ladies' car coats which contained substantial percentages of fibers other than wool, by failing to set forth separately on labels the fiber content of interlinings, failing to label wool products with their legal name or registration number, and failing in other respects to comply with the requirements of the Act.

Mr. Thomas A. Ziebarth for the Commission.
Respondents for themselves.

INITIAL DECISION BY ABNER E. LIPSCOMB, HEARING EXAMINER

The complaint herein was issued on May 7, 1958, charging respondents with violating the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, by misbranding their wool products, in some instances, by labeling or tagging as 100% wool, garments which contained substantial percentages of fibers other than wool; in other instances, by failing to attach labels as required; in others, by failing to show on the label the fiber content of interlinings used in their garments; and in still other instances, by failing to show on the label the legal name or registration number of the respondent corporation.

On July 11, 1958, respondents 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 respondent Bromfield Apparel, Inc., as a Massachusetts corporation with its office and principal place of business located at 75 Kneeland Street, Boston, Mass., and individual respondents Sam Broomfeld, Bernard H. Stone and Moses Bromfield as president, vice president and treasurer, respectively, of said corporate respondent, and having the same address as the corporate respondent.

Respondents admit all the jurisdictional facts alleged in the