

Decision

55 F.T.C.

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

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 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. 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, 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 Bromfield Apparel, Inc., a corporation, and its officers, and Sam Broomfeld, Bernard H. Stone and Moses Bromfield, 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 coats or other wool products as such products are defined in, and subject to, said Wool Products Labeling Act, do forthwith cease and desist from:

A. Misbranding such products by:

- (1) Falsely or deceptively stamping, tagging, labeling or other-

Decision

55 F.T.C.

wise identifying such products as to the character or amount of the constituent fibers contained 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 five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five 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 non-fibrous loading, filling or adulterating matter;

c. The name or the registered identification number of the manufacturer of such wool product or one or more persons engaged in introducing such wool product into commerce or the offering for sale, sale, transportation, distribution or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939;

B. Failing to separately set forth on the required stamp, tag, label or other means of identification the character and amount of the constituent fibers contained in the interlining of such wool product;

C. Using trade names, trademarks or other names in lieu of or in substitution for the legal name or registered identification number required in paragraph A (2) (c), above.

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 Bromfield Apparel, Inc., a corporation, and Sam Broomfeld, Bernard H. Stone, and Moses Bromfield, individually and as officers of said corporation, 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
GLASER & YOFFE, INC., ET AL.

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

Docket 7149. Complaint, May 14, 1958—Decision, Sept. 11, 1958

Consent order requiring manufacturers in Natick, Mass., to disclose the fiber content and manufacturer's identification number on labels attached to woolen waste products; to cease furnishing false guaranties that such wool products were not misbranded; and to cease misrepresenting the fiber content on invoices or shipping memoranda.

Mr. Kent P. Kratz supporting the complaint.

Mr. Eugene O'Dunne, Jr., of Washington, D.C., for respondents.

INITIAL DECISION BY JOSEPH CALLAWAY, HEARING EXAMINER

The Federal Trade Commission issued its complaint against the above-named respondents on May 14, 1958, charging them with having violated the Federal Trade Commission Act and the Wool Products Labeling Act of 1939 and the Rules and Regulations promulgated under said Wool Products Labeling Act as set forth in said complaint. After being served with the complaint respondents entered into an agreement, dated July 11, 1958, containing a consent order to cease and desist, disposing of all the issues in this proceeding as to all respondents 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.

Respondents, pursuant to the aforesaid agreement, have 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 duly made in accordance with such allegations. Said agreement further provides that respondents waive 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 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