

Decision

IN THE MATTER OF
M. SALTER & SONS CO. ET AL.

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

Docket 7234. Complaint, Aug. 7, 1958—Decision, Sept. 11, 1958

Consent order requiring manufacturers in Saugus, Mass., to disclose on labels attached to woolen products the fiber content, and to cease misrepresenting the fiber content on labels, invoices, or shipping memoranda.

Mr. Charles W. O'Connell for the Commission.

No appearance for respondents.

INITIAL DECISION BY WILLIAM L. PACK, HEARING EXAMINER

The complaint in this matter charges the respondents with misbranding certain wool products in violation of the Wool Products Labeling Act and the Rules and Regulations promulgated thereunder, and the Federal Trade Commission Act. An agreement has now been entered into by respondents and counsel supporting the complaint which provides, among other things, that respondents admit all of the jurisdictional allegations in the complaint; that the record on which the initial decision and the decision of the Commission shall be based shall consist solely of the complaint and agreement; that the inclusion of findings of fact and conclusions of law in the decision disposing of this matter is waived, together with any further procedural steps before the hearing examiner and the Commission; that the order hereinafter set forth may be entered in disposition of the proceeding, such order to have the same force and effect as if entered after a full hearing, respondents specifically waiving any and all rights to challenge or contest the validity of such order; that the order may be altered, modified, or set aside in the manner provided for other orders of the Commission; that the complaint may be used in construing the terms of the order; and that the 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 hearing examiner having considered the agreement and proposed order and being of the opinion that they provide an adequate basis for appropriate disposition of the proceeding, the

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agreement is hereby accepted, the following jurisdictional findings made, and the following order issued:

1. Respondent M. Salter & Sons Co. is a corporation organized and existing under the laws of the Commonwealth of Massachusetts. Respondent Paul Salter is president and treasurer of said corporate respondent. The office and principal place of business of all respondents is located at Central and Elm Streets, Saugus, Mass.

2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondents, and the proceeding is in the public interest.

ORDER

It is ordered, That M. Salter & Sons Co., a corporation, and its officers, and Paul Salter, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or the 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 woolen wastes or other "wool products" as such products are defined in, and subject to, the Wool Products Labeling Act, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively tagging, labeling or otherwise 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 or label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total weight of such wool products 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 nonfibrous loading, filling or adulterating matter.

(c) The name or 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

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for sale, sale, transportation, distribution or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

It is further ordered, That M. Salter & Sons Co., a corporation, and its officers, and Paul Salter, individually and as an officer 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 woolen wastes or any other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Misrepresenting the character or amount of the constituent fibers contained in such products, on invoices or shipping memoranda applicable thereto, 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 did, on the 11th day of September 1958, become the decision of the Commission; and, accordingly:

It is ordered, That respondents M. Salter & Sons Co., a corporation, and Paul Salter, individually and as an officer 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.

IN THE MATTER OF
LIGGETT & MYERS TOBACCO COMPANY

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

Docket 6077. Complaint, Jan. 15, 1953—Decision, Sept. 17, 1953

Order requiring a manufacturer of tobacco products to cease representing falsely in advertisements in newspapers and periodicals and by radio and television that its Chesterfield cigarettes or the smoke therefrom would have no adverse effect on the nose, throat or accessory organs, were milder or less irritating than other brands, and would soothe and relax the nerves.

Mr. Frederick McManus for the Commission.

Simpson, Thacher & Bartlett, of New York, N.Y., by *Mr. Whitney North Seymour* and *Mr. Armand F. Macmanus*, for respondent.

INITIAL DECISION BY WILLIAM L. PACK, HEARING EXAMINER

1. The complaint in this case charges the respondent with the making of certain misrepresentations in advertising its "Chesterfield" cigarettes. A substantial volume of evidence has been received both in support of and in opposition to the complaint. Upon the conclusion of the case in chief in support of the complaint, respondent moved for dismissal of all of the charges in the complaint except one, respondent's position being that a prima facie case in support of those charges had not been established. On July 8, 1954, the hearing examiner issued an initial decision granting the motion and dismissing the charges in question. Upon appeal to the Commission by counsel supporting the complaint such decision was, on March 28, 1955, reversed by the Commission, except as to one issue, and vacated, the case being remanded to the hearing examiner for further proceedings. Since that time reception of respondent's evidence has been concluded, and proposed findings and conclusions have been submitted by both parties. The case is now before the hearing examiner for final consideration. To the extent that the findings and conclusions proposed by the parties appear herein, such proposals have been adopted; otherwise, they have been rejected.

2. Respondent Liggett & Myers Tobacco Company is a corporation organized and doing business under the laws of the State of New Jersey. It maintains an executive office at 630