

IN THE MATTER OF
GENERAL MOWER CORPORATION ET AL.

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

Docket 7059. Complaint, Feb. 7, 1958—Decision, Sept. 24, 1958

Consent order requiring distributors of power lawn mowers in Buffalo, N.Y., to cease—in newspaper advertising and in letters, price lists, brochures, and circulars mailed to retailers in various States—representing as the prices at which their mowers were regularly sold at retail, “list prices” which were in fact fictitious.

Mr. Ames W. Williams supporting the complaint.

Jaekle, Fleischmann, Kelly, Swart & Augspurger by *Mr. John B. Walsh*, of Buffalo, N.Y., for respondents.

INITIAL DECISION BY JOHN B. POINDEXTER, HEARING EXAMINER

On February 7, 1958, the Federal Trade Commission issued a complaint alleging that General Mower Corporation, a corporation, Louis Faxstein, Harry Faxstein, Max Faxstein and Arthur Ganger, individually and as officers of said corporation, herein-after referred to as respondents, had violated the provisions of the Federal Trade Commission Act by making fictitious pricing and savings claims for its power lawn mowers.

After issuance and service of the complaint, the respondents, their counsel, and counsel supporting the complaint entered into an agreement for a consent order. The order disposes of the matters complained about. The agreement has been approved by the director and assistant director of the Bureau of Litigation.

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

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by statute for other orders; respondents waive any right to challenge or contest the validity of the order entered in accordance with the agreement and the signing of said 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 undersigned hearing examiner having considered the agreement and proposed order and being of the opinion that the acceptance thereof will be in the public interest, hereby accepts such agreement, makes the following jurisdictional findings, and issues the following order:

JURISDICTIONAL FINDINGS

1. Respondent General Mower Corporation, is a corporation existing and doing business under and by virtue of the laws of the State of New York, with its office and principal place of business located at 1670 Jefferson Avenue, Buffalo 8, N.Y.

2. Respondents Louis Faxstein, Harry Faxstein, Max Faxstein and Arthur Ganger are individuals and officers of the said corporate respondent, serving respectively as president, vice-president, treasurer and vice-president with their office and principal place of business located at the same place as that of the corporate respondent.

3. 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 respondents General Mower Corporation, a corporation, and its officers and Louis Faxstein, Harry Faxstein, Max Faxstein and Arthur Ganger, individually and as officers of said corporation, their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of power lawn mowers, or any other product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using prices, whether identified as "list prices" or otherwise identified, which are in excess of the prices at which their products are regularly and customarily sold at retail.

2. Providing retailers and distributors of their products with material by and through which they may mislead and deceive

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the purchasing public as to the regular and customary retail prices of their products.

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 24th day of September 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.

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IN THE MATTER OF
CAPITOL FUR SHOP, INC., ET AL.

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

Docket 7111. Complaint, Apr. 9, 1958—Decision, Sept. 24, 1958

Consent order requiring a furrier in Washington, D.C., to cease violating the Fur Products Labeling Act by labeling fur products with fictitious prices, by failing to comply with the invoicing requirements of the Act, and by advertising in newspapers which represented prices as reduced from regular prices which were, in fact, fictitious.

Mr. S. F. House for the Commission.

Mr. Donald Cefaratti, Jr., of Washington, D.C., for respondents.

INITIAL DECISION BY J. EARL COX, HEARING EXAMINER

The complaint charges respondents with misbranding and with falsely and deceptively invoicing and advertising certain of their fur products, in violation of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder, and of the Federal Trade Commission Act.

After the issuance of the complaint, respondents, their counsel, and counsel supporting the complaint 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 transmitted to the hearing examiner for consideration.

The agreement states that respondent Capitol Fur Shop, Inc., is a corporation existing and doing business under and by virtue of the laws of the State of Delaware, with its office and principal place of business located at 1208 G Street NW., Washington, D.C., and that respondent Norman Silverman is president and treasurer of said corporation and formulates, directs and controls the acts, policies and practices thereof, his address being the same as that of the corporate respondent.

The agreement provides, among other things, that the 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; that the record on which the initial decision and the decision of the Commission shall be based shall consist solely of