

Decision

IN THE MATTER OF
UNITED STATES SAFETY SERVICE COMPANYCONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF
THE FEDERAL TRADE COMMISSION ACT*Docket 7148. Complaint, May 13, 1958—Decision, Sept. 24, 1958*

Consent order requiring sellers in Kansas City, Mo., to cease representing falsely—by imprinting upon the temples of its safety spectacles or safety glasses in a conspicuous manner, and by prominent display in advertising of a green cross, registered trade-mark of the National Safety Council—that its said safety glasses were indorsed or approved by said Council.

Mr. Morton Nesmith supporting the complaint.

Mr. C. Earl Hovey, of Kansas City, Mo., for respondent.

INITIAL DECISION BY JOHN B. POINDEXTER, HEARING EXAMINER

On May 13, 1958, the Federal Trade Commission issued a complaint charging United States Safety Service Company, a corporation, hereinafter referred to as respondent, with deceptive and misleading representations of their products, safety spectacles or safety glasses.

After issuance and service of the complaint, the respondent 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: Respondent admits 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; respondent waives the requirement that the decision must contain a statement of findings of fact and conclusions of law; respondent waives further procedural steps before the hearing examiner and the Commission, and the order may be altered, modified, or set aside in the manner provided by statute for other orders; respondent waives any right to challenge or contest the validity of the order entered in accord-

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ance with the agreement and the signing of said agreement is for settlement purposes only and does not constitute an admission by respondent that it has 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 United States Safety Service Company is a corporation existing and doing business under and by virtue of the laws of the State of Missouri with its office and principal place of business located at 1535 Walnut Street, Kansas City, Mo.

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

ORDER

It is ordered, That the respondent, United States Safety Service Company, a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of safety spectacles or glasses, or any other product used for safety purposes, in commerce, as commerce is defined in the Federal Trade Commission Act, do, forthwith, cease and desist from using the Greek green cross, or any mark, emblem, sign or insignia, green in color and simulating or resembling such Greek green cross, on any such product, or in any other manner, to designate, describe or refer to any such product.

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 respondent herein shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

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IN THE MATTER OF
SIBLEY, LINDSAY & CURR CO.

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

Docket 7160. Complaint, May 27, 1958—Decision, Sept. 24, 1958

Consent order requiring a furrier in Rochester, N.Y., to cease violating the Fur Products Labeling Act by advertising in letters with price lists and sales admission tickets enclosed, offering purported reductions from prices which were in fact fictitious, and setting out false comparative prices and percentage savings claims; and by failing to maintain adequate records as a basis for such pricing claims.

Mr. John J. Mathias, for the Commission.

Gould & Wilkie, of New York, N.Y., for respondent.

INITIAL DECISION BY LOREN H. LAUGHLIN, HEARING EXAMINER

The Federal Trade Commission (sometimes also hereinafter referred to as the Commission) issued its complaint herein, charging the above-named respondent with having violated the provisions of both the Federal Trade Commission Act and the Fur Products Labeling Act, together with the Rules and Regulations promulgated thereunder. The respondent was duly served with process.

On July 30, 1958, there was submitted to the undersigned hearing examiner of the Commission for his consideration and approval an "Agreement Containing Consent Order to Cease and Desist," which had been entered into by and between respondent and the attorneys for both parties, under date of July 22, 1958, subject to the approval of the Bureau of Litigation of the Commission, which had subsequently duly approved the same.

On due consideration of such agreement, the hearing examiner finds that said agreement, both in form and in content, is in accord with §3.25 of the Commission's Rules of Practice for Adjudicative Proceedings, and that by said agreement the parties have specifically agreed to the following matters:

1. Respondent is a corporation organized, existing and doing business under the laws of the State of New York, with officers and principal place of business located at 250 East Main Street, Rochester 4, N.Y.

2. Pursuant to the provisions of the Federal Trade Commis-