

IN THE MATTER OF
BOY-CREST CLOTHES, INC., ET AL.

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

Docket 7113. Complaint, Apr. 9, 1958—Decision, Sept. 30, 1958

Consent order requiring manufacturers in Brooklyn, N.Y., to cease violating the Wool Products Labeling Act by labeling boys' coats falsely as "85% wool, 15% nylon," and by failing to comply in other respects with the labeling provisions of the Act.

Mr. Floyd O. Collins supporting the complaint.

Mr. Henry L. Burkitt, of New York, N.Y., for respondents.

INITIAL DECISION BY JOHN B. POINDEXTER, HEARING EXAMINER

On April 9, 1958, the Federal Trade Commission issued a complaint charging that Boy-Crest Clothes, Inc., a corporation, and Milton Portman, Fanny Labovich, and Nathan Labovich, individually and as officers of said corporation had violated the provisions of the Federal Trade Commission Act, the Wool Products Labeling Act of 1939 and the Rules and Regulations promulgated under the last-named Act by misbranding the wool products they manufacture.

After issuance and service of the complaint, respondents Boy-Crest Clothes, Inc., and Nathan Labovich, together with counsel supporting the complaint, entered into an agreement for a consent order. By the terms of said agreement, it was agreed that the complaint be dismissed as to the respondents Milton Portman and Fanny Labovich.

The order disposes of the matters complained about with respect to Boy-Crest Clothes, Inc., a corporation, and Nathan Labovich, individually and as an officer of said corporation, hereinafter referred to as respondents. 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 de-

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cision 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 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 Boy-Crest Clothes, Inc., is a corporation organized and existing under and by virtue of the laws of the State of New York with its home office and principal place of business located at 1182 Flushing Avenue, Brooklyn, N.Y.

2. Respondent Nathan Labovich is an individual and an officer of respondent corporation and as such directs and controls the policies and practices of respondent corporation. Respondent's address is 1182 Flushing Avenue, Brooklyn, N.Y.

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 Boy-Crest Clothes, Inc., a corporation, and its officers, and Nathan Labovich, individually and as an officer of respondent corporation, and respondents' respective 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 boys' coats or other wool products, as such products are defined in and subject

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to the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers included therein.

2. Failing to securely affix to or place on each 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 to exceed 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 of 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 the 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 for sale, sale, transportation, distribution or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

3. Failing to separately set forth on the required stamp, tag or label or other means of identification the character and amount of the constituent fibers appearing in the interlinings of such wool products as provided by Rule 24 of the Rules and Regulations promulgated under said Act.

It is further ordered, That the complaint be and the same hereby is dismissed as to the respondents Milton Portman and Fanny Labovich.

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 30th 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
VANTAGE PRESS, INC., ET AL.CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF
THE FEDERAL TRADE COMMISSION ACT

Docket 7005. Complaint, Dec. 23, 1957—Decision, Oct. 3, 1958

Consent order requiring a New York City book publisher to cease, in soliciting manuscripts from authors, making false claims about its cooperative publishing plans, concerning the author's investment, royalties, its size and success, superiority over its competitors, etc.

Mr. Charles C. Cox for the Commission.

Mr. Jacob Zane Hoffman, of New York, N.Y., for respondents.

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 respondents with having violated the provisions of the Federal Trade Commission Act in certain particulars.

On May 28, 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 respondents and the attorneys for both parties, under date of May 26, 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 Vantage Press, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of New York. Individual respondent Alan F. Pater is president and individual respondent Arthur Kleinwald is secretary-treasurer of said corporate respondent. Individual respondents Alan F. Pater and Arthur Kleinwald formulate, direct, and control the acts, practices, and policies of said corporate respondent. All of said respondents have offices and a principal place of business at 120 West 31st Street, New York, N.Y.