

Decision

IN THE MATTER OF
COLE STEEL EQUIPMENT CO., INC.CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF
THE FEDERAL TRADE COMMISSION ACT*Docket 7127. Complaint, Apr. 18, 1958—Decision, Oct. 3, 1958*

Consent order requiring manufacturers of steel filing cabinets, with principal place of business in New York City, to cease representing falsely in catalogs and insert sheets furnished to their distributors that certain of their said filing cabinets were used in U.S. Government offices for the protection and preservation of secret and confidential documents and were suitable for such use by the Government and private industry.

Mr. Frederick McManus for the Commission.

Walzer & Walzer, of New York, N.Y., by *Mr. Martin J. Walzer*, for respondent.

INITIAL DECISION BY EARL J. KOLB, HEARING EXAMINER

The complaint in this proceeding issued April 18, 1958, charges the respondent Cole Steel Equipment Co., Inc., a corporation, located at 415 Madison Avenue, New York, N.Y., with violation of the provisions of the Federal Trade Commission Act in the manufacture, sale and distribution of steel filing cabinets.

After the issuance of the complaint, said respondent entered into an agreement containing consent order to cease and desist with counsel in support of the complaint, disposing of all the issues in this proceeding, which agreement was duly approved by the director and assistant director of the Bureau of Litigation.

It was expressly provided in said agreement that the signing thereof is for settlement purposes only and does not constitute an admission by said respondent that it has violated the law as alleged in the complaint.

By the terms of said agreement, the said respondent admitted all the jurisdictional facts alleged in the complaint and agreed that the record herein may be taken as if the Commission had made findings of jurisdictional facts in accordance with the allegations.

By said agreement, the parties expressly waived any further procedural steps 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

Decision

55 F.T.C.

of the order to cease and desist entered in accordance with the agreement.

Respondents further agreed that the order to cease and desist, issued in accordance with said agreement, shall have the same force and effect as if made after a full hearing.

It was further provided that said agreement, together with the complaint, shall constitute the entire record herein; that the complaint herein may be used in construing the terms of the order issued pursuant to said agreement; and that said order may be altered, modified or set aside in the manner prescribed by the statute for orders of the Commission.

The hearing examiner has considered such agreement and the order therein contained, and, it appearing that said agreement and order provides for an appropriate disposition of this proceeding, the same is hereby accepted and is ordered filed upon becoming part of the Commission's decision in accordance with §3.21 and §3.25 of the Rules of Practice, and, in consonance with the terms of said agreement, the hearing examiner finds that the Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondent named herein, that this proceeding is in the interest of the public, and issues the following order:

ORDER

It is ordered, That the respondent Cole Steel Equipment Co., Inc., a corporation, and its officers, and its representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of steel filing cabinets in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that any of its steel filing cabinets are used by the United States Government, or any of its offices, for the protection or preservation of secret or confidential documents or any of its steel filing cabinets are suitable for use for such purposes by the United States Government, or private industry, unless such is the fact.

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 3d day of

505

Decision

October 1958, become the decision of the Commission; and, accordingly:

It is ordered, That respondent Cole Steel Equipment Co., Inc., a corporation, 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.

Decision

55 F.T.C.

IN THE MATTER OF
F. HOLLANDER & SON, INC., ET AL

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

Docket 7145. Complaint, May 8, 1958—Decision, Oct. 3, 1958

Consent order requiring manufacturers in New York City to reveal the rayon or acetate content of coverings of their umbrellas.

Mr. Alvin D. Edelson supporting the complaint.

Mr. Walter M. Weisberg, of New York, N.Y., for respondents.

INITIAL DECISION OF JOHN LEWIS, HEARING EXAMINER

The Federal Trade Commission issued its complaint against the above-named respondents on May 8, 1958, charging them with the use of unfair and deceptive acts and practices and unfair methods of competition, in commerce, in violation of the Federal Trade Commission Act, by failing to disclose the rayon and acetate content of umbrellas manufactured and sold by them where the coverings of such umbrellas simulate silk and in certain instances are advertised as "satin." After being served with said complaint respondents appeared by counsel and entered into an agreement, dated July 24, 1958, containing a consent order to cease and desist purporting to dispose of all of this proceeding as to all parties. Said agreement, which has been signed by all respondents, by counsel for said respondents, and by counsel supporting the complaint, and approved by the director and assistant director of the Commission's Bureau of Litigation, has been submitted to the above-named hearing examiner for his consideration, in accordance with Section 3.25 of the Commission's Rules of Practice for Adjudicative Proceedings.

Respondents, pursuant to the aforesaid agreement, have admitted all the jurisdictional facts alleged in 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 any further procedural steps before the hearing examiner and the Commission, the making of findings of fact or conclusions of law and all of the rights they may have to challenge or contest the validity of the order to cease and desist entered in accordance with such agreement. It has been agreed that the order to