

Order

55 F.T.C.

IN THE MATTER OF
WORLD INSURANCE COMPANY

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

Docket 6455. Complaint, Nov. 18, 1955—Order, Oct. 7, 1958

Order dismissing, for lack of jurisdiction, following the ruling of the Supreme Court of the United States in *Federal Trade Commission v. National Casualty Company* and *Federal Trade Commission v. The American Hospital and Life Insurance Company*, 357 U.S. 560, complaint charging an insurance company in Omaha, Nebr., with false advertising of its health and accident policies.

Before Mr. Frank Hier, hearing examiner.

Mr. William A. Somers for the Commission.

Mr. J. W. Marer, of Omaha, Nebr., for respondent.

FINAL ORDER

This matter having come on to be heard by the Commission upon respondent's appeal from the hearing examiner's initial decision filed prior to the *per curiam* opinion of the United States Supreme Court in the combined cases of *Federal Trade Commission v. National Casualty Company* and *Federal Trade Commission v. The American Hospital and Life Insurance Company*, 357 U.S. 560 (decided June 30, 1958); and

Counsel for respondent additionally having filed a motion to dismiss the complaint, based upon the aforesaid decision of the Supreme Court; and

The Commission, having considered respondent's motion to dismiss and the record, and having concluded that this proceeding should be dismissed on jurisdictional grounds upon the authority of said ruling of the Supreme Court:

It is ordered, That the initial decision herein, filed October 22, 1956, be, and it hereby is, vacated and set aside.

It is further ordered, That the complaint herein be, and it hereby is, dismissed.

Decision

IN THE MATTER OF
D. H. HOLMES COMPANY, LTD.

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

Docket 7172. Complaint, June 9, 1958—Decision, Oct. 7, 1958

Consent order requiring a furrier in New Orleans, La., to cease violating the Fur Products Labeling Act by labeling fur products falsely with respect to the names of animals producing the fur and by failing to comply with other labeling requirements; by deceptive invoicing; and by advertising in newspapers which failed to disclose the names of animals producing certain fur or the country of origin of imported furs or that some furs contained artificially colored or cheap or waste fur, or which contained the names of animals other than those producing certain furs.

Mr. Thomas A. Ziebarth supporting the complaint.

Mr. Leon Sarpy of Chaffe, McCall, Phillips, Burke & Hopkins of New Orleans, La., for respondent.

INITIAL DECISION BY JOSEPH CALLAWAY, HEARING EXAMINER

The Federal Trade Commission issued its complaint against the above-named respondent on June 9, 1958, charging it with having violated the Fur Products Labeling Act, the rules and regulations issued thereunder, and the Federal Trade Commission Act by misbranding, falsely invoicing and falsely advertising certain fur products. After being served with the complaint respondent entered into an agreement, dated July 28, 1958, containing a consent order to cease and desist, disposing of all the issues in this proceeding without hearing, which agreement has been duly approved by the Assistant Director and the Director of the Bureau of Litigation. Said agreement has been submitted to the undersigned, heretofore duly designated to act as hearing examiner herein, for his consideration in accordance with Section 3.25 of the Rules of Practice of the Commission.

Respondent, pursuant to the aforesaid agreement, has admitted all of the jurisdictional allegations of the complaint and agreed that the record may be taken as if findings of jurisdictional facts had been made duly in accordance with such allegations. Said agreement further provides that respondent waives all further procedural steps before the hearing examiner or the Commission, including the making of findings of fact or conclusions