

IN THE MATTER OF
KOCHTON PLYWOOD
AND VENEER COMPANY, INC., ET AL.

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

Docket 7114. Complaint, Apr. 10, 1958—Decision, Dec. 17, 1958

Consent order requiring Chicago sellers of plywood paneling imported from Japan and grained or finished in the United States which was not made from either walnut or oak, to cease misrepresenting the paneling by distributing to retailers samples identified as "Blond Walnut," "Silver Oak," "Natural Walnut," etc.; and to cease distributing said samples, stamped with their name and address, without clearly disclosing that the paneling was made in Japan.

William A. Somers, Esq., for the Commission.

Mr. Lawrence J. West, of Chicago, Ill. for respondents.

INITIAL DECISION BY JAMES A. PURCELL, HEARING EXAMINER

The complaint in this proceeding, issued April 10, 1958, charges the respondents Kochton Plywood and Veneer Company, Inc., a corporation, and Emil J. Kochton, individually and as an officer of the corporate respondent, with violation of the provisions of the Federal Trade Commission Act in connection with the sale and distribution of plywood paneling.

After the issuance of said complaint respondents, on October 6, 1958, entered into an agreement for a consent order with counsel in support of the complaint, disposing of all of the issues in this proceeding, which agreement was duly approved by the director and assistant director of the Bureau of Litigation of the Federal Trade Commission. It was expressly provided in said agreement that the signing thereof is for settlement purposes only and does not constitute an admission by respondents that they have violated the law as alleged in the complaint.

By the terms of said agreement, the respondents admitted all of the jurisdictional allegations of the complaint and agreed that the record herein may be taken as though the Commission had made findings of jurisdictional facts in accordance with such allegations. By said agreement the parties expressly waived a hearing before the hearing examiner or the Commission, the making of findings of fact or conclusions of law by the hearing examiner or the Commission, the filing of exceptions and oral

argument before the Commission, and all further and other procedure before the hearing examiner and the commission to which the respondents may otherwise be entitled under the Federal Trade Commission Act or the Rules of Practice of the Commission.

By said 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 though made after a full hearing, presentation of evidence and findings and conclusions thereon, and specifically waived any and all right, power or privilege to challenge or contest the validity of such order.

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 the said order may be altered, modified or set aside in the manner provided for other orders of the Commission.

Said agreement recites that respondent Kochton Plywood and Veneer Company, Inc., is a corporation, existing and doing business under and by virtue of the laws of the State of Illinois. Respondent Emil J. Kochton is an individual and officer of said corporate respondent. Said corporate and individual respondents have their office and principal place of business located at 509 West Roosevelt Road, Chicago, Ill.

The hearing examiner has considered such agreement and the order contained therein, and, it appearing that said agreement and order provides for an appropriate disposition of this proceeding, the same is hereby accepted and, without further notice to the respondents, is ordered filed upon becoming part of the Commission's decision in accordance with Sections 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 respondents named herein, and that this proceeding is in the interest of the public, wherefore he issues the following order:

ORDER

It is ordered, That respondents Kochton Plywood and Veneer Company, Inc., a corporation, and its officers, and Emil J. Kochton, individually and as an officer of said corporation, and their agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or

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distribution of "Beauty-Glo" plywood paneling, plywood paneling or any other product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Offering for sale any product the whole or any substantial part of which originates in any foreign country without clearly disclosing such foreign origin on the product itself and on samples thereof.

2. Representing, directly or by implication, contrary to the fact, that any product is composed in whole or in part of wood or woods of any particular species.

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 17th day of December 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
B. ALTMAN & CO.

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

Docket 7206. Complaint, July 23, 1958—Decision, Dec. 17, 1958

Consent order requiring a New York City department store to cease violating the Fur Products Labeling Act by newspaper advertising which failed to disclose the names of animals producing certain furs, offered furs as reduced from "regular" prices which were in fact fictitious, and contained comparative prices which failed to give a bona fide time of the compared price; and by failing to comply with the invoicing requirements.

Alvin D. Edelson, Esq., for the Commission.

Richard Lincoln, Esq., of New York, N.Y., for respondent.

INITIAL DECISION BY JAMES A. PURCELL, HEARING EXAMINER

The complaint in this proceeding, issued July 23, 1958, charges the respondent above named with violation of the provisions of the Federal Trade Commission Act and the Fur Products Labeling Act and the Rules and Regulations promulgated under the last-named Act, in connection with the introduction into commerce and in the sale, advertising and offering for sale, transportation and distribution, in commerce, of fur products, as the designations "commerce," "fur" and "fur product" are defined in the Fur Products Labeling Act.

After the issuance of said complaint respondent, on October 7, 1958, entered into an agreement for a consent order with counsel in support of the complaint which agreement was duly approved by the director and assistant director of the Bureau of Litigation of the Federal Trade Commission.

The agreement disposes of all charges of the complaint as issued except as to paragraph 6 (b) of the complaint in which it was charged that respondent in advertising, "failed to disclose that fur products contained or were composed of bleached, dyed or otherwise artificially colored fur when such was the fact, in violation of Section 5(a) (3) of the Fur Products Labeling Act," it being felt that the evidence on this point is not substantial enough to sustain this charge.

It was expressly provided in said agreement that the signing thereof is for settlement purposes only and does not constitute