

IN THE MATTER OF
HABER'S DEPARTMENT STORE, INC., ET AL.

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

Docket 7220. Complaint, Aug. 5, 1958—Decision, Dec. 19, 1958

Consent order requiring furriers in Tampa, Fla., to cease violating the Fur Products Labeling Act by failing to conform to the labeling and invoicing requirements, by advertising in newspapers which failed to disclose that fur products were artificially colored, and by failing to maintain adequate records as a basis for pricing claims.

Mr. Garland S. Ferguson supporting complaint.

Mr. Louis Schonbrun of *Schonbrun & Kessler*, of Tampa, Fla., for respondents.

INITIAL DECISION BY JOHN B. POINDEXTER, HEARING EXAMINER

The complaint in this proceeding charges Haber's Department Store, Inc., a corporation, and Leon A. Haber, and Albert Haber, individually and as officers of said corporation, hereinafter referred to as respondents, with violation of the Federal Trade Commission Act, the Fur Products Labeling Act, and the Rules and Regulations promulgated thereunder, in connection with the advertising and sale of furs. Specifically, respondents are charged with misbranding, false advertising, and false invoicing of furs. Also respondents are charged with failing to maintain full and adequate records.

After issuance and service of the complaint, the respondents, their counsel 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: 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 decision 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

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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. Corporate respondent Haber's Department Store, Inc., is a corporation existing and doing business under and by virtue of the laws of the State of Florida, with its office and principal place of business located at 613 Franklin Street, Tampa, Fla. Individual respondents Leon A. Haber and Albert Haber are officers of said corporation. They formulate, direct and control the practices of the corporate respondent. The address of the individual respondents is the same as that of the corporate respondent.

2. 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 respondent Haber's Department Store, Inc., a corporation, and its officers, and respondents Leon A. Haber, and Albert Haber, as individuals and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, offering for sale, transportation or distribution in commerce, of fur products, or in connection with the sale, advertising, offering for sale, transportation or distribution of fur products which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce," "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

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A. Misbranding fur products by:

1. Failing to affix labels to fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the Rules and Regulations;

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(e) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce;

(f) The name of the country of origin of any imported furs used in the fur product;

(g) The item number or mark assigned to such product.

2. Using the term "blended" to describe the pointing, bleaching, dyeing or tip-dyeing of fur products.

3. Failing to set forth on labels attached to fur products all required information on one side of such labels.

4. Setting forth on labels attached to fur products:

(a) Information required under Section 4(2) of the Fur Products Labeling Act, and the Rules and Regulations thereunder, in abbreviated form.

(b) Information required under Section 4(2) of the Fur Products Labeling Act, and the Rules and Regulations thereunder, mingled with non-required information.

B. Falsely or deceptively invoicing fur products by:

1. Failure to furnish invoices to purchasers of fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the Rules and Regulations;

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the fur product contains or is composed of bleached,

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dyed or otherwise artificially colored fur, when such is the fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(e) The name and address of the person issuing such invoices;

(f) The name of the country of origin of any imported fur contained in a fur product;

C. Falsely or deceptively advertising fur products, through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of fur products, and which fails to disclose that the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact.

D. Failing to maintain full and adequate records disclosing the facts upon which claims of price reductions and comparative pricing are made in their advertising as required by Rule 44(e).

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 19th 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.

IN THE MATTER OF
SOUTH VILLAGE MILLS, INC., ET AL.

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

Docket 7217. Complaint, Aug. 4, 1958—Decision, Dec. 20, 1958

Consent order requiring a corporate manufacturer and its president in Webster, Mass., to cease violating the Wool Products Labeling Act by tagging and invoicing as "100% Vicuna," woolen fabrics which did not contain vicuna or contained substantially less than said quantity, and by failing to label wool products as required by the Act.

As to the general manager of respondent corporation, the matter was disposed of by order of Oct. 21, 1959, 56 F.T.C. —.

Mr. Daniel T. Coughlin and Mr. Thomas F. Howder for the Commission.

Ely, Bartlett and Brown, of Boston, Mass., by Mr. Norman T. Byrnes, for South Village Mills, Inc., and Edward Kunkel.

INITIAL DECISION AS TO RESPONDENTS SOUTH VILLAGE MILLS, INC.,
AND EDWARD KUNKEL BY WILLIAM L. PACK, HEARING EXAMINER

The complaint in this matter charges the respondents with violation of the Wool Products Labeling Act, and the Rules and Regulations promulgated thereunder, and the Federal Trade Commission Act, in connection with the sale and distribution of certain wool products.

An agreement for disposition of the proceeding by means of a consent order has now been entered into by counsel supporting the complaint and respondents South Village Mills, Inc., and Edward Kunkel. Respondent Joseph Crowley is not a party to the agreement, and the term "respondents" as used hereinafter will not include this individual.

The agreement provides, among other things, that respondents admit all of the jurisdictional allegations in the complaint; that the record on which the initial decision and the decision of the Commission shall be based shall consist solely of the complaint and agreement; that the inclusion of findings of fact and conclusions of law in the decision disposing of this matter is waived, together with any further procedural steps before the hearing examiner and the Commission; that the order hereinafter set forth may be entered in disposition of the proceeding, such order to have the same force and effect as if entered after a full hearing,