

Decision

55 F.T.C.

IN THE MATTER OF
JEHIEL HOCHERMAN DOING BUSINESS AS
J. H. MANUFACTURING COMPANY

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

Docket 7261. Complaint, Sept. 17, 1958—Decision, Dec. 24, 1958

Consent order requiring a manufacturer in New York City to cease violating the Wool Products Labeling Act by tagging as "40-50% rep. wool," blankets which contained substantially less woolen fibers than thus represented; by improperly describing a portion of the fiber content of sleeping bags on labels as "Napper"; and by failing to comply with other labeling requirements of the Act.

Mr. S. F. House supporting complaint.
Respondent, Pro se.

INITIAL DECISION BY JOHN B. POINDEXTER, HEARING EXAMINER

On September 17, 1958, the Federal Trade Commission issued a complaint charging that Jehiel Hocherman, an individual doing business as J. H. Manufacturing Company, hereinafter referred to as respondent, has violated the provisions of the Federal Trade Commission Act and the Wool Products Labeling Act of 1939 and the Rules and Regulations promulgated under said Wool Products Labeling Act by misbranding the wool products which he manufactures.

After issuance and service of the complaint, the respondent 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: Respondent admits 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; respondent waives the requirement that the decision must contain a statement of findings of fact and conclusions of law; respondent waives 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; respondent waives 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 respondent that he has 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 Jehiel Hocherman is an individual doing business as J. H. Manufacturing Company with his office and principal place of business at 588 Broadway, New York, N.Y. He formulates, directs, and controls the acts, practices, and policies of said business.

2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondent and the proceeding is in the public interest.

ORDER

It is ordered, That the respondent, Jehiel Hocherman, an individual doing business as J. H. Manufacturing Company, or under any other name, and his 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 blankets and sleeping bags or other wool products, as such products are defined in and subject 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 such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner:

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(a) The percentage of the total fiber weight of such wool products, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentages by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentages of the total weight of such wool products of any nonfibrous loading, filling, or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool products or of one or more persons engaged in introducing such wool products 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. Setting out on labels attached to products information, descriptive of the fiber contents, in abbreviated words or terms.

4. Using a name on labels, when naming the fibers in the required information, that is not the common generic name of the fiber.

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 24th day of December 1958, become the decision of the Commission; and, accordingly:

It is ordered, That the respondent herein shall within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

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IN THE MATTER OF
KISBA FUR CORPORATION, ET AL.CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF THE
FEDERAL TRADE COMMISSION AND THE FUR PRODUCTS LABELING ACTS*Docket 7193. Complaint, July 17, 1958—Decision, Dec. 30, 1958*

Consent order requiring furriers in New York City to cease violating the Fur Products Labeling Act by invoicing fur products with fictitious prices and making pricing and savings claims without keeping adequate records as a basis therefor; by failing to comply in other respects with the labeling and invoicing requirements of the Act; and by furnishing a false guaranty that certain of their furs were not misbranded.

Mr. Charles W. O'Connell for the Commission.

Mr. Manfred H. Benedek, of New York, N.Y., for Kisba Fur Corporation and Harry I. Kushner; *Goldstein & Goldstein*, of New York, N.Y., for Sam Bassin and Sol Kushner.

INITIAL DECISION BY J. EARL COX, HEARING EXAMINER

The complaint charges respondents with misbranding and with falsely and deceptively invoicing and advertising certain of their fur products, with failing to maintain full and adequate records disclosing the facts upon which were based pricing and savings claims and representations as to such products, and with furnishing a false guaranty that certain of their furs or fur products were not misbranded, falsely invoiced and falsely advertised, in violation of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder, and of the Federal Trade Commission Act.

After the issuance of the complaint, respondents, their counsel, and counsel supporting the complaint entered into an agreement containing consent order to cease and desist, which was approved by the director and an assistant director of the Commission's Bureau of Litigation, and thereafter transmitted to the hearing examiner for consideration.

The agreement states that respondent Kisba Fur Corporation is a corporation organized, existing and doing business under and by virtue of the laws of the State of New York, with its office and principal place of business located at 315 Seventh Avenue, New York, N.Y., and that respondents Harry I. Kushner (erroneously referred to in the complaint as Harry J. Kushner),