

Order

IN THE MATTER OF
PRUDENCE LIFE INSURANCE COMPANYORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF
THE FEDERAL TRADE COMMISSION ACT*Docket 6249. Complaint, Oct. 14, 1954—Order, Jan. 8, 1959*

Dismissal, for lack of jurisdiction following decision of the Supreme Court of the United States 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 (1958), of complaint charging a Chicago insurance company with falsely advertising the benefits provided by its health and accident policies.

Before *Mr. Loren H. Laughlin*, hearing examiner.

Mr. Robert R. Sills and *Mr. Frederick McManus* for the Commission.

Mr. Zachary D. Ford, Jr. and *Mr. George F. Barrett*, of Chicago, Ill., for respondent.

FINAL ORDER

This matter having come on to be heard upon the appeals of counsel supporting the complaint and of counsel for respondent 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 (1958) ; and

The Commission having considered said appeals 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 February 18, 1957, be, and it hereby is, vacated and set aside.

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

IN THE MATTER OF
FEDERATED DEPARTMENT STORES, INC.

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

Docket 6836. Complaint, July 9, 1957—Decision, Jan. 8, 1959

Order requiring a department store in Cincinnati, Ohio, to cease violating the Fur Products Labeling Act by failing to comply with the labeling and invoicing requirements; by newspaper advertising which failed to disclose the names of animals producing certain furs, the country of origin of imported furs, or that some products contained artificially colored or cheap or waste fur, and which represented prices as reduced from regular prices which were in fact fictitious, misrepresented comparative prices and percentage savings claims, and fur products as being from a liquidating business; and by failing to keep adequate records as a basis for said pricing claims.

Mr. Morton Nesmith and Mr. John J. Mathias supporting the complaint.

Mr. Otis B. Gary of Carrington, Gowan, Johnson, Bromberg & Leeds, of Dallas, Tex. and Mr. Norman Diamond of Arnold, Fortas & Porter, of Washington, D.C., for respondent.

INITIAL DECISION BY JOHN B. POINDEXTER, HEARING EXAMINER

PRELIMINARY STATEMENT

The complaint in this proceeding charges Federated Department Stores, Inc., hereinafter referred to as respondent, 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, respondent is charged with misbranding, false advertising, and false invoicing of furs.

After service of the complaint, respondent filed an answer denying all of the charges complained about. At the initial hearing held on June 6, 1958, a stipulation agreed to by respective counsel was received into the record. By the terms of the stipulation, it was agreed that counsel supporting the complaint had substantial evidence, both testimonial and documentary which, if offered in evidence, would sustain the allegations set forth in the complaint, which evidence respondent does not contradict, except that (1) Counsel supporting the complaint does not have