

IN THE MATTER OF
JAMES BUGG TRADING AS
KIRBY CENTER OF WASHINGTON

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

Docket 7259. Complaint, Sept. 12, 1958—Decision, Jan. 30, 1959

Consent order requiring a dealer in Washington, D.C., engaged in selling vacuum cleaners by door-to-door salesmen and in his retail store, to cease selling used machines as new.

Mr. Michael J. Vitale for the Commission.

Mr. Jules H. Sigal, of Washington, D.C., for respondent.

INITIAL DECISION BY EARL J. KOLB, HEARING EXAMINER

The complaint in this proceeding issued September 12, 1958, charges the respondent with violation of the Federal Trade Commission Act in the sale and distribution of vacuum cleaners.

Respondent James Bugg is an individual, trading and doing business as Kirby Center of Washington. His office and principal place of business is located at 5511 14th Street, NW., Washington, D.C.

After the issuance of the complaint, respondent and his attorney entered into an agreement containing consent order to cease and desist with counsel in support of the complaint, disposing of all the issues in this proceeding, which agreement was duly approved by the director and assistant director of the Bureau of Litigation.

It was expressly provided in said agreement that the signing thereof is for settlement purposes only and does not constitute an admission by respondent that he has violated the law as alleged in the complaint.

By the terms of said agreement, the respondent admitted all the jurisdictional facts alleged in the complaint and agreed that the record herein may be taken as if the Commission had made findings of jurisdictional facts in accordance with the allegations.

By said agreement, the respondent expressly waived any further procedural steps before the hearing examiner and the Commission; the making of findings of fact or conclusions of law;

1094

Order

and all the rights he may have to challenge or contest the validity of the order to cease and desist entered in accordance with the agreement.

Respondent further agreed that the order to cease and desist, issued in accordance with said agreement, shall have the same force and effect as if made after a full hearing.

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 said order may be altered, modified or set aside in the manner prescribed by the statute for orders of the Commission.

The hearing examiner has considered such agreement and the order therein contained, and, it appearing that said agreement and order provides for an appropriate disposition of this proceeding, the same is hereby accepted and 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 respondent named herein, that this proceeding is in the interest of the public, and issues the following order:

ORDER

It is ordered, That respondent James Bugg, an individual, trading and doing business as Kirby Center of Washington, or trading and doing business under any other name or names, and respondent's agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of vacuum cleaners, or any other merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing that vacuum cleaners, or any other merchandise, which have been repossessed, exchanged, used for teaching purposes or as rentals, are new.
2. Failing to clearly reveal that vacuum cleaners, or any other merchandise, which have been repossessed, exchanged, used for teaching purposes, or as rentals, are repossessed, exchanged, have been used for teaching purposes or as rentals, as the case may be.

Decision

55 F.T.C.

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 30th day of January 1959, 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.

Decision

IN THE MATTER OF
WHITLEY TAILLEURS, INC., ET AL.

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

Docket 7168. Complaint, May 29, 1958—Decision, Feb. 3, 1959

Consent order requiring a furrier in New York City to cease violating the Fur Products Labeling Act by labeling dyed fur as natural and imported furs as domestic, and by failing to comply with other labeling requirements of the Act.

John T. Walker, Esq. for the Commission.

Kaye, Scholer, Fierman, Hays & Handler, of New York, N.Y.,
for respondents.

INITIAL DECISION BY JAMES A. PURCELL, HEARING EXAMINER

The complaint in this proceeding, issued May 29, 1958, charges the respondents 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, manufacturing, sale, offering for sale, transportation or distribution in commerce, of fur and fur products, as the designations "commerce," "fur" and "fur product" are defined in the Fur Products Labeling Act.

After the issuance of said complaint respondents, on December 3, 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