

## Decision

IN THE MATTER OF  
CARSON PIRIE SCOTT & COMPANY

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

*Docket 7270. Complaint, Oct. 1, 1958—Decision, Feb. 11, 1959*

Consent order requiring a Chicago department store to cease violating the Fur Products Labeling Act by advertising in letters and otherwise which represented prices of fur products falsely as "Below original cost," and by failing to maintain adequate records as a basis for such claims.

*Mr. John T. Walker* for the Commission.

*Sidley, Austin, Burgess & Smith*, of Chicago, Ill., by *Mr. James E. S. Baker*, for respondent.

## INITIAL DECISION BY WILLIAM L. PACK, HEARING EXAMINER

The complaint in this matter charges the respondent with certain violations of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder, and the Federal Trade Commission Act. An agreement has now been entered into by respondent and counsel supporting the complaint which provides, among other things, that respondent admits 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, respondent specifically waiving any and all rights to challenge or contest the validity of such order; that the order may be altered, modified, or set aside in the manner provided for other orders of the Commission; that the complaint may be used in construing the terms of the order; and that the agreement is for settlement purposes only and does not constitute an admission by respondent that it has violated the law as alleged in the complaint.

The hearing examiner having considered the agreement and proposed order and being of the opinion that they provide an adequate basis for appropriate disposition of the proceeding, the

Decision

55 F.T.C.

agreement is hereby accepted, the following jurisdictional findings made, and the following order issued:

1. Respondent Carson Pirie Scott & Company is a corporation organized, existing and doing business under the laws of the State of Illinois, with its office and principal place of business located at One South State Street, Chicago, Ill.

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 respondent Carson Pirie Scott & Company, a corporation, and its officers, 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:

1. 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:

A. Represents, directly or by implication, that prices of fur products are "Below original cost," or words of similar import, when such is not the fact.

2. Making price claims or representations in advertisements respecting reduced prices of fur products or that prices of fur products are below original cost, unless respondent maintains full and adequate records disclosing the facts upon which such claims or representations are based.

#### 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 11th day of February 1959, become the decision of the Commission; and, accordingly:

1149

Decision

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

Decision

55 F.T.C.

IN THE MATTER OF  
DERRY FIBRE 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 7275. Complaint, Oct. 8, 1958—Decision, Feb. 11, 1959*

Consent order requiring a manufacturer in Derry, N.H., to cease violating the Wool Products Labeling Act by failing to label woolen stocks as required by the Act, and by invoicing the stocks falsely as "all wool," "100% wool," and "100% all wool stock."

*Mr. Garland S. Ferguson* for the Commission.  
Respondents, for themselves.

INITIAL DECISION BY ABNER E. LIPSCOMB, HEARING EXAMINER

The complaint herein was issued on October 8, 1958, charging respondents with misbranding and falsely and deceptively invoicing certain of their wool products, in violation of the Federal Trade Commission Act and of the Wool Products Labeling Act of 1939 and the Rules and Regulations promulgated thereunder.

Thereafter, on December 12, 1958, respondents and counsel supporting the complaint herein entered into an Agreement Containing Consent Order to Cease and Desist, which was approved by the acting director and an assistant director of the Commission's Bureau of Litigation, and thereafter submitted to the hearing examiner for consideration.

The agreement identifies respondent Derry Fibre Mills, Inc. as a New Hampshire corporation, with its office and principal place of business located at Derry, N.H., and individual respondent Harry Flagler as an officer of said corporation, in which capacity he formulates, directs, and controls the policies and practices of the corporate respondent, his address being the same as that of the corporate respondent.

Respondents admit all the jurisdictional facts alleged in the complaint, and agree that the record may be taken as if findings of jurisdictional facts had been duly made in accordance with such allegations.

Respondents waive any further procedure before the hearing examiner and the Commission; the making of findings of fact or conclusions of law; and all of the rights they may have to chal-