

IN THE MATTER OF
JORDAN MARSH COMPANY

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

Docket 7311. Complaint, Nov. 19, 1958—Decision, Mar. 20, 1959

Consent order requiring a department store in Miami, Fla., to cease violating the Fur Products Labeling Act by advertising in newspapers which represented prices of fur products as reduced from so-called regular prices which were in fact fictitious, and represented certain mink products falsely as "Each * * * a one-of-a-kind designer piece."

Mr. John T. Walker for the Commission.

Walton, Lantaff, Schroeder, Atkins, Carson & Wahl, by *Mr. Richard A. Pettigrew*, of Miami, Fla., for respondent.

INITIAL DECISION BY FRANK HIER, HEARING EXAMINER

Pursuant to the provisions of the Federal Trade Commission Act and the Fur Products Labeling Act, the Federal Trade Commission on November 19, 1958 issued and subsequently served its complaint in this proceeding against respondent Jordan Marsh Company, a corporation existing and doing business under and by virtue of the laws of the State of Florida.

On January 28, 1959, there was submitted to the undersigned hearing examiner an agreement between respondent and counsel supporting the complaint providing for the entry of a consent order. By the terms of said agreement, respondent admits all the jurisdictional facts alleged in the complaint and agrees that the record may be taken as if findings of jurisdictional facts had been duly made in accordance with such allegations. By such agreement, respondent waives any further procedural steps before the hearing examiner and the Commission; waives the making of findings of fact and conclusions of law; and waives all of the rights it may have to challenge or contest the validity of the order to cease and desist entered in accordance with this agreement.

Such agreement further provides that it disposes of all of this proceeding as to all parties; that the record on which this initial decision and the decision of the Commission shall be based shall consist solely of the complaint and this agreement; that the latter shall not become a part of the official record unless and until

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it becomes a part of the decision of the Commission; 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; and that the following order to cease and desist may be entered in this proceeding by the Commission without further notice to respondent, and, when so entered, it shall have the same force and effect as if entered after a full hearing, and may be altered, modified, or set aside in the manner provided for other orders; and that the complaint may be used in construing the terms of the order.

The hearing examiner having considered the agreement and proposed order, and being of the opinion that they provide an appropriate basis for settlement and disposition of this proceeding, the agreement is hereby accepted, the following jurisdictional findings made, and the following order issued.

1. Respondent Jordan Marsh Company, is a corporation existing and doing business under the laws of the State of Florida, with its office and principal place of business located at 1501 Biscayne Boulevard, Miami, Fla.

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 Jordan Marsh Company, a corporation, and its officers, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale, in commerce, or the 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 have been 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 the regular or

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usual price of any fur product is any amount which is in excess of the price at which respondent has usually and customarily sold such products in the recent regular course of business;

B. Represents, directly or by implication, that any fur product is fashioned for or in any specific year, or is in a special collection, or is a one-of-a-kind designer piece, or words of similar import, when such is not the fact.

2. Making price claims and representations of the type referred to in paragraph 1A, above, 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 20th day of March 1959, become the decision of the Commission; and, accordingly:

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.

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IN THE MATTER OF
THE EIS AUTOMOTIVE CORPORATIONORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION
OF SEC. 2(a) OF THE CLAYTON ACT

Docket 6764. Complaint, Apr. 4, 1957—Decision, Mar. 21, 1959

Order requiring a Middletown, Conn., manufacturer of automotive parts, including hydraulic brake parts and cables for automobiles, trucks, and trailers, to cease discriminating in price to the disadvantage of independent jobbers, by paying a so-called redistributorial discount or rebate to members of group buying organizations which were in reality devices for the collection of rebates, allowances, etc., from sellers on all purchases made by the jobber members.

Mr. William W. Rogal for the Commission.

Mr. Edward S. St. John, of New York, N.Y., for respondent.

INITIAL DECISION BY EARL J. KOLB, HEARING EXAMINER

This proceeding is based upon a complaint charging the respondent The Eis Automotive Corporation, a corporation, with having discriminated in price in connection with its sale of automotive parts to competing purchasers in violation of Section 2(a) of the Clayton Act as amended by the Robinson-Patman Act (15 U.S.C.A., Sec. 13). After the closing of the taking of testimony in support of the allegations of the complaint, the respondent closed its case without offering an affirmative defense.

This proceeding is now before the undersigned hearing examiner for final consideration on the complaint, answer thereto, testimony and other evidence, and proposed findings as to the facts and conclusions presented by counsel. The hearing examiner has given consideration to the proposed findings and conclusions submitted by both parties, and all findings of fact and conclusions of law not hereinafter specifically found or concluded are herewith rejected, and the hearing examiner having considered the record herein, and being now duly advised in the premises, makes the following findings as to the facts, conclusions drawn therefrom, and order:

1. Respondent the Eis Automotive Corporation is a Connecticut corporation with its principal office and place of business located at North Main Street, Middletown, Conn. For several years last past respondent has been engaged in the manufacture