

IN THE MATTER OF
HARTLEY LORD AND BRADFORD JEALOUS
TRADING AS LORD & JEALOUS

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

Docket 7320. Complaint, Dec. 2, 1958—Decision, Mar. 21, 1959

Consent order requiring manufacturers in Norfolk, Mass., to cease violating the Wool Products Labeling Act by tagging and invoicing as 100% wool, woolen stocks which contained substantial quantities of reprocessed wool, and by failing to comply in other respects with labeling requirements of the Act.

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

Respondents, *pro se*.

INITIAL DECISION BY FRANK HIER, HEARING EXAMINER

Pursuant to the provisions of the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, the Federal Trade Commission on December 2, 1958, issued and subsequently served its complaint in this proceeding against the above-named respondents.

On January 28, 1959, there was submitted to the undersigned hearing examiner an agreement between respondents and counsel supporting the complaint providing for the entry of a consent order. By the terms of said agreement, 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. By such agreement, respondents waive any further procedural steps before the hearing examiner and the Commission; waive the making of findings of fact and conclusions of law; and waive all of the rights they 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 it becomes a part of the decision of the Commission; that the

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agreement is for settlement purposes only and does not constitute an admission by respondents that they have 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 respondents, 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. Respondents Hartley Lord and Bradford Jealous are individuals and copartners trading as Lord & Jealous, with their office and place of business located in Norfolk, Mass.

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

ORDER

It is ordered, That respondents Hartley Lord and Bradford Jealous, as individuals and as copartners trading as Lord & Jealous, or under any other name, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for the 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 woolen stocks 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 falsely identifying such products as to the character or amount of the constituent fibers contained therein;

2. Failing to securely affix to or place on each such product a stamp, tag, or label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum

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of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers;

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

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product 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.

It is further ordered, That respondents Hartley Lord and Bradford Jealous, as individuals and as copartners trading as Lord & Jealous, or under any other name, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of woolen stocks or any other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Misrepresenting the character or the amount of the constituent fibers contained in such products on invoices or sales memoranda applicable thereto, or in any other manner.

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 21st day of March 1959, become the decision of the Commission; and, accordingly:

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

Findings

IN THE MATTER OF
EVIS MANUFACTURING COMPANY, ET AL.

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

Docket 6168. Complaint, Feb. 5, 1954—Decision, Mar. 23, 1959

Order requiring sellers in San Francisco of the "Evis Water Conditioner" to cease representing falsely that the product had any beneficial effect on water, changed its physical behavior, solved hard water problems, removed unpleasant flavors and improved the taste of beverages and food, saved soap, removed grease and scale, along with a variety of other similar claims.

Before *Mr. Abner E. Lipscomb*, hearing examiner.

Mr. Edward F. Downs for the Commission.

Pillsbury, Madison & Sutro, of Washington, D.C. and San Francisco, Calif., and *Mr. Noble McCartney*, of Washington, D.C., for respondents.

FINDINGS AS TO THE FACTS, CONCLUSION AND ORDER

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission, on February 5, 1954, issued and subsequently served upon respondents, Evis Manufacturing Company, a corporation and Joseph T. Voorheis and Arthur N. Wells, individually and as officers of said corporation, its complaint, charging said respondents with unfair methods of competition and unfair and deceptive acts and practices in commerce in the sale of a device for the conditioning of water, in violation of the provisions of the Federal Trade Commission Act.

Thereafter, on April 12, 1954, respondents submitted their answer to the complaint, denying the principal charges thereof and challenging certain of the interpretations of their advertisements contained therein.

Hearings were held in due course. Evidence was received in support of and in opposition to the allegations of the complaint. The hearing examiner filed his first initial decision on April 27, 1956, in which he ordered the complaint dismissed on the ground that the allegations thereof were not supported by reliable, probative and substantial evidence. The Commission, having heard the appeal of counsel in support of the complaint, including oral argument, vacated the aforesaid initial decision and remanded