

Decision

IN THE MATTER OF
RONAY, INC., ET AL.

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

Docket 7337. Complaint, Dec. 16, 1958—Decision, Apr. 11, 1959

Consent order requiring a manufacturer in Long Island City, N.Y., to cease describing falsely as "wicker" on invoices to dealers, handbags actually made of paper fibers.

Mr. Alvin D. Edelson for the Commission.

Paul, Weiss, Rifkind, Wharton & Garrison, of New York, N.Y., by *Mr. H. Russell Winokur*, for respondents.

INITIAL DECISION BY WILLIAM L. PACK, HEARING EXAMINER

The complaint in this matter, issued December 16, 1958, charged respondents with violation of the Federal Trade Commission Act in connection with the sale and distribution of ladies' handbags. An agreement has now been entered into by respondents and counsel supporting the complaint which provides, among other things, that respondents admit 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, respondents 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 respondents that they have 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

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

1. Respondent Ronay, Inc., is a corporation organized, existing, and doing business under the laws of the State of New York, with its principal office and place of business located at 37-18 Northern Boulevard, Long Island City, New York, N.Y. Individual respondents Mitchell Bienen, Richard Bienen, and Pearl Bienen are officers of the corporate respondent. Their address is the same as the corporate respondent.

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 Ronay, Inc., a corporation, and its officers, and Mitchell Bienen, Richard Bienen, and Pearl Bienen, individually and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device in connection with the manufacture, offering for sale, sale or distribution of ladies' handbags or other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting on invoices, or in any other manner, the material or materials of which their ladies' handbags, or any other merchandise, are composed or constructed.

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 April 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.

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IN THE MATTER OF
ROBERT A. LYONS ET AL. TRADING AS
"TAB" AND TECHNICAL APPARATUS BUILDERS

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

Docket 7125. Complaint, Apr. 18, 1958—Decision, Apr. 16, 1959

Consent order requiring a concern in New York City selling radio and television tubes—many of them military and manufacturers' surplus, used, pull-out, and factory reject—to the public by mail order and also to industrial establishments and manufacturers, to cease representing falsely in advertising brochures, magazine advertising, etc., that all their tubes were new, unused, and of first quality and were unconditionally guaranteed, and to disclose conspicuously—in advertising, packaging, and shipping memoranda—when their tubes were used, reject, or surplus.

Mr. Kent P. Kratz for the Commission.

Wiesenthal & Wiesenthal, of New York, N.Y., for respondents.

INITIAL DECISION BY EARL J. KOLB, HEARING EXAMINER

The complaint in this proceeding issued April 18, 1958, charges respondents Robert A. Lyons and Morton C. Blumberg, copartners trading as "TAB" and Technical Apparatus Builders, located at 111 Liberty Street, New York, N.Y., with violation of the Federal Trade Commission Act in the sale and distribution of radio and television tubes.

After the issuance of the complaint respondents entered into an agreement containing consent order to cease and desist with counsel in support of the complaint disposing of all the issues as to all parties 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 respondents that they have violated the law as alleged in the complaint.

By the terms of said agreement, the respondents 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.