

IN THE MATTER OF
RICHARD-DONALD FURRIERS, INC., ET AL.

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

Docket 7291. Complaint, Nov. 5, 1958—Decision, Apr. 16, 1959

Consent order requiring a furrier in Wilmington, Del., to cease violating the Fur Products Labeling Act by failing to comply with invoicing requirements; by advertising in newspapers which failed to disclose the names of animals producing certain furs or the country of origin, or to disclose that some furs were made of artificially colored or cheap or waste fur, failed to use the term "Dyed Mouton-processed Lamb" where applicable, and represented prices as reduced from regular prices which were in fact fictitious or as representing false percentage savings, by failing to keep adequate records as a basis for said pricing claims, and by representing a "2-year guarantee" without specifying how it would be honored.

Mr. Kent P. Kratz for the Commission.

Mr. Thomas Herlihy, Jr., of Wilmington, Del., for respondents.

INITIAL DECISION BY WILLIAM L. PACK, HEARING EXAMINER

The complaint in this matter, issued on November 5, 1958, charged the respondents named therein, Richard-Donald Furriers, Inc., a corporation, and Richard S. Cohn, individually and as an officer of said corporation, with violating 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 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

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

1. Respondent Richard-Donald Furriers, Inc., is a corporation, existing and doing business under the laws of the State of Delaware with its office and principal place of business located at 730 Market Street, Wilmington, Del. Individual respondent Richard S. Cohn is president of the corporate respondent and controls, formulates and directs the acts, practices and policies of said respondent. His office and principal place of business is the same as that of 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 Richard-Donald Furriers, Inc., a corporation, and its officers, and Richard S. Cohn, individually and as an officer of said corporation, and respondents' 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 any fur product, or in connection with the sale, advertising, offering for sale, transportation, or distribution of any fur product which is 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 invoicing fur products by:

A. Failing to furnish invoices to purchasers of fur products showing:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the Rules and Regulations;

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(2) That the fur product contains or is composed of used fur, when such is the fact;

(3) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

(4) That the product is composed, in whole or in substantial part, of paws, tails, bellies, or waste fur, when such is the fact;

(5) The name and address of the person issuing such invoice;

(6) The name of the country of origin of any imported furs contained in a fur product.

2. 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. Fails to disclose:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide, and as prescribed under the Rules and Regulations;

(2) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

(3) That the fur product is composed, in whole or in substantial part, of paws, tails, bellies or waste fur, when such is the fact;

(4) The name of the country of origin of any imported furs contained in a fur product.

B. Sets forth information required under Section 5(a) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder in abbreviated form.

C. Fails to set forth the term "Dyed Mouton-processed Lamb" in the manner required.

D. Represents, directly or by implication, that the regular or usual price of any fur product is any amount which is in excess of the price at which respondents have usually and customarily sold such products in the recent regular course of business.

E. Represents, directly or by implication that the customary or usual retail price charged by respondents for any fur product in the recent regular course of their business is reduced in direct proportion to the amount of savings stated in percentage savings claims, when contrary to the fact.

F. Represents, directly or by implication, that respondents' fur products are guaranteed for two years or for any other period of

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time, or that they are otherwise guaranteed, unless the nature and extent of the guaranty, and the manner in which the respondents will perform thereunder, are clearly and conspicuously disclosed.

3. Making price claims and representations of the types referred to in paragraph D and E above, unless there are maintained by respondents 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 16th 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.

IN THE MATTER OF
COUNTRY TWEEDS, INC., ET AL.

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

Docket 7314. Complaint, Nov. 25, 1958—Decision, Apr. 16, 1959

Consent order requiring a manufacturer in New York City to cease violating the Wool Products Labeling Act by labeling as "80% Alpaca and Mohair, 20% Nylon" and "80% Alpaca and Wool and Mohair, 20% Nylon," coats which contained a negligible amount of alpaca and substantially more than 20% nylon, and by failing in other respects to comply with the labeling requirements; and by making similar false claims for their "Kashmoor" ladies' coats in advertising in newspapers, magazines, etc., and promotional material furnished to retailers.

Mr. Thomas A. Ziebarth for the Commission.

Barshay & Frankel, of New York, N.Y., by *Mr. Nathan Frankel*, for respondents.

INITIAL DECISION BY WILLIAM L. PACK, HEARING EXAMINER

The complaint in this matter charges the respondents with misbranding certain wool products in violation of the Wool Products Labeling Act and the Rules and Regulations promulgated thereunder, and the Federal Trade Commission Act. 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