

Decision

IN THE MATTER OF
ARDLEY FUR CORPORATION ET AL.

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

Docket 7368. Complaint, Jan. 23, 1959—Decision, May 1, 1959

Consent order requiring a New York City furrier to cease violating the Fur Products Labeling Act by failing to comply with the labeling and invoicing requirements; by advertising in letters to customers and otherwise which contained fictitious prices and represented exaggerated amounts as regular selling prices; and by failing to maintain adequate records on which such pricing claims were based.

Mr. John T. Walker supporting the complaint.

No appearance for respondents.

INITIAL DECISION BY JOSEPH CALLAWAY, HEARING EXAMINER

The Federal Trade Commission issued its complaint against the above-named respondents on January 23, 1959, charging them with having violated the Fur Products Labeling Act, the rules and regulations issued thereunder, and the Federal Trade Commission Act by misbranding, falsely advertising and invoicing certain of their fur products and failing to maintain full and adequate records.

On February 28, 1959 respondents entered into an agreement with counsel in support of the complaint for a consent order.

The hearing examiner finds that the content of the agreement meets all of the requirements of Section 3.25(b) of the Rules of the Commission.

This proceeding having now come on for final consideration on the complaint and the aforesaid agreement containing the consent order, and it appearing that the order and agreement cover all of the allegations of the complaint and provide for appropriate disposition of this proceeding, the agreement is hereby accepted and ordered filed upon this decision and said agreement becoming part of the Commission's decision pursuant to Sections 3.21 and 3.25 of the Rules of Practice, and the hearing examiner accordingly makes the following findings, for jurisdictional purposes, and order:

1. Respondent Ardley Fur Corporation is a corporation organized, existing and doing business under and by virtue of the

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laws of the State of New York, with its office and principal place of business located at 307 Seventh Avenue, New York, N.Y.

2. Individual respondents Norman Rawick and Arthur Blass are president and secretary, respectively, of said corporate respondent, and have the same address as that of the said corporate respondent.

3. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondents hereinabove named. The complaint states a cause of action against said respondents under the Fur Products Labeling Act and the Federal Trade Commission Act, and this proceeding is in the interest of the public.

ORDER

It is ordered, That Ardley Fur Corporation, a corporation, and its officers, and Norman Rawick and Arthur Blass, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, and manufacture for introduction into commerce, or the sale, advertising, offering for sale, transportation or distribution in commerce, of fur products, or in connection with the sale, manufacture for 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:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing:

(a) Information required under Section 4(2) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder in the required sequence.

(b) The item number or mark assigned to a fur product.

2. Setting forth on labels affixed to fur products:

(a) Information required under Section 4(2) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder mingled with nonrequired information.

(b) Information required under Section 4(2) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder in handwriting.

B. Falsely or deceptively invoicing fur products by:

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

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

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

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

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

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

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

(g) The item number or mark assigned to a fur product.

C. 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:

1. Represents, directly or by implication, that the regular or usual prices of such products are any amount in excess of the prices at which respondents have usually and customarily sold such products in the recent regular course of business.

D. Making claims and representations respecting prices and values of fur products unless there are maintained by respondents full and adequate records showing the facts upon which such claims and 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 1st day of May 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
ZIPWELL FASHIONS, INC., ET AL.

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

Docket 7381. Complaint, Jan. 30, 1959—Decision, May 1, 1959

Consent order requiring a New York City manufacturer to cease violating the Wool Products Labeling Act by labeling as "100% wool" ladies' and misses' topcoats which contained a substantial quantity of fibers other than wool, and by failing in other respects to comply with the labeling requirements of the Act; and to cease violating the Fur Products Labeling Act by labeling products deceptively with respect to the names of animals producing certain furs, by labeling certain lamb products as "Polar Mouton," and by failing in other respects to comply with labeling and invoicing requirements.

Mr. Floyd O. Collins supporting the complaint.

Mr. Jack Hirsch of *Finke, Jacobs & Hirsch*, of New York, N.Y., for respondents.

INITIAL DECISION BY JOHN B. POINDEXTER, HEARING EXAMINER

This proceeding was initiated January 30, 1959 by the issuance of a Federal Trade Commission complaint which charges the above-named respondents with violation of the Federal Trade Commission Act, the Wool Products Labeling Act and the Fur Products Labeling Act and the Rules and Regulations promulgated under the Wool Products Labeling Act and the Fur Products Labeling Act as alleged in the complaint.

After service of the complaint respondents entered into an agreement, dated February 25, 1959, containing a consent order to cease and desist, disposing of all the issues in this proceeding, without hearing, which agreement has been duly approved by the director and assistant director of the Bureau of Litigation. Said agreement has been submitted to the undersigned, heretofore duly designated to act as hearing examiner herein for his consideration in accordance with Section 3.25 of the Rules of the Commission.

The pertinent provisions of said agreement are as follows: Respondents admit all jurisdictional facts; the complaint may be used in construing the terms of the order; the order shall have the same force and effect as if entered after a full hearing