

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

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and the said agreement shall not become a part of the official record of the proceeding unless and until it becomes a part of the decision of the Commission; the record herein shall consist solely of the complaint and the agreement; respondents waive the requirement that the decision must contain a statement of findings of fact and conclusions of law; respondents waive further procedural steps before the hearing examiner and the Commission, and the order may be altered, modified, or set aside in the manner provided by statute for other orders; respondents waive any right to challenge or contest the validity of the order entered in accordance with the agreement and the signing of said 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 undersigned hearing examiner having considered the agreement and proposed order and being of the opinion that the acceptance thereof will be in the public interest, hereby accepts such agreement, makes the following jurisdictional findings, and issues the following order:

JURISDICTIONAL FINDINGS

1. Respondent Zipwell Fashions, Inc., is a corporation organized and existing under and by virtue of the laws of the State of New York, with its office and principal place of business located at 247 West 37th Street, New York, N.Y.
2. Respondent Jack Sosne is an individual and officer of respondent corporation and formulates, directs and controls the acts and practices of the respondent corporation. Respondent's address is 247 West 37th Street, New York, N.Y.
3. 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 Zipwell Fashions, Inc., a corporation, and its officers, and Jack Sosne, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for 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

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Labeling Act of garments or other "wool products" as such products are defined 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 identifying such products as to the character or amount of the constituent fibers included therein.

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

- (a) The percentage of the total fiber weight of such product exclusive of ornamentation not exceeding five percentum of said total 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 non-fibrous 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.

3. Failing to stamp, tag or label samples, swatches or specimens of wool products, which are used to promote or effect sales of such wool products in commerce with the information required under paragraph 2 hereof, as provided by Rule 22 of the Rules and Regulations promulgated under the Wool Products Labeling Act of 1939.

4. Failing to separately set forth on the required stamp, tag, label or other means of identification the character and amount of the constituent fibers contained in the interlining of such wool products as provided in Rule 24 of the Rules and Regulations promulgated under the said Wool Products Labeling Act of 1939.

It is further ordered, That respondents Zipwell Fashions, Inc., a corporation, and its officers, and Jack Sosne, 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 or manufacture for introduction into commerce, or the sale, advertising, offering for sale, transportation, or distribution in commerce of

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any fur product, or in connection with the manufacture, 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. Misbranding fur products by:

(a) Falsely or deceptively labeling or otherwise identifying any such product as to the name or names of the animal or animals that produced the fur from which such products were manufactured.

(b) Failing to affix labels to 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;

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

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

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

(5) The name, or other identification issued and registered by the Commission of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce.

(c) Misrepresenting the zoological origin of the animal that produced the fur contained in a fur product.

2. 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;

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

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

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

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- (5) The name and address of the person issuing such invoice;
- (6) The name of the country of origin of any imported fur contained in a fur product.

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.

Decision

IN THE MATTER OF
OPTI-RAY, INC., ET AL.CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF
THE FEDERAL TRADE COMMISSION ACT*Docket 7235. Complaint, Aug. 21, 1958—Decision, May 6, 1959*

Consent order requiring a Brooklyn, N.Y., assembler of sunglasses to cease representing falsely in sales brochures, counter display cards, and other promotional material supplied to jobbers and dealers, and on attached tickets and labels, that lenses in their sunglasses had a diopter curve of 6 and were imported from Europe; to cease attaching to certain of their sunglasses, labels or tickets bearing fictitious and excessive prices represented thus as usual retail prices; and to disclose clearly and conspicuously by markings or labels on the product that certain sunglasses were manufactured in Japan.

Mr. Morton Nesmith and Mr. John J. Mathias supporting the complaint.

Respondents, pro se.

INITIAL DECISION BY JOSEPH CALLAWAY, HEARING EXAMINER

The Federal Trade Commission issued its complaint against the above-named respondents on August 21, 1958, charging them with having violated the Federal Trade Commission Act by making deceptive and misleading statements with respect to the sunglasses which they distribute and sell.

After being served with the complaint respondents entered into an agreement, dated December 19, 1958, 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 assistant director and the acting 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 Practice of the Commission.

Respondents, pursuant to the aforesaid agreement, have admitted all of the jurisdictional allegations of the complaint and agreed that the record may be taken as if findings of jurisdictional facts had been made duly in accordance with such allegations. Said agreement further provides that respondents waive all further procedural steps before the hearing examiner or the Commission, including the making of findings of fact or con-