

Decision

IN THE MATTER OF
KESTENBAUM & RENNERT, INC., ET AL.CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF THE
FEDERAL TRADE COMMISSION AND THE FUR PRODUCTS LABELING ACTS*Docket 7319. Complaint, Dec. 2, 1958—Decision, June 2, 1959*

Consent order requiring furriers in Brooklyn, N.Y., to cease violating the Fur Products Labeling Act by representing prices of fur products on invoices as having been reduced from regular prices which were in fact fictitious.

Mr. Alvin D. Edelson supporting the complaint.

Mr. Herbert Yuran of *Derman & Yuran*, of New York, N.Y., for respondents.

INITIAL DECISION BY JOSEPH CALLAWAY, HEARING EXAMINER

The Federal Trade Commission issued its complaint against the above-named respondents on December 2, 1958, charging them with having violated the Fur Products Labeling Act, the rules and regulations issued thereunder, and the Federal Trade Commission Act by falsely and deceptively invoicing certain of their fur products as alleged in the complaint.

After being served with the complaint respondents entered into an agreement, dated February 27, 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 assistant director and the 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 hearing examiner finds that the content of the agreement meets all of the requirements of Section 3.25 (b).

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:

1. Respondent Kestenbaum & Rennert, Inc. is a corporation organized, existing and doing business under and by virtue of

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the laws of the State of New York with its office and principal place of business at 1869 83d Street, Brooklyn, N.Y., c/o Morris Kestenbaum.

2. Individual respondents George Rennert and Julius Gasper are secretary-treasurer and vice president respectively of said corporate respondent. Individual respondent Jack Kaufman is a salesman for said corporate respondent. The address of the respondent George Rennert is 1950 Daly Avenue, Bronx, New York, N.Y. The address of respondent Julius Gasper is 2771 Bainbridge Avenue, Bronx, New York, N.Y. The address of respondent Jack Kaufman is 1869 83d Street, Brooklyn, N.Y.

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 respondents Kestenbaum & Rennert, Inc., a corporation, and its officers, and George Rennert and Julius Gasper, individually and as officers of said corporation, and Jack Kaufman, individually, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or the manufacture for introduction, into commerce, or the sale, advertising, or offering for sale, or 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 products 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 the fact;

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(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 fur 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.

B. Setting forth certain prices as the regular or usual prices of certain fur products when such prices are in fact in excess of the price at which the respondents have regularly or usually sold said certain fur products in the recent regular course of their business.

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 2d day of June 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
THE UNITED STATES BEDDING COMPANY

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

Docket 7332. Complaint, Dec. 11, 1958—Decision, June 2, 1959

Consent order requiring a manufacturer in St. Paul, Minn., to cease attaching to its mattresses, labels bearing fictitious prices, and placing in the hands of dealers for their use, newspaper mats representing falsely that some of its mattresses carried a full ten-year guarantee.

Mr. Alvin D. Edelson supporting the complaint.

Oppenheimer, Hodgson, Brown, Baer and Wolff by *Mr. Benno F. Wolff* and *Mr. John G. Robertson*, of St. Paul, Minn., for respondent.

INITIAL DECISION BY JOHN B. POINDEXTER, HEARING EXAMINER

The complaint in this proceeding alleges that the United States Bedding Company, a corporation, hereinafter referred to as respondent, has violated the Federal Trade Commission Act by illegally preticketing the mattresses it manufactures and deceptively guaranteeing them.

After issuance and service of the complaint, the respondent, its counsel and counsel supporting the complaint, entered into an agreement for a consent order. The order disposes of the matters complained about.

Under the agreement, the respondent admits the jurisdictional facts alleged in the complaint. The parties agree, among other things, that the cease and desist order there set forth may be entered without further notice and have the same force and effect as if entered after a full hearing, and the document includes a waiver by the respondent of all rights to challenge or contest the validity of the order issuing in accordance therewith. The agreement further recites that it is for settlement purposes only and does not constitute an admission by the respondent that it has violated the law as alleged in the complaint.

The hearing examiner finds that the provisions of the agreement comply with all mandatory requirements of Section 3.25 (b) of the Rules of Practice for Adjudicative Proceedings.

The hearing examiner having considered the agreement and proposed order and being of the opinion that the acceptance there-