

IN THE MATTER OF
TEMPLE COMPANY, INC., ET AL.

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

Docket 7296. Complaint, Nov. 6, 1958—Decision, June 13, 1959

Consent order requiring mail order merchandisers in Philadelphia, Pa., to cease using fictitious prices in connection with certain of their products by such practices as offering mink furs at prices purportedly reduced from excessive amounts represented in catalogs and periodicals to be the usual retail prices, and by claiming falsely that a supplier was a manufacturer and wholesaler from whom their customers could buy furs at wholesale prices.

Mr. Alvin D. Edelson for the Commission.

Mr. Harry H. Wachtel, of New York, N.Y., for Samuel Cohen, Lewis Kitei, and Robert X. Pincus.

Jacoby & Maxmin, by *Mr. Henry W. Maxmin*, of Philadelphia, Pa., for Irwin Fisher.

INITIAL DECISION BY WALTER R. JOHNSON, HEARING EXAMINER

In the complaint dated November 6, 1958, the above respondents are charged with violating the provisions of the Federal Trade Commission Act.

On March 19, 1959, respondents Samuel Cohen, Lewis Kitei, Robert X. Pincus, and Irwin Fisher and their attorneys entered into separate agreements with counsel in support of the complaint for a consent order.

The hearing examiner finds that the content of the separate agreements meets all of the requirements of Section 3.25(b) of the Rules of the Commission, and contains a statement that the signing of said agreements is for settlement purposes only and does not constitute an admission by respondents that they have violated the law as alleged in the complaint.

In the agreement it is recommended that the complaint be dismissed as to Temple Company, Inc., a corporation, for the reason said corporation was dissolved on July 31, 1958. Attached to and forming a part of said agreement is an affidavit executed by Joseph M. Midler. Affiant among other things states that he is secretary of L. & C. Mayers/Temple, Inc., and was secretary of Temple Company, Inc. at the time of its dissolution, that on July 31, 1958, Temple Company, Inc. was merged into L. & C. Mayers/

1970

Order

Temple, Inc. and by virtue of the provisions of the Articles of Merger filed with the Department of State of the Commonwealth of Pennsylvania on July 31, 1958, a copy of said articles being attached and made a part of the affidavit, the Temple Company, Inc. ceased to exist.

The hearing examiner being of the opinion that the separate agreements and the proposed orders provide an appropriate basis for the disposition of this proceeding as to all of the parties, the agreements are hereby accepted and it is ordered that the agreements shall not become a part of the official record of the proceeding unless and until they become a part of the decision of the Commission.

The following jurisdictional findings are made and the following order issued.

1. Respondents Samuel Cohen, Lewis Kitei, Robert X. Pincus, and Irwin Fisher, are individuals and former officers of the corporate respondent Temple Company, Inc. Their business address is 804 Sansom Street, Philadelphia, Pa.

2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondents Samuel Cohen, Lewis Kitei, Robert X. Pincus, and Irwin Fisher, and the proceeding is in the public interest.

ORDER

It is ordered, That respondents Samuel Cohen, Lewis Kitei, Robert X. Pincus, and Irwin Fisher, individuals, and their agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of fur coats, or any other merchandise, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing in any manner that certain amounts are the regular and usual retail prices of fur coats, or other merchandise, when such amounts are in excess of the prices at which said merchandise is regularly and usually sold at retail, or representing that certain amounts are the regular or usual retail prices of fur coats, or other merchandise, when such amounts are in excess of the established retail market prices of said fur coats, or other merchandise.

2. Representing in any manner that any of respondents' mail order suppliers are wholesalers, or manufacturers, when such is not the fact.

It is further ordered, That the complaint herein insofar as it relates to respondent Temple Company, Inc., a corporation, be and the same hereby is dismissed.

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 13th day of June 1959, become the decision of the Commission; and, accordingly:

It is ordered, That respondents Samuel Cohen, Lewis Kitei, Robert X. Pincus, and Irwin Fisher, individually and as former officers of respondent Temple Company, Inc., 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
ADOLF REIZFELD, ET AL.
TRADING AS MR. ADOLF

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

Docket 7416. Complaint, Feb. 19, 1959—Decision, June 13, 1959

Consent order requiring furriers in New Haven, Conn., to cease violating the Fur Products Labeling Act by failing to comply with the labeling and invoicing requirements.

Mr. Frederick McManus for the Commission.
Respondents, for themselves.

INITIAL DECISION BY ABNER E. LIPSCOMB, HEARING EXAMINER

The complaint herein was issued on February 19, 1959, charging respondents with misbranding and falsely and deceptively invoicing certain of their fur products, in violation of the Federal Trade Commission Act and of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder.

Thereafter, on April 15, 1959, respondents and counsel supporting the complaint herein entered into an Agreement Containing Consent Order to Cease and Desist, which was approved by the director and an assistant director of the Commission's Bureau of Litigation, and thereafter submitted to the hearing examiner for consideration.

The agreement identifies respondents Adolf Reizfeld and Esther Reizfeld as individuals and copartners trading as Mr. Adolf, with their office and principal place of business at 817 Chapel Street, New Haven, Conn. The given name of the second respondent is shown in the complaint and in the text of the agreement as "Esther," but appears in that respondent's signature on the agreement as "Estar." No question has been raised as to the identity of this respondent, and, accordingly, she will hereinafter be referred to as Estar Reizfeld.

Respondents admit all the jurisdictional facts alleged in the complaint, and agree that the record may be taken as if findings of jurisdictional facts had been duly made in accordance with such allegations.

Respondents waive any further procedure before the hearing examiner and the Commission; the making of findings of fact