

Decision

IN THE MATTER OF
EDWIN E. ROTHCHILD
TRADING AS FULTON TOOL COMPANY

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

Docket 7437. Complaint, Mar. 12, 1959—Decision, June 13, 1959

Consent order requiring an individual in Brooklyn, N.Y., to cease selling to distributors and dealers for resale to the public without disclosure of their secondhand nature, used files which he purchased and reconditioned so that they appeared to be new.

Mr. Brockman Horne for the Commission.

INITIAL DECISION BY WALTER R. JOHNSON, HEARING EXAMINER

In the complaint dated March 12, 1959, the respondent is charged with violating the provisions of the Federal Trade Commission Act.

On April 9, 1959, the respondent 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 the requirements of Section 3.25(b) of the Rules of the Commission, and contains a statement that the signing of said agreement is for settlement purposes only and does not constitute an admission by respondent that he has violated the law as alleged in the complaint.

The hearing examiner being of the opinion that the agreement and the proposed order provide an appropriate basis for disposition of this proceeding as to all of the parties, the agreement is hereby accepted and it is ordered that the 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 following jurisdictional findings are made and the following order issued.

1. Respondent is an individual trading as Fulton Tool Company. His office and principal place of business is located at 426-432 Wythe Avenue, Brooklyn 11, N.Y.

2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondent and the proceeding is in the public interest.

Decision

55 F.T.C.

ORDER

It is ordered, That respondent Edwin E. Rothchild, an individual, trading as Fulton Tool Company, or under any other name, and respondent's agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of reconditioned second hand or used files, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Selling or distributing such files without clearly and conspicuously marking them with the words "reconditioned" or "re-built" or some other word or words of similar import, in such a manner that such markings cannot be readily obliterated.
2. Representing in any manner that such files are new.

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 the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Decision

IN THE MATTER OF
CUTTER CRAVAT, INC., ET AL.CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF
THE FEDERAL TRADE COMMISSION ACT*Docket 7252. Complaint, Sept. 11, 1958—Decision, June 16, 1959*

Consent order requiring a Chicago manufacturer to cease preticketing its men's neckties with fictitious and excessive prices, thereby enabling retailers to mislead the public as to the quality and regular retail price.

Mr. William A. Somers for the Commission.

Fischel, Kahn, Heart & Weinberg, of Chicago, Ill., for respondents.

INITIAL DECISION BY WALTER R. JOHNSON, HEARING EXAMINER

In the complaint dated September 11, 1958, respondents are charged with violating the provisions of the Federal Trade Commission Act.

On April 8, 1959, respondents and their attorney 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, and contains a statement that 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 hearing examiner being of the opinion that the agreement and the proposed order provide an appropriate basis for disposition of this proceeding as to all of the parties, the agreement is hereby accepted and it is ordered that the 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 following jurisdictional findings are made and the following order issued.

1. The respondent Cutter Cravat, Inc., is a corporation existing and doing business under and by virtue of the laws of the State of Illinois. Respondent J. Arthur Hirsch is an individual and officer of said corporate respondent. Said corporate and individual respondent have their office and principal place of business located at 319 West Van Buren Street, Chicago, Ill.