

IN THE MATTER OF
KALAN UNIFORM CO., INC., ET AL.

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

Docket 7284. Complaint, Oct. 17, 1958—Decision, June 26, 1959

Consent order requiring Chicago sellers of uniforms to military personnel to cease representing falsely that their military uniforms had been approved by the United States Government, by such practices as attaching labels so similar to the certificate label authorized by the U.S. Army's Uniform Quality Control Office that soldiers were led to believe that the garments were approved by that agency.

Mr. William A. Somers for the Commission.

Mr. Henry W. Kenoe and *Mr. Raphael Fine*, of Chicago, Ill.,
for respondents.

INITIAL DECISION BY WILLIAM L. PACK, HEARING EXAMINER

The complaint in this matter charged the respondents with violation of the Federal Trade Commission Act in connection with the sale and distribution of military uniforms. An agreement has now been entered into by respondents and counsel supporting the complaint which provides, among other things, that respondents admit all of the jurisdictional allegations in the complaint; that the record on which the initial decision and the decision of the Commission shall be based shall consist solely of the complaint and agreement; that the inclusion of findings of fact and conclusions of law in the decision disposing of this matter is waived, together with any further procedural steps before the hearing examiner and the Commission; that the order hereinafter set forth may be entered in disposition of the proceeding, such order to have the same force and effect as if entered after a full hearing, respondents specifically waiving any and all rights to challenge or contest the validity of such order; that the order may be altered, modified, or set aside in the manner provided for other orders of the Commission; that the complaint may be used in construing the terms of the order; and that the 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 having considered the agreement and

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proposed order and being of the opinion that they provide an adequate basis for appropriate disposition of the proceeding, the agreement is hereby accepted, the following jurisdictional findings made, and the following order issued:

1. Respondent Kalan Uniform Co., Inc., is a corporation, existing and doing business under the laws of the State of Illinois. Respondents Macey B. Gordon, John William Benson and Philip Fishbein are individuals and officers of said corporate respondent. Said corporate and individual respondents have their office and principal place of business located at 31 South Franklin Street, Chicago, Ill.

2. 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 respondent Kalan Uniform Co., Inc., a corporation, and its officers, and respondents Macey B. Gordon, John William Benson, and Philip Fishbein, 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 offering for sale, sale or distribution of uniform items in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Using any label which simulates or closely resembles the label provided by Army Regulation AR 700-8400-3, promulgated by the Department of the Army on January 15, 1957, on any Controlled Uniform Item which has not been approved by the Uniform Quality Control Office, or representing, directly or indirectly, by marking or labeling or in any other manner, that any Controlled Uniform Item has been approved by said Uniform Quality Control Office or by any other agency of the United States Government, when such item has not been so approved.

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 26th day of June 1959, become the decision of the Commission; and, accordingly:

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55 F.T.C.

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.

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IN THE MATTER OF
GEORGE HORWITZ, ET AL
TRADING AS NORTH BERGEN QUILTING COMPANY

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

Docket 7446. Complaint, Mar. 17, 1959—Decision, June 26, 1959

Consent order requiring manufacturers in North Bergen, N.J., to cease violating the Wool Products Labeling Act by falsely labeling, and by failing to label, interlinings as to their fiber content.

Mr. Kent P. Kratz for the Commission.
Respondents, for themselves.

INITIAL DECISION BY J. EARL COX, HEARING EXAMINER

The complaint charges respondents with misbranding certain of their wool products, in violation of §4(a) (1) and §4(a) (2) of the Wool Products Labeling Act of 1939 and of the Rules and Regulations promulgated thereunder, and with the use in invoices of false and misleading statements as to the wool content of said products, in violation of the Federal Trade Commission Act.

After the issuance of the complaint, respondents and counsel supporting the complaint 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 transmitted to the hearing examiner for consideration.

The agreement states that respondents George Horwitz and Milton Horwitz are individuals and copartners trading as North Bergen Quilting Company, with their office and principal place of business located at 6035 Hudson Boulevard, in the City of North Bergen, State of New Jersey.

The agreement provides, among other things, that 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; that the record on which the initial decision and the decision of the Commission shall be based shall consist solely of the complaint and this agreement; that the agreement shall not become a part of the official record unless and until it becomes