

It is ordered, That respondents Forbes & Wallace, Inc., a corporation, and Norman Wallace, Louis B. Howland, Laurence R. Wallace, Ralph Little, and Samuel R. Page, individually and as officers of said corporation, 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

HY FISHMAN, INC., ET AL.

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

Docket 7355. Complaint, Jan. 12, 1959—Decision, July 14, 1959

Order requiring a New York City furrier to cease violating the Fur Products Labeling Act by such means as advertisements in letters and brochures mailed to customers which failed to disclose that certain fur products contained artificially colored fur or to disclose the name of the country of origin of imported furs, represented fictitious amounts as the usual prices of fur products, and represented falsely that certain illustrated fur products were advertised in Glamour Magazine.

Mr. Frederick J. McManus for the Commission.

No appearances by or for the respondents.

INITIAL DECISION BY LOREN H. LAUGHLIN, HEARING EXAMINER

The Federal Trade Commission (sometimes also hereinafter referred to as the Commission) on January 12, 1959, issued its complaint herein, charging respondents with having violated the provisions of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder, by falsely and deceptively advertising certain of their fur products, which acts and practices of respondents constitute unfair and deceptive acts and practices in commerce, in violation of the provisions of the Federal Trade Commission Act. Respondents were duly served with process.

No answer to the complaint was filed, and on May 15, 1959, a hearing was held in Washington, D.C., at which no appearance was made by or for the respondents. Accordingly, under §3.7(a) of the Commission's Rules of Practice for Adjudicative Proceedings, a proposed order was submitted by counsel supporting the complaint, and the hearing examiner finds that respondents herein are now in de-

fault; that the Commission has jurisdiction of the subject-matter of this proceeding and of the respondents herein; that the complaint states a legal cause for action under the Federal Trade Commission Act and the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder, both generally and in each of the particulars alleged therein, which are as follows:

1. Hy Fishman, Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of New York with its office and principal place of business located at 312 Seventh Avenue, New York, New York.

Individual respondent Hy Fishman is an officer of the corporate respondent. He formulates, directs and controls the acts, practices and policies of the said corporate respondent. His office and principal place of business is the same as that of the corporate respondent.

2. Subsequent to the effective date of the Fur Products Labeling Act on August 9, 1952, respondents have been and are now engaged in the introduction into commerce, and in the manufacture for introduction into commerce, and in the sale, advertising, and offering for sale, in commerce, and in the transportation and distribution, in commerce, of fur products; and have manufactured for sale, sold, advertised, offered for sale, transported and distributed fur products which have been made in whole or in part of fur which had been shipped and received in commerce as the terms "commerce," "fur" and "fur product" are defined in the Fur Products Labeling Act.

3. Certain of said fur products were falsely and deceptively advertised in violation of the Fur Products Labeling Act in that respondents caused the dissemination in commerce, as "commerce" is defined in said Act, of certain advertisements, concerning said products, which were not in accordance with the provisions of §5(a) of the said Act and the Rules and Regulations promulgated thereunder; and which advertisements were intended to aid, promote and assist, directly or indirectly, in the sale and offering for sale of said fur products.

4. Among and included in the advertisements as aforesaid but not limited thereto were advertisements of respondents which appeared in letters and brochures mailed to customers in the State of New York and various other States of the United States.

By means of said advertisements and others of similar import and meaning, not specifically referred to herein, respondents falsely and deceptively advertised fur products in that said advertisements:

(a) Failed to disclose that fur products contained or were com-

posed of bleached, dyed or otherwise artificially colored fur, when such was the fact, in violation of §5(a)(3) of the Fur Products Labeling Act;

(b) Failed to disclose the name of the country of origin of imported furs contained in the fur products, in violation of §5(a)(6) of the Fur Products Labeling Act;

(c) Represented through such statements as "200 Marmot Stole" and "a luxurious \$1,000 Mink stole for mother" that such prices were the regular or usual prices of said fur products when in fact such prices were fictitious in that they were not the prices at which said fur products were usually sold by respondents in the recent regular course of business, in violation of §5(a)(5) of the Fur Products Labeling Act;

(d) Represented through illustrations of fur products, accompanied by the statement "as seen in Glamour," that the fur products thus depicted were regularly or recently advertised in Glamour Magazine, when such was not the fact, in violation of §5(a)(5) of the Fur Products Labeling Act.

5. The aforesaid acts and practices of respondents, as hereinabove found, are in violation of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder, and constitute unfair and deceptive acts and practices in commerce under the Federal Trade Commission Act.

On the basis of the record herein, the Hearing Examiner concludes that this proceeding is in the interest of the public, and that the proposed order, as submitted by counsel supporting the complaint herein, is appropriate for the just disposition of all the issues in this proceeding as to all parties hereto. The proposed order is therefore accepted and hereinafter issued, as follows:

It is ordered, That Hy Fishman, Inc., a corporation, and its officers, and Hy Fishman, 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 fur products, or in connection with the sale, manufacture for sale, advertising, offering for sale, transportation or distribution of fur products which have been 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 advertising fur products through the use of any advertisement, representation, public announcement, or no-

tice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of fur products, and which:

A. Fails to disclose:

1. That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

2. The name of the country of origin of any imported furs contained in a fur product;

B. Represents, directly or by implication, that the regular or usual price of any fur product is any amount which is in excess of the price at which respondents have usually and customarily sold such products in the recent regular course of business;

C. Represents, directly or by implication, that any of respondents' fur products have been advertised in any advertising media, unless such advertising recently and regularly appeared, or unless the date thereof is set forth.

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 14th day of July, 1959, become the decision of the Commission; and, accordingly:

It is ordered, That respondents Hy Fishman, Inc., a corporation, and Hy Fishman, individually and as an officer of said corporation, 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

GOV-MART a/k/a GOVERNMENT EMPLOYEES'
MERCHANDISE MART, INC., ET AL.