

IN THE MATTER OF

NOBLE AND NOBLE, PUBLISHERS, INC., ET AL.

CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF
THE FEDERAL TRADE COMMISSION ACT*Docket 7424. Complaint, Feb. 26, 1959—Decision, July 15, 1959*

Consent order requiring publishers in New York City to cease selling home-study preparation books for United States Civil Service examinations without clearly disclosing when information contained in them was not up to date.

Mr. Charles S. Cox for the Commission.

Alexander & Green, of New York, N.Y., by *Mr. James D. Ewing*, for respondents.

INITIAL DECISION BY WILLIAM L. PACK, HEARING EXAMINER

The complaint in this matter charges the respondents with violating the Federal Trade Commission Act by misrepresenting certain publications sold by them, the publications being designed for use by persons preparing for examinations for civil service positions in the United States Government. 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 proposed order and being of the opinion that they provide an adequate basis for appropriate disposition of the proceeding, the agree-

ment is hereby accepted, the following jurisdictional findings made, and the following order issued:

1. Respondent Noble and Noble, Publishers, Inc., is a corporation 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 67 Irving Place, New York, New York. Individual respondents J. Kendrick Noble, Sr., Stanley Noble and J. Kendrick Noble, Jr., are officers of the corporate respondent. They formulate, direct and control the acts and practices of the corporate respondent. Their address is the same as that of the corporate respondent.

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 Noble and Noble, Publishers, Inc., a corporation, and its officers, and respondents J. Kendrick Noble, Sr., Stanley Noble and J. Kendrick Noble, Jr., individually and as officers of said corporate respondent, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the publication, advertising, offering for sale, sale and distribution of books entitled "Ward's Questions and Answers for Civil Service Clerical Positions" and "Ward's Questions and Answers for Civil Service Railway Postal Clerk and Clerk-Carrier Positions" in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from offering for sale or selling said books, unless the fact that the information contained therein is not up to date is clearly disclosed, or offering for sale or selling any other book of the same general nature, in which the information contained therein is not up to date, unless such fact is clearly disclosed.

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 15th day of July, 1959, become the decision of the Commission; and, accordingly:

It is ordered. That 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

REINSTEIN-BERGER, INC., ET AL.

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

Docket 7448. Complaint, Mar. 16, 1959—Decision, July 15, 1959

Consent order requiring a New York City furrier to cease violating the Fur Products Labeling Act by listing on consignment invoices fictitious prices which were intended to help sell the products, and by failing to maintain proper records to substantiate such pricing claims.

Mr. Garland S. Ferguson for the Commission.

Mr. Louis M. Weber, of New York, N.Y., for respondents.

INITIAL DECISION BY J. EARL COX, HEARING EXAMINER

The complaint charges respondents with falsely and deceptively invoicing and advertising certain of their fur products and with failing to maintain full and adequate records disclosing the facts upon which pricing and savings claims and representations were based, in violation of §5(b)(2) and §5(a) of the Fur Products Labeling Act, Rule 44(e) of the Rules and Regulations promulgated thereunder, and of the Federal Trade Commission Act.

After the issuance of the complaint, respondents, their counsel, 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 respondent Reinstein-Berger, Inc. is a corporation 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 330 Seventh Avenue, New York, New York, and that individual respondents Abraham I. Reinstein and Daniel L. Reinstein (erroneously named in certain instances in the complaint as Daniel I. Reinstein) are officers of said corporation and formulate, direct, and control the acts and practices thereof, having the same address as that of the corporate respondent.

The agreement sets forth, in an affidavit attached thereto and made a part thereof, that on February 17, 1959, Alfred S. Berger severed his connection with the said corporation as an officer, director and stockholder thereof, and is no longer connected with the corporation in any capacity whatsoever, wherefore it is recom-