

August, 1959, become the decision of the Commission; and, accordingly:

It is ordered, That respondents Nichimen Co., Inc., a corporation, and K. Fujiwara, S. Uyeda and N. Nara, 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

WELLS INTERNATIONAL CORPORATION ET AL.

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

Docket 7432. Complaint, Mar. 11, 1959—Decision, Aug. 1, 1959

Consent order requiring a New York City distributor to cease misrepresenting the price and composition of neckties it sold to retailers by labeling them falsely as "Pure Silk," "All Silk," etc., and by attaching labels bearing fictitious prices represented thereby as the regular retail prices.

Mr. S. F. House for the Commission.

Wasserman & Shagan, by *Mr. Barry Golomb*, of New York, N.Y., for respondents.

INITIAL DECISION BY WALTER R. JOHNSON, HEARING EXAMINER

In the complaint dated March 11, 1959, the respondents are charged with violating the provisions of the Federal Trade Commission Act.

On May 22, 1959, the respondents and their attorney entered into an agreement with counsel in support of the complaint for a consent order.

Under the foregoing agreement, the respondents admit the jurisdictional facts alleged in the complaint. The parties agree, among other things, that the cease and desist order there set forth may be entered without further notice and have the same force and effect as if entered after a full hearing and the document includes a waiver by the respondents of all rights to challenge or contest the validity of the order issuing in accordance therewith. The agreement further recites that it is for settlement purposes only and does not constitute an admission by the respondents that they have violated the law as alleged in the complaint.

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.

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 Wells International Corporation 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 302 Fifth Avenue, New York, New York.

The individual respondent Ned Goldsmith is an officer of the corporate respondent and formulates, directs, and controls the acts and practices of the corporate respondent. His 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 respondents Wells International Corporation, a corporation, and its officers, and Ned Goldsmith, individually and as an officer of said corporation, respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of neckties or other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing by preticketing, or in any other manner, that certain amounts are the regular and usual retail prices of merchandise when such amounts are in excess of the prices at which such merchandise is usually and regularly sold at retail.

2. Putting into operation any plan whereby retailers or others may misrepresent the regular and usual retail prices of merchandise.

3. Misrepresenting, in any manner, and by any means the fibers or materials of which merchandise is composed.

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 did, on the 1st day of

August, 1959, become the decision of the Commission; and accordingly: