

Pursuant to Section 3.21 of the Commission's Rules of Practice, the initial decision of the hearing examiner shall, on the 12th day of August, 1959, become the decision of the Commission; and, accordingly:

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.

IN THE MATTER OF
HOWARD STORES CORPORATION

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

Docket 7074. Complaint, Feb. 28, 1958—Decision, Aug. 26, 1959

Consent order requiring the corporate operator of numerous retail clothing stores in various States which sold men's and boys' clothing, shoes, and haberdashery, to cease representing falsely in advertising in newspapers, by such phrases as "\$60 VALUES," "\$70 VALUES," and "Usually \$70.00," that such figures were the regular retail prices.

Mr. Edward F. Downs for the Commission.

Kaye, Scholer, Fierman, Hays & Handler, of New York City, for respondent.

INITIAL DECISION BY WALTER R. JOHNSON, HEARING EXAMINER

In the complaint dated February 28, 1958, the respondent is charged with violating the provisions of the Federal Trade Commission Act.

On June 10, 1959, the respondent and its attorney entered into an agreement with counsel in support of the complaint for a consent order.

Under the foregoing agreement, the respondent admits 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 respondent 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 respondent that it has 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 Howard Stores 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 40 Flatbush Avenue Extension, Brooklyn, New York.

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.

ORDER

It is ordered. That respondent Howard Stores Corporation, a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device in connection with the offering for sale, sale or distribution of wearing apparel in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or by implication:

1. That certain prices are the regular and customary prices charged by respondent for certain merchandise when such prices are in excess of the prices for which it has regularly and customarily sold such merchandise.

2. That respondent has reduced its prices when the prices it is charging are its regular and customary prices.

B. Misrepresenting in any manner the amount of savings available to purchasers of respondent's merchandise, or the amount by which the price of said merchandise is reduced from the price at which it is usually and customarily sold by respondent in the normal course of its business.

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

WINSTON GARMENT, INC., ET AL.

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Decision

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