

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

It is ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

IN THE MATTER OF
WINSTON GARMENT, INC., ET AL.

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

Docket 7402. Complaint, Feb. 6, 1959—Decision, Aug. 26, 1959

Consent order requiring furriers in New York City to cease violating the Fur Products Labeling Act by falsely labeling certain fur products with respect to the names of animals producing the fur, and by failing in other respects to comply with labeling and invoicing requirements.

Mr. Thomas A. Ziebarth for the Commission.

Nemeroff, Jelline, Danzig & Paley, of New York, N.Y., for respondents.

INITIAL DECISION BY J. EARL COX, HEARING EXAMINER

The complaint charges respondents with misbranding and with falsely and deceptively invoicing certain of their fur products, in violation of the Fur Products Labeling Act and 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 Winston Garment, 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 247 West 38th Street, New York, New York, and that individual respondents Miles Rose, Thomas Brennan and George Ahrens are president, secretary and treasurer, re-

spectively, of the corporate respondent and have the same address as the corporate respondent.

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 a part of the decision of the Commission; that the complaint may be used in construing the terms of the order agreed upon, which may be altered, modified or set aside in the manner provided for other orders; 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; and that the order set forth in the agreement and hereinafter included in this decision shall have the same force and effect as if entered after a full hearing.

Respondents waive any further procedural steps before the hearing examiner and the Commission, the making of findings of fact or conclusions of law, and all of the rights they may have to challenge or contest the validity of the order to cease and desist entered in accordance with the agreement.

The order agreed upon fully disposes of all the issues raised in the complaint, and adequately prohibits the acts and practices charged therein as being in violation of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder, and of the Federal Trade Commission Act. Accordingly, the hearing examiner finds this proceeding to be in the public interest, and accepts the agreement containing consent order to cease and desist as part of the record upon which this decision is based. Therefore.

It is ordered. That respondents Winston Garment, Inc., a corporation, and its officers, and Miles Rose, Thomas Brennan and George Ahrens, 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 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 labeling or otherwise identifying any such product as to the name or names of the animal or animals that produced the fur from which such product was manufactured;

2. Misbranding fur products by:

- A. Failing to affix labels to fur products showing in words and figures plainly legible all of the information required to be disclosed by each of the subsections of §4(2) of the Fur Products Labeling Act;

- B. Failing to set forth on the required labels the item number or mark assigned to a fur product;

- C. Setting forth on labels affixed to fur products information required under §4(2) of the Fur Products Labeling Act and the Rules and the Regulations promulgated thereunder in abbreviated form;

- D. Affixing to fur products labels that do not comply with the minimum size requirements of one and three-quarter inches by two and three-quarter inches;

3. Falsely or deceptively invoicing fur products by:

- A. Failing to furnish to purchasers of fur products an invoice showing all of the information required to be disclosed by each of the subsections of §5(b)(1) of the Fur Products Labeling Act;

- B. Failing to set forth on the required invoices the item number or mark assigned to a fur product;

- C. Setting forth information required under §5(b)(1) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder in abbreviated form.

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

It is ordered. That respondents Winston Garment, Inc., and Miles Rose, Thomas Brennan and George Ahrens, 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

FIELDCREST MILLS, INC., TRADING AS
KARASTAN RUG MILLS, INC.CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF
THE FEDERAL TRADE COMMISSION ACT*Docket 7445. Complaint, Mar. 17, 1959—Decision, Aug. 26, 1959*

Consent order requiring a manufacturer in Spray, N.C., to cease attaching to its rugs, labels giving an "approx" size which was larger than was the fact, thus enabling retailers to mislead the public.

Mr. Alvin D. Edelson for the Commission.

Lovejoy, Morris, Wasson & Huppuch, of New York, N.Y., for respondent.

INITIAL DECISION BY ABNER E. LIPSCOMB, HEARING EXAMINER

The complaint herein was issued on March 17, 1959, charging respondent with the use on labels of false, misleading and deceptive statements as to the sizes of its rugs, and with placing in the hands of retailers means and instrumentalities by and through which they may mislead the public with respect thereto, in violation of the provisions of the Federal Trade Commission Act.

Thereafter, on June 17, 1959, respondent, its counsel, and counsel supporting the complaint herein 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 submitted to the hearing examiner for consideration.

The agreement identifies respondent Fieldcrest Mills, Inc., as a Delaware corporation, with its office and principal place of business located in Spray, North Carolina, and Karastan Rug Mills, Inc., as an unincorporated subdivision of the corporate respondent, with office and principal place of business at 295 Fifth Avenue, New York, New York.

Respondent admits all the jurisdictional facts alleged in the complaint and agrees that the record may be taken as if findings of jurisdictional facts had been duly made in accordance with such allegations.

Respondent waives any further procedure before the hearing examiner and the Commission; the making of findings of fact and conclusions of law; and all of the rights it may have to challenge or contest the validity of the order to cease and desist entered in