

BERNARD MORRIS DOING BUSINESS AS
MORRIS MOULDED SHOE CO.

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

Docket 7483. Complaint, May 6, 1959—Decision, Aug. 28, 1959

Consent order requiring a New York City distributor to cease representing
falsely in advertising that his moulded shoes would relieve discomforts of

arthritis and rheumatism, corns, callouses, bunions, hammertoes, fatigue, long hours of standing, etc.; and would insure correct support and body balance, eliminate fatigue, and revitalize foot and leg muscles; and to cease using the word "Manufacturers" in connection with his trade name so long as he manufactured only a few, if any, of the shoes he sold.

Mr. Ames W. Williams for the Commission.

Respondent not represented by counsel.

INITIAL DECISION BY EVERETT F. HAYCRAFT, HEARING EXAMINER

On May 6, 1959, the Federal Trade Commission issued its complaint against the above-named respondent charging him with violating the provisions of the Federal Trade Commission Act in connection with the advertising and sale of moulded shoes designated as "Morris Moulded Shoes." On July 1, 1959, the respondent and counsel supporting the complaint entered into an agreement containing a consent order to cease and desist in accordance with Section 3.25(a) of the Rules of Practice and Procedure of the Commission.

Under the foregoing agreement, the respondent admits the jurisdictional facts alleged in the complaint and agrees, among other things, that the cease and desist order there set forth may be entered without further notice and shall have the same force and effect as if entered after a full hearing. The agreement includes a waiver by the respondent of all rights to challenge or contest the validity of the order issuing in accordance therewith; and recites that the said agreement shall not become a part of the official record unless and until it becomes a part of the decision of the Commission, and that it is for settlement purposes only and does not constitute an admission by the respondent that he has violated the law as alleged in the complaint. The hearing examiner finds that the content of the said agreement meets all the requirements of Section 3.25(b) of the Rules of Practice.

This proceeding having now come on for final consideration by the hearing examiner on the complaint and the aforesaid agreement for consent order, and it appearing that said agreement provides for an appropriate disposition of this proceeding, the aforesaid agreement is hereby accepted and is ordered filed upon becoming part of the Commission's decision in accordance with Section 3.21 of the Rules of Practice; and in consonance with the terms of said agreement, the hearing examiner makes the following jurisdictional findings and order:

1. Respondent Bernard Morris is an individual trading and doing business as Morris Moulded Shoe Co., with his office and principal

Order

56 F.T.C.

place of business located at 841 Eighth Avenue, New York 19, New York, formerly located at 234 Fifth Avenue, New York, New York.

2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondent hereinabove named. The complaint states a cause of action against said respondent under the Federal Trade Commission Act, and this proceeding is in the interest of the public.

ORDER

It is ordered, That respondent Bernard Morris, an individual doing business as Morris Moulded Shoe Co., or under any other name or names, and his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of shoes designated as "Morris Moulded Shoes," or any other shoe of similar construction irrespective of the designation applied thereto, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated, by the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents directly, indirectly or by implication:

(a) That the wearing of respondent's shoes will relieve the discomfort of arthritis or rheumatism; or will relieve the discomfort of corns, callouses, bunions, hammertoes, arch conditions, excess fatigue, crippled or deformed feet, or of people who must stand or walk for long hours at a time, unless expressly and clearly limited to the relief of the discomfort of such conditions when caused by ill-fitting shoes.

(b) That the wearing of said shoes will insure correct support or body balance.

(c) That the wearing of said shoes will revitalize foot or leg muscles; or will eliminate fatigue, unless expressly and clearly limited to fatigue that may result from ill-fitting shoes.

(d) Through the use of the word "Manufacturers" or any other word or words of similar import, or in any other manner, that respondent manufactures the shoes sold by him, provided, however, that this shall not prohibit him from representing that certain of the shoes sold by him are manufactured by him when such is the fact.

2. Disseminating, or causing to be disseminated, any advertisement, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said

shoes, which advertisement contains any of the representations prohibited in Paragraph 1 hereof.

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 28th day of 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 him of this order, file with the Commission