

IN THE MATTER OF  
SALM'S, INC., ET AL.

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

*Docket 7497. Complaint, May 18, 1959—Decision, Aug. 29, 1959*

Consent order requiring a furrier in Evansville, Ind., to cease violating the Fur Products Labeling Act by failing to comply with labeling, invoicing, and advertising requirements, and by failing to maintain adequate records for pricing claims made in newspaper advertising.

*Mr. William A. Somers* supporting the complaint.

*Mr. Jerome L. Salm* of Evansville, Ind., for respondents.

## INITIAL DECISION BY EDWARD CREEL, HEARING EXAMINER

The Federal Trade Commission issued its complaint against the above-named respondents on May 18, 1959, charging them with having violated the Fur Products Labeling Act, the Rules and Regulations issued thereunder, and the Federal Trade Commission Act by misbranding, falsely and deceptively invoicing and advertising certain of their fur products and failing to maintain full and adequate records disclosing the facts upon which their pricing and savings claims and representations are based.

On June 17, 1959 respondents entered into an agreement with counsel in support of the complaint for a consent order. The agreement disposes of all the proceedings as to all parties.

The pertinent provisions of said agreement are as follows: Respondents admit all jurisdictional facts; the complaint may be used in construing the terms of the order; the order shall have the same force and effect as if entered after a full hearing and the said 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 record herein shall consist solely of the complaint and the agreement; respondents waive the requirement that the decision must contain a statement of findings of fact and conclusions of law; respondents waive further procedural steps before the hearing examiner and the Commission, and the order may be altered, modified, or set aside in the manner provided by statute for other orders; respondents waive any right to challenge or contest the validity of the order entered in accordance with the agreement and the signing of said 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 undersigned hearing examiner having considered the agreement and proposed order and being of the opinion that the acceptance thereof will be in the public interest, hereby accepts such agreement, makes the following jurisdictional findings, and issues the following order:

## JURISDICTIONAL FINDINGS

1. Respondent Salm's, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Indiana with its office and place of business located at 400 Main Street, Evansville, Indiana.
2. Respondents Jerome L. Salm, Allan H. Salm and Margaret McCune are individuals and officers of said corporate respondent. Their address is the same as that of said corporate respondent.
3. The Federal Trade Commission has jurisdiction of the subject

Order

56 F.T.C.

matter of this proceeding and of the respondents and the proceeding is in the public interest.

## ORDER

*It is ordered,* That respondents Salm's, Inc., and its officers, and Jerome L. Salm, Allan H. Salm and Margaret McCune, 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 into commerce, or the sale, advertising, offering for sale, transportation or distribution, in commerce of fur products, or in connection with the sale, advertising, offering for sale, transportation or distribution of fur products which are made in whole or in part of fur which has been shipped in commerce, as "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by setting forth on labels attached to fur products information required under Section 4(2) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder which is intermingled with non-required information.

2. Falsely or deceptively invoicing fur products by:

(A) Failing to furnish purchasers of fur products an invoice showing each element of information required to be disclosed under section 5(b)(1) of the Fur Products Labeling Act.

(B) Setting forth required information under section 5(b)(1) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder in abbreviated form;

(C) Failing to set forth the information required under section 5(b)(1) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder in a clear, legible, distinct and conspicuous manner;

(D) Failing to set forth the item number or mark assigned to a fur product.

3. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice, which is intended to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of fur products, and which fails to set forth the information required under section 5(a) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder, in type of equal size and conspicuousness, and in close proximity with each other.

4. Making price claims or representations in advertisements respecting reduced prices, savings or value of fur products, unless

206

Decision

respondents maintain full and adequate records disclosing the facts upon which such claims or representations are based.

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 29th 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