

the initial decision of the hearing examiner shall on the 17th day of September, 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
NEPTUNE GARMENT COMPANY ET AL.

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

Docket 7481. Complaint, May 6, 1959—Decision, Sept. 17, 1959

Consent order requiring a Boston rain wear manufacturer to cease representing falsely by such means as attached labels that raincoats it sold to Air Force Post Exchanges were "Approved by Headquarters Air Materiel Command USAF * * * Mfd'd in Strict Accordance with Specification No. MILR 3386A With AF Approved Material."

Mr. Alvin D. Edelson for the Commission.

Mr. George W. Gold, of Boston, Mass., for respondents.

INITIAL DECISION BY WALTER R. JOHNSON, HEARING EXAMINER

In the complaint dated May 6, 1959, the respondents are charged with violating the provisions of the Federal Trade Commission Act.

On July 21, 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 Neptune Garment Company is a corporation organized, existing and doing business under and by virtue of the laws of the State of Massachusetts with its principal office and place of business located at 242 Dover Street, Boston, Massachusetts.

Individual respondent Cecil S. Rose is president of the corporate respondent with his principal office and place of business at the same address as 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 Neptune Garment Company, a corporation, and its officers, and Cecil S. Rose, individually and as an officer of the corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of rain-wear or any other merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing that said merchandise has been manufactured in accordance with Air Force or any other military or governmental specifications, or with Air Force or any other military or governmentally approved material when such is not in accordance with the facts.

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 17th day of September, 1959, become the decision of the Commission; and, accordingly:

It is ordered, That 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.

Decision

IN THE MATTER OF

INTERNATIONAL HOUSEWARES INC., ET AL.

CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF
THE FEDERAL TRADE COMMISSION ACT*Docket 7485. Complaint, May 7, 1959—Decision, Sept. 17, 1959*

Consent order requiring Niagara Falls, N.Y., distributors of "Kitchen Queen Stainless Steel Waterless Cookware" to cease representing falsely in advertising literature furnished their distributors—including sales training manuals, charts, leaflets, cookbooks, and brochures—that use of said utensils and the "waterless" method of cooking would protect health; that the utensils were new and revolutionary; that their sales personnel were members of their advertising department and that the offer they made was a "special advertising offer" at special reduced prices and only to selected customers; and that they manufactured their products and tested them in their own laboratory.

Mr. Morton Nesmith supporting the complaint.

Respondents, *pro se*.

INITIAL DECISION OF JOHN LEWIS, HEARING EXAMINER

The Federal Trade Commission issued its complaint against the above-named respondents on May 7, 1959, charging them with the use of unfair and deceptive acts and practices and unfair methods of competition, in commerce, in violation of the Federal Trade Commission Act, by making various false and misleading statements in connection with the advertising and selling of cooking utensils distributed by them. After being served with said complaint, respondents appeared and entered into an agreement, dated July 13, 1959, containing a consent order to cease and desist purporting to dispose of all of this proceeding as to all parties, except as to subparagraph (c) of paragraph 5 of the complaint which it has been agreed may be dismissed as not being sustainable. Said agreement, which has been signed by all respondents and by counsel supporting the complaint, and approved by the Director and Assistant Director of the Commission's Bureau of Litigation, has been submitted to the above-named hearing examiner for his consideration, in accordance with Section 3.25 of the Commission's Rules of Practice for Adjudicative Proceedings.

Respondents, pursuant to the aforesaid agreement, have admitted all the jurisdictional facts alleged in the complaint and agreed that the record may be taken as if findings of jurisdictional facts had been duly made in accordance with such allegations. Said agreement