

DECISION OF THE COMMISSION

Pursuant to Section 3.21 of the Commission's Rules of Practice, the initial decision of the hearing examiner shall, on the 19th day of September 1959, become the decision of the Commission.

IN THE MATTER OF

OFFICE OF LABOR STATISTICS, ET AL.

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

Docket 7506. Complaint, June 3, 1959—Decision, Sept. 23, 1959

Consent order requiring a concern in Newark, N.J., engaged in the sale of collection forms and questionnaires to obtain information concerning delinquent debtors, to cease representing falsely that it was an agency of the U.S. Government, through use of the name "Office of Labor Statistics * * * Washington, D.C." with the picture of an eagle similar to that used on the U.S. Government seal.

Mr. Michael J. Vitale for the Commission.

Mr. Irving H. Hellman, of Newark, N.J., for respondents.

INITIAL DECISION BY EVERETT F. HAYCRAFT, HEARING EXAMINER

On June 3, 1959, the Federal Trade Commission issued its complaint against the above-named respondents charging them with violating the provisions of the Federal Trade Commission Act in connection with the sale of a printed mailing form, featuring its corporate name, "Office of Labor Statistics," and otherwise purporting that it is a United States Government organization, which was sold to collection agencies, merchants and others for the purpose of obtaining information concerning delinquent debtors of the purchasers.

On July 14, 1959, the respondents and their attorney 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 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 shall have the same force and effect as if entered after a full hearing. The agreement includes a waiver by the respondents 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; 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 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 as to all parties, 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, Office of Labor Statistics, is a corporation organized, existing and doing business under and by virtue of the laws of the State of New Jersey, with its office and principal place of business located at 441 Springfield Avenue, Newark, New Jersey.

Individual respondent Lois G. Kaplan is an officer of said corporation and is located at 665 Bruce Street, Ridgefield, New Jersey. Individual respondent Pearl Escort is an officer of said corporation and is located at 415 West 52nd Street, New York, New York.

Individual respondent Ronald Kaplan is located at 665 Bruce Street, Ridgefield, New Jersey.

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

ORDER

It is ordered, That respondents, Office of Labor Statistics, a corporation, and its officers, and Lois G. Kaplan and Pearl Escort, individually and as officers of said corporation, and Ronald Kaplan, individually, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the business of obtaining information concerning delinquent debtors, or the offering for sale, sale or distribution of forms or other materials, for use in obtaining information concerning delinquent debtors, or in the collection of, or attempting to collect

accounts, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the term "Office of Labor Statistics" or the picturization of an eagle, or any other word or phrase, or picturization of similar import to designate, describe or refer to respondents' business; or otherwise representing, directly or by implication, that requests for information concerning delinquent debtors are from the United States Government or any agency, or branch thereof, or that their business is in any way connected with the United States Government.

2. Using, or placing in the hands of others for use, any forms, questionnaires or other materials, printed or written, which do not clearly reveal that the purpose for which the information is requested is that of obtaining information concerning delinquent debtors.

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 23rd 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

SIMON LIEBERMAN TRADING AS ARTISTIC FUR SHOP

CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF THE

FEDERAL TRADE COMMISSION AND THE NEW YORK STATE UNFAIR TRADE PRACTICES ACT