

September, 1959, become the decision of the Commission, and, accordingly:

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

IN THE MATTER OF

DUREX HARDWARE MANUFACTURING CORP. ET AL.

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

Docket 7507. Complaint, June 5, 1959—Decision, Sept. 25, 1959

Consent order requiring New York City distributors of hardware products, including various types of hand tools, to cease selling imported products without adequate notice to the buying public of their foreign origin; representing falsely, through use of the word "Manufacturing" as a part of their corporate name, that they were manufacturers of all the products they offered for sale; and representing falsely that their "Town and Country" sprinkler was guaranteed without limitation.

Mr. S. F. House for the Commission.

INITIAL DECISION BY WALTER R. JOHNSON, HEARING EXAMINER

In the complaint dated June 5, 1959, the respondents are charged with violating the provisions of the Federal Trade Commission Act.

On July 17, 1959, the respondents 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

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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 Durex Hardware Manufacturing Corp. 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 527-31 W. 34th Street, in the City of New York, State of New York.

Respondents Joseph L. Smith and Stanley Smith are officers of said corporation and formulate, direct and control the policies, acts and practices of the corporate respondent. Their address is the same as that of 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 respondents Durex Hardware Manufacturing Corp., a corporation, and its officers, and Joseph L. Smith and Stanley Smith, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the sale and distribution of their products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Offering for sale or selling products which are in whole or substantial part of foreign origin, without clearly and conspicuously disclosing on such products, and if the products are enclosed in a package or carton, on said package or carton, in such a manner that it will not be hidden or readily obliterated, the country of origin thereof.

2. Using the word "Manufacturing" or any other word of the same import or meaning as a part of their corporate or trade name in

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connection with products not manufactured by them; or representing in any manner or by any means that they manufacture any product that is not manufactured in a factory owned, operated or controlled by them.

3. Representing, directly or by implication, that any product is guaranteed when there are limitations in said guarantee unless the nature and the extent of the guarantee and the manner in which the guarantor will perform thereunder are clearly disclosed.

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 25th 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.