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

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

Docket 7458. Complaint, Apr. 1, 1959—Decision, Nov. 25, 1959

Consent order requiring a Columbus, Ohio, furrier to cease violating the Fur Products Labeling Act by setting forth on labels on fur products the name of an animal other than that producing the fur; by failing to comply in other respects with labeling and invoicing requirements; and by advertising in newspapers which failed to disclose the names of animals producing certain furs or the country of origin of imported furs or the fact that some products contained artificially colored fur, and which contained comparative prices without giving a designated time of the compared price.

Mr. John T. Walker supporting the complaint.

Mr. Troy A. Feibel, of Columbus, Ohio, for respondents.

INITIAL DECISION BY JOHN B. POINDEXTER, HEARING EXAMINER

On April 1, 1959, the Federal Trade Commission issued a complaint alleging that the above-named respondents in the course and conduct of their business had violated the provisions of the Federal Trade Commission Act and the Fur Products Labeling Act, and the rules and regulations promulgated under the last named Act.

After issuance and service of the complaint, Madison's, Inc., a corporation, and James Jacobs, David Madison, and Walter Zeidner, individually and as officers of said corporation, and Jean Madison and Walter Anstendig, as officers of said corporation, hereinafter referred to as respondents, their counsel, and counsel supporting the complaint entered into an agreement for a consent order.

Under this agreement in accordance with the four affidavits, annexed and made a part thereof, the complaint is dismissed as to Jean Madison and Walter Anstendig as individuals, but not as officers, and the identity of respondents Jean Madison and David Madison is clarified.

The agreement has been approved by the Director and the Assistant Director of the Bureau of Litigation and disposes of the matters complained about.

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:

Order

56 F.T.C.

JURISDICTIONAL FINDINGS

1. Respondent Madison's, Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of Ohio, with its office and principal place of business located at 72 North High Street, Columbus, Ohio.

2. Individual respondents Jean Madison, James Jacobs, David Madison, Walter Zeidner and Walter Anstendig are president, vice president, vice president, secretary and assistant treasurer, and treasurer, respectively, of the corporate respondent, and have the same address as that of the said corporate respondent.

The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondents hereinabove named and the proceeding is in the public interest.

ORDER

It is ordered. That the respondents, Madison's, Inc., a corporation, and its officers, and James Jacobs, David Madison, and Walter Zeidner, individually and as officers of said corporation, and Jean Madison and Walter Anstendig, as officers of said corporation, and respondents' representatives, agents or employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertisement, 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 and received 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:

A. Failing to affix labels to fur products showing:

(1) In words and figures plainly legible all of the information required to be disclosed by each of the sub-sections of Section 4(2) of the Fur Products Labeling Act.

(2) The item number or mark assigned to a fur product.

B. Setting forth on labels attached to fur products the name or names of any animal or animals other than the name or names of any animal or animals that produced the fur, in violation of Section 4(3) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder.

C. Failing to set forth the term "Persian Lamb" in the manner required.

D. Setting forth on labels affixed to fur products:

(1) Information required under Section 4(2) of the Fur Products Labeling Act and the Rules and Regulations thereunder, mingled with non-required information;

(2) Information required under Section 4(2) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder in handwriting.

E. Failing to set forth information required under Section 4(2) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder in the required sequence.

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish to purchasers of fur products an invoice showing:

(1) All of the information required to be disclosed by each of the sub-sections of Section 5(b)(1) of the Fur Products Labeling Act.

(2) 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:

A. Fails to disclose:

(1) The name or names of the animal or animals that produced the fur contained in the fur product, as set forth in the Fur Products Name Guide, and as prescribed under the Rules and Regulations;

(2) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

(3) The name of the country of origin of any imported furs contained in a fur product.

B. Sets forth the name or names of any animal or animals other than the name or names specified in Section 5(a)(1) of the Fur Products Labeling Act.

C. Makes use of comparative prices or percentage savings claims unless such compared prices or claims are based upon the current market value of the fur product or upon a bona fide compared price at a designated time.

It is further ordered, That the complaint be, and hereby is, dismissed as to Jean Madison and Walter Anstendig individually, but not as officers of said corporate respondent.

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 November, 1959, become the decision of the Commission; and, accordingly:

It is ordered, That respondents Madison's, Inc., a corporation, and its officers, and James Jacobs, David Madison, and Walter Zeidner, individually and as officers of said corporation, and Jean Madison and Walter Anstendig, as officers of said corporation, shall within sixty (60) days after service upon them of this order, file with the