

accordingly:

It is ordered, That the respondent herein 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
WILLIAM M. HOOKS TRADING AS EMPIRE FUR CO.

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

Docket 7310. Complaint, Nov. 19, 1958—Decision, Nov. 26, 1959

Consent order requiring a furrier in San Diego, Calif., to cease violating the Fur Products Labeling Act by failing to comply with labeling requirements; by setting forth fictitious sales prices on invoices; by advertising in newspapers and letters to prospective purchasers with credit checks enclosed which failed to disclose the names of animals producing certain furs, the country of origin of imported furs, and the fact that some fur products were artificially colored and to give other required information, and represented falsely that said credit checks would reduce the price of furs; and by failing to maintain records on which pricing claims were based.

Mr. Thomas A. Ziebarth, Counsel Supporting the Complaint.
Respondent, *pro se*.

INITIAL DECISION BY JOHN B. POINDENTER, HEARING EXAMINER

On November 19, 1958, the Federal Trade Commission issued a complaint charging William M. Hooks, an individual, trading as Empire Fur Co., with misbranding, falsely and deceptively invoicing

and advertising certain of his fur products in violation of the Federal Trade Commission Act and the Fur Products Labeling Act.

Thereafter, with respondent's consent, the complaint was amended so as to include violations of the above-named Acts alleged to have been committed by respondent while also doing business under the name of Dependable Fur Company.

After issuance and service of the complaint and the amendment thereto, the respondent and counsel supporting the complaint entered into an agreement for a consent order. The agreement has been approved by the Assistant Director and the Acting Director of the Bureau of Litigation.

The pertinent provisions of said agreement are as follows: Respondent admits all jurisdictional facts; the complaint, as amended, 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, as amended, and the agreement; respondent waives the requirement that the decision must contain a statement of findings of fact and conclusions of law; respondent waives 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; respondent waives 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 respondent that he has violated the law as alleged in the complaint, as amended.

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 is an individual who has traded at various times as Empire Fur Co., with office and principal place of business located at 432 West Main Street, Oklahoma City, Oklahoma, and Dependable Fur Company, with office and principal place of business located at 4633 South 24th Street, Omaha, Nebraska. His present address is 2838 Chatsworth Boulevard, San Diego, California.

2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondent and the proceeding is in the public interest.

Order

56 F.T.C.

ORDER

It is ordered, That respondent William M. Hooks, individually and trading as Empire Fur Co., Dependable Fur Company, or under any other trade name, and respondent's 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 have been 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:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing in words and figures plainly legible:

(a) All of the information required to be disclosed by each of the subsections of Section 4(2) of the Fur Products Labeling Act;

(b) The item number or mark assigned to a fur product;

(c) The complete term "Mouton-processed Lamb," when an election is made to use that description instead of merely the animal name "Lamb."

2. Setting forth on labels attached to fur products:

(a) Information required under Section 4(2) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder in abbreviated form;

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

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish to purchasers of fur products invoices showing all of the information required to be disclosed by each of the subsections of Section 5(b)(1) of the Fur Products Labeling Act;

2. Setting forth on invoices furnished to purchasers of fur products fictitious sales prices;

3. Failing to set forth on each invoice the item number or mark assigned to a fur product;

C. 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:

1. Fails to disclose:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the Rules and Regulations.

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

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

2. Fails to set forth the complete term "Mouton-processed Lamb," when an election is made to use that description instead of merely the animal name "Lamb."

3. 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. Represents, directly or by implication, that the regular or usual price of any fur product is any amount which is in excess of the price at which the respondent has usually and customarily sold such products in the recent regular course of his business.

5. Misrepresents in any manner the amount of savings available to purchasers of its fur products, or the amount by which the prices of its fur products are reduced from the prices at which said products are usually and regularly sold by it in the recent regular course of its business.

6. Makes use of comparative prices or percentage savings claims unless such compared prices or percentage savings are based upon current market values or unless a bona fide price at a designated time is stated.

D. Making pricing claims or representations in advertisements respecting reduced prices of furs or fur products, unless respondent maintains 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 26th day of November, 1959, become the decision of the Commission; and, accordingly:

It is ordered, That the respondent herein 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
BELBER TRUNK & BAG COMPANY ET AL.

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

Docket 7577. Complaint, Sept. 2, 1959—Decision, Nov. 28, 1959

Consent order requiring Philadelphia manufacturers to cease attaching to luggage before shipment to retailers for resale, price tags bearing fictitious and excessive prices represented thereby as the usual retail prices.

Mr. Frederick McManus for the Commission.

Mr. Charles H. Greenberg of *Robinson, Greenberg and Lipman*, of Philadelphia, Pa., for respondents.

INITIAL DECISION BY HARRY R. HINKES, HEARING EXAMINER

The Federal Trade Commission issued its complaint against the above-named respondents on September 2, 1959 charging them with having violated the Federal Trade Commission Act in the preticketing of luggage sold by them.

An agreement has now been entered into by respondents and counsel supporting the complaint which provides, among other things, that respondents admit all the jurisdictional facts alleged in the complaint; that the record on which the initial decision and the decision of the Commission shall be based shall consist solely of the complaint and the agreement; that the making of findings of fact and conclusions of law in the decision disposing of this matter is waived, together with any further procedural steps before the hearing examiner and the Commission; that the order hereinafter set forth may be entered in this proceeding without further notice to the respondents and when entered shall have the same force and effect as if entered after a full hearing, respondents specifically waiving all the rights they may have to challenge or contest the validity of the order; that the order may be altered, modified, or set aside in the manner provided for other orders; that the complaint may be used in construing the terms of the order; that the 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; and that the agreement shall not become a part of the official record unless and until it becomes a part of the decision of the Commission.

The hearing examiner having considered the agreement and proposed order and being of the opinion that they provide an adequate basis for appropriate disposition of the proceeding, the agreement is