

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

hereby accepted, the following jurisdictional findings made, and the following order issued:

1. Respondent Belber Trunk & Bag Company 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 1317 Filbert Street, in the City of Philadelphia, State of Pennsylvania.

Respondent Jack Brier is an officer of said corporate respondent. He formulates, directs, and controls the policies, acts and practices of said corporate respondent. His 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 Belber Trunk & Bag Company, a corporation, and its officers, and Jack Brier, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of luggage or other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing by preticketing or in any other manner, that any amount is the usual and regular retail price of merchandise when such amount is in excess of the price at which said merchandise is usually and regularly sold at retail in the trade area or areas where the representations are made.

2. Putting any plan into operation whereby retailers or others may misrepresent the regular and usual retail prices of merchandise.

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 28th day of November, 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

MILTON B. ENGEL ET AL. DOING BUSINESS AS
NATIONAL SCHOOL OF CHEMISTRYCONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF
THE FEDERAL TRADE COMMISSION ACT*Docket 7376. Complaint, Jan. 23, 1959—Decision, Dec. 2, 1959*

Consent order requiring Redwood City, Calif., sellers of an elementary correspondence course in high school chemistry, to cease representing falsely in newspaper advertisements that persons completing the course should be trained, qualified, recognized, and employed as chemists, could analyze any known substance, and would be able to earn the same income as various professional men and skilled workers.

Mr. Terral A. Jordan supporting the complaint.

Respondents, *pro se*.

INITIAL DECISION BY JOHN B. POINDEXTER, HEARING EXAMINER

On January 23, 1959, the Federal Trade Commission issued its complaint charging that the above-named respondents had violated the provision of the Federal Trade Commission Act. The complaint alleged that respondents, for the purpose of enrolling prospective students and thereby promoting the sale of said courses of instruction for home study in various subjects, including chemistry, and the supplies and equipment in connection therewith, had made false, misleading and deceptive statements.

After issuance and service of the complaint, Milton B. Engel and Alice Engel, as individuals and as co-partners trading and doing business as National School of Chemistry, or under any other trade name, hereinafter referred to as respondents, and counsel supporting the complaint entered into an agreement for a consent order. The agreement has been approved by the Acting Director of the Bureau of Litigation. The agreement 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