

Decision

IN THE MATTER OF

PHILIP REIFFE ET AL. TRADING AS
MAIL ORDER MART, ETC.ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF
THE FEDERAL TRADE COMMISSION ACT*Docket 6605. Complaint, July 31, 1956—Decision, Dec. 16, 1959*

Order dismissing complaint charging Brooklyn, N.Y., mail order distributors of women's and children's apparel with selling used and secondhand dresses as new, and shipping to customers soiled and unwearable merchandise, in wrong sizes, and fewer than the number ordered for the same price or a greater price. After issuance of the complaint, respondents were indicted for criminally fraudulent practices similar to those alleged in the complaint, pleaded guilty, and were awaiting sentence.

Mr. Michael J. Vitale for the Commission.

Walter L. and Robert M. Post, of New York, N.Y., for respondents.

INITIAL DECISION BY J. EARL COX, HEARING EXAMINER

The complaint in this proceeding, charging respondents with violating §5 of the Federal Trade Commission Act in connection with their business of selling and distributing women's and children's apparel by mail order, was issued July 30, 1956.

By motion, counsel supporting the complaint now asks that said complaint be dismissed, stating that since the issuance of the complaint the individual respondents, who were doing business as Mail Order Mart, The Bargain Mart and Reiffe Bros., were indicted under Title 18, §1341 U.S.C., for criminally fraudulent practices similar to those alleged in the complaint. Thereafter they pleaded guilty to ten counts of the indictment, and are to be sentenced on November 12, 1959.

Under these circumstances counsel supporting the complaint states that he believes the continuation of the Federal Trade Commission proceeding is not necessary, and that the public interest would best be served by dismissing this complaint. With that conclusion there can be no disagreement, and the motion of counsel supporting the complaint will be granted. Therefore,

It is ordered. That the complaint herein be, and the same hereby is, dismissed.

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 16th day of December, 1959, become the decision of the Commission.

IN THE MATTER OF
LEO COFF DOING BUSINESS AS TOWNE & COUNTRY
COLOR PHOTOGRAPHERS OF TEXAS

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

Docket 7547. Complaint, July 23, 1959—Decision, Dec. 17, 1959

Consent order requiring a Dallas, Tex., photographer, selling color photographs through door-to-door solicitors, to cease misrepresenting the quality of his finished photographs and the time for sittings and showing of proofs, and claiming falsely that he would promptly deliver photographs purchased.

Mr. Charles W. O'Connell for the Commission.

Mr. William C. Odeneal, Jr., of Dallas, Tex., for respondent.

INITIAL DECISION BY JOHN B. POINDEXTER, HEARING EXAMINER

On July 23, 1959, the Federal Trade Commission issued its complaint charging that Leo Coff, an individual doing business as Towne & Country Color Photographers of Texas, had violated the provisions of the Federal Trade Commission Act. The complaint alleged that respondent in the course and conduct of his business had made false, misleading and deceptive statements and representations for the purpose of securing orders for color photographs.

After issuance and service of the complaint, the above-named respondent, his attorney, and counsel supporting the complaint entered into an agreement for a consent order. The agreement has been approved by the Director and the Assistant Director of the Bureau of Litigation. The agreement disposes of the matters complained about.

The pertinent provisions of said agreement are as follows: Respondent admits 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; 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