

the initial decision of the hearing examiner shall, on the 15th day of December, 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
THE ENGLISHTOWN CORPORATION ET AL.

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

Docket 7279. Complaint, Oct. 15, 1958—Decision, Dec. 19, 1959

Consent order requiring New York City distributors to cease selling cutlery assembled from carving fork heads imported from Japan with domestic handles without clearly disclosing the foreign origin of the imported parts, and to cease representing as "24 Karat Gold Plated," parts of the merchandise having a gold alloy applied by electrolytic process.

Mr. Ames W. Williams supporting the complaint.
Respondents, *pro se*.

INITIAL DECISION BY EDWARD CREEL, HEARING EXAMINER

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission on October 15, 1958, issued and subsequently served its complaint in this proceeding charging that the above-named respondents had violated the Federal Trade Commission Act by using various misleading and deceptive practices in connection with the sale of cutlery.

On December 30, 1958, there was submitted to the hearing examiner formerly assigned to this case an agreement between respondents and counsel supporting the complaint providing for the entry of a consent order. That hearing examiner accepted the agreement and issued his initial decision which included the order which was a part of the agreement. Upon review by the Commission, that initial deci-

sion was vacated and set aside and the case was remanded for further proceedings. Following this remand the undersigned hearing examiner was assigned this case on account of the unavailability of the former hearing examiner.

On October 21, 1959, there was submitted to the undersigned hearing examiner another agreement between respondents and counsel supporting the complaint providing for the entry of 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 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 the requirements of Section 3.25(b) of the Rules of the Commission.

The hearing examiner having considered the agreement, including the affidavits which are attached thereto and made a part thereof, and the proposed order and being of the opinion that they provide an appropriate basis for settlement and disposition of this proceeding, the agreement is hereby accepted, and it is ordered that said agreement shall not become a part of the official record 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 The Englishtown Corporation 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 230 Fifth Avenue, New York, New York. Individual respondent Norman Mercer is general manager of the corporate respondent and individual respondents Margaret Mercer and Anne Loew are officers of the corporate respondent and 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 the respondent The Englishtown Corporation, a corporation, and its officers, and Norman Mercer, individually, and

respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of cutlery, or any other product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from, directly or indirectly:

1. Offering for sale or selling cutlery or any other product containing parts made in Japan, or in any other foreign country, without clearly disclosing the country of origin of such parts;

2. Offering for sale or selling any product, made in Japan or in any foreign country, without clearly disclosing the foreign origin of such product;

3. Representing that merchandise which has a surface coating of gold or gold alloy applied by an electrolytic process is gold plated provided, however, that a product or a part thereof, upon all significant surfaces of which there has been affixed by an electrolytic process a coating of gold, or of gold alloy of not less than 10 karat fineness, the minimum thickness of which is equivalent to seven one-millionths of an inch of fine gold may be marked or described as gold electroplate or gold electroplated.

It is further ordered. That the complaint be, and it hereby is, dismissed as to respondents Margaret Mercer and Anne Loew.

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 19th day of December, 1959, become the decision of the Commission; and, accordingly:

It is ordered. That respondents The Englishtown Corporation, a corporation, and Norman Mercer, individually, shall within sixty (60) days after service upon 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

J. & H. STOLOW, INC., ET AL.

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

Docket 7569. Complaint, Aug. 25, 1959—Decision, Dec. 19, 1959

Consent order requiring New York City distributors of postage stamps to