

The Wurzburg Company and Edward Bloom, copartners doing business as Michigan Fur Company 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
ALLIED LUGGAGE CORPORATION ET AL.

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

Docket 7593. Complaint, Sept. 23, 1959—Decision, Jan. 12, 1960

Consent order requiring manufacturers in Jersey City, N.J., to cease pricing their luggage fictitiously by such practices as attaching thereto tickets printed with prices far in excess of the usual retail price.

Mr. Anthony J. Kennedy, Jr. for the Commission.

Mr. Theodore F. Tonkonogy of *Phillips, Nizer, Benjamin, Krim & Ballou*, of New York, N.Y., for respondents.

INITIAL DECISION BY HARRY R. HINKES, HEARING EXAMINER

The complaint in this matter charges the respondents with violation of the Federal Trade Commission Act in connection with the sale of luggage. 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 Allied Luggage 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 150 Bay Street in the City of Jersey City, State of New Jersey.

Respondents Abraham S. Wichtel and Max Kaminetsky are officers of the corporate body. They formulate, direct, and control the acts and practices of the corporate respondent. 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 respondents, Allied Luggage Corporation, a corporation, its officers, and Abraham S. Wichtel and Max Kaminetsky, individually and as officers of said corporate respondent, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the manufacture, offering for sale, sale and distribution of luggage or any other product in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, by means of preticketing or otherwise, that any amount is the regular and usual retail price of a product when such amount is in excess of the price at which such product is usually and customarily sold at retail in the trade area or areas where the representations are made.

2. Putting any plan into operation through the use of which retailers or others may misrepresent the customary and usual retail prices of such products.

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 12th day

EUGENE I. WOODLE, INC., ET AL.

733

731

Decision

of January, 1960, become the decision of the Commission; and,
accordingly:

That the Commission shall, within sixty (60)