

with the order to cease and desist contained in the initial decision applicable to him.

IN THE MATTER OF
REIN, RAME & GURVITCH, INC., ET AL.

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

Docket 7512. Complaint, June 10, 1959—Decision, Jan. 30, 1960

Consent order requiring New York City furriers to cease violating the Fur Products Labeling Act by failing to set forth the term "Dyed Mouton-processed Lamb" on invoices where required; by failing to comply in other respects with labeling and invoicing requirements; and by furnishing a false guaranty that certain of their fur products were misbranded, falsely invoiced, and falsely advertised.

Mr. Garland S. Ferguson for the Commission.

Hays, St. John, Abramson & Heilbron, of New York, N.Y., for respondents.

INITIAL DECISION BY J. EARL COX, HEARING EXAMINER

The complaint, as amended by agreement of all of the parties, charges respondents with misbranding and falsely and deceptively invoicing certain of their fur products, in violation of §4(2), §5(b)(1) and §5(b)(2) of the Fur Products Labeling Act and the

Rules and Regulations promulgated thereunder, and of the Federal Trade Commission Act.

After the issuance and amendment of the complaint, respondents, their counsel, and counsel supporting the complaint entered into an agreement containing consent order to cease and desist, which was approved by the Director and an Assistant Director of the Commission's Bureau of Litigation, and thereafter transmitted to the hearing examiner for consideration.

The agreement states that corporate respondent Rein, Rame & Gurvitch, Inc., 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 247 West 30th Street, New York, New York; that individual respondents Abe W. Rein, Jack Rame and Nathan Gurvitch are officers of said corporation, and formulate, direct and control the practices thereof; and that their address is the same as that of the corporate respondent.

The agreement provides, among other things, that respondents admit all the jurisdictional facts alleged in the amended complaint, and agree that the record may be taken as if findings of jurisdictional facts had been duly made in accordance with such allegations; that the record on which the initial decision and the decision of the Commission shall be based shall consist solely of the amended complaint and this agreement; 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; that the amended complaint may be used in construing the terms of the order agreed upon, which may be altered, modified or set aside in the manner provided for other orders; 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 amended complaint; and that the order set forth in the agreement and hereinafter included in this decision shall have the same force and effect as if entered after a full hearing.

Respondents waive any further procedural steps before the hearing examiner and the Commission, the making of findings of fact or conclusions of law, and all of the rights they may have to challenge or contest the validity of the order to cease and desist entered in accordance with the agreement.

The order agreed upon fully disposes of all the issues raised in the complaint as amended, and adequately prohibits the acts and practices charged therein as being in violation of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder, and of the Federal Trade Commission Act. Accordingly,

the Hearing Examiner finds this proceeding to be in the public interest, and accepts the agreement containing consent order to cease and desist as part of the record upon which this decision is based. Therefore,

It is ordered. That respondents Rein, Rame & Gurvitch, Inc., a corporation, and its officers, and Abe W. Rein, Jack Rame and Nathan Gurvitch, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the sale, advertising, offering for sale, transportation or distribution in commerce of fur products; or in connection with the sale, manufacture for sale, advertising, offering for sale, transportation or distribution of fur products which are 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 all of the information required to be disclosed by each of the subsections of §4(2) of the Fur Products Labeling Act;

2. Setting forth on labels attached to fur products:

(a) Information required under §4(2) of the Fur Products Labeling Act mingled with non-required information;

(b) Information required under §4(2) of the Fur Products Labeling Act in handwriting;

B. Falsely or deceptively invoicing fur products by:

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

2. Setting forth information required under §5(b)(1) of the Fur Products Labeling Act in abbreviated form;

3. Failing to set forth the term "Dyed Mouton-processed Lamb" in the manner required;

4. Setting forth through printed statements, or in any other manner, any form of misrepresentation or deception, directly or by implication, with respect to such fur products as prohibited by §5(b)(2) of the Fur Products Labeling Act;

5. Setting forth that respondents have on file with the Federal Trade Commission a certificate of continuing guaranty, when such is not the fact.

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 30th day of January, 1960, become the decision of the Commission; and accordingly:

It is ordered, That respondents Rein, Rame & Gurvitch, Inc., a corporation, and Abe W. Rein, Jack Rame, and Nathan Gurvitch, individually and as officers of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Com-