

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
ANTONETTE PEARLS, INC., ET AL.

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

Docket 7435. Complaint, Mar. 11, 1959—Decision, Mar. 12, 1960

Consent order requiring Newark, N.J., distributors of simulated and cultured pearl sets, to cease preticketing individual sets or containers of their products with excessive prices represented thereby as the usual retail selling prices.

Mr. Thomas F. Howder for the Commission.

Tislowitz, Schneck & Hechtman, by *Mr. Paul J. Tislowitz*, of New York, N.Y., for respondents.

INITIAL DECISION BY WALTER R. JOHNSON, HEARING EXAMINER

In the complaint dated March 11, 1959 the respondents are charged with violating the provisions of the Federal Trade Commission Act.

On January 15, 1960 the respondents entered into an agreement with counsel in support of the complaint for a consent order.

Under the foregoing agreement, the respondents admit the jurisdictional facts alleged in the complaint. The parties agree, among

Order

56 F.T.C.

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 of the requirements of Section 3.25(b) of the Rules of the Commission.

The agreement provides that the complaint insofar as concerns respondents Josephine Toch and Antonia Krakauer in their individual capacities should be dismissed for the reasons set forth in affidavits attached thereto that said respondents do not now and never have had any part in formulating, directing or controlling the acts and practices of the corporate respondent.

The hearing examiner being of the opinion that the agreement and the proposed order provide an appropriate basis for disposition of this proceeding as to all of the parties, the agreement is hereby accepted and it is ordered that the 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 following jurisdictional findings are made and the following order issued.

1. Respondent Antonette Pearls, Inc., is a corporation 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 17-19 William Street, in the City of Newark, New Jersey.

Individual respondents Ernest Toch and Julius Krakuer and respondents Josephine Toch and Antonia Krakauer are officers of the corporate respondent and are located at the same address.

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 Antonette Pearls, Inc., a corporation and its officers, and Ernest Toch and Julius Krakuer, individually and as officers of said corporation, and Josephine Toch and Antonia Krakuer as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for

sale, sale, or distribution of simulated or cultured pearl sets or any other products 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 or customary retail price of any product when such amount is in excess of the price at which such product is usually and customarily sold at retail.

2. Furnishing any means or instrumentality to others by and through which they may misrepresent the usual and customary retail price of respondents' products.

It is further ordered, That the complaint, insofar as it relates to respondents Josephine Toch and Antonia Krakauer in their individual capacities be, and the same hereby is dismissed.

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

It is ordered, That the respondents Antonette Pearls, Inc., a corporation, and Ernest Toch and Julius Krakauer, individually and as officers of said corporation, and Josephine Toch and Antonia Krakauer as officers of said corporation 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.