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after the service upon him of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Commissioner Tait not participating.

IN THE MATTER OF
ALVIN'S FURNITURE TRADING AS TELLER'S ET AL.

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

Docket 7644. Complaint, Nov. 2, 1959—Decision, Mar. 15, 1960

Consent order requiring a corporate operator of retail stores in Chula Vista and San Diego, Calif., to cease violating the Fur Products Labeling Act by failing to comply with labeling and invoicing requirements, by advertising in newspapers which falsely represented retail prices of fur products to be at or below wholesale prices and such products to be the entire stock of a New York manufacturer which they were liquidating and had to sell within four days, and by failing to keep adequate records as a basis for said pricing claims.

Mr. John McNally for the Commission.

Mr. Nathan Schoichet, of Beverly Hills, Calif., for respondents.

INITIAL DECISION BY WALTER R. JOHNSON, HEARING EXAMINER

In the complaint dated November 2, 1959 the respondents are charged with violating the provisions of the Federal Trade Commission Act and the Fur Products Labeling Act and the Rules and Regulations made pursuant thereto.

On January 7, 1960, the respondents and their attorney 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 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.

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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 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 Alvin's Furniture is a corporation organized, existing and doing business under and by virtue of the laws of the State of California, with its offices and principal place of business located at 668 Third Avenue in the City of San Diego, State of California. It operates retail stores in Chula Vista and in San Diego, California, under the trade name of Teller's.

Respondent George Alvin Strep is president of the said respondent corporation and controls, directs and formulates its acts, practices and policies. His business address is the same as that of said respondent corporation.

The said respondents are engaged in the sale at retail of a wide variety of merchandise including, from time to time, the sale of fur products under a lease or concession arrangement with others regularly engaged in the sale of fur products. During the times material to this proceeding the fur products offered for sale and sold on respondents' premises to the purchasing public were the property of their then lessee and concessionnaire, Beckman-Hammer Furs, and were labeled, invoiced and advertised by said lessee and concessionnaire and their representatives and agents, subject to respondents' over-all direction and control.

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 respondent Alvin's Furniture, a corporation, trading as Teller's or under any other name, and its officers; and respondent George Alvin Strep, as an individual or as an officer of said corporation; and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, offering for sale, transportation, or distribution in commerce, of fur products; or in connection with the sale, advertising, offering

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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:

1. Misbranding fur products by:

(a) 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 Section 4(2) of the Fur Products Labeling Act.

(b) Failing to set forth on labels affixed to fur products the item number or mark assigned to such fur products.

2. Falsely or deceptively invoicing fur products by:

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

(b) Failing to set forth on invoices the item number or mark assigned to such fur products.

3. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale, of fur products, and which:

(a) Represents, directly or by implication, that such fur products are being offered for sale at or below wholesale prices.

(b) Represents in any manner the savings available to purchasers of respondents' fur products.

(c) Represents, directly or by implication, that such fur products are from the stock of one manufacturer or source; that such fur products are being liquidated by respondents; or that they must be sold during the advertised sale.

4. Making claims and representations in advertisements respecting prices and values of fur products unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based.

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 15th day of March, 1960, 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 Com-

