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sion 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

TITCHE-GOETTINGER COMPANY, ET AL.

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

Docket 7628. Complaint, Oct. 23, 1959—Decision, Apr. 6, 1960

Consent order requiring Dallas, Tex., furriers to cease violating the Fur Products Labeling Act by affixing to fur products labels containing fictitious prices represented thereby as the regular retail prices; by advertising in newspapers which represented prices of fur products as reduced from regular prices which were, in fact, fictitious, and contained comparative prices without giving a designated time of a bona fide compared price; and by failing to maintain adequate records as a basis for said pricing claims.

Mr. Garland S. Ferguson for the Commission.

Mr. Robert S. Strauss of Goldberg, Fonville, Gump and Strauss,
of Dallas, Tex., for respondents.

INITIAL DECISION BY HARRY R. HINKES, HEARING EXAMINER

The Federal Trade Commission issued its complaint in this proceeding against the respondents on October 23, 1959, charging them with violation of the Federal Trade Commission Act, the Fur Labeling Act and the Rules and Regulations promulgated thereunder, in connection with the sale of fur products.

On February 5, 1960 there was submitted to the undersigned hearing examiner an agreement between certain respondents, their counsel and counsel supporting the complaint providing for the entry of a consent order.

Under the foregoing agreement, it is recommended that the complaint be dismissed insofar as it relates to respondent Henry Kaufman. Attached affidavits, executed by L. D. Starr, another respondent and president of the corporate respondent, recite that Mr. Kaufman is no longer associated with said company in any capacity whatsoever, having retired from the company more than a year prior to the issuance of the complaint. Moreover, during his employment with the corporate respondent, he was not concerned and exercised no control over the acts and practices of the corporate

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respondent as set forth in the complaint. The term "respondents" hereinafter used, therefore, does not include Henry Kaufman.

Under the foregoing agreement the respondents admit all the jurisdictional facts alleged in the complaint. The agreement also provides 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. Corporate respondent Titcher-Goettinger is a corporation existing and doing business under and by virtue of the laws of the State of Texas, with its office and principal place of business located at Main, Elm and St. Paul Streets, Dallas, Texas. Individual respondents L. D. Starr, W. A. Lea, and Saul Hirsch are officers of said corporation. They formulate, direct and control the 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 Titcher-Goettinger Company, a corporation, and its officers, and L. D. Starr, W. A. Lea, and Saul Hirsch, individually and as officers of said corporation, and respond-

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ents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of fur products; or in connection with the 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:

1. Misbranding fur products by:

(a) Falsely or deceptively labeling or otherwise identifying such products as to the regular prices thereof by any representation that the regular or usual prices of such products are any amount in excess of the prices at which respondents have usually and customarily sold such products in the recent regular course of business.

2. 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 the regular or usual price of any fur product is any amount which is in excess of the price at which respondents have usually and customarily sold such products in the recent regular course of business.

(b) Represents, directly or by implication, that prices of fur products are reduced from previous higher prices without giving the time of such compared previous higher prices.

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

3. Making claims and representations respecting prices and values of fur products unless respondents maintain full and adequate records showing the facts upon which such claims and representations are based.

It is further ordered, That the complaint be, and the same hereby is, dismissed as to respondent Henry Kaufman.

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 6th day of April, 1960, become the decision of the Commission; and, accordingly:

It is ordered, That respondents Titché-Goettinger Company, a corporation, and L. D. Starr, W. A. Lea, and Saul Hirsch, in-

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