

B. GERTZ, INC.

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

Docket 7646. Complaint, Nov. 3, 1959—Decision, Apr. 20, 1960

Consent order requiring a furrier in Jamaica, Long Island, N.Y., to cease violating the Fur Products Labeling Act by advertising in newspapers which falsely represented prices of fur products to be "Below wholesale" and below or at cost, and represented excessive amounts to be the usual prices; by failing to maintain adequate records as a basis for such pricing claims; and by failing to comply with invoicing requirements.

Mr. John J. Mathias supporting the complaint.
Sullivan & Cromwell of New York, N.Y., for respondent.

INITIAL DECISION BY JOHN B. POINDEXTER, HEARING EXAMINER

On November 3, 1959, the Federal Trade Commission issued its complaint charging the respondent named in the caption hereof with having violated the provisions of the Federal Trade Commission Act, the Fur Products Labeling Act and the rules and regulations promulgated thereunder.

After issuance and service of the complaint, respondent, its counsel, and counsel supporting the complaint, entered into an agreement for a consent order.

The agreement has been approved by the Director and the Assistant Director of the Bureau of Litigation and disposes of the matters complained about. The pertinent provisions of said agreement are as follows:

Respondent admits sufficient facts as alleged in the complaint so as to give the Commission jurisdiction; the complaint may be used in construing the terms of the order; the order shall have the same force and effect as if entered after a full hearing and the said 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 record herein shall consist solely of the complaint and the agreement; respondent waives the requirement that the decision must contain a statement of findings of fact and conclusions of law; respondent waives further procedural steps before the hearing examiner and the Commission, and the order may be altered, modified, or set aside in the manner provided by statute for other orders; respondent waives any right to challenge or contest the validity of the order entered in accordance with the agreement and the signing of said agreement is for settlement purposes only and does not constitute an admission by respondent that it has violated the law as alleged in the complaint.

The undersigned hearing examiner having considered the agreement and proposed order and being of the opinion that the acceptance thereof will be in the public interest, hereby accepts such agreement, makes the following jurisdictional findings, and issues the following order:

JURISDICTIONAL FINDINGS

1. Respondent B. Gertz, Inc., is a corporation existing and doing business under and by virtue of the laws of the State of New York,

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with its office and principal place of business located at 162-10 Jamaica Avenue, Jamaica, Long Island, New York.

2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondent and the proceeding is in the public interest.

ORDER

It is ordered, That B. Gertz, Inc., a corporation, and its officers, and respondent's 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. Falsely or deceptively invoicing fur products by:

(a) 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 Section 5(b)(1) of the Fur Products Labeling Act.

(b) Setting forth information required under Section 5(b)(1) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder in abbreviated form.

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 prices of fur products are "below wholesale," or words of similar import, when such is not the fact.

(b) Represents, directly or by implication that the prices of fur products are below or at respondent's cost, or words of similar import, when such is not the fact.

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

(d) Represents in any manner that any amount is respondent's regular or usual price of fur products when such amount is in excess of the price at which respondent has usually and customarily sold such products in the recent, regular course of its business.

3. Making pricing claims and representations respecting prices

and values of fur products unless there are maintained by respondent full and adequate records disclosing the facts upon which such claims or 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 20th days of April, 1960, become the decision of the Commission; and, accordingly:

It is ordered, That the respondent herein shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and