

the initial decision of the hearing examiner shall, on the 27th day of April, 1960, become the decision of the Commission; and, accordingly:

It is ordered, That 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 form in which it has complied with the order to cease and desist.

IN THE MATTER OF

WELLESLEY DRESS SHOP, INC., ET AL.

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

Docket 7664. Complaint, Nov. 24, 1959—Decision, Apr. 27, 1960

Consent order requiring a furrier in Niagara Falls, N.Y., to cease violating the Fur Products Labeling Act by mutilating labels on fur products prior to ultimate delivery; by setting forth on labels the name of an animal other than that producing certain fur, and failing to set forth such terms as "Dyed Broadtail-processed Lamb"; by advertising comparative prices as "were" prices without designating the time when they were in effect, and failing to keep adequate records as a basis therefor; and by failing in other respects to comply with labeling and invoicing requirements.

Mr. Garland S. Ferguson supporting the complaint.

Kavinoky, Cook, Hepp & Sandler by *Mr. Harold S. Sandler*, of Buffalo, N.Y., for respondents.

INITIAL DECISION BY EDWARD CREEL, HEARING EXAMINER

The Federal Trade Commission issued its complaint against the above-named respondents on November 24, 1959 charging them with having violated the Fur Products Labeling Act, the Rules and Regulations issued thereunder, and the Federal Trade Commission Act by misbranding, falsely invoicing and falsely advertising certain of their fur products.

On March 3, 1960 there was submitted to the undersigned hearing examiner an agreement between respondents, their counsel, and coun-

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sel supporting the complaint providing for the entry of 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.

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 having considered the agreement and proposed order, and being of the opinion that they provide an appropriate basis for settlement and disposition of this proceeding, the agreement is hereby accepted, and it is ordered that said agreement shall not become a part of the official record 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. Corporate respondent Wellesley Dress Shop, 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 1801 Main Street, Niagara Falls, New York. Individual respondents Harold Kirtz and Donald King 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 Wellesley Dress Shop, Inc., a corporation, and its officers and Harold Kirtz and Donald King, 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 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, transporta-

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

2. Setting forth on labels affixed to fur products the name or names of any animal or animals other than the name or names provided for in Section 4(2) (A) of the Fur Products Labeling Act.

3. Setting forth on labels affixed to fur products:

(a) Information required under Section 4 of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder in abbreviated form.

(b) Information required under Section 4(2) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder mingled with non-required information.

(c) Information required under Section 4(2) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder in handwriting.

4. Failing to set forth the term "Dyed Broadtail-processed Lamb" in the manner required by Rule 10 of said Rules and Regulations.

5. Affixing to fur products labels that do not comply with the minimum size requirements of one and three-quarter inches by two and three-quarter inches.

6. Failing to set forth on labels the item number or mark assigned to a fur product.

B. Mutilating, or causing or participating in the mutilation of, prior to the time any fur product is sold and delivered to the ultimate consumer, any label required by the Fur Products Labeling Act to be affixed to such fur product.

C. Falsely or deceptively invoicing fur products by:

1. 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.

2. Setting forth on invoices pertaining to fur products information required under Section 5(b)(1) of the Fur Products Labeling Act, and the Rules and Regulations promulgated thereunder in abbreviated form.

D. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or

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notice which is intended to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

1. Sets forth "were" prices or former prices without designating the time of such "were" prices or former prices.
2. Misrepresents in any manner the savings available to purchasers of respondents' fur products.

E. Making claims or representations in advertisements respecting prices or 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 27th day of April, 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 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

EDWARD J. KASNICKA TRADING AS MASTER DESIGNER