

poration, Jack Parker and Kalman C. Levy, incorrectly designated as Cal Levy, individually and 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.

IN THE MATTER OF
JOSEPH ZABLE TRADING AS J. I. ZABLE FUR CO., ETC.

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

Docket 7704. Complaint, Dec. 22, 1959—Decision, May 12, 1960

Consent order requiring a Dallas, Tex., furrier to cease violating the Fur Products Labeling Act by labeling and invoicing fur products falsely with respect to the animal producing the fur; by advertising in newspapers which failed to disclose the names of animals producing the fur contained in fur products, represented sale prices as reduced from regular prices which were in fact fictitious, and used earlier comparative prices without designating the time they were in effect; by failing to maintain adequate records as a basis for said pricing claims; and by failing in other respects to comply with requirements of the Act.

Mr. Charles S. Cox supporting the complaint.

Mr. Norman A. Zable, of Dallas, Tex., for respondent.

INITIAL DECISION BY JOHN B. POINDEXTER, HEARING EXAMINER

The complaint in this proceeding alleges that Joseph Zable, an individual trading as J. I. Zable Fur Co. and Joseph Zable Furs, hereinafter referred to as respondent, misbranded, falsely and deceptively invoiced and advertised fur products in violation of the Federal Trade Commission Act and the Fur Products Labeling Act and the rules and regulations promulgated under the last named act.

After issuance and service of the complaint, the above-named respondent, his attorney, and counsel supporting the complaint entered into an agreement for a consent order. The agreement has been

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approved by the Director and the Assistant Director of the Bureau of Litigation. The agreement disposes of the matters complained about.

The pertinent provisions of said agreement are as follows: Respondent admits all jurisdictional facts; 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 he has violated the law as alleged in the complaint.

The undersigned hearing examiner having considered the agreement and proposed order, hereby accepts such agreement, makes the following jurisdictional findings, and issues the following order:

JURISDICTIONAL FINDINGS

1. Respondent Joseph Zable is an individual trading as J. I. Zable Fur Co. and Joseph Zable Furs, with his office and principal place of business located at 3400 Oak Lawn Avenue, Dallas 19, Texas.
2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondent hereinabove named and the proceeding is in the public interest.

ORDER

It is ordered, That Joseph Zable, an individual trading as J. I. Zable Fur Co. and Joseph Zable Furs, or under any other name, 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 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. 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. Falsely or deceptively labeling or otherwise identifying any such products as to the name or names of the animal or animals that produce the fur from which such products were manufactured.

C. Setting forth on labels affixed to fur products:

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

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

2. Falsely and 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. Setting forth on invoices pertaining to fur products the name or names of animals other than the names or names provided for in Section 5(b)(1) of the Fur Products Labeling Act.

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. Fails to disclose the name or names of the animal or animals producing the fur or furs in the fur product as set forth in the Fur Products Name Guide and as prescribed in the Rules and Regulations.

B. Represents, directly or by implication, that the respondent's usual or regular price of any fur product is any amount in excess of the price at which the respondent has usually or customarily sold the product in the recent regular course of business.

C. Setting forth former prices without designating the time of such former prices.

4. Misrepresenting in any manner the savings available to purchasers of respondent's fur products.

5. Making claims or representations in advertisements respecting prices or values of fur products unless respondent maintains 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 12th day of May, 1960, become the decision of the Commission; and, accordingly:

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