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IN THE MATTER OF  
PORTIS STYLE INDUSTRIES CO. ET AL.

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

*Docket 8171. Complaint, Nov. 14, 1960—Decision, Mar. 25, 1961*

Consent order requiring Chicago furriers to cease violating the Fur Products Labeling Act by deceptively identifying the animals producing certain furs on invoices and in advertising, by failing to disclose the name of the particular fur-producing animal on advertising cards, and by failing to observe other invoicing requirements.

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act and the Fur Products Labeling Act, and by virtue of the authority vested in it by said Acts, the Federal Trade Commission, having reason to believe that Portis Style Industries Co., a corporation, and Henry R. Portis, an individual and as an officer of said corporation, hereinafter referred to as respondents, have violated the pro-

visions of said Acts and the Rules and Regulations promulgated under the Fur Products Labeling Act, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest, hereby issues its complaint stating its charges in that respect as follows:

PARAGRAPH 1. Portis Style Industries Co. is a corporation, organized, existing and doing business under and by virtue of the laws of the State of Illinois with its office and principal place of business located at 320 West Ohio Street, Chicago, Illinois.

Henry R. Portis is Chairman of the Board of the said corporate respondent and controls, directs and formulates the acts, practices and policies of the said corporate respondent. His office and principal place of business is the same as that of the said corporate respondent.

PAR. 2. Subsequent to the effective date of the Fur Products Labeling Act on August 9, 1952, respondents have been engaged in the introduction into commerce, and in the sale, advertising and offering for sale in commerce, and in the transportation and distribution in commerce, of fur as the term "fur" and "commerce" are defined in the Fur Products Labeling Act.

PAR. 3. Certain of said furs were falsely and deceptively invoiced by the respondents in that they were not invoiced as required by Section 5(b)(1) of the Fur Products Labeling Act and in the manner and form prescribed by the Rules and Regulations promulgated thereunder.

PAR. 4. Certain of said furs were falsely and deceptively invoiced in that they were falsely and deceptively identified with respect to the name or names of the animal or animals that produced the fur in violation of Section 5(b)(2) of the Fur Products Labeling Act.

PAR. 5. Certain of said furs were falsely and deceptively advertised in violation of the Fur Products Labeling Act in that respondents caused the dissemination in commerce, as "commerce" is defined in said Act of certain advertisements concerning said furs which were not in accordance with the provisions of Section 5(a)(1) of the said Act and the Rules and Regulations promulgated thereunder and which advertisements were intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of said furs.

PAR. 6. Among and included in the advertisements as aforesaid, but not limited thereto, were advertisements of respondents which appeared on cards that were distributed in commerce.

By means of said advertisements and others of similar import and meaning not specifically referred to herein, respondents falsely and deceptively advertised furs in that said advertisements:

A. Failed to disclose the name or names of the animal or animals that produced the fur as set forth in the Fur Products Name Guide in violation of Section 5(a)(1) of the Fur Products Labeling Act.

B. Falsely or deceptively identified the fur with respect to the name or names of the animal or animals that produced the fur in violation of Section 5(a)(5) of the Fur Products Labeling Act.

PAR. 7. The aforesaid acts and practices of respondents, as herein alleged, are in violation of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder, and constitute unfair and deceptive acts and practices in commerce under the Federal Trade Commission Act.

*Mr. Michael P. Hughes and Mr. Charles W. O'Connell* for the Commission.

*Mr. Hyland J. Paullin*, of Chicago, Ill., for respondents.

INITIAL DECISION BY ABNER E. LIPSCOMB, HEARING EXAMINER

The complaint herein was issued on November 14, 1960, charging Respondents with violation of the Federal Trade Commission Act and of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder, by falsely and deceptively invoicing and advertising certain of their furs.

Thereafter, on January 6, 1961, Respondents, their counsel, and counsel supporting the complaint herein entered into an Agreement Containing Consent Order To Cease And Desist, which was approved by the Director, Associate Director and Assistant Director of the Commission's Bureau of Litigation, and thereafter, on January 18, 1961, submitted to the Hearing Examiner for consideration.

The agreement identifies Respondent Portis Style Industries Co. as an Illinois corporation, with its office and principal place of business located at 320 West Ohio Street, Chicago, Illinois, and Respondent Henry R. Portis as chairman of the Board of said corporate Respondent, his office and principal place of business being the same as that of the corporate Respondent.

Respondents admit all the jurisdictional facts alleged in the complaint, and agree that the record may be taken as if findings of jurisdictional facts had been duly made in accordance with such allegations.

Respondents waive any further procedure before the Hearing Examiner and the Commission; the making of findings of fact and conclusions of law; and all of the rights they may have to challenge or contest the validity of the order to cease and desist entered

in accordance with the agreement. All parties agree 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 order to cease and desist, as contained in the agreement, when it shall have become a part of the decision of the Commission, shall have the same force and effect as if entered after a full hearing, and may be altered, modified or set aside in the manner provided for other orders; that the complaint herein may be used in construing the terms of said order; and that the agreement 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.

After consideration of the allegations of the complaint, and the provisions of the agreement and the proposed order, the Hearing Examiner is of the opinion that such order constitutes a satisfactory disposition of this proceeding. Accordingly, in consonance with the terms of the aforesaid agreement, the Hearing Examiner accepts the Agreement Containing Consent Order To Cease And Desist; finds that the Commission has jurisdiction over the Respondents and over their acts and practices as alleged in the complaint; and finds that this proceeding is in the public interest. Therefore,

*It is ordered*, That Portis Style Industries Co., a corporation, and its officers, and Henry R. Portis, individually and 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, or offering for sale, in commerce, or the transportation or distribution in commerce of any fur, as "fur" and "commerce" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Falsely or deceptively invoicing fur by:
  - A. Failing to furnish invoices to purchasers of fur showing all the information required to be disclosed by each of the subsections of §5(b)(1) of the Fur Products Labeling Act;
  - B. Falsely or deceptively identifying fur with respect to the name or names of the animal or animals that produced the fur;
2. Falsely or deceptively advertising fur 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 furs and which:
  - A. Fails to disclose the name or names of the animal or animals producing the fur as set forth in the Fur Products Name Guide and as prescribed under the Rules and Regulations;

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B. Falsely or deceptively identifies any such fur as to the name or names of the animal or animals that produced the fur.

## 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 25th day of March 1961, become the decision of the Commission; and, accordingly:

*It is ordered*, That the above-named respondents 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.

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