

Complaint

IN THE MATTER OF

A. WEISS & BOB ALDERMAN FUR CORP. ET AL.

CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF THE
FEDERAL TRADE COMMISSION AND THE FUR PRODUCTS LABELING ACTS*Docket 8372. Complaint, Apr. 21, 1961—Decision, Sept. 22, 1961*

Consent order requiring New York City furriers to cease violating the Fur Products Labeling Act by labeling and invoicing fur products falsely to show that artificially colored fur contained therein was natural, and by failing to comply in other respects with labeling and 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 A. Weiss & Bob Alderman Fur Corp., a corporation, and Abraham Weiss and Robert Alderman, individually and as officers of said corporation, hereinafter referred to as respondents, have violated the provisions 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. A. Weiss & Bob Alderman Fur Corp., is a corporation organized, 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 208 West 30th Street, New York, New York.

Abraham Weiss and Robert Alderman are officers of the said corporate respondent and control, direct and formulate the acts, practices and policies of the said corporate respondent. Their 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 and are now engaged in the introduction into commerce, and in the manufacture for introduction into commerce, and in the sale, advertising, and offering for sale, in commerce, and in the transportation and distribution, in commerce, of fur products; and have manufactured for sale, sold, advertised, offered for sale, transported and distributed fur products which have been made in whole or in part of fur which had been shipped and received in commerce as the terms "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act.

PAR. 3. Certain of said fur products were misbranded or otherwise falsely or deceptively labeled in that said fur products were labeled to show that the fur contained therein was natural when in fact such fur was bleached, dyed or otherwise artificially colored in violation of Section 4(1) of the Fur Products Labeling Act.

PAR. 4. Certain of said fur products were misbranded in that they were not labeled as required under the provisions of Section 4(2) of the Fur Products Labeling Act and in the manner and form prescribed by the Rules and Regulations promulgated thereunder.

PAR. 5. Certain of said fur products were falsely and deceptively invoiced in that they were not invoiced as required under the provisions of 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. 6. Certain of said fur products were falsely and deceptively invoiced in that said fur products were invoiced to show that the fur contained therein was natural when in fact such fur was bleached, dyed or otherwise artificially colored in violation of Section 5(b)(2) 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. Robert W. Lowthian supporting the complaint.
Respondents for themselves.

INITIAL DECISION BY LEON R. GROSS, HEARING EXAMINER

On April 21, 1961, pursuant to the provisions of the Federal Trade Commission Act and the Fur Products Labeling Act, the Federal Trade Commission issued its complaint against the above-named respondents, charging them with violating the aforesaid Acts and the Rules and Regulations issued pursuant to the Fur Products Labeling Act by, inter alia, misbranding and falsely and deceptively invoicing fur products sold by respondents in commerce, as "commerce" is defined in the aforementioned Acts. A copy of the complaint was served upon respondents as required by law.

Thereafter, respondents entered into an agreement dated July 31, 1961, which was presented to this Hearing Examiner on August 8, 1961. The agreement purports to dispose of all of the issues in this proceeding as to all the respondents, and has been signed by all the respondents and counsel supporting the complaint, and approved by the Chief, Division of Enforcement; the Assistant Director; and the

Director, of the Bureau of Textiles and Furs of the Federal Trade Commission.

Said agreement contains a proposed consent cease and desist order which purports to dispose of this proceeding without the need for formal hearings. The agreement conforms to the requirements of § 3.21 and § 3.25 of the Federal Trade Commission's Rules of Practice for Adjudicative Proceedings, and contains:

A. An admission by respondents of all jurisdictional facts alleged in the complaint;

B. Provisions that:

(1) The complaint may be used in construing the terms of the order;

(2) The order shall have the same force and effect as if entered after a full hearing;

(3) The 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;

(4) The entire record on which the initial decision and the decision of the Commission may be based shall consist solely of the complaint and the agreement;

(5) The order may be altered, modified, or set aside in the manner provided for other orders;

C. Waivers of:

(1) The making of findings of fact or conclusions of law;

(2) Further procedural steps before the hearing examiner and the Commission;

(3) Any right to challenge or contest the validity of the order entered in accordance with the agreement;

D. A statement that the signing of said 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.

Having considered the complaint and the agreement, including the proposed order, and being of the opinion that it provides an appropriate basis for disposition of this proceeding in all respects, the hearing examiner hereby accepts the agreement, which shall not become a part of the official record unless and until it becomes a part of the decision of the Commission; makes the following jurisdictional findings; and issues the following order:

1. Respondent A. Weiss & Bob Alderman Fur Corp. is a corporation organized, 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 208 West 30th Street, New York, New York. Individual respondents Abraham Weiss and Robert Alderman are officers of said corporation. They formulate, direct and control the practices of the

Order

59 F.T.C.

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 herein above named.

3. The complaint states a cause of action against said respondents under the Federal Trade Commission Act and the Fur Products Labeling Act.

4. This proceeding is in the interest of the public.

ORDER

It is ordered, That respondent A. Weiss & Bob Alderman Fur Corp., a corporation, and its officers, and Abraham Weiss and Robert Alderman, 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 or manufacture for 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, manufacture for sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce as "commerce", "fur" and "fur products" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Representing directly or by implication on labels that furs or fur products are natural, when such is not the fact;

B. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of § 4(2) of the Fur Products Labeling Act;

2. Falsely or deceptively invoicing fur products by:

A. Representing directly or by implication on invoices that furs or fur products are natural, when such is not the fact;

B. Failing to furnish to purchasers of fur products invoices showing all the information required to be disclosed by each of the subsections of § 5(b)(1) of the Fur Products Labeling Act.

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 22nd day of September 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 Commis-

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.
