

Paragraph 1, above.

It is further 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 this order.

IN THE MATTER OF

JACOB KLAFF TRADING AS FRANCINE'S ET AL.

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

Docket C-13. Complaint, Oct. 31, 1961—Decision, Oct. 31, 1961

Consent order requiring Boston furriers to cease violating the Fur Products Labeling Act by representing falsely in advertisements in newspapers that they operated a "millionaire thrift salon", and that fur products offered for sale were "new arrivals, flown in from Hollywood", from "stage, screen and TV stars" and "social register society", etc.; and by failing to keep adequate records as a basis for pricing claims.

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 Jacob Klaff, an individual trading as Francine's, and Howard Klaff, an individual and manager of Francine's, 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. Jacob Klaff is an individual trading as Francine's with his office and principal place of business located at 10 West Street, Boston, Massachusetts. Howard Klaff is an individual and

manager of Francine's with his office and principal place of business located at the same address. Both individual respondents control, direct and formulate the acts, practices, and policies of the said Francine's.

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 sale, advertising, and offering for sale, in commerce, and in the transportation, and distribution, in commerce, of fur products; and have 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 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 newspaper advertisements, concerning said products, which were not in accordance with the provisions of Section 5(a) of the said Act, and the Rules and Regulations promulgated thereunder; and which advertisements were intended to aid, promote and assist, directly or indirectly, in the sale and offering for sale of said fur products.

PAR. 4. Among and included in the advertisements as aforesaid, but not limited thereto, were advertisements of respondents which appeared in issues of The Boston Globe, a newspaper published in the City of Boston, State of Massachusetts, and having a wide circulation in said State and various other States of the United States.

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

(a) Represented that they own and operate a "millionaire thrift salon" when such was not the fact in violation of Section 5(a) (5) of the Fur Products Labeling Act.

(b) Represented that the fur products offered for sale were "just unpacked, new arrivals, flown in from Hollywood", when such was not the fact in violation of Section 5(a) (5) of the Fur Products Labeling Act.

(c) Represented that the fur products offered for sale were "formerly proudly owned and briefly worn by some of America's best dressed women" when such was not the fact in violation of Section 5(a) (5) of the Fur Products Labeling Act.

(d) Represented that the fur products offered for sale were from "stage, screen and TV stars" when such was not the fact in violation of Section 5(a) (5) of the Fur Products Labeling Act.

(e) Represented that the fur products offered for sale were from "envied society women" when such was not the fact in violation of Section 5(a)(5) of the Fur Products Labeling Act.

(f) Represented that the fur products offered for sale were from "social register society" when such was not the fact in violation of Section 5(a)(5) of the Fur Products Labeling Act.

PAR. 5. In advertising fur products for sale as aforesaid respondents made pricing claims and representations, of the types covered by subsections (a), (b), (c) and (d) of Rule 44 of the Regulations under the Fur Products Labeling Act. Respondents in making such claims and representations failed to maintain full and adequate records disclosing the facts upon which such pricing claims and representations were based in violation of Rule 44(e) of the said Rules and Regulations.

PAR. 6. 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.

DECISION AND ORDER

The Commission having heretofore determined to issue its complaint charging the respondents named in the caption hereof with violation of the Federal Trade Commission Act and the Fur Products Labeling Act, and the respondents having been served with notice of said determination and with a copy of the complaint the Commission intended to issue, together with a proposed form of order; and

The respondents and counsel for the Commission having thereafter executed an agreement containing a consent order, an admission by the respondents of all the jurisdictional facts set forth in the complaint, a statement that the signing of said agreement is for settlement purposes only and does not constitute an admission by respondents that the law has been violated as set forth in the complaint, and waivers and provisions as required by the Commission's rules; and

The Commission, having considered the agreement, hereby accepts same, issues its complaint in the form contemplated by said agreement, makes the following jurisdictional findings, and enters the following order:

1. Respondent Jacob Klaff is an individual trading as Francine's and respondent Howard Klaff is an individual and manager of Francine's. Both respondents have their office and principal place of business located at 10 West Street, in the city of Boston, State of Massachusetts.

Order

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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 Jacob Klaff, an individual trading as Francine's or under any other name, and Howard Klaff, an individual and manager of Francine's 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, 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 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 respondents own and operate a millionaire thrift salon or words of similar import when such is not the fact.

B. Represents directly or by implication that fur products offered for sale were just unpacked, new arrivals flown in from Hollywood or words of similar import when such is not the fact.

C. Represents directly or by implication that fur products offered for sale were formerly proudly owned and worn by some of America's best dressed women or words of similar import when such is not the fact.

D. Represents directly or by implication that fur products offered for sale are from stage, screen and TV stars or words of similar import when such is not the fact.

E. Represents directly or by implication that fur products offered for sale were formerly owned by envied society women or words of similar import when such is not the fact.

F. Represents directly or by implication that fur products offered for sale are from social register sources or words of similar import when such is not the fact.

2. Making pricing claims and representations of the types covered by subsections (a), (b), (c) and (d) under Rule 44 of the Regulations under the Fur Products Labeling Act unless there are maintained full

MARIE ANTOINETTE, INC., ET AL.

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Complaint

and adequate records disclosing the facts upon which such claims and