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and adequate records disclosing the facts upon which such claims and representations are based.

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

MARIE ANTOINETTE, INC., ET AL.

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

Docket C-14. Complaint, Oct. 31, 1961—Decision, Oct. 31, 1961

Consent order requiring Austin, Tex., furriers to cease violating the Fur Products Labeling Act by labeling fur products falsely with respect to the country of origin of the fur; by failing to disclose on invoices the true animal name of fur, the country of origin of imported furs or when fur was artificially colored; by newspaper advertising which failed to disclose the names of animals producing certain furs, to set forth the terms "Dyed Mouton Lamb" and "Dyed Broadtail-processed Lamb" where required, and represented selling prices as reduced from regular prices which were in fact fictitious; by failing to maintain adequate records as a basis for price and value claims; and by failing in other respects to comply with labeling, invoicing, and advertising 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 Marie Antoinette, Inc., a corporation and Frank Fucello and Mary Virginia Soderberg, 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. Respondent Marie Antoinette, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Texas. Individual respondents Frank Fucello and Mary Virginia Soderberg are Vice-President, and Secretary-Treasurer, respectively of the corporate respondent. Said individual respondents cooperate in formulating, directing and controlling the acts, policies and practices of the corporate respondent including the acts

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and practices hereinafter referred to. All respondents have their offices and principal place of business at Marie Antoinette, Inc., 10th and Congress Streets, Austin, Texas.

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 products" are defined in the Fur Products Labeling Act.

PAR. 3. Certain of said fur products were misbranded in that they were falsely and deceptively labeled or otherwise falsely and deceptively identified with respect to the country of origin of the imported furs contained in the fur product, 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 misbranded in violation of the Fur Products Labeling Act in that they were not labeled in accordance with the Rules and Regulations promulgated thereunder in the following respects:

(a) Information required under Section 4(2) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder was mingled with non-required information, in violation of Rule 29(a) of said Rules and Regulations.

(b) Information required under Section 4(2) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder was not completely set out on one side of labels, in violation of Rule 29(a) of said Rules and Regulations.

(c) Information required under Section 4(2) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder was set forth in handwriting on labels, in violation of Rule 29(b) of said Rules and Regulations.

(d) Information required under Section 4(2) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder were not set forth in the required sequence, in violation of Rule 30 of said Rules and Regulations.

(e) Information required under Section 4(2) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder was not set forth separately on labels with respect to each section

of fur products composed of two or more sections containing different animal furs, in violation of Rule 36 of said Rules and Regulations.

(f) Required item numbers were not set forth on labels, in violation of Rule 40 of said Rules and Regulations.

PAR. 6. Certain of said fur products 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.

Among such falsely and deceptively invoiced fur products, but not limited thereto, were invoices pertaining to such fur products which failed:

1. To show the true animal name of the fur used in the fur product.
2. To disclose that the fur contained in the fur product was bleached, dyed or otherwise artificially colored, when such was the fact.
3. To show the country of origin of the imported furs used in the fur product.

PAR. 7. Certain of said fur products were falsely and deceptively invoiced in violation of the Fur products Labeling Act in that they were not invoiced in accordance with the Rules and Regulations promulgated thereunder in the following respects:

(a) Information required under Section 5(b)(1) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder was set forth in abbreviated form, in violation of Rule 4 of said Rules and Regulations.

(b) Required item numbers were not set forth on invoices, in violation of Rule 40 of said Rules and Regulations.

PAR. 8. 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 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. 9. Among and included in the advertisements, as aforesaid, but not limited thereto, were advertisements of respondents which appeared in issues of the Austin Statesman, a newspaper published in the City of Austin, State of Texas, 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) Failed to disclose the name or names of the animal or animals that produced the fur contained in the fur product as set forth in the Fur Products Name Guide, in violation of Section 5(a)(1) of the Fur Products Labeling Act.

(b) Failed to set forth the term "Dyed Mouton Lamb" in the manner required, in violation of Rule 9 of said Rules and Regulations.

(c) Failed to set forth the term "Dyed Broadtail-processed Lamb" in the manner required, in violation of Rule 10 of said Rules and Regulations.

(d) Represented prices of fur products as having been reduced from regular or usual prices where the so-called regular or usual prices were in fact fictitious in that they were not the prices at which said merchandise was usually sold by respondent in the recent regular course of business, in violation of Section 5(a)(5) of the Fur Products Labeling Act and Rule 44(a) of the said Rules and Regulations.

(e) Contained information required under Section 5(a) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder which was not set forth in type of equal size and conspicuousness and in close proximity with each other, in violation of Rule 38(a) of said Rules and Regulations.

PAR. 10. Respondents in advertising fur products for sale as aforesaid, made claims and representations respecting prices and values of fur products. Said representations were of the types covered by subsections (a), (b), (c), and (d) of Rule 44 of the Rules and Regulations promulgated 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 claims and representations were based in violation of Rule 44(e) of said Rules and Regulations.

PAR. 11. 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 and unfair methods of competition in commerce under the Federal Trade Commission.

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

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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 Marie Antoinette, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Texas, with its office and principal place of business located at 10th and Congress Streets, in the city of Austin, State of Texas.

Respondents Frank Fuccello and Mary Virginia Soderberg are officers of said corporation. They formulate, direct and control the policies, acts and practices of said corporation, and their address is the same as that of said corporation.

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 Marie Antoinette, Inc., a corporation and Frank Fuccello and Mary Virginia Soderberg, 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 any fur product, or in connection with the sale, advertising, offering for sale, transportation, or distribution of any fur product which is 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. 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 Section 4(2) of the Fur Products Labeling Act.

B. Falsely or deceptively labeling or otherwise falsely and deceptively identifying such fur product as to the country of origin of the imported furs contained therein.

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, mingled with non-required information;

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

D. Failing to set forth the information required under Section 4(2) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder in the required sequence.

E. Failing to set forth the information required under Section 4(2) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder, on one side of the label.

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

G. Failing to set forth separately on labels attached to fur products composed of two or more sections containing different animal furs the information required under Section 4(2) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder, with respect to the fur comprising each section.

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible 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 information required under Section 5(b)(1) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder in abbreviated form.

C. Failing to set forth the item number or mark assigned to a fur product.

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 contained in the fur product, as set forth

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in the Fur Products Name Guide, and as prescribed under the Rules and Regulations.

B. Fails to set forth the term "Dyed Mouton Lamb" in the manner required when an election is made to use that term instead of the term "dyed lamb".

C. Fails to set forth the term "Dyed Broadtail-processed Lamb" in the manner required when an election is made to use that term instead of the word "Lamb".

D. Fails to set forth the information required under Section 5(a) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder in types of equal size and conspicuousness and in close proximity with each other.

E. Represents directly or by implication that the regular or usual price of any fur product is any amount which is in excess of the price at which respondents have usually and customarily sold such products in the recent regular course of business.

4. Making pricing claims and representations of the types covered by subsections (a) (b) (c) and (d) of Rule 44 of the Rules and Regulations promulgated under the Fur Products Labeling Act, unless there is maintained by respondents full and adequate records disclosing the facts upon which such claims or representations are based.

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

FRANKLIN STORES CORPORATION ET AL.

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

Docket C-15. Complaint, Oct. 31, 1961—Decision, Oct. 31, 1961

Consent order requiring a New York City corporation and its New Orleans subsidiary retailer of women's apparel to cease such false representations in newspaper advertising as that the New Orleans store had "on sale . . . 25 fabulous mink trimmed 100% cashmere coats \$78, reg. \$125" when the higher prices designated "reg." were not the usual prices but were fictitious; and to cease representing falsely, by price tickets affixed to cashmere coats before shipment from the New York headquarters and in advertising in New Orleans newspapers based thereon, that the usual price of \$99 for cashmere coats was reduced 40% to \$58, with consequent savings to purchasers.

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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 Franklin Stores Corporation, and Mayfair of New Orleans, Inc., corporations, and Albert Rubenstein and Nathan Katz, as officers of said corporations, 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. Respondent Franklin Stores Corporation is a corporation, organized, existing and doing business under and by virtue of the laws of the State of Delaware with its office and principal place of business located at 320 West 31st Street, New York, New York.

Respondent Mayfair of New Orleans, Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of Delaware with its office and principal place of business located at 1013 Canal Street, New Orleans, Louisiana. It is a wholly owned subsidiary of Franklin Stores Corporation engaged in retailing women's apparel.

Respondents Albert Rubenstein and Nathan Katz are officers of both of said corporations and as such formulate, direct and control the acts and practices of the corporate respondents. Their address is the same as that of Franklin Stores Corporation.

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 the March 20, 1960 and April 3, 1960 issues of *The Times-Picayune*, a newspaper published in the City of New Orleans, State of Louisiana, 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:

Represented, directly or by implication through such statements as "on sale Monday at Mayfair just 25 fabulous mink trimmed 100% cashmere coats \$78, reg. \$125" and "on sale just 81 beautiful mink trimmed suits \$38 reg. \$59.95. Buy now and save on the luxury suit of your dreams", that the prices designated "reg." were respondents' usual and customary retail prices for the said fur products in the recent regular course of business, and that purchases at the lower prices would result in savings of the differences between the respective higher and lower prices of the coats and suits.

In truth and in fact, the higher prices in each instance designated by the term "reg." were not respondents' usual and customary prices in the recent regular course of business for the respective products advertised, but were fictitious prices, and the purchase of said products at the lower prices would not result in savings to purchasers of the differences between higher and the lower prices of the respective products, all in violation of Section 5(a)(5) of the Fur Products Labeling Act and Rule 44(a) of said Rules and Regulations.

PAR. 5. 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.

PAR. 6. Respondent Mayfair of New Orleans, Inc., is now, and for some time last past has been, engaged in the advertising, offering for sale, sale and distribution, among other merchandise, of ladies' cashmere coats, to the public.

PAR. 7. In the course and conduct of its business respondent Franklin Stores Corporation purchases said cashmere coats in the State of New York, marks and affixes price tickets thereto and ships said merchandise to its subsidiary, respondent Mayfair of New Orleans, Inc., for resale to the public. Respondent Mayfair of New Orleans, Inc., for the purpose of inducing purchases of said cashmere

coats, used the information appearing on said price tickets in advertisements inserted in newspapers of interstate circulation.

PAR. 8. Among and typical, but not all inclusive, of the statements appearing in the advertisements referred to in Paragraph Seven is the following:

Cashmere Coats
\$99 values
\$58
Buy now and
Save 40%

PAR. 9. Through the use of said statement, as set forth above, respondents represented directly or by implication that the cashmere coats were usually and customarily sold at retail for \$99 in the trade area in which the representation was made, and that customers purchasing the coats for \$58 would realize a savings of approximately 40% from the usual and customary price of the coats.

PAR. 10. The statement in said advertising was false, misleading and deceptive. In truth and in fact the amount of \$99 was fictitious and in excess of the price at which said coats were usually and customarily sold at retail in said trade area and purchases of said coats at the lower price set out in the advertisement did not result in savings to purchasers amounting to the difference between the said lower price and said higher price.

PAR. 11. In the conduct of their business, at all times mentioned herein, respondents have been in substantial competition, in commerce, with corporations, firms and individuals in the sale of ladies' cashmere coats of the same general kind and nature as those sold by respondents.

PAR. 12. The use by respondents of the aforesaid false, misleading and deceptive statements, representations and practices has had, and now has, the capacity and tendency to mislead members of the purchasing public into the erroneous and mistaken belief that said statements and representations were and are true and into the purchase of substantial quantities of respondents' products by reason of said erroneous and mistaken belief.

PAR. 13. The aforesaid acts and practices of respondents, as herein alleged, were, and are, all to the prejudice and injury of the public and of respondents' competitors and constituted and now constitute unfair methods of competition in commerce and unfair and deceptive acts and practices in commerce in violation of Section 5(a)(1) of 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

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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 Franklin Stores Corporation is a corporation organized, existing and doing business under and by virtue of the laws of the State of Delaware with its office and principal place of business located at 320 West 31st Street, New York, New York.

Respondent Mayfair of New Orleans, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Delaware with its office and principal place of business located at 1013 Canal Street, New Orleans, Louisiana. It is a wholly owned subsidiary of Franklin Stores Corporation engaged in retailing women's apparel.

Respondents Albert Rubenstein and Nathan Katz are officers of both of said corporations and as such formulate, direct and control the acts and practices of said corporations. Their address is the same as that of Franklin Stores Corporation.

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 Franklin Stores Corporation and Mayfair of New Orleans, Inc., corporations, and their officers, and Albert Rubenstein and Nathan Katz, as officers of said corporations, 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",

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"fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. 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:

1. Represents directly or by implication that any amount is respondents' usual and customary retail price of fur products when it is in excess of the price at which said products are usually and customarily sold by respondents in the recent regular course of business.

2. Uses the word "Reg." to describe or refer to the retail price of merchandise when such amount is not the price at which the merchandise has been usually and customarily sold by respondents at retail in the recent, regular course of business.

3. Misrepresents in any manner the savings available to purchasers of respondents' fur products.

It is further ordered, That respondents Franklin Stores Corporation and Mayfair of New Orleans, Inc., corporations, and their officers, and Albert Rubenstein, and Nathan Katz, as officers of said corporations, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of wearing apparel or any other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing directly or by implication:

- (a) That any amount is the price at which merchandise is usually and customarily sold at retail in the trade area, or areas, where the representation is made, when it is in excess of such price.

- (b) That any savings are afforded in the purchase of merchandise from the price at which said merchandise is usually and customarily sold at retail in the trade area or areas where the representations are made unless the price at which it is offered constitutes a reduction from such price.

2. Using the word "value" to describe or refer to the retail price of merchandise when such amount is not the price at which the merchandise has been usually and customarily sold at retail in the trade area, or areas, where the representation is made.

3. Using percentage savings claims to represent that merchandise is offered at a reduction from the price at which said merchandise is usually and customarily sold at retail in the trade area, or areas, where the representation is made unless the price at which it is offered constitutes a reduction from such price.

4. Misrepresenting in any manner the amount of savings available to purchasers of respondents' merchandise from the price at which

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said merchandise is usually and customarily sold in the trade area,
or areas where the representation is made.