

Complaint

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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
INTERNATIONAL SHOE COMPANY

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

Docket C-20. Complaint, Nov. 7, 1961—Decision, Nov. 7, 1961

Consent order requiring a St. Louis shoe manufacturer to cease representing falsely in advertising in catalogs, circulars, form letters, etc., that its stock shoes would keep children's feet healthy and strong, correct and prevent disorders and abnormalities of the feet, and were made on "nature's lasts".

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act, and by virtue of the authority vested in it by said Act, the Federal Trade Commission, having reason to believe that International Shoe Company, a corporation, hereinafter referred to as respondent, has violated the provisions of said 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 International Shoe Company 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 1509 Washington Avenue, St. Louis, Missouri.

PAR. 2. Respondent is now, and for several years last past has been, engaged in the sale of shoes, including shoes for infants and juveniles, to dealers, including individuals, firms and corporations, located throughout the United States. Respondent causes, and has caused, said merchandise, when sold, to be transported from its place of business in the State of Missouri to purchasers thereof located in various other States of the United States, and at all times mentioned herein has maintained a course of trade in said merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act. Respondent's volume of such business in commerce is, and has been, substantial. Respondent, in the course and conduct of its business, is engaged in substantial competition, in commerce, with corporations, firms and individuals engaged in the sale and distribution of shoes.

PAR. 3. Respondent, in the course and conduct of its business and for the purpose of inducing the purchase of its merchandise, has advertised the same by means of catalogs, circulars, form letters and other printed matter circulated and disseminated, by and through the United States mails and by other means, in various states other than the State of Missouri.

PAR. 4. In the course and conduct of its business and for the purpose of inducing the purchase of its shoes, respondent has made various statements and representations concerning the nature and usefulness of said shoes. Among and typical of such statements and representations with respect to its Weather-Bird shoes are the following:

YOUR CHILDREN'S HEALTH AND HAPPINESS START AT THEIR FEET * * * THAT'S WHY IT'S SMART * * * (to) Specify Weather-Bird * * * "Featurized" shoes * * *.

* * * It's your (and our) responsibility that your child's footwear is so properly fitted to insure healthy development of his growing feet * * * remember . . . it pays to buy "Featurized" Weather-Bird shoes * * *.

* * * Weather-Bird Shoes * * * made on nature's lasts according to the shape of baby's foot * * *.

Weather-Bird Shoes * * * help young feet grow healthy and strong.

Many children, today, have established or incipient disorders of the feet caused from ill fitting or improper shoes. Though orthopedic conditions in many cases may need special correction, in many others the treatment recommended may be simply wearing sensible footwear. The steel shank, all leather insole, full inner lining, retain all leather outsole, all leather extended counter, tru-guide heel in these shoes may very well be the answer for the many who do not need special correction. * * * In-stock service provides needs for your increase volume.

PAR. 5. Through the use of the above statements and representations, respondent represents, directly or by implication, with respect to its Weather-Bird shoes that:

1. The use of said shoes will keep the feet of children healthy and insure healthy development of their feet.
2. Said shoes are made on "nature's lasts" according to the shape of babies' feet.
3. The use of said shoes will cause children's feet to be healthy and strong.
4. The use of said shoes will help correct or prevent defects, disorders, deformities or abnormalities of the feet.

PAR. 6. The aforesaid statements and representations are false, misleading and deceptive. In truth and in fact:

1. The wearing of respondent's said shoes will not insure the healthy development of growing feet or keep the feet of children healthy.

2. Respondent's said shoes are stock shoes and are not made in the shape of all babies' feet.

3. The use of respondent's said shoes will not cause children's feet to grow healthy or strong.

4. Respondent's said shoes will not cure or prevent defects, disorders, deformities or abnormalities of the feet. They will not have any significant beneficial effect on foot health or on foot development other than that of affording protection, which is common to shoes in general.

PAR. 7. By means of the aforesaid practices, respondent places in the hands of its dealers means and instrumentalities by and through which said dealers may misrepresent the nature and usefulness of respondent's said shoes.

PAR. 8. The use by respondent of the foregoing false, deceptive and misleading statements and representations with respect to its said shoes has the tendency and capacity to mislead and deceive a substantial portion of the purchasing public into the erroneous and mistaken belief that said statements and representations are true and to induce them, because of such erroneous and mistaken belief, to purchase substantial quantities of respondent's said shoes.

PAR. 9. The aforesaid acts and practices of respondent, as herein alleged, were, and are, all to the prejudice and injury of the public and of respondent's 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 respondent named in the caption hereof with violation of the Federal Trade Commission Act, and the respondent 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 respondent and counsel for the Commission having thereafter executed an agreement containing a consent order, an admission by the respondent 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 respondent 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, International Shoe Company, 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 1509 Washington Avenue, in the City of St. Louis, State of Missouri.

2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondent, and the proceeding is in the public interest.

ORDER

It is ordered, That respondent International Shoe Company, a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of its Weather-Bird shoes, or any other shoes of substantially the same construction, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or indirectly, that:

(a) The wearing of said shoes will keep the feet healthy or assure healthy development of the feet.

(b) Said shoes are made on nature's lasts, or are made according to any particular contour or shape other than that of a child's foot generally.

(c) The wearing of said shoes will make children's feet healthy or strong.

(d) The wearing of said shoes will aid or help to correct or prevent defects, disorders, deformities or abnormalities of the feet.

2. Furnishing or otherwise placing in the hands of retailers or dealers in said shoes the means and instrumentalities by and through which they may mislead or deceive the public in the manner or as to the things hereinabove inhibited.

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

Complaint

59 F.T.C.

IN THE MATTER OF

JULIAN LEVY AND HOWARD ABRAMS TRADING AS
LEVY-ABRAMS CO., AND AS CALMOOR COATSCONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF THE
FEDERAL TRADE COMMISSION AND THE FUR PRODUCTS LABELING ACTS*Docket C-21. Complaint, Nov. 7, 1961—Decision, Nov. 7, 1961*

Consent order requiring San Francisco manufacturing furriers to cease violating the Fur Products Labeling Act by failing to show on labels and invoices the true animal name of the fur used in fur products, the country of origin of imported furs, and that furs were dyed when such was the case; failing to label fur products with name of the manufacturer, etc.; and failing in other respects to comply 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 Julian Levy and Howard Abrams, individually and as co-partners trading as Levy-Abrams Co., and as Calmoor Coats, 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. Respondents Julian Levy and Howard Abrams are co-partners trading as Levy-Abrams Co., and as Calmoor Coats, with their office and principal place of business at 154 Sutter Street, San Francisco, California.

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 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.