

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.

PAR. 3. 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.

Among such misbranded fur products, but not limited thereto, were fur products without labels and with labels 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 dyed, when such was the fact;
- (3) To show the name, or other identification issued and registered by the Commission, of one or more of the persons who manufacture such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce;
- (4) To show the country of origin of imported furs used in the fur product.

PAR. 4. 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) Required item numbers were not set forth on labels, in violation of Rule 40 of said Rules and Regulations.

PAR. 5. Certain of said fur products were falsely and deceptively invoiced in that they were not invoiced as required by Section 5(b)(1) of the Fur Products Labeling Act, and 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 show that the fur contained in the fur product was dyed, when such was the fact;

(3) To show the country of origin of imported furs used in the fur product.

PAR. 6. 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 respect;

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

PAR. 7. The acts and practices, as set forth above, were and are in violation of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder and constituted and now constitute unfair and deceptive acts and practices and unfair methods of competition in commerce within the intent and meaning 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 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. 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 located at 154 Sutter Street, in the city of San Francisco, State of California.

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.

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Order

ORDER

It is ordered, That respondents Julian Levy and Howard Abrams individually and as co-partners trading as Levy-Abrams Co. and as Calmoor Coats or under any other trade name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, manufacture for introduction, in commerce, or the sale, advertising or offering for sale, 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 product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

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

(2) Setting forth on the labels affixed to fur products information required under Section 4(2) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder, mingled with nonrequired information.

(3) Failing to set forth all the information required by Section 4(2) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder on one side of labels.

(4) Failing to set forth on labels affixed to fur products the item number or mark assigned to a fur product.

B. Falsely and deceptively invoicing fur products by:

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

(2) Failing to set forth on invoices pertaining to fur products the item number or mark assigned to a fur product.

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.

Complaint

59 F.T.C.

IN THE MATTER OF

PERFECT-FIT PRODUCTS MANUFACTURING CO. ET AL.

CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF THE
FEDERAL TRADE COMMISSION AND THE TEXTILE FIBER PRODUCTS
IDENTIFICATION ACTS

Docket C-22. Complaint, Nov 7, 1961—Decision, Nov. 7, 1961

Consent order requiring textile fiber products manufacturers in New York City and Monroe, N.C., to cease violating the Textile Fiber Products Identification Act by such practices as labeling mattress pads as "75% nylon, 25% acetate" when they contained substantially less nylon than thus indicated; failing to show the true percentage of nylon and acetate fibers present, by weight, in textile products and to disclose the true generic names of constituent fibers; and failing to maintain proper records showing the fiber content of their products.

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act and the Textile Fiber Products Identification Act, and by virtue of the authority vested in it by said Acts, the Federal Trade Commission, having reason to believe that Perfect-Fit Products Manufacturing Co., a corporation and Ephraim F. Bloch, Alvin L. Levine, Albert Bloch, and Alexander Gross, individually and as officers of said corporation, and Carolina Textiles, Inc., a corporation and Manuel Fisher, Joseph Vitali, Joseph Pettigrew, and the same said Ephraim F. Bloch, individually and as officers of said corporation, hereinafter referred to as respondents, have violated the provisions of said Acts and the Rules and Regulations under the Textile Fiber Products Identification 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 Perfect-Fit Products Manufacturing Co., is a corporation organized, existing and doing business under and by virtue of the laws of the Commonwealth of Pennsylvania with its principal place of business located at 310 Fifth Avenue, New York, New York.

Individual respondents Ephraim F. Bloch, Alvin L. Levine, Albert Bloch and Alexander Gross are officers of corporate respondent Perfect-Fit Products Manufacturing Co. They formulate, direct, and control the acts, practices and policies of said corporate respondent. Their address is the same as that of the corporate respondent.