

Complaint

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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.

PAR. 2. Respondent Carolina Textiles, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of North Carolina with its principal place of business located at 516 Miller Street, Monroe, North Carolina.

Individual respondents Manuel Fisher, Joseph Vitali, Joseph Pettigrew and Ephraim F. Bloch are officers of corporate respondent Carolina Textiles, Inc. They formulate, direct and control the acts, practices and policies of said corporate respondent. With the exception of Ephraim F. Bloch, whose address is 310 Fifth Avenue, New York, New York, all other officers' addresses is the same as corporate respondent.

PAR. 3. Subsequent to the effective date of the Textile Fiber Products Identification Act on March 3, 1960, respondents have been and are now engaged in the introduction, delivery for introduction, manufacture for introduction, sale, advertising, and offering for sale, in commerce, and in the transportation or causing to be transported in commerce, and the importation into the United States, of textile fiber products; and have sold, offered for sale, advertised, delivered, transported, and caused to be transported, textile fiber products, which have been advertised or offered for sale in commerce; and have sold, offered for sale, advertised, transported, and caused to be transported, after shipment in commerce, textile fiber products, either in their original state or contained in other textile products, as the terms "commerce" and "textile fiber products" are defined in the Textile Fiber Products Identification Act.

PAR. 4. Certain of said Textile Fiber Products were misbranded by respondents within the intent and meaning of Section 4(a) of the Textile Fiber Products Identification Act and the Rules and Regulations thereunder, in that they were falsely and deceptively tagged, or labeled, invoiced, advertised or otherwise identified as to the name or amount of the constituent fibers contained therein.

Among such textile fiber products, but not limited thereto, were mattress pads labeled by respondents as "75% nylon, 25% acetate", whereas in truth and in fact such mattress pads contained substantially less nylon than represented.

PAR. 5. Certain of said textile fiber products were further misbranded by respondents in that they were not stamped, tagged, or labeled as required under the provisions of Section 4(b) of the Textile Fiber Products Identification Act, and in the manner and form as prescribed by the Rules and Regulations promulgated under said act.

Among such misbranded textile fiber products but not limited

thereto, were textile fiber products namely, mattress pads, with labels which:

(a) Failed to show the true percentage of nylon and acetate fibers present, by weight.

(b) Failed to disclose the true generic names of the fibers present.

PAR. 6. Respondents have failed to maintain proper records showing the fiber content of the textile fiber products manufactured by them, in violation of Section 6(a) of the Textile Fiber Products Identification Act and Rule 39 of the Regulations promulgated thereunder.

PAR. 7. The acts and practices of respondents, as set forth above were, and are, in violation of the Textile Fiber Products Identification 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 Textile Fiber Products Identification 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 had 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, 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 office and principal place of business located at 310 5th Avenue, in the city of New York, State of New York.

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Respondents Ephraim F. Bloch, Alvin L. Levine, Albert Bloch, and Alexander Gross are officers of Perfect-Fit Products Manufacturing Co. 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. Respondent, Carolina Textiles, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of North Carolina, with its office and principal place of business located at 516 Miller Street, in the city of Monroe, State of North Carolina.

Respondents Manuel Fisher, Joseph Vitali, Joseph Pettigrew and Ephraim F. Bloch are officers of Carolina Textiles, Inc. They formulate, direct and control the policies, acts and practices of said corporation. With the exception of Ephraim F. Bloch, whose address is 310 Fifth Avenue, New York, New York, all other officers of Carolina Textiles, Inc. have the same addresses as said corporation.

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

ORDER

It is ordered, That respondents Perfect-Fit Products Manufacturing Co., a corporation and its officers 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 its officers and Manuel Fisher, Joseph Vitali, Joseph Pettigrew and the same said Ephraim F. Bloch, 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, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States of textile fiber products; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, textile fiber products, which have been advertised or offered for sale in commerce; or in the connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of textile fiber products, whether in their original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

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A. Misbranding textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising, or otherwise identifying such products as to the name or amount of constituent fibers contained therein.

2. Failing to affix labels to such products showing each element of information required to be disclosed by Section 4(b) of the Textile Fiber Products Identification Act.

B. Failing to maintain records of fiber content of textile fiber products manufactured by them, as required by Section 6(a) of the Textile Fiber Products Identification Act and Rule 39 of the Regulations promulgated thereunder.

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.