

(66) 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
LOOMBEST FABRICS, INC., 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-26. Complaint, Nov. 14, 1961—Decision, Nov. 14, 1961

Consent order requiring New York City importers of textile fiber products to cease violating the Textile Fiber Products Identification Act by labeling as "70% Rayon, 30% Silk", fabrics which contained substantially less silk than thus represented, and by failing to show on labels on such products the true percentage of rayon and silk fibers present, by weight, and the name of the country from which they were imported.

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 Loombest Fabrics, Inc., a corporation, and Joseph Smukler and Abraham Nearon, individually and as officers of said corporation, hereinafter referred to as respondents, have violated the provisions of such 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 Loombest Fabrics, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of New York with its principal place of business at 1412 Broadway, New York, New York.

Respondents Joseph Smukler and Abraham Nearon are officers of the corporate respondent. They formulate, direct and control the acts, practices and policies of the corporate respondent. Their address is the same as that of the corporate respondent.

PAR. 2. 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, 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, delivered, transported and caused to be transported, after shipment in commerce, textile fiber products, either in their original state or contained in other textile products so shipped in commerce; as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act.

PAR. 3. 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 promulgated 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 fabrics labeled and invoiced by respondents as "70% Rayon, 30% Silk", whereas in truth and in fact such fabrics contained substantially less silk than represented.

PAR. 4. 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, fabrics, with labels which:

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

(b) Failed to show the name of the country from which such textile fiber products were imported.

PAR. 5. Respondents have furnished false guaranties that certain of their textile fiber products were not misbranded or falsely invoiced, in violation of Section 10 of the Textile Fiber Products Identification Act.

PAR. 6. 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 constitutes 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, Loombest Fabrics, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of New York, with its office and principal place of business located at 1412 Broadway, in the city of New York, State of New York.

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Order

Respondent Joseph Smukler and Abraham Nearon are officers 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 respondents Loombest Fabrics, Inc., a corporation, and its officers and Joseph Smukler and Abraham Nearon, 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, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United State, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its 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:

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. Furnishing false guaranties that textile fiber products are not misbranded or falsely invoiced under the provisions of the Textile Fiber Products Identification Act.

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

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IN THE MATTER OF

TILE CITY, INC. OF PITTSBURGH, PENNSYLVANIA,
ET AL.CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF THE
FEDERAL TRADE COMMISSION ACT*Docket C-27. Complaint, Nov. 14, 1961—Decision, Nov. 14, 1961*

Consent order requiring five affiliated retailers of rubber and asphalt tile, floor covering, and paint in as many Pennsylvania cities, to cease representing falsely in newspaper advertising that they offered Kentile Tile in "A" colors at 3½¢ each when they had not stocked the tile for some time and it was not available; that their "solid Vinyl tile" was composed wholly of vinyl; and that purchasers of one gallon of Rubber Tuff Wall Paint would receive a second can "free" when they were required to pay for one gallon the usual price for two; and to cease representing falsely through use of higher amounts in connection with the words "Reg." and "Sold for", that said amounts were the usual prices for their merchandise.

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 Tile City, Inc. of Pittsburgh, Pennsylvania, a corporation; Tile City, Inc. of New Kensington, Pennsylvania, a corporation; Tile City, Inc. of Ambridge, Pennsylvania, a corporation; Tile City, Inc. of Irwin, Pennsylvania, a corporation; Tile City, Inc. of Charleroi, Pennsylvania, a corporation; and Robert Solomon and Irving Germaise, individually and as officers of said corporations and as co-partners trading under the name Tile City Company of Steubenville, Ohio, hereinafter referred to as respondents, have 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 in respect thereof stating its charges in that respect as follows:

PAR. 1. Respondent Tile City, Inc. of Pittsburgh, Pennsylvania, is a corporation organized, existing and doing business under and by virtue of the laws of the State of Pennsylvania with its principal office and place of business located at 1501 5th Avenue, Pittsburgh, Pennsylvania.

Respondent Tile City, Inc. of New Kensington, Pennsylvania, is a corporation organized, existing and doing business under and by virtue of the laws of the State of Pennsylvania, with its principal office