

in such products on invoices or shipping memoranda applicable thereto or in any other manner.

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

BERNARD KRIEGER & SON, INC., ET AL.

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

Docket 8368. Complaint, Apr. 20, 1961—Decision, Mar. 3, 1962

Order requiring New York City jobbers to cease violating the Textile Fiber Products Identification Act by failing to label handkerchiefs with the required information.

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 Bernard Krieger & Son, Inc., a corporation, and A. Joseph Krieger, individually and as an officer 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. Bernard Krieger & Son, 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 105 Orchard Street, New York, N.Y.

A. Joseph Krieger is an officer of the said corporate respondent and controls, directs and formulates the acts, practices and policies of the said corporate respondent. His office and principal place of business is the same as that of the said corporate respondent.

PAR. 2. Subsequent to the effective date of the Textile Fiber Products Identification Act on March 3, 1960, respondents have been and

Initial Decision

60 F.T.C.

are now engaged in the introduction, sale, advertising and offering for sale, in commerce, and in the transportation or causing to be transported in commerce, and in 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 had 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 which have been made into other textile fiber products so shipped in commerce, as the terms "commerce", and "textile fiber products" are defined in the Textile Fiber Products Identification Act.

PAR. 3. Certain of said textile fiber products to wit: handkerchiefs, were misbranded by respondents in that they were not stamped, tagged, or labeled with the information required under Section 4(b) of the Textile Fiber Products Identification Act, and in the manner and form prescribed by the Rules and Regulations promulgated under such Act.

PAR. 4. The respondents, in the course and conduct of their business, as aforesaid, were and are in substantial competition with other corporations, firms and individuals likewise engaged in the manufacture and sale of textile fiber products including handkerchiefs, in commerce.

PAR. 5. The acts and practices of respondents, as set forth herein, were and are in violation of the Textile Fiber Products Identification Act and the Rules and Regulations 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.

Mr. DeWitt T. Puckett for the Commission.

Respondents not represented by counsel.

INITIAL DECISION BY WILLIAM L. PACK, HEARING EXAMINER

1. The complaint in this matter charges the respondents with violation of the Textile Fiber Products Identification Act, and the Rules and Regulations promulgated thereunder, and the Federal Trade Commission Act, in connection with the sale of handkerchiefs. After the filing of respondents' answer, a hearing was held at which respondent A. Joseph Kreiger, both for himself and for the corporate respondent, admitted all of the material allegations in the complaint. Thereafter proposed findings and conclusions and order were submitted by counsel supporting the complaint, respondents having elected

not to submit such proposals, and the case is now before the hearing examiner for final consideration. Any proposed findings or conclusions not included herein have been rejected.

2. Respondent Bernard Krieger & Son, Inc., is a New York corporation with its office and principal place of business located at 105 Orchard Street, New York, N.Y. Respondent A. Joseph Krieger is an officer of the corporate respondent and formulates, controls, and directs its policies, acts, and practices.

3. Subsequent to the effective date of the Textile Fiber Products Identification Act on March 3, 1960, respondents have been engaged in the introduction, sale, advertising, and offering for sale, in commerce, and in the transportation or causing to be transported in commerce, and in 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 had 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 fiber products; as the terms "commerce" and "textile fiber products" are defined in the Textile Fiber Products Identification Act.

4. Certain of such textile fiber products, to wit: handkerchiefs, were misbranded by respondents in that they were not stamped, tagged, or labeled with the information required under Section 4(b) of the Textile Fiber Products Identification Act, and in the manner and form prescribed by the Rules and Regulations promulgated under such Act.

5. In justice to respondents it should be added that statements made by respondent, A. Joseph Krieger, at the hearing indicate a desire on the part of respondents to comply fully with all of the requirements of the Textile Fiber Products Identification Act and the Rules and Regulations promulgated thereunder. Respondents are jobbers only, not manufacturers, and it appears that the violations referred to above were due to respondents' reliance upon their sources of supply to label properly all products requiring such labeling.

6. In the course and conduct of their business, respondents are in substantial competition with other corporations, firms, and individuals engaged in the sale of handkerchiefs in commerce.

CONCLUSION

The acts of respondents, as set forth above, are in violation of the Textile Fiber Products Identification Act, and the Rules and Regulations promulgated thereunder, and constitute unfair and deceptive

acts and practices and unfair methods of competition in commerce in violation of the Federal Trade Commission Act. The present proceeding is in the public interest.

ORDER

It is ordered, That the respondents Bernard Krieger & Son, Inc., a corporation and its officers, and A. Joseph Krieger, individually and as an officer 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 States of textile fiber products; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of textile fiber products which have 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 textile fiber products, whether in their original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber products" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

Misbranding textile fiber products by 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.

DECISION OF THE COMMISSION AND ORDER TO FILE REPORT OF COMPLIANCE

Pursuant to Section 4.19 of the Commission's Rules of Practice effective July 21, 1961, the initial decision of the hearing examiner shall, on the 3d day of March 1962, become the decision of the Commission; and, accordingly:

It is 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 the order to cease and desist.

Complaint

IN THE MATTER OF

MINUTE MAID CORPORATION ET AL.

CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF SEC. 2(c)
OF THE CLAYTON ACT*Docket 7517. Complaint, June 11, 1959—Decision, Mar. 7, 1962*

Consent order requiring The Coca-Cola Company, legal successor through merger to Minute Maid Corp., processors and packers of citrus fruit, to cease violating Sec. 2(c) of the Clayton Act by paying a brokerage or commission to brokers and other buyers on purchases for their own accounts for resale, usually at the rate of 10 cents per 1% bushel box and 5 cents per half box of fresh fruit and 3% of the net selling price of frozen citrus concentrates and frozen foods.

COMPLAINT

The Federal Trade Commission, having reason to believe that the parties respondent named in the caption hereof, and hereinafter more particularly described, have been and are now violating the provisions of subsection (c) of Section 2 of the Clayton Act, as amended (U.S.C., Title 15, Sec. 13), hereby issues its complaint, stating its charges with respect thereto as follows:

PARAGRAPH 1. Respondent Minute Maid Corporation is a corporation organized, existing and doing business under and by virtue of the laws of the State of Florida, with its office and principal place of business located 1200 West Colonial Drive, Orlando, Fla.

Respondent Minute Maid Groves Corp. is a corporation organized, existing and doing business under and by virtue of the laws of the State of Florida, with its office and principal place of business also located at 1200 West Colonial Drive, Orlando, Fla. Respondent Minute Maid Groves Corporation is a wholly owned subsidiary of respondent Minute Maid Corporation and both respondents operate from the same principal office.

Minute Maid Groves Corporation is presently considered and operates as the Fresh Fruit Division of the Parent Company, Minute Maid Corporation; and for the past few years has been doing business, for all intents and purposes, in the same manner as, and in many instances in the name of, the parent corporation. No particular effort is made by the two corporations in the course of doing business to distinguish the subsidiary from the parent corporation. Respondent Minute Maid Corporation exercises authority and control over respondent Minute Maid Groves Corporation, including its sales and distribution policies. Therefore both respondents will hereinafter be referred to jointly in this complaint as seller respondents or as respondents.