

tations prohibited in paragraph 1 hereof.

IN THE MATTER OF
DAVID FELDMAN ET AL. TRADING AS
NORFOLK HANDKERCHIEF CO.

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

Docket 8834. Complaint, Mar. 16, 1961—Decision, Mar. 20, 1962

Order requiring New York City distributors to cease selling handkerchiefs without labeling as required by the Textile Fiber Products Identification Act, and furnishing their customers a false guaranty that the handkerchiefs were properly labeled.

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 David Feldman, Charles Wicentowski and Sidney Wicentowski, individually and as copartners trading as Norfolk Handkerchief Company, 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. Respondents David Feldman, Charles Wicentowski and Sidney Wicentowski, copartners, trading as Norfolk Handkerchief Company, have their principal place of business at 481 Broadway, New York, N.Y.

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, sale, advertising, and offering for sale, in commerce, and in the transportation or causing to be transported in commerce, and in the transportation 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 which were made of other textile 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 as prescribed by the Rules and Regulations promulgated under such Act.

PAR. 4. The respondents have furnished false guarantees that their textile fiber products were not misbranded in violation of Section 10 of the Textile Fiber Products Identification Act.

PAR. 5. 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. 6. The acts and practices of respondents, as set forth herein, were 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 and *Mr. Bernard Turiel* 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 to the complaint, a hearing was held at which evidence both in support of and in opposition to the complaint was received. Proposed findings and conclusions have been submitted by Commission counsel (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. Respondents David Feldman and Sidney Wicentowski are co-partners trading as Norfolk Handkerchief Company with their principal place of business at 481 Broadway, New York, N.Y. Respondent Charles Wicentowski is deceased and the complaint is being dismissed as to him. The term respondents as used hereinafter will include only respondents David Feldman and Sidney Wicentowski.

3. Subsequent to the effective date of the Textile Fiber Products Identification Act, 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 transportation 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 were made of other textile products so shipped in commerce, as the terms "commerce" and "textile fiber products" are defined in the Textile Fiber Products Identification Act.

4. In the course and conduct of their business, respondents are in competition with other individuals and firms and with corporations

engaged in the sale of handkerchiefs and other textile fiber products in interstate commerce. Respondents' annual volume of business is substantial.

5. Certain of respondents' handkerchiefs were misbranded by respondents in that such handkerchiefs 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 that Act.

6. In certain invoices covering interstate sales of their handkerchiefs respondents have included the statement "Continuing guaranty under the Textile Fiber Products Identification Act filed with the Federal Trade Commission." Respondents thus furnished to their customers a guaranty that their handkerchiefs were labeled as required by the Act. As the handkerchiefs were not in fact so labeled, the guaranty was in violation of Section 10 of the Textile Fiber Products Identification Act.

CONCLUSION

The acts and practices of respondents as described above were in violation of the Textile Fiber Products Identification Act and the Rules and Regulations promulgated thereunder and constituted unfair and deceptive acts and practices and unfair methods of competition in commerce within the intent and meaning of the Federal Trade Commission Act. The proceeding is in the public interest.

ORDER

It is ordered, That respondents David Feldman and Sidney Wicentowski, individually and as copartners trading as Norfolk Handkerchief Company, or under any other name, and their representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, manufacture for 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 in connection with selling, offering for sale, advertising, delivering, transporting, or causing to be transported, textile fiber products, which have been advertised or offered for sale in commerce; and in connection with selling, offering for sale, advertising, delivering, transporting, and causing to be transported, after shipment in commerce, textile fiber products, either in their original state or which have been made of other textile fiber products shipped in commerce; as the term "commerce" is defined in the Textile Fiber Products Identification Act, of

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handkerchiefs or other "textile fiber products", as such products are defined in and subject to the Textile Fiber Products Identification Act, do forthwith cease and desist from:

1. 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.

2. Furnishing false guarantees that textile fiber products are not misbranded under the provisions of the Textile Fiber Products Identification Act.

It is further ordered, That the complaint be dismissed as to respondent Charles Wicentowski, deceased.

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 20th day of March 1962, become the decision of the Commission; and, accordingly:

It is ordered, That David Feldman and Sidney Wicentowski, individually and as copartners trading as Norfolk Handkerchief Company, 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