

IN THE MATTER OF
INTERNATIONAL LATEX CORPORATION
CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF THE
FEDERAL TRADE COMMISSION ACT

Docket 8145. Complaint, Oct. 17, 1960—Decision, Mar. 28, 1962

Consent order requiring a corporation with headquarters in Dover, Del., to cease representing as "fabric-lined" or "cotton-lined," its "Playtex" household rubber gloves which were lined, not with a woven or knitted fabric as thus implied, but with a material known as flock consisting of short fibers of cotton attached in random fashion to the inside surface of the gloves.

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 International Latex Corporation, a corporation, hereinafter referred to as respondent, has 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, stating its charges in that respect as follows:

PARAGRAPH 1. Respondent International Latex Corporation is a corporation organized, existing and doing business under and by virtue of the laws of the State of Delaware, with its principal office and place of business located at Playtex Park, in the city of Dover, State of Delaware.

PAR. 2. Respondent is now, and for some time last past has been, engaged in the advertising, offering for sale, sale and distribution of household rubber gloves under the trade name "Playtex" to distributors, jobbers and retailers for resale to the public.

PAR. 3. In the course and conduct of its business, respondent now causes, and for some time last past has caused, its said product, when sold, to be shipped from its place of business in the State of Delaware to purchasers thereof located in various other states of the United

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States and in the District of Columbia, and maintains, and at all times mentioned herein has maintained, a substantial course of trade in said product in commerce, as "commerce" is defined in the Federal Trade Commission Act.

PAR. 4. In the course and conduct of its business, and for the purpose of inducing the sale of its gloves, respondent has made certain statements with respect to the character or type of lining contained in its gloves, in advertisements on television broadcasts, on the packages in which the gloves are sold and in various other ways, of which the following are typical.

fabric—lined
cotton—lined
cotton—lining

PAR. 5. By and through the use of the term "fabric lined" the respondent represented and now represents, directly or by implication, that its said rubber gloves are lined with woven or knitted material and through the use of the terms "cotton-lined" and "cotton-lining" that said gloves are lined with cotton.

PAR. 6. Said statements and representations were and are false, misleading and deceptive. In truth and in fact respondent's said gloves are neither lined with a woven or knitted material nor are they cotton-lined or lined with cotton, as such terms are understood and accepted by the rubber glove industry but are lined with a material known as flock which consists of short fibers of cotton attached to the inside surface of the gloves in a random fashion.

PAR. 7. In the conduct of its business, at all times mentioned herein, respondent has been in substantial competition, in commerce, with corporations, firms and individuals in the sale of rubber gloves of the same general kind and nature as that sold by respondent.

PAR. 8. The use by respondent of the aforesaid false, misleading and deceptive statements, representations and practices has had, and now has, the capacity and tendency to mislead members of the purchasing public into the erroneous and mistaken belief that said statements and representations were and are true and into the purchase of substantial quantities of respondent's products by reason of said erroneous and mistaken belief. As a consequence thereof, substantial trade in commerce has been, and is being unfairly diverted to respondent from its competitors and substantial injury has thereby been, and is being, done to competition in commerce.

PAR. 9. The aforesaid acts and practices of respondent, as herein alleged, were and are all to the prejudice and injury of the public and of respondent's competitors and constituted, and now constitute, un-

fair 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

This matter having come on to be heard by the Commission upon a record consisting of the Commission's complaint charging the respondent named in the caption hereof with violation of the Federal Trade Commission Act and an agreement by and between respondent and counsel supporting the complaint, which agreement contains an order to cease and desist, an admission by the respondent of all the jurisdictional facts alleged in the complaint, a statement that the signing of said agreement is for settlement purposes only and does not constitute an admission by respondent that it has violated the law alleged in the complaint, and waivers and provisions as required by the Commission's rules; and

The Commission having considered the agreement and order contained therein and being of the opinion that the agreement provides an adequate basis for appropriate disposition of the proceeding, the agreement is hereby accepted, the following jurisdictional findings are made, and the following order is entered.

1. Respondent International Latex Corporation is a corporation existing and doing business under and by virtue of the laws of the State of Delaware, with its office and principal place of business located at Playtex Park, in the city of Dover, State of Delaware.

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

ORDER

It is ordered, That the respondent, International Latex Corporation, a corporation, and its officers, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of rubber gloves, or any other product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or indirectly, that its rubber gloves, or any other product, are fabric lined unless the lining consists of a woven or knitted material; or are cotton lined or contain a cotton lining when such lining consists of short fibers of cotton known as flock or fluff, attached to the inside of the glove or other product.

2. Misrepresenting, in any manner, the material of which the lining of its gloves, or any other product, is composed.

