

8. FURNISHING TO OTHERS ANY MEANS OR INSTRUMENTALITIES BY WHICH the public may be misled with respect to any of the matters prohibited under paragraphs 1 and 2 hereof.

*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.

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IN THE MATTER OF

HARVEY LAURENT, ALSO KNOWN AS HARVEY S. LEVINE, TRADING AS UNITED STATES MILLS CO.

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

*Docket C-106. Complaint, Mar. 28, 1962—Decision, Mar. 28, 1962*

Consent order requiring a New York City distributor of textile fabrics which he purchased, to cease representing falsely by use of the word "Mills" in his trade name that he operated factories in which his fabrics were manufactured.

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 Harvey Laurent, also known as Harvey S. Levine, trading as United States Mills Co., 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 Harvey Laurent, also known as Harvey S. Levine, is an individual trading as United States Mills Co., with his principal office and place of business located at 208 Central Park South, New York 19, N.Y.

## Complaint

60 F.T.C.

PAR. 2. Respondent is now, and for some time last past has been, engaged in the advertising, offering for sale, sale and distribution of textile fabrics to distributors and jobbers.

PAR. 3. In the course and conduct of his business, respondent now causes, and for some time last past has caused, his said products, when sold, to be shipped from his place of business in the State of New York to purchasers thereof in various foreign countries, and maintains, and at all times mentioned herein has maintained, a substantial course of trade in said products in commerce, as "commerce" is defined in the Federal Trade Commission Act.

PAR. 4. In the course and conduct of his business in soliciting the sale of and in selling textile fabrics, respondent does business under the name United States Mills Co., and uses said name on letterheads, invoices, labels and tags, and in various advertisements of his product.

PAR. 5. Through the use of the word "Mills" as part of respondent's trade name, respondent represents that he owns or operates mills or factories in which the textile fabrics sold by him are manufactured.

PAR. 6. Said representation is false, misleading and deceptive. In truth and in fact, respondent does not own or operate the mills or factories in which the textile fabrics sold by him are manufactured but buys said fabrics from others.

PAR. 7. There is a preference on the part of many dealers to buy products, including textile fabrics, direct from factories or mills, believing that by so doing lower prices and other advantages thereby accrue to them.

PAR. 8. In the conduct of his business, at all times mentioned herein, respondent has been in substantial competition, in commerce, with corporations, firms and individuals in the sale of textile fabrics of the same general kind and nature as those sold by respondent.

PAR. 9. 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 retailers and other purchasers 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.

PAR. 10. The aforesaid acts and practices of respondent, as herein alleged, were, and are, to the prejudice and injury of the public and of respondent's competitors and constituted, and now constitute, unfair methods of competition in commerce and unfair and deceptive acts and practices in commerce in violation of Section 5(a)(1) of the Federal Trade Commission Act.

## DECISION AND ORDER

The Commission having heretofore determined to issue its complaint charging the respondent named in the caption hereof with violation of the Federal Trade Commission Act, and the respondent 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 respondent and counsel for the Commission having thereafter executed an agreement containing a consent order, an admission by the respondent of all the jurisdictional facts set forth in the complaint to issue herein, a statement that the signing of said agreement is for settlement purposes only and does not constitute an admission by respondent that the law has been violated as set forth in such 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, Harvey Laurent, also known as Harvey S. Levine, is an individual trading as United States Mills Co., with his principal office and place of business located at 208 Central Park South, New York 19, N.Y.

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 respondent Harvey Laurent, also known as Harvey S. Levine, an individual trading as United States Mills Co., or under any other trade name, and his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of textile fabrics in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from directly or indirectly, using the word "Mills", or any other word of similar import or meaning, in or as a part of respondent's trade name, or representing in any other manner that respondent is the manufacturer of the fabrics sold by him unless and until respondent owns and operates, or directly and absolutely controls, the manufacturing plant wherein said fabrics are woven or made.

*It is further ordered*, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commis-

