

Complaint

IN THE MATTER OF

IRVING SINGER TRADING AS DERNBURG-SINGER FUR
COMPANY

CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF THE FEDERAL TRADE COMMISSION AND THE FUR PRODUCTS LABELING ACTS

Docket 8418. Complaint, June 1, 1961—Decision, Apr. 26, 1962

Consent order requiring a Chicago furrier to cease violating the Fur Products Labeling Act by invoicing and advertising which did not show the true animal name of the fur in a fur product and contained the names of other animals than those producing furs; by failing to show on invoices the country of origin of imported furs and to comply in other respects with invoicing requirements; and by failing to disclose in advertising when furs were dyed, and representing falsely that his stock was "Tremendous, every style, size and color on hand—ready for you" when he customarily filled orders by purchasing fur products from other wholesalers.

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act and the Fur Products Labeling Act, and by virtue of the authority vested in it by said Acts, the Federal Trade Commission, having reason to believe that Irving Singer, an individual trading as Dernburg-Singer Fur Company, hereinafter referred to as respondent, has violated the provisions of said Acts and the Rules and Regulations promulgated under the Fur Products Labeling 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 Irving Singer is an individual trading as Dernburg-Singer Fur Company with his office and principal place of business located at 190 North State Street, Chicago, Ill.

PAR. 2. Subsequent to the effective date of the Fur Products Labeling Act on August 9, 1952, respondent has been, and is now, engaged in the introduction into commerce, and in the sale, advertising, and offering for sale, in commerce, and in the transportation, and distribution, in commerce of fur products, and has sold, advertised, offered for sale, transported and distributed fur products which were made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act.

PAR. 3. Certain of said fur products were falsely and deceptively invoiced by respondent in that they were not invoiced as required

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by Section 5(b)(1) and 5(b)(2) of the Fur Products Labeling Act, and in the manner and form prescribed by the Rules and Regulations promulgated thereunder. Among such falsely invoiced products, but not limited thereto, were fur products which:

(a) were not invoiced to show the true animal name of the fur used in the fur product;

(b) were not invoiced to show the country of origin of imported fur used in the fur product; and

(c) set forth on invoices the name of an animal other than the animal producing the fur contained in the fur product.

PAR. 4. Certain of said fur products were falsely and deceptively invoiced in violation of the Fur Products Labeling Act in that they were not invoiced in accordance with the Rules and Regulations promulgated thereunder in the following respects:

(a) Item numbers required under Section 5(b)(1) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder were not set out in accordance with Rule 40 of said Rules and Regulations.

PAR. 5. Certain of said fur products were falsely and deceptively advertised in violation of the Fur Products Labeling Act in that respondent caused the dissemination in commerce, as "commerce" is defined in said Act, of certain brochures or advertisements concerning said products, which brochures or advertisements were not in accordance with the provisions of Section 5(a) of the said Act and the Rules and Regulations promulgated thereunder; and which brochures and advertisements were intended to aid, promote and assist, directly or indirectly, in the sale and offering for sale of said fur products.

By means of said advertisements and others of similar import and meaning, not specifically referred to herein, respondent falsely and deceptively advertised fur products in that said advertisements:

(a) Failed to show the true animal name of the fur used in the fur product;

(b) Failed to disclose that fur contained in the fur products was dyed;

(c) Contained the name or names of an animal or animals other than those producing the fur contained in the fur product;

(d) Represented that the respondent's fur product stock was "Tremendous, every style, size and color on hand-ready for you" when, in truth and in fact, respondent maintained only a few items at a time and customarily filled his orders by purchasing fur products from other wholesale furriers.

PAR. 6. The aforesaid acts and practices by respondents, as herein alleged, were and are in violation of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder and constitute unfair and deceptive acts and practices in commerce under the Federal Trade Commission Act.

DECISION AND ORDER

Counsel for respondent having filed a timely notice of respondent's desire to dispose of this proceeding by execution of an agreement containing a consent order, pursuant to the Commission's notice of July 14, 1961; and the respondent and counsel supporting the complaint having entered an agreement containing a consent order to cease and desist; and this agreement having been certified to the Commission by the hearing examiner with a statement that he is of the opinion that the agreement and the proposed order provide an appropriate basis for disposition of this proceeding as to all of the parties; and

The Commission, having considered the agreement, hereby accepts same, makes the following jurisdictional findings, and enters the following order:

1. Respondent Irving Singer is an individual trading as Dernburg-Singer Fur Company with his office and principal place of business located at 190 North State Street, in the city of Chicago, State of Illinois.

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 Irving Singer, an individual trading as Dernburg-Singer Fur Company, or under any other trade name or names, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising or offering for sale, in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Falsely or deceptively invoicing fur products by:

- A. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to

be disclosed by each of the subsections of Section 5(b)(1) of the Fur Products Labeling Act.

B. Setting forth on invoices pertaining to fur products the name or names of any animal or animals other than the name of the animal or animals producing the fur contained in the fur products as specified in the Fur Products Name Guide and as prescribed under the Rules and Regulations.

C. Failing to set forth on invoices the item number or mark assigned to each fur product.

2. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

A. Fails to disclose the name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide, and as prescribed under the Rules and Regulations.

B. Fails to disclose that the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact.

C. Sets forth the name or names of any animal or animals other than the name or names of the animal or animals producing the fur contained in the fur product as specified in the Fur Products Name Guide, and as prescribed under the Rules and Regulations.

D. Represents, directly or by implication, the quantity of his regular inventory of new and used fur products, by use of terms which are not accurate as to the quantity of such inventory and that the fur products being offered for sale are from respondent's regular inventory or stocks, when such is contrary to the fact.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

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IN THE MATTER OF

MAX KANDLER TRADING AS ART CRAFT LEATHER
GOODS

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

Docket C-125. Complaint, Apr. 26, 1962—Decision, Apr. 26, 1962

Consent order requiring a New York City manufacturer of leather goods to cease describing his wallets and billfolds in promotional literature as "Genuine Top Grain Leather", "Hand Boarded English Morocco", and "Top Grain Cowhide" and stamping such legends on them when the interior sections were made of non-leather materials or of other leather than that claimed; and to cease giving with such wallets a deceptive statement of warranty.

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 Max Kandler, an individual trading as Art Craft Leather Goods, 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 Max Kandler is an individual trading as Art Craft Leather Goods, with his principal office and place of business located at 57 Prince Street, in the city of New York, State of New York. His former place of business was located at 47 Great Jones Street, New York, N.Y.

PAR. 2. Respondent is now, and for some time last past has been, engaged in the manufacturing, advertising, offering for sale, sale and distribution of wallets and other leather goods to distributors and jobbers who sell to retailers for resale to the public.

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 located in various other States of the United States and in the District of Columbia, 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.