
IN THE MATTER OF
MARK GREEN TRADING AS
MARK GREEN

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

Docket C-225. Complaint, Sept. 11, 1962—Decision, Sept. 11, 1962

Consent order requiring a New York City furrier to cease violating the Fur
Products Labeling Act by failing to show on labels when fur products con-

Complaint

tained used or artificially colored fur, failing to label or invoice secondhand products as required, and failing in other respects to comply with labeling and invoicing requirements.

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 Mark Green, an individual trading as Mark Green, 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. Mark Green is an individual trading as Mark Green whose former office and principal place of business was located at 28 South Main Street, Danielson, Conn. His present address is 286 Fort Washington Avenue, New York, N.Y. Respondent is engaged in the retail sale of fur products.

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 have been made in whole or in part of fur which had 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 misbranded in that they were not labeled as required under the provisions of Section 4(2) of the Fur Products Labeling Act and in the manner and form prescribed by the Rules and Regulations promulgated thereunder.

Among such misbranded fur products, but not limited thereto, were fur products without labels and with labels which failed:

1. To show that the fur products contained or were composed of used fur, when such was the fact.

2. To disclose that the fur contained in the fur products was bleached, dyed, or otherwise artificially colored, when such was the fact.

PAR. 4. Certain of said fur products were misbranded in violation of the Fur Products Labeling Act in that they were not labeled in

accordance with the Rules and Regulations promulgated thereunder in the following respects:

1. The disclosure "secondhand", where required, was not set forth on labels, in violation of Rule 23 of said Rules and Regulations.

2. Required item numbers were not set forth on labels, in violation of Rule 40 of said Rules and Regulations.

PAR. 5. Certain of said fur products were falsely and deceptively invoiced by the respondent in that invoices were not furnished to purchasers of fur products as required by Section 5(b)(1) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder.

PAR. 6. 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:

1. The disclosure "secondhand", where required, was not set forth on invoices, in violation of Rule 23 of said Rules and Regulations.

2. Required item numbers were not set forth on invoices, in violation of Rule 40 of said Rules and Regulations.

PAR. 7. The aforesaid acts and practices of respondent, as herein alleged, are in violation of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder and constitute unfair and deceptive acts and practices and unfair methods of competition in commerce under 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 Fur Products Labeling 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 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:

Decision and Order

1. Respondent is an individual trading as Mark Green whose former office and principal place of business was located at 28 South Main Street, Danielson, Conn. His present address is 286 Fort Washington Avenue, New York, 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 Mark Green, an individual trading as Mark Green or under any other trade name, 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. Misbranding fur products by:

A. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of Section 4(2) of the Fur Products Labeling Act.

B. Failing to disclose that fur products are "second-hand", when such is the fact.

C. Failing to set forth the item number or mark assigned to a fur product.

2. 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. Failing to disclose that fur products are "second-hand" when such is the fact.

C. Failing to set forth the item number or mark assigned to a fur product.

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
DIAPERWITE, INC., ET AL.

CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF SECS. 2(d)
AND 2(e) OF THE CLAYTON ACT

Docket C-226. Complaint, Sept. 11, 1962—Decision, Sept. 11, 1962

Consent order requiring New York City manufacturers of a compound for use in washing baby diapers and sold to drug and grocery stores and chains, to cease violating Secs. 2(d) and 2(e), respectively, of the Clayton Act by (1) making payments to certain retail grocery chains and certain wholesale grocers pursuant to a contract which provided for a quarterly allowance of 5% of purchases in return for two one-column-inch newspaper advertisements plus in-store displays during the quarter, while not making the contract available to many of the favored purchasers' competitors and not making any alternative plan available to customers who could not utilize newspaper advertising and, further, failing to require full performance from the favored customers, and making lump sum payments to certain customers on the basis of individual negotiations and without reference to purchases; and (2) by furnishing their "Diaperwite" product in one-ounce sample size packages without charge and with freight prepaid to some of their customers but not to all such customers' competitors.

COMPLAINT

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

COUNT I

PARAGRAPH 1. Respondent Diaperwite, Inc., is a corporation organized and doing business under the laws of the State of New York, with its principal office and place of business located at 99 Hudson Street, New York, N.Y. Said respondent, among other things, has been engaged and is presently engaged in the business of manufacturing and selling a compound used in washing baby diapers. This compound is sold by said respondent under the registered trademark "Diaperwite." Respondent's product "Diaperwite" is purchased from respondent for resale by drugstores and drug chains and by grocery stores and grocery chains located in every State of the United States. Said respondent's sales in the fiscal year ending May 31, 1961, totalled