

F. Failing to disclose that fur products are composed in whole or substantial part of paws, tails, bellies, sides, flanks, gills, ears, throats, heads, scrap pieces or waste fur.

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.

IN THE MATTER OF

CHARLES A. ROGERS, SR., ET AL. DOING BUSINESS AS
CHAS. A. ROGERS & SONS

CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF SEC. 2(c)
OF THE CLAYTON ACT

Docket C-232. Complaint, Sept. 12, 1962—Decision, Sept. 12, 1962

Consent order requiring a Texas fruit packer to cease violating Sec. 2(c) of the Clayton Act by paying commissions or discounts on a large number of purchases of citrus fruit by brokers and direct buyers for their own accounts for resale.

COMPLAINT

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

PARAGRAPH 1. Respondent Charles A. Rogers, Sr., Charles A. Rogers, Jr., and William M. Rogers are individuals and copartners doing business as Chas. A. Rogers & Sons, with their office and principal place of business located at Donna, Texas, with mailing address as P.O. Box 1088, Donna, Texas.

PAR. 2. Respondents are now and for the past several years have been engaged in the business of packing, selling and distributing citrus fruit, such as oranges, tangerines and grapefruit, all of which are sometimes referred to as citrus fruit or fruit products. Respondents sell and distribute their products directly, and in many instances through brokers, to buyers located in various sections of the United States. When brokers are utilized in making sales, respondents pay said brokers for their services a brokerage or commission, usually at the rate of 5 cents per carton or 10 cents per $1\frac{3}{5}$ bushel box or equiv-

alent. Respondents' annual volume of business in the sale and distribution of citrus fruit is substantial.

PAR. 3. In the course and conduct of their business over the past several years, respondents have sold and distributed, and are now selling and distributing, citrus fruit in commerce, as "commerce" is defined in the aforesaid Clayton Act, as amended, to buyers located in the several states of the United States other than the State of Texas in which respondents are located. Respondents transport, or cause such citrus fruit, when sold, to be transported from their place of business or packing plant in the State of Texas, or from other places within said state, to such buyers or to the buyers' customers located in various other states of the United States. Thus, there has been at all times mentioned herein, a continuous course of trade in commerce in said citrus fruit across state lines between said respondents and the respective buyers thereof.

PAR 4. In the course and conduct of their business, as aforesaid, respondents have been and are now making substantial sales of citrus fruit to some, but not all, of their brokers and direct buyers purchasing for their own account for resale, and on a large number of these sales respondents paid, granted or allowed, and are now paying, granting or allowing to these brokers and other direct buyers on their purchases a commission, brokerage, or other compensation, or an allowance or discount in lieu thereof, in connection therewith.

PAR 5. The acts and practices of respondents in paying, granting or allowing to brokers and direct buyers a commission, brokerage or other compensation, or an allowance or discount in lieu thereof, on their own purchases, as above alleged and described, are in violation of subsection (c) of Section 2 of the Clayton Act, as amended (U.S.C. Title 15, Sec. 13).

DECISION AND ORDER

The Commission having heretofore determined to issue its complaint charging the respondents named in the caption hereof with violation of subsection (c) of Section 2 of the Clayton Act, as amended, and the respondents 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 respondents and counsel for the Commission having thereafter executed an agreement containing a consent order, an admission by respondents 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

respondents 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. Respondents Charles A. Rogers, Sr., Charles A. Rogers, Jr., and William M. Rogers are individuals and copartners doing business as Chas. A. Rogers & Sons, with their office and principal place of business located at Donna, Texas, with mailing address as P.O. Box 1088, Donna, Texas.

2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondents.

ORDER

It is ordered, That the respondents Charles A. Rogers, Sr., Charles A. Rogers, Jr., and William M. Rogers, individually and as copartners doing business as Chas. A. Rogers & Sons, their agents, representatives and employees, directly or through any corporate or other device, in connection with the sale of citrus fruit or fruit products in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

Paying, granting, or allowing, directly or indirectly, to any buyer, or to anyone acting for or in behalf of, or who is subject to the direct or indirect control of such buyer, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any sale of citrus fruit or fruit products to such buyer for his own account.

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.

Complaint

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IN THE MATTER OF

EMILE BERNAT & SONS COMPANY ET AL.

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

Docket 8462. Complaint, Jan. 19, 1962—Decision, Sept. 13, 1962

Order dismissing, for failure of proof, complaint charging Jamaica Plain, Mass., manufacturers with violating the Wool Products Labeling Act by deceptively tagging or labeling skeins of knitting yarn with respect to the length of yarn therein.

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, and by virtue of the authority vested in it by said Acts, the Federal Trade Commission, having reason to believe that Emile Bernat & Sons Company, a corporation, Eugene Bernat, William Bernat, and John O. Cohen, individually and as officers of said corporation, hereinafter referred to as respondents, have violated the provisions of said Acts and the Rules and Regulations promulgated under said Wool 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 Emile Bernat & Sons Company is a Massachusetts corporation, with its office and principal place of business at 117 Bickford Street, Jamaica Plain, Mass.

Respondents Eugene Bernat, William Bernat and John O. Cohen are officers of said corporation. They formulate, control and direct the policies, acts and practices of the corporation. Their business address is the same as that of the corporate respondent.

PAR. 2. Subsequent to the effective date of the Wool Products Labeling Act of 1939, and more especially since September 1960, respondents have manufactured for introduction into commerce, introduced into commerce, sold, transported, distributed, delivered for shipment, and offered for sale in commerce, as "commerce" is defined in said Act, wool products, as "wool products" are defined therein.

PAR. 3. Certain of the wool products were misbranded by respondents within the intent and meaning of Section 4(a)(1) of the Wool Products Labeling Act and the Rules and Regulations promulgated thereunder, in that they were falsely and deceptively tagged, labeled or otherwise identified with respect to the length of yarn on skeins manufactured, packaged and sold by respondents.