

JACK MALLON ET AL., TRADING AS
ACCURATE LEATHER & NOVELTY COMPANY

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

Docket C-275. Complaint, Nov. 30, 1962—Decision, Nov. 30, 1962

Consent order requiring Chicago manufacturers of leather and plastic articles to cease stamping the words "genuine leather" on wallets and billfolds made almost entirely of nonleather material engrained and colored to simulate leather.

Complaint

61 F.T.C.

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 Jack Mallon and Bernard Mallon, copartners, trading and doing business as Accurate Leather & Novelty Company, hereinafter referred to as respondents, have 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. Respondents Jack Mallon and Bernard Mallon are copartners trading and doing business as Accurate Leather & Novelty Company with their principal place of business located at 5838 West Chicago Avenue, Chicago, Ill. Said respondents cooperate and act together in carrying out the acts and practices hereinafter set forth.

PAR. 2. Respondents are now, and for some time last past have been, engaged in the manufacture, sale and distribution of wallets, billfolds, purses and other leather and plastic articles to jobbers and retailers for resale to the public.

PAR. 3. In the course and conduct of their business, respondents now cause, and for some time last past have caused, their said products, when sold, to be shipped from their place of business in the State of Illinois to purchasers thereof located in various other States of the United States, and maintain, and at all times mentioned herein have maintained, a substantial course of trade in said products in commerce, as "commerce" is defined in the Federal Trade Commission Act.

PAR. 4. Respondents, for the purpose of inducing the purchase of certain of their wallets and billfolds, have engaged in the practice of misrepresenting the material of which said products are made or composed and also have failed to disclose the facts relative thereto by marking or stamping on certain of their wallets and billfolds the words "genuine leather" thereby representing, directly and by implication, that said wallets and billfolds are made wholly of leather.

In truth and in fact, said wallets and billfolds are made almost entirely of nonleather material which is engrained, finished and colored so as to have the appearance of leather. Respondents make no disclosure of such fact on or in connection with their said wallets and billfolds.

There is a preference among the purchasing public for wallets and billfolds made of leather as compared with wallets and billfolds made

of simulated or imitation leather, a fact of which the Commission takes official notice.

PAR. 5. By the aforesaid practice, respondents place in the hands of others the means and instrumentalities by and through which they may mislead the public as to the quality and composition of their said wallets and billfolds.

PAR. 6. In the conduct of their business at all times mentioned herein, respondents have been in substantial competition in commerce with corporations, firms and individuals in the sale of merchandise of the same general kind and nature as those sold by respondents.

PAR. 7. The use by respondents 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 respondents' products by reason of said erroneous and mistaken belief.

PAR. 8. The aforesaid acts and practices of respondents as herein alleged, were and are, all to the prejudice and injury of the public and of respondents' 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 of the Federal Trade Commission Act.

DECISION AND ORDER

The Commission having heretofore determined to issue its complaint charging the respondents named in the caption hereof with violation of the Federal Trade Commission Act, 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 agree-

ment, makes the following jurisdictional findings, and enters the following order:

1. Respondents Jack Mallon and Bernard Mallon are copartners trading and doing business as Accurate Leather & Novelty Company with their principal place of business located at 5838 West Chicago Avenue, 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 respondents, and the proceeding is in the public interest.

ORDER

It is ordered, That respondents Jack Mallon and Bernard Mallon, copartners, trading and doing business as Accurate Leather & Novelty Company or under any other name or names, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of wallets and billfolds or any other product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the words "genuine leather" or any other words of similar import or meaning in connection with products which contain parts made of materials other than leather and which simulate or imitate leather without making the disclosure required by Paragraph 2 hereof, or otherwise misrepresenting the kind or quality of the materials of which their products are composed.

2. Offering for sale or selling products which contain parts made of materials other than leather and which simulate or imitate leather unless such parts are identified and the materials of which they are composed are clearly and conspicuously disclosed on a mark, tag or label which is attached to such products or affixed thereon in such manner that it cannot be readily removed, and of such nature as to remain on the product until it reaches the ultimate consumer.

3. Furnishing any means or instrumentality to others whereby they may mislead or deceive the public as to any of the matters or things prohibited in 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.

Complaint

IN THE MATTER OF

WIESENTHAL & SCHNEIDERMAN, INC., ET AL.

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

Docket C-276. Complaint, Nov. 30, 1962—Decision, Nov. 30, 1962

Consent order requiring a New York City manufacturing furrier to cease violating the Fur Products Labeling Act by failing, on invoices, to show the names of animals producing furs, to describe as "natural" furs which were not artificially colored, and to comply in other respects with invoicing requirements; and furnishing false guaranties by falsely representing that they had a continuing guaranty on file with the Commission.

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 Wiesenthal & Schneiderman, Inc., a corporation, and Joseph Schneiderman, and Jerry Wiesenthal, individually and as officers of the said corporation, hereinafter referred to as respondents, have 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 Wiesenthal & Schneiderman, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of New York with its office and principal place of business located at 245 West 29th Street, New York, N.Y.

Individual respondents Joseph Schneiderman and Jerry Wiesenthal are officers of the said corporate respondent and control, direct and formulate the acts, practices and policies of the said corporate respondent. Their office and principal place of business is the same as that of the said corporate respondent.

Respondents are manufacturers of fur products.

PAR. 2. Subsequent to the effective date of the Fur Products Labeling Act on August 9, 1952, respondents have been and are now engaged in the introduction into commerce, and in the manufacture for 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 have manufactured for sale, sold, ad-