

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 produce 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.

IN THE MATTER OF

MARVIN POLK TRADING AS PARKER FUR COMPANY,
ETC., ET AL.

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

Docket C-280. Complaint, Dec. 18, 1962—Decision, Dec. 18, 1962

Consent order requiring Chicago furriers to cease violating the Fur Products Labeling Act by failing to show on labels and invoices the true animal name of furs and to disclose when furs were artificially colored; to show the name of the manufacturer, etc., on labels, and the country of origin of imported furs on invoices; to disclose on invoices and in newspaper advertising when fur products were "second-hand"; substituting nonconforming labels for those affixed by manufacturers or distributors; and failing in other respects to conform to 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 Marvin Polk, an individual trading as Parker Fur Company and as Re-Sale Fur Salon, and Richard Polk, individually and as a salesman of Parker Fur Company and Re-Sale Fur Salon, 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. Marvin Polk is an individual trading as Parker Fur Company and as Re-Sale Fur Salon. Richard Polk is an individual and salesman of Parker Fur Company and Re-Sale Fur Salon.

Both respondents cooperate in controlling, directing and formulating the acts, policies and practices of the said firms. The office and principal place of business of both respondents is located at 220 South State Street, Chicago, Ill. Respondents manufacture, wholesale and retail 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, 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 fur products with labels which failed:

1. To show the true animal name of the fur used in the fur product.
2. To disclose that the fur product contained or was composed of bleached, dyed or otherwise artificially colored fur, when in fact the fur product contained bleached, dyed or otherwise artificially colored fur.
3. To show the name, or other identification issued and registered by the Commission of one or more of the persons who manufactured such fur product for introduction into commerce, introduced it in commerce, sold it in commerce, advertised or offered it for sale, in commerce, or transported or distributed it in commerce.

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:

(a) Information required under Section 4(2) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder was set forth in abbreviated form, in violation of Rule 4 of said Rules and Regulations.

(b) Labels affixed to fur products did not comply with the minimum size requirements of one and three-quarter inches by two and

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three-quarter inches, in violation of Rule 27 of said Rules and Regulations.

(c) Information required under Section 4(2) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder was set forth in handwriting on labels, in violation of Rule 29(b) of said Rules and Regulations.

(d) 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 respondents in that they were not invoiced as required by Section 5(b)(1) of the Fur Products Labeling Act and in the manner and form prescribed by the Rules and Regulations promulgated thereunder.

Among such falsely and deceptively invoiced fur products, but not limited thereto, were fur products covered by invoices which failed:

1. To show the true animal name of the fur used in the fur product.
2. To disclose that the fur product contained or was composed of bleached, dyed or otherwise artificially colored fur, when in fact such fur product was bleached, dyed or otherwise artificially colored.
3. To show the country of origin of the imported fur contained in the fur product.

PAR. 6. Respondents falsely and deceptively invoiced certain of said fur products or otherwise falsely and deceptively identified such fur products in violation of Section 5(b)(2) of the Fur Products Labeling Act and Rule 11 of the said Rules and Regulations by using coined, fictitious and nonexistent animal names to describe fur products.

Among such falsely and deceptively invoiced fur products but not limited thereto, were fur products covered by invoices which described Rabbit by the term "Northern Seal", a coined, fictitious and nonexistent animal name.

PAR. 7. 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) Information required under Section 5(b)(1) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder was set forth in abbreviated form, in violation of Rule 4 of said Rules and Regulations.

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

(c) Required item numbers were not set forth on invoices in violation of Rule 40 of said Rules and Regulations.

PAR. 8. Certain of said fur products were falsely and deceptively advertised in that said fur products were not advertised as required under the provisions of Section 5(a) of the Fur Products Labeling Act and in the manner and form prescribed by the Rules and Regulations promulgated thereunder.

Said advertisements were intended to aid, promote and assist, directly or indirectly, in the sale and offering for sale of said fur products.

Among and included in the advertisements of the aforesaid fur products, but not limited thereto, were advertisements of the respondents which appeared in issues of the Chicago Sun Times, a newspaper published in the city of Chicago, State of Illinois.

Among such false and deceptive advertisements of fur products, but not limited thereto, were advertisements which failed to disclose that fur products contained or were composed of used fur when in fact such fur products contained or were composed of used fur, in violation of Section 5(a) (2) of the Fur Products Labeling Act.

PAR. 9. Certain of said fur products were falsely and deceptively advertised in violation of the Fur Products Labeling Act in that they were not advertised in accordance with the Rules and Regulations promulgated thereunder inasmuch as such fur products were not described as "secondhand" when in fact such fur products had been previously used or worn by an ultimate consumer, in violation of Rule 23 of said Rules and Regulations.

PAR. 10. Respondents have sold, advertised, offered for sale, and processed fur products which have been shipped and received in commerce, and have misbranded said fur products by substituting for the labels affixed to fur products by manufacturers or distributors pursuant to Section 4 of the Fur Products Labeling Act, labels which did not conform to the requirements of said Section 4 in violation of Section 3(e) of said Act.

PAR. 11. The aforesaid acts and practices of respondents, 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 respondents named in the caption hereof with

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violation of the Federal Trade Commission Act and the Fur Products Labeling 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 agreement, makes the following jurisdictional findings, and enters the following order:

1. Respondent Marvin Polk is an individual trading as Parker Fur Company and as Re-Sale Fur Salon. Respondent Richard Polk is an individual and salesman of Parker Fur Company and Re-Sale Fur Salon. The office and principal place of business of both respondents is located at 220 South State Street, Chicago, 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 Marvin Polk, an individual trading as Parker Fur Company, Re-Sale Fur Salon or under any other trade name, and Richard Polk, individually and as a salesman of Parker Fur Company or Re-Sale Fur Salon, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for 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, manufacture for sale, advertising, offering for sale, transportation or distribution, of any fur product which has been 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

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be disclosed by each of the subsections of Section 4(2) of the Fur Products Labeling Act.

B. Setting forth information required under Section 4(2) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder in abbreviated form.

C. Affixing labels to fur products that do not comply with the minimum size requirements of one and three-quarter inches by two and three-quarter inches.

D. Setting forth information required under Section 4(2) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder in handwriting.

E. Failing to set forth on labels 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 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 information required under Section 5(b)(1) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder in abbreviated form.

C. Failing to disclose that fur products are "secondhand" when in fact such fur products have been worn or used by ultimate consumers.

D. Failing to set forth on invoices the item number or mark assigned to a fur product.

E. Using coined, fictitious or nonexistent animal names to describe fur products.

3. 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 set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of Section 5(a) of the Fur Products Labeling Act.

B. Fails to describe fur products as "secondhand" when such fur products have been previously worn by ultimate consumers.

It is further ordered, That respondents Marvin Polk, an individual trading as Parker Fur Company, Re-Sale Fur Salon, or under any other trade name, and Richard Polk, individually and as a salesman

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of Parker Fur Company or Re-Sale Fur Salon, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the selling, offering for sale, or processing fur products which have been shipped or received in commerce, do forthwith cease and desist from misbranding fur products by substituting for the labels affixed to such fur products pursuant to Section 4 of the Fur Products Labeling Act labels which do not conform to the requirements of the aforesaid Act and Rules and Regulations promulgated thereunder.

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.