

ISAAC M. TOPOL TRADING AS CONTINENTAL SCARF
AND NOVELTY CO.

CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF THE
FEDERAL TRADE COMMISSION AND THE FLAMMABLE FABRICS ACTS

Docket C-293. Complaint, Jun. 8, 1963—Decision, Jan. 8, 1963

Consent order requiring a New York City importer and jobber to cease selling
in commerce any fabric which was so highly flammable as to be dangerous
when worn.

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act and the Flammable Fabrics Act, and by virtue of the authority vested in it by said Acts, the Federal Trade Commission having reason to believe that Isaac M. Topol, an individual trading as Continental Scarf and Novelty Co., hereinafter referred to as respondent, has violated the provisions of said Acts and the Rules and Regulations promulgated under the Flammable Fabrics 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 Isaac M. Topol is an individual trading as Continental Scarf and Novelty Co., and has his office and principal place of business at 108 West 39th Street, New York, New York.

Respondent is engaged in business as a jobber of silk, rayon and woolen fabrics, which are sold in convenient sizes to smaller jobbers and manufacturers for use in the garment industry.

PAR. 2. Respondent, subsequent to July 1, 1954, the effective date of the Flammable Fabrics Act, has sold and offered for sale, in commerce, has imported into the United States; and has introduced, delivered for introduction, transported, and caused to be transported, in commerce; and has transported and caused to be transported for the purpose of sale and delivery after sale in commerce; as "commerce" is defined in the Flammable Fabrics Act, fabric, as the term "fabric" is defined therein, which fabric was, under Section 4 of the Flammable Fabrics Act, as amended, so highly flammable as to be dangerous when worn by individuals.

PAR. 3. The aforesaid acts and practices of respondent were and are in violation of the Flammable Fabrics Act and the Rules and Regulations promulgated thereunder, and as such constitute unfair methods of competition and unfair and deceptive acts and practices in commerce, within the intent and meaning of 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 Flammable Fabrics 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

Order

62 F.T.C.

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:

1. Respondent Isaac M. Topol is an individual trading as Continental Scarf and Novelty Co., and has his office and principal place of business at 108 West 39th Street, New York, New York.

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 Isaac M. Topol, an individual trading as Continental Scarf and Novelty Co., or under any other trade name, and respondent's representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from:

- (a) Importing into the United States; or
- (b) Selling, offering for sale, introducing, delivering for introduction, transporting, or causing to be transported, in commerce, as "commerce" is defined in the Flammable Fabrics Act; or
- (c) Transporting or causing to be transported, for the purpose of sale or delivery after sale in commerce;

any fabric, which, under the provisions of Section 4 of the Flammable Fabrics Act, as amended, is so highly flammable as to be dangerous when worn by individuals.

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.

Complaint

IN THE MATTER OF

EMPIRE SPORTING GOODS MFG. CO., INC., ET AL.

CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF THE FEDERAL TRADE COMMISSION AND THE TEXTILE FIBER PRODUCTS IDENTIFICATION ACTS

*Docket C-294. Complaint, Jan. 8, 1963—Decision, Jan. 8, 1963*¹

Consent order requiring New York City manufacturers of athletic uniforms and accessories to cease setting forth fictitious prices in catalogs and other printed matter as usual prices; and to cease violating the Textile Fiber Products Identification Act by falsely labeling boys' cotton lined rayon jackets as "50% rayon, 50% cotton", failing to label products with the name of the manufacturer, etc., falsely advertising products as "flannel", "gabardine", "poplin", and "twill" without disclosing the true generic names of constituent fibers, using fiber trademarks on men's shirts without full disclosure of fiber content, and failing to comply in other respects with requirements of the Act.

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act and the Textile Fiber Products Identification Act, and by virtue of the authority vested in it by said Acts, the Federal Trade Commission, having reason to believe that Empire Sporting Goods Mfg. Co., Inc., a corporation, and Frank Rauch, Hobart Rauch, Melvin Rauch, Hyman Rauch and Harold Meiselman, 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 the Textile Fiber Products Identification 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 Empire Sporting Goods Mfg. Co., 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 443 Broadway in the city of New York, N.Y.

Respondents Frank Rauch, Hobart Rauch, Melvin Rauch, Hyman Rauch and Harold Meiselman are individuals and officers of the corporate respondent, and they formulate, direct and control the acts and practices of said corporation, including the acts and practices hereinafter set forth. All of said respondents cooperate and act together in the performance of the acts and practices hereinafter set forth. Their business address is the same as that of the corporate respondent.

¹ Enforcement of paragraphs 1 and 2 of the order, prohibiting deceptive pricing, was suspended by order of the Commission dated December 5, 1963.