
IN THE MATTER OF
PHILIP KASPER ET AL. TRADING AS KASPER FURS

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

Docket C-325. Complaint, Apr. 5, 1963—Decision, Apr. 5, 1963

Consent order requiring manufacturing furriers in Chicago to cease violating the Fur Products Labeling Act by failing, on labels and invoices, to show the true name of the animal producing certain furs, to disclose when fur was artificially colored, and to describe as "natural" furs which were not bleached, etc.; and by using the term "American Broadtail" improperly; failing, in labeling, to identify the manufacturer etc., of fur products, and to show the country of origin of imported furs; failing to comply with other labeling and invoicing requirements; and substituting nonconforming labels for those originally fixed by manufacturers or distributors.

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 Philip Kasper and Max M. Kasper, individually and as copartners trading as Kasper Furs, 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. Philip Kasper and Max M. Kasper are individuals and copartners trading as Kasper Furs with their office and principal place of business located at 17 North State Street, Chicago, Illinois. Respondents are manufacturers and retailers 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, advertised, offered for sale, transported and distributed fur products which have been made in whole or in part of furs which have 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 falsely or deceptively labeled or otherwise falsely or deceptively identified with respect to the name or designation of the animal or animals that produced the fur from which said fur products had been manufactured, in violation of Section 4(1) of the Fur Products Labeling Act.

Among such misbranded fur products, but not limited thereto, were fur products with labels which described such fur products as "American Broadtail" thereby implying that the furs contained in such fur products were entitled to the designation "Broadtail Lamb" when in truth and in fact the furs contained therein were not entitled to such designation.

PAR. 4. Certain of said fur products were misbranded in that they were falsely or deceptively labeled or otherwise falsely or deceptively identified with respect to the name of the country of origin of the imported furs contained in such fur products.

Among such misbranded fur products, but not limited thereto, were fur products with labels which described such fur products as "Ameri-

can Broadtail", thereby implying that the country of origin of the furs contained in the fur products was the United States when in truth and in fact the furs contained in such fur products were of foreign origin.

PAR. 5. 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 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 with labels which failed:

- (a) To show the true animal name of the fur used in the fur product.
- (b) To disclose that the fur contained in the fur products was bleached, dyed or otherwise artificially colored, when in fact the fur contained in the fur products was bleached, dyed or otherwise artificially colored.
- (c) To show the name, or other identification issued and registered by the Commission of one or more of the persons who manufactured any such fur product for introduction in commerce, introduced it in commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce.
- (d) To show the name of the country of origin of the imported furs contained in fur products.

PAR. 6. 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) The term "Dyed Broadtail-processed Lamb" was not set forth on labels in the manner required, in violation of Rule 10 of said Rules and Regulations.
- (b) Fur products were not described as natural when such fur products were not pointed, bleached, dyed, tip-dyed or otherwise artificially colored, in violation of Rule 19(g) 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 mingled with nonrequired information, in violation of Rule 29(a) of said Rules and Regulations.
- (d) Information required under Section 4(2) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder was not set forth in the required sequence, in violation of Rule 30 of said Rules and Regulations.
- (e) Information required under Section 4(2) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder

1098

Complaint

was not set forth separately on labels with respect to each section of fur products composed of two or more sections containing different animal furs, in violation of Rule 36 of said Rules and Regulations.

PAR. 7. 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:

- (a) To show the true animal name of the fur used in the fur product.
- (b) To disclose that the fur contained in the fur products was bleached, dyed or otherwise artificially colored, when in fact the fur contained in the fur products was bleached, dyed or otherwise artificially colored.

PAR. 8. Certain of said fur products were falsely and deceptively invoiced with respect to the name or names of the animal or animals that produced the fur from which said fur products had been manufactured, in violation of Section 5(b)(2) of the Fur Products Labeling Act.

Among such falsely and deceptively invoiced fur products, but not limited thereto, were fur products covered by invoices which described such fur products as "American Broadtail" thereby implying that the furs contained in such fur products were entitled to the designation "Broadtail Lamb" when in truth and in fact the furs contained therein were not entitled to such designation.

PAR. 9. Certain of said fur products were falsely and deceptively invoiced with respect to the name of the country of origin of the imported furs contained in such fur products in violation of Section 5(b)(2) of the Fur Products Labeling Act.

Among such falsely and deceptively invoiced fur products, but not limited thereto, were fur products covered by invoices which described such fur products as "American Broadtail", thereby implying that the country of origin of the furs contained in the fur products was the United States when in truth and in fact the furs contained in such fur products were of foreign origin.

PAR. 10. 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) The term "Dyed Broadtail-processed Lamb" was not set forth on invoices in the manner required, in violation of Rule 10 of said Rules and Regulations.

Decision and Order

62 F.T.C.

(b) Fur products were not described as natural when such fur products were not pointed, bleached, dyed, tip-dyed or otherwise artificially colored, in violation of Rule 19(g) 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. 11. Respondents, in selling, advertising, offering for sale and processing fur products which had been shipped and received in commerce, misbranded said fur products, by substituting for the labels affixed to such 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. 12. 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 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 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. Respondents, Philip Kasper and Max M. Kasper, are individuals and copartners trading as Kasper Furs with their office and principal place of business located at 17 North 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 Philip Kasper and Max M. Kasper, individually and as copartners trading as Kasper Furs or under any other trade name, 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 products; 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. Falsely or deceptively labeling or otherwise falsely or deceptively identifying fur products as to the name or names of the animal or animals that produced the fur from which such fur products were manufactured.

B. Falsely or deceptively labeling or otherwise falsely or deceptively identifying fur products by representing, directly or by implication, that the country of origin of the furs contained in the fur products is the United States when the furs contained in such fur products are of foreign origin.

C. Misrepresenting directly or by implication in any manner the country of origin of the furs contained in fur products.

D. 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.

E. Failing to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term in lieu of the term "Dyed Lamb".

F. Failing to describe fur products as natural when such fur products are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

G. Mingling information required under Section 4(2) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder with nonrequired information.

H. Failing to set forth the information required under Section 4(2) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder in the required sequence.

- I. Failing to set forth separately on labels attached to fur products composed of two or more sections containing different animal furs the information required under Section 4(2) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder with respect to the fur comprising each section.
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. Misrepresenting or in any manner falsely or deceptively identifying fur products as to the name or names of the animal or animals that produced the fur from which such fur products were manufactured.
 - C. Representing directly or by implication that the country of origin of the furs contained in fur products is the United States when the furs contained in such fur products are of foreign origin.
 - D. Misrepresenting directly or by implication in any manner the country of origin of the furs contained in fur products.
 - E. Failing to set forth on invoices the term "Dyed Broad-tail-processed Lamb" in the manner required where an election is made to use that term in lieu of the term "Dyed Lamb".
 - F. Failing to describe fur products as natural when such fur products are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.
 - G. Failing to set forth on invoices the item number or mark assigned to a fur product.

It is further ordered, That respondents Philip Kasper and Max M. Kasper, individually and as copartners trading as Kasper Furs or under any other trade name, 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 the 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

