

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

Docket C-494. Complaint, May 3, 1963—Decision, May 3, 1963

Consent order requiring retailers of ladies' ready-to-wear merchandise in Alexandria, Va., to cease violating the Textile Fiber Products Identification Act

Complaint

by failing to make on labels full disclosure of fiber content, using fiber trademarks on labels without setting forth thereon the generic names of fibers and full disclosure of fiber content, and using on labels words, symbols, or depictions falsely implying the presence of certain fibers.

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 Nancye Fleming Shop, Incorporated, a corporation, and Nancye Fleming Markle, Mildred Fleming Councilor, and Susan Councilor Jocelyn, 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 Nancye Fleming Shop, Incorporated, is a corporation organized, existing and doing business under and by virtue of the laws of the Commonwealth of Virginia, with its office and principal place of business located at 325 South Washington Street, Alexandria, Virginia.

Individual respondents Nancye Fleming Markle, Mildred Fleming Councilor, and Susan Councilor Jocelyn are respectively president, vice president and secretary-treasurer of said corporation and all individual respondents formulate, direct and control the acts, practices and policies of said corporate respondent. Their business addresses are the same as said corporate respondent. Respondents are retailers of ladies' ready-to-wear merchandise.

PAR. 2. Subsequent to the effective date of the Textile Fiber Products Identification Act on March 3, 1960, respondents have been and are now engaged in the introduction, delivery for introduction, sale, advertising, and offering for sale, in commerce, and in the transportation or causing to be transported in commerce, and in the importation into the United States, of textile fiber products; and have sold, offered for sale, advertised, delivered, transported, and caused to be transported, textile fiber products, which have been advertised or offered for sale in commerce; and have sold, offered for sale, advertised, delivered, transported, and caused to be transported, after shipment in commerce, textile fiber products, either in their original state or contained in other textile fiber products, as the terms "commerce", and "textile fiber product" are defined in the Textile Fiber Products Identification Act.

PAR. 3. Certain of said textile fiber products were misbranded by respondents in that they were not stamped, tagged, labeled or otherwise identified with the information required under Section 4(b) of the Textile Fiber Products Identification Act, and in the manner and form prescribed by the Rules and Regulations promulgated under said Act.

PAR. 4. Certain of said textile fiber products were misbranded in violation of the Textile Fiber Products Identification Act in that they were not labeled in accordance with the Rules and Regulations promulgated thereunder in the following respects:

A. Abbreviations, e.g., "D/C", were used on labels to designate fiber content of Dacron and cotton, without a full disclosure of the fiber content information required by the said Act and the Rules and Regulations, in violation of Rule 5.

B. Fiber trademarks were placed on labels without the generic names of the fibers appearing on such labels, in violation of Rule 17(a) of the aforesaid Rules and Regulations.

C. Fiber trademarks were used on labels without a full and complete fiber content disclosure appearing on such labels, in violation of Rule 17(b) of the aforesaid Rules and Regulations.

D. Words, symbols, and depictions which constitute or imply the name or designation of fibers were used on labels attached to textile fiber products when such fibers were not present in the aforesaid textile fiber products, in violation of Rule 18 of the aforesaid Rules and Regulations.

PAR. 5. After certain textile fiber products were shipped in commerce, respondents have removed, or caused or participated in the removal of (prior to the time such textile fiber products were sold and delivered to the ultimate consumer) the stamp, tag, label or other identification required by the Textile Fiber Products Identification Act to be affixed to such products, in violation of Section 5(a) of said Act.

PAR. 6. The acts and practices of respondents as set forth above were, and are, in violation of the Textile Fiber Products Identification Act and the Rules and Regulations promulgated thereunder and constituted, and now constitute, unfair and deceptive acts and practices and unfair methods of competition, 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 respondents named in the caption hereof with

violation of the Federal Trade Commission Act and the Textile Fiber Products Identification 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, Nancye Fleming Shop, Incorporated, is a corporation organized, existing and doing business under and by virtue of the laws of the Commonwealth of Virginia, with its office and principal place of business located at 325 South Washington Street, in the city of Alexandria, Commonwealth of Virginia.

Respondents Nancye Fleming Markle, Mildred Fleming Councilor and Susan Councilor Jocelyn are officers of said corporation, and their address is the same as that of said corporation.

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 Nancye Fleming Shop, Incorporated, a corporation, and its officers and Nancye Fleming Markle, Mildred Fleming Councilor, and Susan Councilor Jocelyn, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, sale, advertising or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States of any textile fiber products; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to

be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Failing to affix labels to such products showing each element of information required to be disclosed by Section 4(b) of the Textile Fiber Products Identification Act.
2. Using abbreviations on labels to designate fiber content information required by said Act and Rules and Regulations thereunder.
3. Using a fiber trademark on labels affixed to such textile fiber products without the generic name of the fiber appearing on the said label in accordance with the Textile Fiber Products Identification Act and the Rules and Regulations promulgated thereunder.
4. Using a generic name or fiber trademark on any label whether required or nonrequired, without making a full and complete fiber content disclosure in accordance with the Act and Regulations the first time such generic name or fiber trademark appears on the label.
5. Using words, symbols, or depictions on labels attached to textile fiber products, which constitute or imply the name or designation of a fiber when such fiber is not present in the aforesaid product.

It is further ordered, That respondents Nancye Fleming Shop, Incorporated, a corporation, and its officers and Nancye Fleming Markle, Mildred Fleming Councilor, and Susan Councilor Jocelyn, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, do forthwith cease and desist from removing, or causing or participating in the removal of, the stamp, tag, label, or other identification required by the Textile Fiber Products Identification Act to be affixed to any textile fiber product, after such textile fiber product has been shipped in commerce and prior to the time such textile fiber product is sold and delivered to the ultimate consumer.

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

UNIFORMS BY GILSON, INC., ET AL.

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

Docket C-495. Complaint, May 3, 1963—Decision, May 3, 1963

Consent order requiring Hempstead, Long Island, N.Y., distributors of uniforms, many of them by direct sale through their "Gilson Representative(s)" to whom they furnished a sales kit consisting of their catalog, swatch book and other sales material, to cease representing falsely in such catalogs and other advertising material and through their dealers that the "complete satisfaction" of the purchasing public was guaranteed "without any conditions whatsoever", and that their merchandise was unconditionally guaranteed, when in fact, their said representatives in many instances retained or misappropriated the full amount of the purchase price along with orders and failed to transmit to them orders received along with deposits, and in such cases respondents refused to deliver merchandise without additional payment and to refund deposits; and to disclose clearly to purchasers all of the terms and limitations, etc., under which their merchandise was offered for sale, including a statement as to any financial or other responsibility assumed by them.

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 Uniforms by Gilson, Inc., a corporation, and Louis K. Gilson and Stanley Gilson, individually and as officers of said corporation, and Arthur E. Marchetta, individually and as the sales manager of said corporation, 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. Respondent Uniforms by Gilson, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of New York, with its principal office and place of business located at 160 Hempstead Turnpike, Hempstead, Long Island, State of New York.

Respondents Louis K. Gilson and Stanley Gilson are officers of the corporate respondent. Respondent Arthur E. Marchetta is the sales manager of the corporate respondent. The individual respondents formulate, direct and control the acts and practices of the corporate respondent, including the acts and practices hereinafter set forth. Their address is the same as that of the corporate respondent.