

4. Placing in the hands of jobbers, retailers, dealers, and others, means and instrumentalities by and through which they may deceive and mislead the purchasing public concerning any merchandise in respect to the origin of respondents' merchandise.

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

GLACIER PUBLISHING INTERNATIONAL, INC., ET AL

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

Docket C-538. Complaint, Aug. 2, 1963—Decision, Aug. 2, 1963

Consent order requiring New York City publishers of pocket-size paper covered books, to cease misrepresenting the contents or utility of their said paperbacks by such practices as stating on the outside front cover of their Car Buyers Pricing Guide, " * * * GIVES THE FACTS * * * NEW CAR WHOLESALE AND RETAIL PRICES", etc., and on the cover of the Appliance Buyers Pricing Guide, "BEST BUYS-DEALERS' COSTS", and in the introduction " * * * Best buy, based on extensive consumer usage and testing reports * * *", etc., when the aforesaid new car wholesale prices were inaccurate and fictitious and the test reports alluded to in the "Appliance Buyers Pricing Guide" were nonexistent.

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 Glacier Publishing International, Inc., a corporation, Glacier Publishing Corporation, a corporation, Timothy Birnbaum and Peter F. McGuire, individually and as officers of each of said corporations, and Henry Scharf, individually, 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 thereto would be in the public interest, hereby issues its complaint, stating its charges in that respect as follows:

PARAGRAPH 1. Respondent Glacier Publishing Corporation is a corporation, organized, existing and doing business under and by

virtue of the laws of the State of New York, and is a wholly owned subsidiary of Glacier Publishing International, Inc., a corporation organized, existing and doing business under and by virtue of the laws of the State of Delaware. Individual respondents Timothy Birnbaum and Peter F. McGuire are officers of each of said corporations, and together with respondent Henry Scharf formulate, direct and control the acts, practices and policies of the corporate respondents. Individual and corporate respondents have maintained their principal office and place of business at 26 Broadway, in the City of New York, State of New York.

PAR. 2. Respondents have been engaged in the publication, advertising, offering for sale, sale and distribution of pocket-size paper covered books, sometimes hereinafter referred to as paperbacks. Said publications have been marketed nationally through a distributor and have been retailed at bookstores, drugstores, newsstands in railway and bus stations and at other retail outlets, to members of the public.

PAR. 3. In the course and conduct of their business, respondents have caused said paperbacks, when sold, to be shipped from their place of business in the State of New York to the purchasers thereof located in various other States of the United States, and at all times mentioned herein have maintained a substantial course of trade in said paperbacks in commerce as "commerce" is defined in the Federal Trade Commission Act.

PAR. 4. In the course and conduct of their business, and for the purpose of inducing the sale of said paperbacks, respondents have made numerous statements and representations on the covers and in the introduction to said paperbacks with respect to the contents and utility of said paperbacks and with respect to the tests and surveys conducted to support information contained in said paperbacks. Among and typical of said statements and representations, but not all inclusive thereof, are the following:

(a) On the outside front cover of the Car Buyers Pricing Guide,

OFFICIAL
 SPRING, 1961 \$1.00
 WHOLESALE AND RETAIL
 PRICES OF ALL '61 CARS
 OFFICIAL CAR BUYERS PRICING GUIDE GIVES THE FACTS * * *
 NEW CAR WHOLESALE AND RETAIL PRICES * * *

car buyers
 pricing guide;

and on the back outside cover of said paperback,

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THE 1961 CAR BUYERS GUIDE brings you all the facts and prices on all the cars: * * *

If you're planning to buy or sell a car, new or used, foreign or domestic, you can drive a better bargain with this book, because OFFICIAL CAR BUYERS PRICING GUIDE will

* * * Tell you just what it costs your dealer to get your new car * * *.

(b) On the front outside cover of the Appliance Buyers Pricing Guide,

BEST BUYS • DEALERS' COSTS
1961 EDITION \$1.00
O F F I C I A L
'61 APPLIANCE
BUYERS PRICING
GUIDE

Wholesale and retail prices of all major appliances plus your BEST BUYS * * *;
and in the INTRODUCTION TO APPLIANCE BUYERS PRICING GUIDE;

In addition to listing all the appliances (alphabetically by manufacturer), each category has one manufacturer with an asterisk (*) next to his name. This is considered the Best Buy, based on extensive consumer usage and testing reports * * *.

PAR. 5. Through the use of the aforesaid statements and representations and others similar thereto, but not specifically set forth, respondents have represented, directly or indirectly:

(a) That the new car wholesale prices contained in respondents' "Car Buyers Pricing Guide are authentic prices actually used by the automobile manufacturers to bill automobiles that are sold by said manufacturers to new car dealers; and that such prices could be used by prospective purchasers of new cars to determine the dealer cost of new automobiles and thereby improve their bargaining position when negotiating with new car dealers towards the purchase of a new car.

(b) That the "Best Buy" recommendations contained in respondents, "Appliance Buyers Pricing Guide" are based upon test reports resulting from independent consumer surveys and extensive independent tests conducted by respondents or others under the direction of the respondents.

PAR. 6. In truth and in fact:

(a) The new car wholesale prices contained in respondents' "Car Buyers Pricing Guide" are not authentic prices actually used by the automobile manufacturers to bill automobiles that are sold by said manufacturers to new car dealers. Such new car wholesale prices as are contained in said paperback are substantially inaccurate and fictitious and could not be used by prospective purchasers to determine the

dealer cost of new automobiles or to improve their bargaining position when negotiating with new car dealers towards the purchase of a new car.

(b) The "Best Buy" recommendations contained in respondents' "Appliance Buyers Pricing Guide" are not based upon test reports resulting from independent consumer surveys and extensive independent tests conducted by respondents or others under the direction of the respondents. Said test reports are nonexistent and no independent consumer surveys or extensive independent tests have been conducted by respondents or others under the direction of the respondents.

Said statements and representations were, therefore, false, misleading and deceptive.

PAR. 7. By the aforesaid practices, respondents have furnished or otherwise placed in the hands of retailers, directly or indirectly, the means and instrumentalities by and through which they may mislead the public as to the contents and utility of said paperbacks and as to the tests and surveys conducted to support information contained in said paperbacks.

PAR. 8. 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 paperbacks.

PAR. 9. 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' product by reason of said erroneous and mistaken belief.

PAR. 10. 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 Federal Trade Commission having initiated an investigation of certain acts and practices of the respondents named in the caption hereof, and the respondents having been furnished thereafter with a copy of a draft of complaint which the Bureau of Deceptive Prac-

tices proposed to present to the Commission for its consideration and which, if issued by the Commission, would charge respondents with violation of the Federal Trade Commission Act; and

The respondents and counsel for the Commission having thereafter executed an agreement containing a consent order, an admission by the respondents of all the jurisdictional facts set forth in the aforesaid draft of complaint, a statement that the signing of said agreement is for settlement purposes only and does not constitute an admission by the respondents that the law has been violated as alleged in such complaint, and waivers and provisions as required by the Commission's rules; and

The Commission, having reason to believe that the respondents have violated the Federal Trade Commission Act, and having determined that complaint should issue stating its charges in that respect, hereby issues its complaint, accepts said agreement, makes the following jurisdictional findings and enters the following order:

1. Respondent Glacier Publishing International, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Delaware, and has maintained its principal office and place of business at 26 Broadway, in the city of New York, State of New York.

Respondent Glacier Publishing Corporation is a corporation organized, existing and doing business under and by virtue of the laws of the State of New York, and has maintained its principal office and place of business at 26 Broadway, in the city of New York, State of New York.

Respondents Timothy Birnbaum and Peter F. McGuire are officers of each of said corporations. They, together with respondent Henry Scharf, an individual, have the same address as that of said corporations.

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 Glacier Publishing International, Inc., a corporation, and its officers, Glacier Publishing Corporation, a corporation, and its officers, Timothy Birnbaum and Peter F. McGuire, individually, and as officers of each of said corporations, and Henry Scharf, individually, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the publication, offering for sale, sale, or distribution of the paperbacks "Car Buyers Pricing Guide" and "Ap-

pliance Buyers Pricing Guide" or any other publications, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, through the use of the words "OFFICIAL * * * NEW CAR WHOLESALE * * * PRICES * * *", or any other word or words of similar import and meaning, on the front outside cover of the paperback "Car Buyers Pricing Guide", or in any other manner, that said paperback contains authentic prices actually used by automobile manufacturers to bill automobiles that are sold by such manufacturers to new car dealers.
2. Representing, directly or by implication, through the use of the words " * * * you can drive a better bargain with this book, because OFFICIAL CAR BUYERS PRICING GUIDE will: * * * Tell you just what it costs your dealer to get your new car * * *", or any other word or words of similar import and meaning, on the back outside cover of the paperback "Car Buyers Pricing Guide", or in any other manner, that prospective purchasers of new cars can improve their bargaining position when negotiating with new car dealers towards the purchase of a new car through the use of the new car "wholesale" prices contained in said paperback.
3. Misrepresenting, in any manner, directly or by implication the contents or utility of any of said paperbacks or any other publication.
4. Representing, directly or by implication, that respondents, or others under the direction of respondents have conducted any tests or surveys when neither respondents nor others under the direction of respondents have conducted any tests or surveys.
5. Misrepresenting, in any manner, directly or by implication, the results of any tests or surveys.
6. Furnishing or otherwise placing in the hands of retailers of said paperbacks or any other publications, directly or indirectly, the means and instrumentalities by and through which they may mislead or deceive the public in the manner or as to the things hereinabove prohibited.

It is further ordered, That each of 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.

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IN THE MATTER OF
ALBERT FINKEL ET AL. TRADING AS
ROYAL FURS

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

Docket C-589. Complaint, Aug. 2, 1963—Decision, Aug. 2, 1963

Consent order requiring manufacturing furriers in Kansas City, Mo., to cease violating the Fur Products Labeling Act by failing, on labels and invoices, to show the true animal name of furs and to use the term "Natural" when furs were not artificially colored; failing to identify the manufacturer, etc., on labels; failing to disclose on invoices when fur products contained artificially colored or cheap or waste fur, and to show the country of origin of imported furs; and failing in other respects to comply with 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 Albert Finkel and Margaret Finkel, individuals trading as Royal 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. Respondents Albert Finkel and Margaret Finkel are individuals trading under their own names and as Royal Furs.

Respondents are manufacturers of fur products and also engage in the wholesale and retail sale of fur products and have their office and principal place of business at 1003 Main Street, Kansas City, Missouri.

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 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.