

Commissioner's report in writing setting forth the manner in which the
form in which he has complied with this order.

IN THE MATTER OF

RILEY E. MILES ET AL. TRADING AS MILES N' MILES

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

Docket C-624. Complaint, Nov. 29, 1963—Decision, Nov. 29, 1963

Consent order requiring the retail operators of two ladies' apparel stores in
Sacramento and Marysville, Calif., to cease violating the Fur Products

Complaint

63 F.T.C.

Labeling Act by failing to disclose on labels and invoices that fur in fur products was artificially colored; to identify on labels the manufacturer, etc., and to show on invoices the true animal name of fur; substituting nonconforming labels for those originally attached to fur products; and failing to keep required records;

- To cease violating the Wool Products Labeling Act by failing to disclose on labels on ladies' wool apparel the true generic name of the fibers present and the percentage thereof, by describing fiber content improperly as "worsted", and by removing the required identification from wool products;
- To cease violating the Textile Fiber Products Identification Act by falsely labeling, invoicing and advertising textile products as to the name or amount of constituent fibers; failing to label textiles, and advertising them falsely, as to the true generic name of fibers present and the amount by weight; removing the required identification, and failing to keep records of the information removed; and failing to comply in other respects with requirements of the above acts.

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act, the Fur Products Labeling Act, the Wool Products Labeling Act of 1939 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 Riley E. Miles and Dorothy S. Miles, individually and as co-partners, trading as Miles n' Miles, hereinafter referred to as respondents, have violated the provisions of said Acts, and the Rules and Regulations promulgated under the Fur Products Labeling Act, the Wool Products Labeling Act of 1939 and 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. Respondents Riley E. Miles and Dorothy S. Miles are individuals and co-partners trading as Miles n' Miles.

Respondents are engaged in the retail operation of ladies' wearing apparel stores located at 1984 Fulton Avenue, Sacramento, California and 409 Sixth Street, Marysville, California with their office and principal place of business at 1984 Fulton Avenue, Sacramento, California.

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 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.

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 with labels which failed:

1. To disclose that the fur contained in the fur product was bleached, dyed, or otherwise artificially colored, when such was the fact.

2. 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 into 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:

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

2. Labels affixed to fur products did not comply with the minimum size requirements of one and three-quarter inches by two and three-quarter inches, in violation of Rule 27 of said Rules and Regulations.

3. 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.

4. 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 the said Rules and Regulations.

5. 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 the Rules and Regulations promulgated under such Act.

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

Complaint

63 F.T.C.

1. To show the true animal name of the fur used in the fur product.
2. To disclose that the fur contained in the fur product was bleached, dyed, or otherwise artificially colored, when such was the fact.
3. Required item numbers were not set forth on invoices, in violation of Rule 40 of said Rules and Regulations.

PAR. 6. Respondents in introducing, selling, advertising, and offering for sale, in commerce, and in processing for commerce, fur products; and in selling, advertising, offering for sale, and processing fur products which have been shipped and received in commerce, have misbranded such fur products by substituting thereon labels which did not conform to the requirements of Section 4 of the Fur Products Labeling Act, for the labels affixed to said fur products by the manufacturer or distributor pursuant to Section 4 of said Act, in violation of Section 3(e) of said Act.

PAR. 7. Respondents in substituting labels as provided for in Section 3(e) of the Fur Products Labeling Act have failed to keep and preserve the records required, in violation of said Section 3(e) of the said Act.

PAR. 8. The aforesaid acts and practices of the 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.

PAR. 9. Subsequent to the effective date of the Wool Products Labeling Act of 1939 and more especially since May of 1962, respondents have introduced into commerce, sold, transported, distributed, delivered for shipment, and offered for sale in commerce, wool products, as "commerce" and "wool product" are defined in said Act.

PAR. 10. Certain of said wool products were misbranded by respondents in that they were not stamped, tagged or labeled as required under the provisions of Section 4(a)(2) of the Wool Products Labeling Act and in the manner and form prescribed by the Rules and Regulations promulgated under said Act.

Among such misbranded wool products, but not limited thereto, were ladies' wearing apparel with labels which failed:

1. To disclose the true generic names of the fibers present; and
2. To disclose the percentage of such fibers.

PAR. 11. Certain of said wool products were misbranded in violation of the Wool Products Labeling Act in that they were not labeled in accordance with the Rules and Regulations promulgated thereunder in the following respects:

1. Labels or tags attached to certain wool products described a portion of the fiber content as "worsted" instead of using the common

generic name of said fiber, in violation of Rule 8 of the aforesaid Rules and Regulations.

2. Information required under Section 4(a)(2) of the Wool Products Labeling Act of 1939 and Rules and Regulations promulgated thereunder was set out in handwriting on labels, in violation of Rule 10(a) of the aforesaid Rules and Regulations.

PAR. 12. Respondents with the intent of violating the provisions of the Wool Products Labeling Act of 1939 have removed or caused or participated in the removal of the stamp, tag, label or other identification required by the Wool Products Labeling Act of 1939 to be affixed to wool products subject to the provisions of such Act, prior to the time such wool products were sold and delivered to the ultimate consumer, in violation of Section 5 of said Act.

PAR. 13. The acts and practices of the respondents as set forth above were, and are, in violation of the Wool Products Labeling Act of 1939 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.

PAR. 14. Subsequent to the effective date of the Textile Fiber Products Identification Act of 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. 15. Certain of said textile fiber products were misbranded by respondents within the intent and meaning of Section 4(a) of the Textile Fiber Products Identification Act and the Rules and Regulations promulgated thereunder, in that they were falsely and deceptively stamped, tagged, labeled, invoiced, advertised, or otherwise identified as to the name or amount of the constituent fibers contained therein.

Among such misbranded textile fiber products, but not limited thereto, were textile fiber products with labels which contained terms, which represented, either directly or by implication, that the textile

Complaint

63 F.T.C.

product was composed wholly of both rayon and linen, when such was not the case.

Among such terms, but not limited thereto, was the term "100% Rayon Linen".

PAR. 16. Certain of said textile fiber products were further misbranded by respondents in that they were not stamped, tagged, labeled, or otherwise identified as required under the provisions of Section 4(b) of the Textile Fiber Products Identification Act, and in the manner and form as prescribed by the Rules and Regulations promulgated under said Act.

Among such misbranded textile fiber products, but not limited thereto, were textile fiber products which were not labeled to show in words and figures plainly legible:

1. The true generic name of the fibers present.
2. The percentage of such fibers present by weight.

PAR. 17. Certain of said textile fiber products were misbranded by the respondents 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:

1. Information required under Section 4(a) of the Textile Fiber Products Identification Act and the Rules and Regulations promulgated thereunder was set forth on labels in abbreviated form, in violation of Rule 5 of said Rules and Regulations.

2. Information required under Section 4(b) of the Textile Fiber Products Identification Act and the Rules and Regulations promulgated thereunder was set forth in handwriting on labels in violation of Rule 16(b) of the aforesaid Rules and Regulations.

3. 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.

4. Fiber trademarks were used on labels without full and complete fiber content disclosure the first time the generic name or fiber trademark appeared on the label, in violation of Rule 17(b) of the aforesaid Rules and Regulations.

PAR. 18. Certain of said textile fiber products were falsely and deceptively advertised in that respondents in making disclosures or implications as to the fiber content of such textile fiber products in written advertisements used to aid, promote, and assist directly or indirectly in the sale or offering for sale of said products, failed to set forth the required information as to fiber content as specified in Section 4(c) of the Textile Fiber Products Identification Act and in the manner and form prescribed by the Rules and Regulations promulgated under said Act.

Among such textile fiber products, but not limited thereto, was ladies' wearing apparel which was falsely and deceptively advertised in The Sacramento Bee, a newspaper published in the City of Sacramento, State of California and having a wide circulation in said State and various other states of the United States, in that the true generic names of the fibers present in such products were not set forth.

PAR. 19. Certain of said textile fiber products were falsely and deceptively advertised in violation of the Textile Fiber Products Identification Act in that they were not advertised in accordance with the Rules and Regulations promulgated thereunder.

Among such textile fiber products, but not limited thereto, were textile fiber products which were falsely and deceptively advertised in The Sacramento Bee, a newspaper published in the City of Sacramento, State of California and having a wide circulation in said State and various other states of the United States in the following respects:

1. Fiber trademarks were used in advertising textile fiber products, namely ladies' wearing apparel without a full disclosure of the fiber content information required by the said Act, and the Rules and Regulations thereunder, in at least one instance in said advertisements, in violation of Rule 41(a) of the aforesaid Rules and Regulations.

2. Fiber trademarks were used in advertising textile fiber products, namely ladies' wearing apparel containing more than one fiber and such fiber trademarks did not appear in the required fiber content information in immediate proximity and conjunction with the generic names of the fibers to which they related in plainly legible type or lettering of equal size and conspicuousness, in violation of Rule 41(b) of the aforesaid Rules and Regulations.

3. Fiber trademarks were used in advertising textile fiber products, namely fabrics containing only one fiber and such fiber trademarks did not appear, at least once in said advertisements in immediate proximity and conjunction with the generic names of the fibers to which they related in plainly legible and conspicuous type, in violation of Rule 41(c) of the aforesaid Rules and Regulations.

PAR. 20. After certain textile fiber products were shipped in commerce, respondents have removed, or caused or participated in the removal of, the stamp, tag, label or other identification required by the Textile Fiber Products Identification Act to be affixed to such products, prior to the time such textile fiber products were sold and delivered to the ultimate consumer, in violation of Section 5(a) of said Act.

Decision and Order

63 F.T.C.

PAR. 21. Respondents in substituting stamps, tags, labels, or other identification pursuant to Section 5(b) of the Textile Fiber Products Identification Act have failed to maintain records to show the information set forth on the stamps, tags, labels, or other identification that they removed and the name or names of the person or persons from whom the textile fiber product was received, in violation of Section 6(b) of the Textile Fiber Products Identification Act and Rule 39.

PAR. 22. The acts and practices of the 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 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, the Fur Products Labeling Act, the Wool Products Labeling Act of 1939 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. Respondents, Riley E. Miles and Dorothy S. Miles, co-partners trading as Miles n' Miles, are engaged in the retail operation of ladies' wearing apparel stores located at 1984 Fulton Avenue, Sacramento, California and 409 Sixth Street, Marysville, California, with their office and principal place of business at 1984 Fulton Avenue, Sacramento, California.

1599

Decision and Order

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 Riley E. Miles and Dorothy S. Miles, individually and as co-partners trading as Miles n' Miles 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, 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, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce", "fur", and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing in words and figures plainly legible all of the information required to be disclosed by each of the subsections of Section 4(2) of the Fur Products Labeling Act.

2. Setting forth information required under Section 4(2) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder in abbreviated form on labels affixed to fur products.

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

4. Setting forth information required under Section 4(2) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder in handwriting on labels affixed to fur products.

5. Failing to set forth information required under Section 4(2) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder on labels in the sequence required by Rule 30 of the aforesaid Rules and Regulations.

6. Failing to set forth on labels the item number or mark assigned to fur products.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all of the

information required to be disclosed in each of the subsections of Section 5(b)(1) of the Fur Products Labeling Act.

2. Failing to set forth on invoices the item number or mark assigned to fur products.

It is further ordered, That respondents Riley E. Miles and Dorothy S. Miles, individually and as co-partners trading as Miles n' Miles 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, sale, advertising, or offering for sale, in commerce, or the processing for commerce of fur products; or in connection with the selling, advertising, offering for sale, or processing of fur products which have been shipped and received in commerce do forthwith cease and desist from:

A. 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.

B. Failing to keep and preserve the records required by the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder in substituting labels as permitted by Section 3(e) of the said Act.

It is further ordered, That respondents Riley E. Miles and Dorothy S. Miles, individually and as co-partners, trading as Miles n' Miles 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 into commerce, or offering for sale, sale, transportation, distribution or delivery for shipment in commerce, of any wool product, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

A. Failing to securely affix to or place on each such product a stamp, tag, label, or other means of identification, showing in a clear and conspicuous manner each element of information required to be disclosed by Section 4(a)(2) of the Wool Products Labeling Act of 1939.

B. Failing to set forth the common generic name of fibers in the required information on labels, tags, or other means of identification attached to wool products.

C. Setting forth on labels affixed to wool products information required under Section 4(a)(2) of the Wool Products Labeling Act and the Rules and Regulations promulgated thereunder in handwriting.

1599

Decision and Order

It is further ordered, That respondents Riley E. Miles and Dorothy S. Miles, individually and as co-partners, trading as Miles n' Miles, or under any other trade name, and respondents' representatives, agents 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 any stamp, tag, label or other means of identification affixed to any wool product subject to the provisions of the Wool Products Labeling Act of 1939 with intent to violate the provisions of said Act.

It is further ordered, That respondents Riley E. Miles and Dorothy S. Miles, individually and as co-partners, trading as Miles n' Miles, 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, 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 product; 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. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising, or otherwise identifying such products as to the name or amount of constituent fibers contained therein.

2. Failing to affix labels to such textile fiber products showing in a clear, legible and conspicuous manner each element of information required to be disclosed by Section 4(b) of the Textile Fiber Products Identification Act.

3. Setting forth information required under Section 4(a) of the Textile Fiber Products Identification Act and the Rules and Regulations promulgated thereunder in abbreviated form on labels affixed to textile products.

4. Setting forth on labels affixed to textile fiber products information required under Section 4(b) of the Textile Fiber Products Identification Act and the Rules and Regulations promulgated thereunder in handwriting.

5. Using a fiber trademark on labels affixed to such textile fiber products without the generic name of the fiber appearing on such label.

6. Using a generic name or fiber trademark on any label whether required or non-required, without making a full and complete fiber content disclosure in accordance with the Textile Fiber Products Identification Act and the Rules and Regulations promulgated thereunder the first time such generic name or fiber trademark appears on the label.

B. Falsely and deceptively advertising textile fiber products by:

1. Making any representations, by disclosure or by implication as to the fiber content of any textile fiber product in any written advertisement which is used to aid, promote or assist directly or indirectly, in the sale or offering for sale of such textile fiber product, unless the same information required to be shown on the stamp, tag, label, or other means of identification under Section 4(b)(1) and (2) of the Textile Fiber Products Identification Act is contained in said advertisement, except that the percentages of the fibers present in the textile fiber product need not be stated.

2. Using a fiber trademark in advertising textile fiber products without a full disclosure of the required fiber content information in at least one instance in said advertisement.

3. Using a fiber trademark in advertising textile fiber products containing more than one fiber without such fiber trademark appearing in the required fiber content information in immediate proximity and conjunction with the generic name of the fiber in plainly legible type or lettering of equal size and conspicuousness.

4. Using a fiber trademark in advertising textile fiber products containing only one fiber without such fiber trademark appearing at least once in the advertisement in immediate proximity and conjunction with the generic name of the fiber, in plainly legible and conspicuous type.

It is further ordered, That respondents Riley E. Miles and Dorothy S. Miles, individually and as co-partners trading as Miles n' Miles or under any other trade name, and respondents' representatives, agents 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 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

1599

Complaint

fiber product is sold and delivered to the ultimate consumer unless a substitute stamp, tag, label, or other means of identification is affixed thereto in accordance with the provisions of Section 5(b) of the Textile Fiber Products Identification Act.

It is further ordered, That respondents Riley E. Miles and Dorothy S. Miles, individually and as co-partners, trading as Miles n' Miles or under any other trade name, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from failing to maintain the records required by Section 6(b) of the Textile Fiber Products Identification Act and Rule 39 of the Rules and Regulations promulgated thereunder to show the information set forth on the stamps, tags, labels or other identification that they removed and the name or names of the person or persons from whom the textile fiber product was received, in substituting stamps, tags, labels or other identification pursuant to Section 5(b) of the Textile Fiber Products Identification Act.

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.
