

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.

IN THE MATTER OF

ADELE FASHIONS, INC., ET AL.

CONSENT ORDERS, ETC., IN REGARD TO THE ALLEGED VIOLATION OF SEC.
2 (d) OF THE CLAYTON ACT

*Docket C-639—C-671. Complaint, Dec. 27, 1963—Decision, Dec. 27, 1963**

Consent orders requiring 33 wearing apparel manufacturers to cease discriminating in price among their customers in violation of Sec. 2(d) of the

* These orders were made effective on Aug. 9, 1965, *see Abby Kent Co., Inc., et al.*, docket No. C-328, et al., Aug. 9, 1965.

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Clayton Act by favoring certain retailers with promotional payments not made proportionally available to competing stores, and postponing the effective date of the orders until further order of the Commission.

COMPLAINTS

The Federal Trade Commission, having reason to believe that 33 wearing apparel manufacturers named in a listing of respondents on p. 2070 herein, have violated and are now violating the provisions of subsection (d) of Section 2 of the Clayton Act, as amended by the Robinson-Patman Act (U.S.C., Title 15, Section 13), and it appearing to the Commission that a proceeding by it in respect thereto is in the interest of the public, the Commission hereby issues its complaints stating its charges as follows:

PARAGRAPH 1. The respondents are corporations engaged in commerce, as "commerce" is defined in the amended Clayton Act, and sells and distributes their wearing apparel products from one State to customers located in other States of the United States. The sales of respondents in commerce are substantial.

PAR. 2. The respondents in the course and conduct of their business in commerce paid or contracted for the payment of something of value to or for the benefit of some of their customers as compensation or in consideration for services and facilities furnished by or through such customers in connection with their sale or offering for sale of wearing apparel products sold to them by respondents, and such payments were not made available on proportionally equal terms to all other customers competing with favored customers in the sale and distribution of respondents wearing apparel products.

PAR. 3. Included among, but not limited to, the practices alleged herein, respondents have granted substantial promotional payments or allowances for the promoting and advertising of their wearing apparel products to certain department stores and others who purchase respondents said products for resale. These aforesaid promotional payments or allowances were not offered and made available on proportionally equal terms to all other customers of respondents who compete with said favored customers in the sale of respondents wearing apparel products.

PAR. 4. The acts and practices alleged in Paragraphs One through Three are all in violation of subsection (d) of Section 2 of the Clayton Act, as amended by the Robinson-Patman Act.

DECISIONS AND ORDERS

The Federal Trade Commission having initiated an investigation of certain acts and practices of the manufacturers named in a listing

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of respondents on p. 2070 herein, and subsequently having determined that complaints should issue, and the respondents having entered into agreements containing orders to cease and desist from the practices being investigated and having been furnished copies of a draft of complaint to issue herein charging them with violation of subsection (d) of Section 2 of the Clayton Act, as amended, and

The respondents having executed the agreements containing consent orders which agreements contain an admission of all the jurisdictional facts set forth in the complaints to issue herein, and statements that the signing of the said agreements are for settlement purposes only and do not constitute admissions by the respondents that the law has been violated as set forth in such complaints, and also contains the waivers and provisions required by the Commission's rules; and

The Commission, having considered the agreements, hereby accepts the same, issues its complaints in the form contemplated by said agreements, makes the following jurisdictional findings, and enters the following orders:

1. Respondent manufacturers listed herein are corporations organized and existing under the laws of various States, with their offices and principal places of business located as indicated on appended list.

2. The Federal Trade Commission has jurisdiction of the subject matter of these proceedings and of the respondents.

ORDERS

It is ordered, That respondents named in a listing of respondents on p. 2070 herein, corporations, their officers, directors, agents, representatives and employees, directly or through any corporate or other device, in the course of their business in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

(1) Paying or contracting for payment of anything of value to, or for the benefit of, any customer of the respondents as compensation or in consideration for advertising or promotional services, or any other service or facility, furnished by or through such customer in connection with the handling, sale or offering for sale of wearing apparel products manufactured, sold or offered for sale by respondent, unless such payment or consideration is made available on proportionally equal terms to all other customers competing with such favored customer in the distribution or resale of such products.

It is further ordered, That the effective date of these orders to cease and desist be and it hereby is postponed until further order of the Commission.

The following is a listing of the 33 respondents named in the complaints and cease and desist orders (New York City unless otherwise indicated):

- (C-639) Adele Fashions, Inc., 1407 Broadway.
- (C-640) Blume Knitwear, Inc., 30-02 48th Avenue, Long Island City, N.Y., and a subsidiary at the same address, Impromptu Casuals, Inc.
- (C-641) Cluett, Peabody & Co., Inc., 530 Fifth Avenue.
- (C-642) Country Tweeds, Inc., 250 West 39th Street.
- (C-643) Litt-Gluck Co., 111 West 19th Street.
- (C-644) Sy Frankl, Inc., 1350 Broadway.
- (C-645) Glensder Corp., 417 Fifth Avenue.
- (C-646) The Hadley Corp., Weaverville, N.C.
- (C-647) Larry Levine, Inc., 252 West 37th Street.
- (C-648) Lord Jeff Knitting Co., Inc., 58-30 64th Street, Maspeth, N.Y.
- (C-649) Miss Maude, Inc., 1311 Park Avenue, Hoboken, N.J.
- (C-650) Mayflower Dress Co., Inc., 1350 Broadway.
- (C-651) Munsingwear, Inc., 718 Glenwood Avenue, Minneapolis, Minn.
- (C-652) Puritan Skirt & Dress Co., Inc., 144 Moody Street, Waltham, Mass.
- (C-653) The Puritan Sportswear Corp., 813 25th Street, Altoona, Pa.
- (C-654) Rainfair, Inc., 1501 Albert Street, Racine, Wis.
- (C-655) Sportswear Corporation of America, 6516 Page Boulevard, St. Louis, Mo.
- (C-656) Serbin, Inc., 1280 Southwest First Street, Miami, Fla.
- (C-657) Sir James, Inc., 910 South Los Angeles Street, Los Angeles, Calif.
- (C-658) Kandahar Sportswear Co., Inc., 8 West 30th Street
- (C-659) Bobbie Brooks, Inc., 3839 Kelley Avenue, Cleveland, Ohio.
- (C-660) Gay Gibson, Inc., 2617 Grand Avenue, Kansas City, Mo.
- (C-661) The Grove Co., 8300 Manchester Road, St. Louis, Mo.
- (C-662) Irwill Knitwear Corp., 1407 Broadway.
- (C-663) Kathi Originals, Inc., 1350 Broadway.
- (C-664) Lofties Knitting Mills, Inc., 85 DeKalb Avenue, Brooklyn, N.Y.
- (C-665) Mademoiselle Modes, Inc., 520 Eighth Avenue.

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(C-666) Donkenny, Inc., 1407 Broadway, and a subsidiary at the same address, Melray Blouse Co., Inc.

(C-667) Albert Rosenblatt & Sons, Inc., 1400 Broadway.

(C-668) Economy Blouse Corp., 1407 Broadway.

(C-669) E. D. Winter & Co., Inc., 525 Seventh Avenue.

(C-670) Jack Winter, Inc., 233 East Chicago Street, Milwaukee, Wis.

(C-671) Young Timers, Inc., 520 Eighth Avenue.
