

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
CROWN FURS, INC., ET AL.

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

Docket C-697. Complaint, Jan. 28, 1964—Decision, Jan. 28, 1964

Consent order requiring retail furriers in New York City to cease violating the Fur Products Labeling Act by misbranding, falsely invoicing and advertising their fur products, and substituting nonconforming labels for the labels affixed to fur products by manufacturers.

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 rea-

Complaint

64 F.T.C.

son to believe that Crown Furs Inc., a corporation, and David M. Weiss, individually and as an officer of said corporation, 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. Respondent Crown Furs Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Illinois.

Respondent David M. Weiss is an officer of the corporate respondent and formulates, directs, and controls the acts, practices, and policies of the said corporate respondent including those hereinafter set forth.

Proposed Respondents are retailers of fur products with their office and principal place of business located at 130 West 30th Street, New York, New York.

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 show the true animal name of the fur used in the fur product.
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:

(a) 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 said Rules and Regulations.

(b) The term "natural" was not used on labels to describe fur products which were not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored, in violation of Rule 19(g) of said Rules and Regulations.

(c) 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.

(d) 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.

(e) Information required under Section 4(2) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder was not completely set out on one side of labels, in violation of Rule 29(a) of said Rules and Regulations.

(f) 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.

(g) 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.

(h) Information required under Section 4(2) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder 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.

(i) 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.

Complaint

64 F.T.C.

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

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. To show the country of origin of imported furs used in fur products.

PAR. 6. Certain of said fur products were falsely and deceptively invoiced with respect to the name or designation of the animal or animals that produced the fur from which the 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 which were invoiced as "Broadtail" thereby implying that the furs contained therein were entitled to the designation "Broadtail Lamb" when in truth and in fact they were not entitled to such designations.

PAR. 7. Certain of said fur products were falsely and deceptively invoiced with respect to the name of the country of origin of imported furs used 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 invoiced to show the name of the country of origin of furs contained in such fur products as the United States when in truth and in fact the furs used in such fur products were imported.

PAR. 8. 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) Information required under Section 5(b)(1) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder was set forth on invoices in abbreviated form, in violation of Rule 4 of said Rules and Regulations.

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

(c) The term "natural" was not used on invoices to describe fur products which were not pointed, bleached, dyed, tip-dyed or otherwise artificially colored, in violation of Rule 19(g) of said Rules and Regulations.

(d) Required item numbers were not set forth on invoices, in violation of Rule 40 of said Rules and Regulations.

PAR. 9. Certain of said fur products were falsely and deceptively advertised in violation of the Fur Products Labeling Act in that certain advertisements intended to aid, promote and assist, directly or indirectly, in the sale and offering for sale of such fur products were not in accordance with the provisions of Section 5(a) of the said Act.

Among and included in the aforesaid advertisements but not limited thereto, were advertisements of respondents which appeared in issues of the Chicago Tribune, a newspaper published in the city of Chicago, State of Illinois.

Among such false and deceptive advertisements, but not limited thereto, were advertisements which failed:

1. To show the true animal name of the fur used in the fur product.
2. To show that the fur contained in the fur product was bleached, dyed, or otherwise artificially colored, when such was the fact.
3. To show the country of origin of imported furs contained in fur products.

PAR. 10. By means of the aforesaid advertisements and others of similar import and meaning not specifically referred to herein, respondents falsely and deceptively advertised fur products in that certain of said fur products were falsely or deceptively identified with respect to the name or designation of the animal or animals that produced the fur from which the said fur products had been manufactured, in violation of Section 5(a)(5) of the Fur Products Labeling Act.

Among such falsely and deceptively advertised fur products, but not limited thereto, were fur products advertised as "Broadtail Lamb" when in truth and in fact they were not entitled to such designation.

PAR. 11. In advertising fur products for sale as aforesaid respondents represented through such statements as "Wonderful, Wonderful January Buys at Jubilant Savings of $\frac{1}{3}$ to $\frac{1}{2}$ and More" that prices of fur products were reduced in direct proportion to the percentages stated and that the amount of said reduction afforded savings to the purchasers of respondents' products when in fact such prices were not reduced in direct proportion to the percentages stated and the represented savings were not thereby afforded to the said purchasers, in violation of Section 5(a)(5) of the Fur Products Labeling Act.

PAR. 12. In advertising fur products for sale, as aforesaid, respondents made pricing claims and representations of the types

covered by subsections (a), (b), (c) and (d) of Rule 44 of the Regulations under the Fur Products Labeling Act. Respondents in making such claims and representations failed to maintain full and adequate records disclosing the facts upon which such pricing claims and representations were based, in violation of Rule 44(e) of the said Rules and Regulations.

PAR. 13. By means of the aforesaid advertisements and others of similar import and meaning not specifically referred to herein, respondents falsely and deceptively advertised fur products in violation of the Fur Products Labeling Act in that the said fur products were not advertised in accordance with the Rules and Regulations promulgated thereunder in the following respects:

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

(b) The term "natural" was not used to describe fur products which were not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored, in violation of Rule 19(g) of the said Rules and Regulations.

PAR. 14. 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. 15. 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 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 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

465

Order

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 Crown Furs, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Illinois, with its office and principal place of business located at 130 West 30th Street, New York, New York.

Respondent David M. Weiss is an officer of said corporation and his 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 Crown Furs, Inc., a corporation, and its officers, and David M. Weiss, individually and as an officer of said corporation, 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 "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 in 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

Order

64 F.T.C.

Regulations promulgated thereunder in abbreviated form on labels affixed to fur products.

3. Failing to set forth the term "Natural" as part of the information required to be disclosed on labels under the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

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

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

6. Failing to completely set out information required under Section 4(2) of the Fur Products Labeling Act and the Rules and Regulations thereunder on one side of the labels affixed to fur products.

7. 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.

8. 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.

9. Failing to set forth separately on labels attached to fur products composed of two or more sections containing different animal fur 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.

10. Failing to set forth on labels the item number or mark assigned to a fur product.

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

2. Falsely or deceptively invoicing any fur product with respect to the name or designation of the animal or animals that produced the fur contained in such fur product.

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

4. Setting forth information required under Section 5(b)(1) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder in abbreviated form.

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

6. Failing to set forth the term "Natural" as part of the information required to be disclosed on invoices under the Fur Products Labeling Act and Rules and Regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

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

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of any fur product, and which:

1. Fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of Section 5(a) of the Fur Products Labeling Act.

2. Falsely or deceptively identifies any such fur product as to the name or designation of the animal or animals that produced the fur contained in the fur product.

3. Fails to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb".

4. Fails to set forth the term "Natural" as part of the information required to be disclosed in advertisements under the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder to describe fur prod-

Order

64 F.T.C.

ucts which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

5. Represents directly or by implication through percentage savings claims that prices of fur products are reduced to afford purchasers of respondents' fur products the percentage of savings stated when the prices of such fur products are not reduced to afford to purchasers the percentage of savings stated.

6. Misrepresents in any manner the savings available to purchasers of respondents' fur products.

7. Falsely or deceptively represents in any manner that prices of respondents' fur products are reduced.

D. Making claims and representations of the types covered by subsections (a), (b), (c) and (d) of Rule 44 of the Rules and Regulations promulgated under the Fur Products Labeling Act unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based.

It is further ordered, That respondents Crown Furs, Inc., a corporation, and its officers, and David M. Weiss, individually and as an officer of said corporation 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.

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
JACK SOMMERSCONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF THE
FEDERAL TRADE COMMISSION AND THE FUR PRODUCTS LABELING ACTS*Docket C-698. Complaint, Jan. 28, 1964—Decision, Jan. 28, 1964*

Consent order requiring a retailer of fur products, former president of a dissolved corporation, in New York City, to cease violating the Fur Products Labeling Act by failing in invoicing and advertising to show the true animal name of fur and to use the term "Natural" for furs that were not bleached or dyed; failing to show, on invoices, when furs were artificially colored and the country of origin of imported furs, and using the term "Broadtail" improperly; invoicing furs falsely with regard to the name of the producing animal and naming the United States as the country of origin of imported furs; in newspaper advertising, falsely representing fur products on sale as part of the regular stock of Jay-Thorpe and as "OVER \$500,000 WORTH"; and failing to keep adequate records as a basis for pricing claims.

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 Jack Sommers, individually and as a former officer of Jay-Thorpe Inc., a dissolved corporation hereinafter referred to as respondent has 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. Respondent Jack Sommers was president of Jay-Thorpe Inc., a dissolved corporation and participated in the formulation, direction and control of the acts, practices and policies of the said corporation including those hereinafter set forth.

Jay-Thorpe Inc., a dissolved corporation was a retailer of fur products with its office and principal place of business located at 24 West 57th Street, New York, New York. The address of respondent Jack Sommers was the same as that of Jay-Thorpe Inc., a dissolved corporation.

PAR. 2. Subsequent to the effective date of the Fur Products Labeling Act on August 9, 1952, respondent has been engaged in the introduction into commerce, and in the sale, advertising, and offering for sale in commerce, of fur products; and has sold, advertised,

Complaint

64 F.T.C.

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 falsely and deceptively invoiced by the respondent in that they were not invoiced as required by Sections 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:

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. To show the country of origin of imported furs used in fur products.

PAR. 4. Certain of said fur products were falsely and deceptively invoiced with respect to the name or designation of the animal or animals that produced the fur from which the 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 which were invoiced as "Broadtail" thereby implying that the furs contained therein were entitled to the designation "Broadtail Lamb" when in truth and in fact they were not entitled to such designations.

PAR. 5. Certain of said fur products were falsely and deceptively invoiced with respect to the name of the country of origin of imported furs used 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 invoiced to show the name of the country of origin of furs contained in such fur products as the United States when in truth and in fact the furs used in such fur products were imported.

PAR. 6. 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) Information required under Section 5(b)(1) of the Fur Products Labeling Act and the Rules and Regulations promulgated

thereunder was set forth on invoices in abbreviated form, in violation of Rule 4 of said Rules and Regulations.

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

(c) The term "natural" was not used on invoices to describe fur products which were not pointed, bleached, dyed, tip-dyed or otherwise artificially colored, in violation of Rule 19(g) of said Rules and Regulations.

(d) Required item numbers were not set forth on invoices, in violation of Rule 40 of said Rules and Regulations.

PAR. 7. Certain of said fur products were falsely and deceptively advertised in violation of the Fur Products Labeling Act in that certain advertisements intended to aid, promote and assist, directly or indirectly, in the sale and offering for sale of such fur products were not in accordance with the provisions of Section 5(a) of the said Act.

Among and included in the aforesaid advertisements but not limited thereto, were advertisements of respondent which appeared in issues of the New York Times, a newspaper published in the city of New York, State of New York.

Among such false and deceptive advertisements, but not limited thereto, were advertisements which failed to show the true animal name of the fur used in the fur product.

PAR. 8. By means of the aforesaid advertisements and others of similar import and meaning not specifically referred to herein, respondent falsely and deceptively advertised fur products in violation of the Fur Products Labeling Act in that the said fur products were not advertised in accordance with the Rules and Regulations promulgated thereunder inasmuch as the term "Natural" was not used to describe fur products which were not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored in violation of Rule 19(g) of the said Rules and Regulations.

PAR. 9. By means of the aforesaid advertisements and others of similar import and meaning not specifically referred to herein, respondent falsely and deceptively advertised fur products in that said advertisements through such statements as "JAY-THORPE MUST SELL OVER \$500,000 WORTH OF TRADITIONAL JAY-THORPE QUALITY FURS" represented that the fur products listed were a part of the regular stock of furs owned by Jay-Thorpe and were being offered for sale as a part of the Jay-Thorpe collection when in truth and in fact a substantial number of the fur products thus listed, advertised and offered for sale were not part

of the regular stock of furs owned by Jay-Thorpe and were not a part of the Jay-Thorpe Collection, in violation of Section 5(a)(5) of the Fur Products Labeling Act.

PAR. 10. By means of the aforesaid advertisements and others of similar import and meaning not specifically referred to herein, respondent falsely and deceptively advertised fur products in that said advertisements represented through such statements as "JAY-THORPE MUST SELL OVER \$500,000 WORTH OF TRADITIONAL JAY-THORPE QUALITY FURS" that the aggregate quantity of fur products in stock offered for sale would retail at \$500,000 when in truth and in fact the fur products offered for sale would retail for substantially less than that amount, in violation of Section 5(a)(5) of the Fur Products Labeling Act.

PAR. 11. In advertising fur products for sale, as aforesaid, respondent made pricing claims and representations of the types covered by subsections (a), (b), (c) and (d) of Rule 44 of the Regulations under the Fur Products Labeling Act. Respondent in making such claims and representations failed to maintain full and adequate records disclosing the facts upon which such pricing claims and representations were based, in violation of Rule 44(e) of the said Rules and Regulations.

PAR. 12. The aforesaid acts and practices of respondent, 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.

DECISION AND ORDER

The Commission having heretofore determined to issue its complaint charging the respondent named in the caption hereof with violation of the Federal Trade Commission Act and the Fur Products Labeling Act, and the respondent 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 respondent and counsel for the Commission having thereafter executed an agreement containing a consent order, an admission by respondent 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 respondent that the law has been violated as set forth in such complaint, and waivers and provisions as required by the Commission's rules; and

475

Order

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 Jack Sommers was president of Jay-Thorpe Inc., a dissolved corporation whose office and principal place of business was located at 24 West 57th Street, New York, New York. The address of respondent Jack Sommers was the same as that of said Jay-Thorpe Inc.

2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondent, and the proceeding is in the public interest.

ORDER

It is ordered, That respondent Jack Sommers individually and as a former officer of Jay-Thorpe Inc., a dissolved corporation and respondent's 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 "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

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

2. Falsely or deceptively invoicing any fur product with respect to the name or designation of the animal or animals that produced the fur contained in such fur product.

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

4. Setting forth information required under Section 5(b)(1) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder in abbreviated form.

Order

64 F.T.C.

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

6. Failing to set forth the term "Natural" as part of the information required to be disclosed on invoices under the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

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

B. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of any fur product, and which:

1. Fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of Section 5(a) of the Fur Products Labeling Act.

2. Fails to set forth the term "Natural" as part of the information required to be disclosed in advertisements under the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

3. Misrepresents in any manner that any fur product is a part of the stock or collection of any person or firm.

4. Misrepresents in any manner, the quantity of fur products or the retail price of any fur product or aggregate price of fur products offered for sale.

C. Making claims and representations of the types covered by subsections (a), (b), (c) and (d) of Rule 44 of the Rules and Regulations promulgated under the Fur Products Labeling Act unless there is maintained by respondent full and adequate records disclosing the facts upon which such claims and representations are based.

It is further ordered, That the respondent herein shall, within 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.

Complaint

IN THE MATTER OF

ALLIED STORES CORPORATION ET AL.

CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF THE
FEDERAL TRADE COMMISSION ACT*Docket C-699. Complaint, Jan. 28, 1964—Decision, Jan. 28, 1964*

Consent order requiring three New York and two Tennessee concerns to cease representing falsely in newspaper advertisements that certain shoes they sold were manufactured for the United States Navy and in accordance with Navy specifications, were inspected and approved by Navy inspectors and were regulation Navy "officers' shoes"; and requiring the manufacturers of said shoes to cease making the aforesaid misrepresentations by stamping on the shoes purported Navy specification and inspection numbers, the name of the purported Navy inspector and such statements as "U.S. Navy Last"; and to cease making similar misrepresentations in advertising mats and proofs furnished to retailers.

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 Allied Stores Corporation, Allied Stores of New York, Inc., Stern Brothers, Inc., Genesco, Inc., and W. L. Douglas Shoe Company, corporations, 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 Allied Stores Corporation is a corporation organized, existing and doing business under and by virtue of the laws of the State of Delaware with its principal office and place of business located at 401 Fifth Avenue, New York, New York.

Respondent Stern Brothers, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of New York. It is a department store in the Allied Stores Corporation chain and is located at 41 West 42nd Street, New York, New York, with branch stores in Paramus, New Jersey and Paterson, New Jersey. It does business under the name of Stern Brothers and Stern's.

Prior to January 1, 1963, and during the period covered by the acts and practices hereinafter referred to, respondent Stern Brothers, Inc., was wholly owned and operated by respondent Allied Stores Corporation. Since January 1, 1963 respondent Stern Brothers, Inc., has been owned and operated by Allied Stores of New York, Inc., a

Complaint

64 F.T.C.

New York corporation which is a wholly owned subsidiary of respondent Allied Stores Corporation, and whose address is 162-10 Jamaica Avenue, Jamaica, Long Island, New York.

Respondent Genesco, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Tennessee, with its principal office and place of business located at 111 Seventh Avenue, North, Nashville 3, Tennessee.

Respondent W. L. Douglas Shoe Company is a corporation organized, existing and doing business under and by virtue of the laws of the State of Massachusetts. It is a wholly owned subsidiary corporation of Genesco, Inc., and an operating division thereof. Its principal office and place of business is the same as that of Genesco, Inc.

PAR. 2. Respondent Allied Stores Corporation, now through the operating corporation, Allied Stores of New York, Inc., and formerly through Stern Brothers, Inc., and its other retail stores, is now, and for some time last past has been, engaged in the advertising, offering for sale, sale and distribution to the public of various articles of merchandise, including men's shoes which closely resemble in appearance shoes issued to members of the United States Navy.

PAR. 3. In the course and conduct of their business, respondents Allied Stores Corporation Allied Stores of New York, Inc., and Stern Brothers, Inc., now cause and for some time last past have caused said products, when sold, to be shipped from the Stern Brothers, Inc., store in the State of New York to purchasers thereof located in various other States of the United States, and maintain and at all times mentioned herein have maintained a substantial course of trade in said products in commerce, as "commerce" is defined in the Federal Trade Commission Act.

Respondent Allied Stores Corporation and Allied Stores of New York, Inc., from their headquarters in New York, ship, and cause to be shipped, merchandise to stores located in States other than New York for sale to the purchasing public. They further engage in commercial intercourse, in commerce, consisting of the transmission and receipt of letters, checks, reports, contracts and other documents of a commercial nature between headquarters and stores in the various States.

PAR. 4. Respondent Genesco, Inc., through its said subsidiary, W. L. Douglas Shoe Company, is now, and for some time last past has been, engaged in the manufacturing, advertising, offering for sale, sale and distribution of shoes, including shoes of the type described in Paragraph 2, to retailers for resale to the public.

PAR. 5. In the course and conduct of its business, respondent Genesco, Inc., through respondent W. L. Douglas Shoe Company, now causes and for some time last past has caused said shoes, when sold, to be shipped from its place of business in the State of Tennessee to purchasers thereof located in various other States of the United States, and maintains and at all times mentioned herein has maintained a substantial course of trade in said products in commerce as "commerce" is defined in the Federal Trade Commission Act.

PAR. 6. In the course and conduct of their business, and for the purpose of inducing the purchase of their shoes, respondents Allied Stores Corporation and Stern Brothers, Inc., have made numerous statements in advertisements placed in newspapers in respect to the kind, type, manufacture, construction and quality of said shoes.

Typical, but not all inclusive of such statements, are the following:

[Illustration of shoe]

By W. L. DOUGLAS

OFFICERS' SHOES BUILT ON AUTHENTIC

U.S. NAVY LASTS

U.S. NAVY INSPECTION AND SPECIFICATION

NUMBER STAMPED ON OUTSOLE

AUTHENTIC BLACK LEATHER U.S. NAVY SHOE

GOVERNMENT SPECIFICATION LASTS

PAR. 7. By and through the use of said illustration and the above-quoted statements said respondents Allied Stores Corporation and Stern Brothers, Inc., represent, directly or indirectly:

1. That said shoes were manufactured for the United States Navy and in accordance with Navy specifications.
2. That said shoes were inspected by United States Navy inspectors and approved as meeting United States Navy specifications.
3. That said shoes were official or regulation United States Navy "officers' shoes."

PAR. 8. In truth and in fact:

1. Said shoes were neither manufactured for the United States Navy nor were they made in accordance with Navy specifications.
2. Said shoes were neither inspected by United States Navy inspectors nor approved as meeting United States Navy specifications.
3. Said shoes were not official or regulation United States Navy "officers' shoes."

Therefore the statements and representations as set forth in Paragraphs 6 and 7 hereof were and are false, misleading and deceptive.

PAR. 9. Through their cooperative advertising program respondents Genesco, Inc., and W. L. Douglas Shoe Company shared the

Complaint

64 F.T.C.

cost of publication of the advertisements referred to in Paragraph 6 hereof with respondents Allied Stores Corporation and Stern Brothers, Inc. Respondents Genesco, Inc., and W. L. Douglas Shoe Company paid their share of the publication charge upon receipt from time to time of tear sheets of the advertisements as proof of their publication. Thus, respondents Genesco, Inc., and W. L. Douglas Shoe Company knew that said false and deceptive statements and representations were being made in said advertisements. By the continued payment of their share of the cost of publication, respondents Genesco, Inc., and W. L. Douglas Shoe Company thereby approved and sponsored publication of said advertisements for the purpose of furthering the sale of their said shoes to the public, so as thereby to become equally responsible for such misleading advertisements along with respondents Allied Stores Corporation and Stern Brothers, Inc.

Furthermore, and in the manner hereinafter described, respondents Genesco, Inc., and W. L. Douglas Shoe Company furnish the means and instrumentalities to Allied Stores Corporation and Stern Brothers, Inc., which provide the basis for certain of the aforesaid false, misleading statements and representations.

PAR. 10. In the course and conduct of their business as aforesaid respondents Genesco, Inc., and W. L. Douglas Shoe Company imprint or stamp on said shoes purported specification and inspection numbers of the United States Navy, the name of the purported Navy inspector, and various other statements such as "U.S. Navy Last", implying that said shoes have been made for the Navy and in accordance with Navy specifications. In the advertising mats and proofs furnished to retailers these said respondents make numerous statements and representations respecting the kind, type, manufacture, construction and quality of their said shoes.

Typical, but not all inclusive of such statements, are the following:

[Illustration of shoe]

NAVY SHOES

built over U. S. Navy lasts

This authentic Navy Oxford * * *

* * * Takes a good shine, gives extra comfort and support and wears well. You former Navy men remember how your shoes met those requirements. This shoe, built on official Navy lasts, does the same.

PAR. 11. Through the use of the aforesaid statements in advertising and the markings on said product respondents Genesco, Inc., and W. L. Douglas Shoe Company represent, directly or indirectly:

1. That said shoes are official United States Navy shoes and are manufactured in accordance with Navy specifications.

2. That said shoes are inspected by United States Navy inspectors and approved as meeting United States Navy specifications.

PAR. 12. In truth and in fact:

1. Said shoes are not official United States Navy shoes and are not manufactured in accordance with Navy specifications.

2. Said shoes are not inspected by United States Navy inspectors and are not approved as meeting United States Navy specifications.

Therefore the statements and representations as set forth in Paragraphs 10 and 11 hereof were and are false, misleading and deceptive.

PAR. 13. Respondents Genesco, Inc., and W. L. Douglas Shoe Company, by furnishing dealers with shoes upon which are stamped purported United States Navy specification and inspection numbers and various other legends implying that said shoes had been manufactured for the Navy, and by supplying them with advertising mats and proofs containing the illustration and statements referred to in Paragraph 10 hereof, have placed in the hands of retailers the means and instrumentalities through and by which the purchasing public may be misled as to the kind, type, manufacture, quality and construction of said shoes in the respects set forth in Paragraphs 11 and 12 hereof.

PAR. 14. In the 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 men's shoes of the same general kind and nature as those sold by respondents.

PAR. 15. 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. 16. 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 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 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 Allied Stores Corporation is a corporation organized, existing and doing business under and by virtue of the laws of the State of Delaware, with its office and principal place of business located at 401 Fifth Avenue, in the city of New York, State of New York.

Respondent Allied Stores of New York, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of New York. Its office and place of business is located at 162-10 Jamaica Avenue, in the city of Jamaica, Long Island, State of New York.

Respondent Stern Brothers, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of New York, with its office and principal place of business located at 41 West 42nd Street, in the city of New York, State of New York.

Respondent Genesco, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Tennessee with its office and principal place of business located at 111 Seventh Avenue, in the city of Nashville, State of Tennessee.

Respondent W. L. Douglas Shoe Company is a corporation organized, existing and doing business under and by virtue of the laws of the State of Massachusetts. Its office and place of business is the same as that of Genesco, Inc.

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.

481

Order

ORDER

It is ordered. That respondents Allied Stores Corporation, Allied Stores of New York, Inc., Stern Brothers, Inc., Genesco, Inc., and W. L. Douglas Shoe Company, corporations, and their officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of footwear in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or indirectly, that said products are manufactured for the United States Navy, or for any other branch of the Armed Forces of the United States, or in accordance with the specifications of the said Navy or any other branch of the said armed forces unless said products have been manufactured for and in accordance with specifications of such branch of service.

2. Representing, directly or indirectly, that said products have been manufactured for or are in any other manner identified or connected with a designated organization or person which is not primarily engaged in commercial merchandising unless such products have been so manufactured and are in fact connected with such organization or person in the manner represented; or misrepresenting in any manner the specifications employed in the manufacture of such products so designated.

3. Representing, directly or indirectly, that such products have been inspected by United States Navy inspectors or that they have been approved as meeting United States Navy specifications when said products have not been so inspected or approved, or misrepresenting, in any manner, the kind or extent of the inspections or the approval accorded said products.

It is further ordered. That respondents Genesco, Inc., and W. L. Douglas Shoe Company, corporations, and their officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of footwear in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from furnishing or otherwise placing in the hands of retailers of said products, or others, any means or instrumentalities by or through which they may mislead and deceive the public in the manner or as to the things hereinabove prohibited.

It is further ordered. That respondents Allied Stores Corporation, Allied Stores of New York, Inc., and Stern Brothers, Inc., corpora-

Complaint

64 F.T.C.

tions, and their officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of footwear in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or indirectly, that said products are official or regulation United States Navy officers' shoes when said products have not been manufactured pursuant to and in accordance with terms of a contract with the United States Navy; or misrepresenting, in any manner the type, design or style of footwear which resembles in appearance or is identified or described as footwear manufactured for the Armed Forces of the United States.

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

S. KLEIN DEPARTMENT STORES, INC., ET AL.

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

Docket C-700. Complaint, Jan. 28, 1964—Decision, Jan. 28, 1964

Consent order requiring four associated retailers of fur products to cease violating the Fur Products Labeling Act by failing in labeling and invoicing to show the true name of animals producing certain furs, to disclose when furs were dyed or bleached, to show the country of origin of imported furs, and to use the term "Persian Lamb" as required; falsely labeling the country of origin of furs as the United States and domestic furs as imported; substituting nonconforming labels for those originally attached to fur products; and failing in other respects to comply with requirements of the Act.

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 S. Klein Department Stores, Inc., a corporation, S. Klein on the Square, Inc., a corporation, S. Klein Fur Corpo-

ration, a corporation, and Jay-Robert Fur Corporation, a corporation, 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 S. Klein Department Stores, Inc., S. Klein on the Square, Inc., S. Klein Fur Corporation, and Jay-Robert Fur Corporation are corporations organized, existing and doing business under and by virtue of the laws of the State of New York. Respondents are engaged in purchasing, retailing and distributing fur products with their office and principal place of business located at 14th Street and Union Square, New York, New York.

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 falsely and deceptively labeled or otherwise falsely or deceptively identified with respect to the name of the country of origin of furs contained in such fur products, in violation of Section 4(1) of the Fur Products Labeling Act.

Among such misbranded fur products, but not limited thereto, were fur products labeled to show the country of origin of furs used in such fur products as the United States when the country of origin of such furs was not the United States.

PAR. 4. 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 show the true animal name of the fur used in the fur product.

Complaint

64 F.T.C.

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

3. To show the country of origin of the imported furs contained in the fur product.

PAR. 5. 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 said Rules and Regulations.

2. The term Persian Lamb was not set forth on labels in the manner required by law, in violation of Rule 8 of said Rules and Regulations.

3. Labels contained representations that the furs incorporated in fur products were imported when, in fact, such furs were domestic, in violation of Rule 18 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 said Rules and Regulations.

5. Information required under Section 4(2) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder 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. 6. Certain of said fur products were falsely and deceptively invoiced by the respondents in fact 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:

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. To show the country of origin of imported furs used in fur products.

PAR. 7. Certain of said fur products were falsely and deceptively invoiced with respect to the name or designation of the animal or

animals that produced the fur from which the 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 which were invoiced as "Broadtail" thereby implying that the furs contained therein were entitled to the designation "Broadtail Lamb", when in truth and in fact they were not entitled to such designation.

PAR. 8. Certain of said fur products were falsely and deceptively invoiced in that said fur products were invoiced to show that the fur contained therein was natural, when in fact such fur was pointed, bleached, dyed, tip-dyed or otherwise artificially colored, in violation of Section 5(b)(2) of the Fur Products Labeling Act.

PAR. 9. 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:

1. Information required under Section 5(b)(1) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder was set forth on invoices in abbreviated form, in violation of Rule 4 of said Rules and Regulations.

2. The term "Persian Lamb" was not set forth on invoices in the manner required by law, in violation of Rule 8 of said Rules and Regulations.

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

PAR. 10. 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(2) of said Act, in violation of Section 3(e) of said Act.

PAR. 11. 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.

Order

64 F.T.C.

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 S. Klein Department Stores, Inc., S. Klein on the Square, Inc., S. Klein Fur Corporation, and Jay-Robert Fur Corporation are corporations organized, existing and doing business under and by virtue of the laws of the State of New York, with their office and principal place of business located at 14th Street and Union Square, in the city of New York, State of New York.

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 S. Klein Department Stores, Inc., a corporation, and its officers, S. Klein on the Square, Inc., a corporation, and its officers, S. Klein Fur Corporation, a corporation, and its officers, and Jay-Robert Fur Corporation, a corporation and its officers, 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, 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 "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. Falsely or deceptively labeling or otherwise identifying any such fur product as to the country of origin of furs contained in such fur product.
2. Failing to affix labels to fur products showing in words and in 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.
3. 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.
4. Failing to set forth the term "Persian Lamb" on labels in the manner required where an election is made to use that term instead of the word "Lamb".
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. Representing, directly or by implication on labels that the furs contained in fur products are domestic when such furs are imported.
7. 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.

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 the information required to be disclosed in each of the subsections of Section 5(b)(1) of the Fur Products Labeling Act.
2. Setting forth on invoices pertaining to fur products any false or deceptive information with respect to the name or designation of the animal or animals that produced the fur contained in such fur product.
3. Representing directly or by implication on invoices that the fur contained in fur products is natural when such

fur is pointed, bleached, dyed or otherwise artificially colored.

4. Setting forth information required under Section 5(b)(1) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder in abbreviated form.

5. Failing to set forth the term "Persian Lamb" in the manner required where an election is made to use that term instead of the word "Lamb".

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

It is further ordered, That respondents, S. Klein Department Stores, Inc., a corporation, and its officers, S. Klein on the Square, Inc., a corporation, and its officers, S. Klein Fur Corporation, a corporation, and its officers and respondents' representatives, agents and its 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 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 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

YUDOFSKY FURRIERS INC., ET AL.

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

Docket C-702. Complaint, Jan. 28, 1964—Decision, Jan. 28, 1964

Consent order requiring retail furriers in Louisville, Ky., to cease violating the Fur Products Labeling Act by affixing labels to fur products which contained fictitious prices; by invoicing which failed to comply with require-

ments; by advertising in circulars distributed to prospective customers which misrepresented prices of fur products as "Below Our Cost"; and by failing to keep adequate records as a basis for pricing claims.

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 Yudofsky Furriers Inc., a corporation, and Morris Yudofsky, Joseph Yudofsky, Ruth Yudofsky and Dorothy Yudofsky, 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 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. Respondent Yudofsky Furriers Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Kentucky with its office and principal place of business located at 709 South Fourth Street, Louisville, Kentucky.

Individual respondents Morris Yudofsky, Joseph Yudofsky, Ruth Yudofsky and Dorothy Yudofsky are officers of the said corporation and control, direct and formulate the acts, practices and policies of the said corporation. Their office and principal place of business is the same as that of the said corporation.

Respondents retail 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 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 falsely and deceptively labeled or otherwise falsely and deceptively identified in that labels containing fictitious prices were affixed to such fur products 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 contained prices which were in

Complaint

64 F.T.C.

excess of the prices at which the said fur products were actually sold in the regular course of business.

PAR. 4. 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.

PAR. 5. 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 inasmuch as required item numbers were not set forth on invoices, in violation of Rule 40 of said Rules and Regulations.

PAR. 6. Certain of said fur products were falsely and deceptively advertised in that said fur products were not advertised as required under the provisions of Section 5(a) of the Fur Products Labeling Act and in the manner and form prescribed by the Rules and Regulations promulgated thereunder.

Said advertisements were intended to aid, promote and assist, directly or indirectly, in the sale and offering for sale of said fur products.

Among and included in the advertisements as aforesaid, but not limited thereto, were advertising circulars of respondents which were distributed to prospective customers.

By means of the aforesaid advertisements and others of similar import and meaning not specifically referred to herein, respondents falsely and deceptively advertised fur products in that said advertisements misrepresented prices as being "Below Our Cost" and thereby also misrepresented the savings available to purchasers of said products, in violation of Section 5(a)(5) of the Fur Products Labeling Act and Rule 44(e) of the Rules and Regulations promulgated under the aforesaid Act.

PAR. 7. Respondents falsely and deceptively advertised fur products in violation of Section 5(a)(5) of the Fur Products Labeling Act by affixing labels to such fur products which contained fictitious prices and misrepresented the regular retail selling prices of such fur products in that the prices represented on such labels as the regular prices of such fur products were in excess of the retail prices at which respondents regularly and usually sold such fur products in the recent regular course of business.

PAR. 8. In advertising fur products for sale, as aforesaid, respondents made pricing claims and representations of the types covered by subsections (a), (b), (c), and (d) of Rule 44 of the Regulations

under the Fur Products Labeling Act. Respondents in making such claims and representations failed to maintain full and adequate records disclosing the facts upon which such pricing claims and representations were based, in violation of Rule 44(e) of the said Rules and Regulations.

PAR. 9. 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 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 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. Respondent Yudofsky Furriers Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Kentucky, with its office and principal place of business located at 709 South Fourth Street, Louisville, Kentucky.

Respondents Morris Yudofsky, Joseph Yudofsky, Ruth Yudofsky and Dorothy Yudofsky 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

64 F.T.C.

ORDER

It is ordered, That respondents, Yudofsky Furriers Inc., a corporation, and its officers, and Morris Yudofsky, Joseph Yudofsky, Ruth Yudofsky and Dorothy Yudofsky, 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 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 "commerce", "fur", and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by falsely or deceptively labeling or otherwise identifying such products by any representation that any price, when accompanied or unaccompanied by any descriptive language, was the price at which the merchandise so represented was usually and customarily sold at retail by the respondents unless such merchandise was in fact usually and customarily sold at retail at such price in the recent past.

B. Falsely or deceptively invoicing fur products by failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed in each of the subsections of Section 5(b)(1) of the Fur Products Labeling Act.

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

D. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale, of fur products and which:

1. Falsely or deceptively represents directly or by implication that the prices of fur products are "Below Our Cost".

2. Misrepresents in any manner the savings available to purchasers of respondents' fur products.

3. Represents, directly or by implication, that the price, when accompanied or unaccompanied by any descriptive language, was the price at which the merchandise advertised was usually and customarily sold at retail by the respondents

Complaint

unless such advertised merchandise was in fact usually and customarily sold at retail at such price by respondents in the recent past.

E. Making claims and representations of the types covered by subsections (a), (b), (c) and (d) of Rule 44 of the Rules and Regulations promulgated under the Fur Products Labeling Act unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the