

successions (a), (b), (c) and (d) of Rule 11 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 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

STEVE MILLNER ET AL. TRADING AS
STYLECRAFT CLOTHING CO.

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

Docket C-743. Complaint, May 7, 1964—Decision, May 7, 1964

Consent order requiring New York City manufacturers of suits, jackets and pants for men and boys to cease violating the Textile Fiber Products Identification Act by labeling as "80% rayon, 20% acetate" and "70% rayon, 30% acetate", clothing which contained substantially different amounts of fibers than so represented, and failing to maintain proper records showing the fiber content of their products; to cease violating the Wool Products Labeling Act by labeling as "All Wool except ornamentation", clothing which contained a substantial quantity of non-woolen fibers; and to cease violating both Acts by failing to label certain of their products with required information and in the required form.

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act, the Textile Fiber Products Identification Act, and the Wool Products Labeling Act, and by virtue of the authority vested in it by said Acts,

Complaint

65 F.T.C.

the Federal Trade Commission having reason to believe that Steve Millner and Kiwa Karsh, individually and as copartners trading as Stylecraft Clothing Co., hereinafter referred to as respondents, have violated the provisions of said Acts and the Rules and Regulations promulgated under the Textile Fiber Products Identification Act and the Wool 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 Steve Millner and Kiwa Karsh are individuals and copartners, doing business as Stylecraft Clothing Co., with their office and principal place of business located at 58 Canal Street, New York, New York.

Respondents Steve Millner and Kiwa Karsh are now, and have been for a considerable period, engaged in the manufacture and sale of suits, jackets and pants for men and boys, at their principal place of business at 58 Canal Street, New York, New York.

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

PAR. 3. Certain of said textile fiber products were misbranded by respondents 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 and amount of the constituent fibers contained therein.

Among such textile fiber products were men's and boys' clothing labeled as 80% rayon, 20% acetate, and 70% rayon, 30% acetate, whereas in truth and in fact such clothing contained substantially different amounts of fibers than represented.

PAR. 4. Certain of said textile fiber products, were misbranded by respondents in that they were not stamped, tagged, labeled or otherwise identified with the information required under Section 4(b) of

the Textile Fiber Products Identification Act, and in the manner and form prescribed by the Rules and Regulations promulgated under said Act.

PAR. 5. Respondents have failed to maintain proper records showing the fiber content of the textile fiber products manufactured by them, in violation of Section 6(a) of the Textile Fiber Products Identification Act and Rule 39 of the Rules and Regulations promulgated thereunder.

PAR. 6. The acts and practices of respondents as set forth above were, and are, in violation of the Textile Fiber Products Identification Act and the Rules and Regulations promulgated thereunder and constituted, and now constitute, unfair and deceptive acts and practices and unfair methods of competition, in commerce, within the intent and meaning of the Federal Trade Commission Act.

PAR. 7. Subsequent to the effective date of the Wool Products Labeling Act of 1939, respondents have manufactured for introduction into commerce, introduced into commerce, sold, transported, distributed, delivered for shipment, and offered for sale in commerce, as "commerce" is defined in said Act, wool products as "wool product" is defined therein.

PAR. 8. Certain of said wool products were misbranded by respondents within the intent and meaning of Section 4(a)(1) of said Wool Products Labeling Act and the Rules and Regulations promulgated thereunder in that they were falsely and deceptively stamped, tagged, labeled or otherwise identified with respect to the character and amount of the constituent fibers contained therein.

Among such misbranded wool products were men's and boys' clothing labeled as "All Wool except ornamentation", whereas, in truth and in fact, said clothing contained a substantial quantity of non-woolen fibers apart from those of which the ornamentation was composed.

PAR. 9. Certain of said wool products were misbranded by respondents in that they were not stamped, tagged, labeled or otherwise identified with the information required under Section 4(a)(2) of the Wool Products Labeling Act of 1939 and in the manner and form as required by the Rules and Regulations promulgated under said Act.

PAR. 10. The acts and practices of the respondents as set forth above in Paragraphs Seven, Eight and Nine 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.

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 Textile Fiber Products Identification Act and the Wool Products Labeling Act and certain of the Rules and Regulations of the latter two Acts, 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, and 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 Steve Millner and Kiwa Karsh are copartners trading as Stylecraft Clothing Co., with their office and principal place of business located at 58 Canal Street, New York, New York, which office and principal place of business was formerly located at 2 Allen Street, New York, 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 Steve Millner and Kiwa Karsh, individually and as copartners trading as Stylecraft Clothing Co. 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 in 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 and amount of constituent fibers contained therein.
2. Failing to affix labels to such products showing each element of information required to be disclosed by Section 4(b) of the Textile Fiber Products Identification Act.

B. Failing to maintain records of fiber content of textile fiber products manufactured by them, as required by Section 6(a) of the Textile Fiber Products Identification Act and Rule 39 of the Regulations thereunder.

It is further ordered, That respondents Steve Millner and Kiwa Karsh, individually and as copartners trading as Stylecraft Clothing Co. 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 or manufacture for introduction in commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939, of men's and boys' woolen clothing or other "wool products" as such products are defined in and subject to said Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers included therein.
2. Failing to affix labels to such products showing each element of information required to be disclosed by Section 4(a)(2) of the Wool Products Labeling Act of 1939.

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.

Order

65 F.T.C.

IN THE MATTER OF

SCOTT PAPER COMPANY

ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF SEC. 7 OF THE
CLAYTON ACT

Docket 6559. Complaint, June 1, 1956—Decision, May 8, 1964

Order modifying a divestiture order of December 16, 1960, 57 F.T.C. 1415, by prohibiting respondent from acquiring any manufacturer of sanitary paper products, without prior Commission approval; converting any paper-making equipment of any manufacturer it might acquire, within 10 years, to the production of sanitary paper products, or using any pulp mill it might acquire for such purpose; and dispose of, to an approved purchaser, two rebuilt sanitary paper products machines.

MODIFIED ORDER

Scott Paper Company, having filed in the United States Court of Appeals for the Third Circuit a petition to review and set aside the order of divestiture issued herein on December 16, 1960 [57 F.T.C. 1415]; and the Court on March 27, 1962 [7 S. & D. 448], having rendered its decision remanding the case to the Commission for the purpose of taking additional evidence; and the Commission having added this evidence and having issued a further opinion on December 26, 1963 [63 F.T.C. 2240]; and the Court, by order of January 29, 1964, having reopened the case and reinstated it on the Court's calendar for filing of supplemental briefs and presentation of oral argument; and the Commission and Scott Paper Company having subsequently agreed upon the provisions of a final order modifying the order entered by the Commission on December 16, 1960; and the Court, on April 23, 1964 [7 S.&D. 898], having issued its final order enforcing said order as submitted by the Commission and Scott Paper Company;

Now, therefore, it is hereby ordered, That the order be, and it hereby is, modified in accordance with the final order of the Court to read as follows:

1. *It is ordered,* That from the date of the Court's order [April 23, 1964] Scott Paper Company (hereinafter referred to as Scott) shall cease and desist from acquiring, directly or indirectly, through subsidiaries or otherwise, the whole or any part of the stock, share capital or assets (other than products sold in the regular course of business) of any concern engaged in the manufacture or converting and sale in the United States of toilet tissue paper, facial tissue paper, paper napkins, paper towels or household waxed paper (hereinafter referred to as sanitary paper prod-

ucts), without the prior approval of the Federal Trade Commission. For the purposes of this paragraph a subsidiary is a company owned fifty percent or more by Scott. This paragraph shall not apply (a) to the acquisition of stock, share capital or assets of any company which is already a subsidiary of Scott on the date of the Court's order; (b) to the acquisition of assets of any concern which are not being utilized or capable of being rebuilt for use in the conversion or manufacture of said sanitary paper products; or (c) to the acquisition of facilities covered by paragraphs 2 and 3 below.

2. *It is further ordered*, That if within a period of ten (10) years from the date of the Court's order Scott shall acquire the whole or any part of any concern (other than products sold in the regular course of business) in the United States, Scott shall not thereafter for a period of ten (10) years rebuild or convert any of the paper-making equipment so acquired for the manufacture of paper to be used or the converting of paper to be used for the production of said sanitary paper products in the United States without the prior approval of the Federal Trade Commission.

3. *It is further ordered*, That if within a period of ten (10) years from the date of the Court's order Scott shall acquire a pulp mill from a concern operating such mill in the United States, Scott shall not during such period of ten (10) years use any of the output of such pulp mill in its manufacture of said sanitary paper products in the United States without the prior approval of the Federal Trade Commission.

4. Commencing not later than five (5) years from the date of the Court's order and thereafter until the expiration of seven (7) years from the date of the Court's order, Scott shall use its best efforts to sell the two rebuilt sanitary paper product machines (Nos. 7 and 10) acquired from Detroit Sulphite Pulp & Paper Company to a purchaser approved by the Federal Trade Commission who will utilize such machines for the manufacture and sale of sanitary paper products in the United States. At the end of a period of seven (7) years from the date of the Court's order Scott shall discontinue utilizing any paper machines acquired from Detroit Sulphite Pulp & Paper Company for the manufacture of sanitary paper products in the United States, provided, however, that Scott may continue to manufacture wax base stock with facilities so acquired and may continue to use the output of the pulp mill located at Detroit for any purpose.

Commissioner MacIntyre not participating.

Complaint

65 F.T.C.

IN THE MATTER OF

DIANA STORES CORPORATION

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

Docket C-744. Complaint, May 13, 1964—Decision, May 13, 1964

Consent order requiring a New York City corporate operator of numerous department stores in various States under the trade name "Great Eastern Mills" to cease representing falsely that it manufactured the clothing and other merchandise it sold, by use of the word "Mills" in its corporate or trade name or in any other manner.

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 Diana Stores Corporation, a corporation, hereinafter referred to as respondent, has 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 Diana Stores Corporation is a corporation organized, existing and doing business under and by virtue of the laws of the State of New York, with its principal office and place of business located at 450 West 41st Street, New York 36, New York.

PAR. 2. Respondent is now, and for several years last past has been, engaged in the operation, in various States of the United States, of numerous department stores using "Great Eastern Mills" as a trade name.

Said Great Eastern Mills stores are operated as a division of Diana Stores Corporation. They are self-service operations which include the use of shopping carts and central check-out systems. Through said stores respondent sells clothing and other merchandise to the purchasing public

PAR. 3. In the course and conduct of its business, respondent now causes, and for some time last past has caused, its said merchandise to be shipped from its headquarters in New York to its several stores in various other States of the United States, for sale to the purchasing public. In such instances shipments are made to respondent's stores in States other than that in which such shipments have originated, and respondent maintains and at all times mentioned herein has main-