

sociates, Inc., Joseph Lash and Eugene Serels, 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 the order to cease and desist.

IN THE MATTER OF

ROY WEAVING COMPANY, INC., ET AL.

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

Docket C-746. Complaint, May 20, 1964—Decision, May 20, 1964

Consent order requiring Brooklyn, N.Y., manufacturers to cease violating the Wool Products Labeling Act by such practices as labeling as "100% all wool", piece goods which contained a substantial quantity of other fibers,

Complaint

65 F.T.C.

and failing to show on labels the registered identification number of the manufacturer and the true generic names of fibers present in certain fabrics, as well as the percentages thereof; and to cease violating the Federal Trade Commission Act by statements on invoices and shipping memoranda which falsely represented the different fibers and quantities thereof present in certain fabrics.

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, and by virtue of the authority vested in it by said Acts, the Federal Trade Commission, having reason to believe that Roy Weaving Company, Inc., Perth Woolen Company, Inc., and Weldon Woolens Inc., corporations, and Emanuel Seideman and Bella Seideman, individually and as officers of said corporations hereinafter referred to as respondents, have violated the provisions of said Acts and the Rules and Regulations promulgated under the Wool Products Labeling Act of 1939 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 Roy Weaving Company, Inc., Perth Woolen Company, Inc., and Weldon Woolens Inc., are corporations organized, existing and doing business under and by virtue of the laws of the State of New York with their principal place of business located at 71-07 60th Lane, Brooklyn, New York. Individual respondents, Emanuel Seideman and Bella Seideman are officers of said corporations and cooperate in formulating, directing and controlling the acts, policies and practices of the corporate respondents including the acts and practices hereafter referred to. The addresses of the individual respondents are the same as that of the corporate respondents.

PAR. 2. Subsequent to the effective date of the Wool Products Labeling Act of 1939 and more especially since 1963, 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 products" are defined therein.

PAR. 3. Certain of said wool products were misbranded by the respondents within the intent and meaning of Section 4(a)(1) of the Wool Products Labeling Act and the Rules and Regulations promulgated thereunder, in that they were falsely and deceptively labeled or tagged with respect to the character and amount of the constituent fibers contained therein.

Among such misbranded wool products, but not limited thereto, were certain piece goods labeled or tagged by respondents as "100%

all wool" whereas in truth and in fact said products contained a substantial quantity of fibers other than wool.

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

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

1. To show the name or registered identification number of the manufacturer of the wool product or of a person subject to Section 3 of the Wool Products Labeling Act with respect to such wool product.
2. To show the true generic names of the fibers present; and
3. To disclose the percentage of such fibers.

PAR. 5. The acts and practices of the respondents as set forth above were, and are, in violation of the Wool Products Labeling Act of 1939 and the Rules and Regulations promulgated thereunder, and constituted, and now constitute, unfair and deceptive acts and practices and unfair methods of competition in commerce, within the intent and meaning of the Federal Trade Commission Act.

PAR. 6. Respondents are now, and for sometime last past, have been engaged in the offering for sale, sale and distribution of products, namely fabrics, to manufacturers. The respondents maintain, and at all times mentioned herein have maintained, a substantial course of trade of said products in commerce, as "commerce" is defined in the Federal Trade Commission Act.

PAR. 7. Respondents in the course and conduct of their business as aforesaid, have made statements on their invoices and shipping memoranda to their customers misrepresenting the character and amount of the constituent fibers present in such products. Among such misrepresentations, but not limited thereto, were statements representing certain fabrics to be "30% Mohair, 15% Wool, 45% Viscose, 10% Cotton" whereas in truth and in fact the said fabrics contained substantially different fibers and quantities of fibers than were represented.

PAR. 8. The acts and practices set out in Paragraphs Six and Seven have had, and now have, the tendency and capacity to mislead and deceive purchasers of said fabrics as to the true content thereof and to cause them to misbrand products manufactured by them in which said materials are used.

PAR. 9. The acts and practices of the respondents set out in Paragraphs Six and Seven were, and are, all to the prejudice and injury of the public and of respondents' competitors and constituted, and now

Decision and Order

65 F.T.C.

constitute, unfair and deceptive acts and practices, 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 and the Wool Products Labeling Act of 1939, 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 Roy Weaving Company, Inc., Perth Woolen Company, Inc., Weldon Woolens Inc., 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 at 71-07 60th Lane, Brooklyn, in the city of New York, State of New York.

Respondents Emanuel Seideman and Bella Seideman are officers of all of the above corporations and their address is the same as that of said corporations.

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

ORDER

It is ordered, That respondents Roy Weaving Company, Inc., Perth Woolen Company, Inc., and Weldon Woolens Inc., corporations, and their officers, and Emanuel Seideman and Bella Seideman, individually and as officers of said corporations, their agents, representatives and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, distribution or delivery for shipment in commerce, of wool fabrics or other wool prod-

ucts, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from:

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

It is further ordered, That respondents Roy Weaving Company, Inc., Perth Woolen Company, Inc., and Weldon Woolens Inc., corporations, and their officers, and Emanuel Seideman and Bella Seideman, individually and as officers of said corporations, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of fabrics or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting the character or amount of constituent fibers contained in such products on invoices or shipping memoranda applicable thereto, or in any other manner.

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.