

position, nature or identity of ingredients or elements, method of manufacture, or the characteristics or qualities of imitation turquoise, natural or synthetic turquoise, or of any other precious or semi-precious stone.

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

MARCUS ROSENFELD ET AL. TRADING AS TOWEL SHOP, ETC.

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

Docket 7533. Complaint, July 13, 1959—Decision, June 4, 1964

Order modifying the Commission's consent order issued March 11, 1960, 56 F.T.C. 1049, to eliminate the requirement that respondent distributors make affirmative disclosure that their non-woven cotton and rayon fiber towel product does not have the appearance, texture and thickness of fabric towels in common use.

ORDER RESCINDING PREVIOUS ORDER DENYING RESPONDENTS' MOTION
TO REOPEN PROCEEDING; REOPENING PROCEEDING, GRANTING
RESPONDENTS' PRIOR MOTION AND MODIFYING ORDER TO CEASE AND
DESIST

The Commission having reconsidered respondents' motion filed January 30, 1963, to reopen this proceeding and to modify the order to cease and desist issued herein March 11, 1960 [56 F.T.C. 1049], respondents asserting in their motion that the order entered herein requires them to make an affirmative disclosure in connection with the description of their product whereas such disclosure was not required in an order subsequently issued by the Commission against one of respondents' competitors selling the identical product, thereby placing respondents at a competitive disadvantage; and

Order

65 F.T.C.

The Commission now being of the opinion that the order to cease and desist entered in this proceeding should, in the public interest, be modified by eliminating the requirement that respondents make such affirmative disclosure, and respondents having indicated their acceptance of such modification:

It is ordered, That the Order Denying Request To Reopen Proceeding issued herein April 15, 1963 [62 F.T.C. 1535], be, and it hereby is, rescinded;

It is further ordered, That this proceeding be, and it hereby is, reopened;

It is further ordered, That respondents' motion filed January 30, 1963, asking for modification of the cease and desist order herein by setting aside the requirement to make such affirmative disclosure, be and it hereby is, granted;

It is further ordered, That the order to cease and desist previously entered in this proceeding be, and it hereby is, modified in the manner set forth below:

ORDER

It is ordered, That respondents Marcus Rosenfeld and Leon Rosenfeld, individually and as copartners trading as Towel Shop, L and M Company, 40 Towel Co., 50 Towel Co., and Wholesale Towel Company or under any other name, their agents, representatives and employees, directly or through any corporate or other device in connection with the offering for sale, sale or distribution of their non-woven cotton and rayon fiber product, or any other like merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, through the use of photographs, or in any other manner, that their non-woven product has the appearance, thickness or texture of fabric towels in common use or misrepresenting in any manner the appearance, thickness or texture of their said product.

2. Representing, directly or by implication:

- (a) That products referred to as towels, whose dimensions are 12" x 18" are large, or misrepresenting in any manner the size of their said product;

- (b) That the money paid for their product will be refunded to dissatisfied purchasers, unless all of the money paid, including postage, is refunded; provided, however, that nothing herein shall prevent respondents from truthfully representing that a specific amount will be refunded to dissatisfied purchasers;

(c) That respondents' product is superior to ordinary woven towels in every way; or in any way that is not in accordance with the fact;

(d) That any solicited testimonial letter used by respondents was unsolicited;

(e) That respondents guarantee the success of those selling their product or that they do not have competition;

(f) That respondents' product is made by a scientific new process.

It is further ordered That respondents herein shall within sixty