

Complaint

IN THE MATTER OF

COTTON CITY WASH FROCKS, INC., ET AL.

CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF THE
FEDERAL TRADE COMMISSION AND THE TEXTILE FIBER PRODUCTS IDENTI-
FICATION ACTS

Docket C-761. Complaint, June 17, 1964—Decision, June 17, 1964

Consent order requiring manufacturers in New York City and Hartsville, S.C., to cease violating the Textile Fiber Products Identification Act by such practices as labeling as "All Cotton", textile fiber products which were composed of rayon and linen, and labeling as "100% Cotton", products containing substantial quantities of triacetate as well as cotton; failing to label textile fiber products with the true generic name of the fiber and the percentage thereof present; failing to maintain proper records showing the fiber content of their products; furnishing false guaranties that their products were not misbranded; and failing to label samples or swatches with required information.

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act and the Textile Fiber Products Identification Act, and by virtue of the authority vested in it by said Acts, the Federal Trade Commission, having reason to believe that Cotton City Wash Frocks, Inc., a corporation, and Patti Greene, Inc., a corporation and Alfred Greene, individually and as an officer of said corporations, and Hartsville Manufacturing Company, Inc., a corporation, and Alfred Greene and Wayne H. Duval, individually and as officers of said corporation, hereinafter referred to as respondents, have violated the provisions of such Acts and the Rules and Regulations under the Textile Fiber Products Identification 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 Cotton City Wash Frocks, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the Commonwealth of Massachusetts.

Respondent Patti Greene, Inc., is a corporation, organized, existing and doing business under and by virtue of the laws of the Commonwealth of Massachusetts.

Individual respondent Alfred Greene is an officer of the aforementioned corporate respondents and controls, directs and formulates the acts, practices and policies of the corporate respondents. Respondents are engaged in manufacturing and selling to retailers articles of wearing apparel. The office and principal place of business of these respondents is located at 1350 Broadway, New York, New York.

Complaint

65 F.T.C.

Respondent Hartsville Manufacturing Company, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of South Carolina. Individual respondents, Alfred Greene and Wayne H. Duval are officers of this corporate respondent and control, direct and formulate the acts, practices and policies of the corporate respondent. The office and principal place of business of Hartsville Manufacturing Company, Inc., and Wayne H. Duval is located at South Fifth Street, Hartsville, South Carolina.

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, sale, advertising, and offering for sale, in commerce, and in the transportation and 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 have caused to be transported, textile fiber products which have been advertised and 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 or amount of constituent fibers contained therein.

Among such misbranded textile fiber products, but not limited thereto, were textile fiber products with labels which:

1. Set forth the fiber content as "All Cotton", whereas, in truth and in fact, said product contained no cotton and was instead composed of rayon and linen.

2. Set forth fiber content as "100% Cotton", whereas, in truth and in fact said product contained substantial quantities of triacetate as well as cotton.

PAR. 4. Certain of said textile fiber products were further misbranded by respondents in that they were not stamped, tagged, labeled, or otherwise identified as required under the provisions of Section 4(b) of the Textile Fiber Products Identification Act, and in the manner and form as prescribed by the Rules and Regulations promulgated under said Act.

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

1. To disclose the true generic name of the fiber present; and
2. To disclose the percentage of such fibers.

PAR. 5. Respondents named in Paragraph One 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 Regulations promulgated thereunder.

PAR. 6. Respondents have furnished false guaranties that their textile fiber products were not misbranded, in violation of Section 10 of the Textile Fiber Products Identification Act.

PAR. 7. Certain of said textile fiber products were misbranded in violation of the Textile Fiber Products Identification Act in that they were not labeled in accordance with the Rules and Regulations promulgated thereunder in that samples, swatches or specimens of textile fiber products used to promote or effect sales of such textile fiber products, were not labeled to show their respective fiber contents and other required information, in violation of Rule 21(a) of the aforesaid Rules and Regulations.

PAR. 8. The acts and practices of respondents, as set forth here, were 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.

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 Textile Fiber Products Identification 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 Cotton City Wash Frocks, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the Commonwealth of Massachusetts, with its office and principal place of business at 1350 Broadway, in the city of New York, State of New York.

Respondent, Patti Greene, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the Commonwealth of Massachusetts, with its office and principal place of business at 1350 Broadway, in the city of New York, State of New York.

Respondent, Hartsville Manufacturing Company, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of South Carolina, with its office and principal place of business at South Fifth Street, in the city of Hartsville, State of South Carolina.

Respondent Alfred Greene is an officer of all of the above corporations, and his address is 1350 Broadway, in the city of New York, State of New York.

Respondent Wayne H. Duval is an officer of Hartsville Manufacturing Company, Inc., 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 Cotton City Wash Frocks, Inc., a corporation, and Patti Greene, Inc., a corporation and Alfred Greene, individually and as an officer of said corporations, and Hartsville Manufacturing Company, Inc., a corporation and Alfred Greene and Wayne H. Duval, 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, delivery for introduction, sale, advertising, or offering for sale, in commerce, or 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 or amount of constituent fibers contained therein.

2. Failing to affix labels to such textile fiber products showing each element of information required to be disclosed by Section 4(b) of the Textile Fiber Products Identification Act.

3. Failing to affix labels showing the respective fiber content and other required information to samples, swatches and specimens of textile fiber products subject to the aforesaid Act which are used to promote or effect sales of such textile fiber products.

B. Failing to maintain and preserve for at least three years proper records showing the fiber content of textile fiber products manufactured by them, as required by Section 6 of the Textile Fiber Products Identification Act and Rule 39 of the Regulations promulgated thereunder.

C. Furnishing false guaranties that textile fiber products are not misbranded or otherwise misrepresented under the provisions of the Textile Fiber Products Identification Act.

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.