

IN THE MATTER OF

PHILIP SHLANSKY & SONS, INC., ET AL.

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

Docket C-796. Complaint, July 30, 1964—Decision, July 30, 1964

Consent order requiring four affiliated manufacturers of ladies' coats and suits of New York City, to cease misbranding their wool, fur, and textile fiber products, furnishing false guaranties that their wool products are not misbranded, and failing to maintain required records of fiber content of their textile fiber products.

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, and the Fur Products Labeling 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 Philip Shlansky & Sons, Inc., Donnybrook, Ltd., Brookleigh, Ltd., Mansfield Tailleurs, Ltd., corporations, and Philip Shlansky, Irwin Shlansky and Martin Shlansky, 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, the Fur Products Labeling Act, and 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. Respondents Philip Shlansky & Sons, Inc., Donnybrook, Ltd., Brookleigh, Ltd., Mansfield Tailleurs, Ltd., are corporations organized, existing and doing business under and by virtue of the laws of the State of New York. Individual respondents Philip Shlansky, Irwin Shlansky and Martin Shlansky are officers of said corporate respondents and formulate, direct and control the acts, policies and practices of said corporate respondents, including the acts and practices hereinafter referred to. The respondents are engaged in the manufacture and distribution of ladies' coats and suits and have their office and principal place of business located at 500 Seventh Avenue, New York, New York.

PAR. 2. Subsequent to the effective date of the Wool Products Labeling Act of 1939 respondents have introduced, manufactured for introduction, into commerce, sold, transported, distributed, delivered for shipment, shipped, and offered for sale, in commerce, wool products, as the terms "commerce" and "wool product" are defined in said Act.

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 of 1939 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 were ladies' coats containing interlinings labeled or tagged by respondents as "interlining 90% wool, 10% other fiber" whereas, in truth, and in fact, said interlinings contained a substantial quantity of reprocessed or re-used wool.

Also, among such misbranded wool products, but not limited thereto were ladies' coats, containing lining labeled or tagged by respondents

as "Acetate Rayon Lining" whereas, in truth, and in fact, said lining contained no Rayon.

PAR. 4. Certain of said 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(a)(2) of the Wool Products Labeling Act of 1939 and in the manner and form prescribed by the Rules and Regulations promulgated under the said Act.

Among such misbranded wool products, but not limited thereto, were ladies' coats, used to promote or effect the sales of such wool products in commerce, without labels.

Also, among such misbranded wool products, but not limited thereto, were ladies' coats containing interlinings with labels which, with respect to said interlinings, failed:

- (1) to disclose reprocessed wool or reused wool present, and
- (2) to disclose the percentage of such reprocessed or reused wool.

PAR. 5. Certain of said wool products were misbranded in violation of the Wool Products Labeling Act of 1939 in that they were not labeled in accordance with the Rules and Regulations promulgated thereunder in the following respects:

(1) Samples, swatches or specimens of wool products used to promote or effect sales of wool products, in commerce, were not labeled or marked to show their respective fiber contents and other required information, in violation of Rule 22 of the Rules and Regulations.

(2) The respective percentages of fibers contained in the front and back of pile fabrics were not set out in such a manner as to give the ratio between the face and back of such fabrics where an election was made to separately set out the fiber content of the face and back of wool products containing pile fabrics, in violation of Rule 26 of said Rules and Regulations.

PAR. 6. The respondents furnished false guaranties that certain of their said wool products were not misbranded, when respondents in furnishing such guaranties had reason to believe that the wool products so falsely guaranteed might be introduced, sold, transported, or distributed in commerce, in violation of Section 9(b) of the Wool Products Labeling Act of 1939.

PAR. 7. The acts and practices of 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 or deceptive acts and practices and unfair methods of competition, in commerce, within the intent and meaning of the Federal Trade Commission Act.

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PAR. 8. 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 manufacture for 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 manufactured for sale, 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. 9. 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 without labels.

PAR. 10. 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 not set forth in the required sequence, in violation of Rule 30 of the said Rules and Regulations.

(b) Samples of fur products used to promote and effect sales of fur products were not labeled to show the required information, in violation of Rule 33 of the said Rules and Regulations.

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

PAR. 11. 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 respect:

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

PAR. 12. The aforesaid acts and practices of the 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.

PAR. 13. Subsequent to the effective date of the Textile Fiber Prod-

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. 14. Certain of said textile fiber products were misbranded by respondents in that they were not stamped, tagged, labeled, or otherwise identified as required under the provision 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 without labels.

PAR. 15. 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 and in the following respects:

(a) Samples, swatches, and specimens of textile fiber products subject to the aforesaid Act, which were used to promote or effect sales of such textile fiber products, were not labeled to show their respective fiber content and other information required by Section 4(b) of the Textile Fiber Products Identification Act and the Rules and Regulations promulgated thereunder, in violation of Rule 21(a) of the aforesaid Rules and Regulations.

(b) The respective percentages of fibers contained in the front and back of pile fabrics were not set out in such a manner as to give the ratio between the face and back of such fabrics where an election was made to separately set out the fiber content of the face and back of textile products containing pile fabrics, in violation of Rule 24 of said Rules and Regulations.

PAR. 16. 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

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Identification Act and Rule 39 of the Regulations promulgated thereunder.

PAR. 17. 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.

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 Wool Products Labeling Act of 1939, the Fur Products Labeling 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. Respondents Philip Shlansky & Sons, Inc., Donnybrook, Ltd., Brookleigh Ltd., Mansfield Tailleurs, Ltd., 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 at 500 Seventh Avenue, in the city of New York, State of New York.

Respondents Philip Shlansky, Irwin Shlansky and Martin Shlansky 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 Philip Shlansky & Sons, Inc., Donnybrook, Ltd., Brookleigh Ltd., Mansfield Tailleurs, Ltd., corporations and their officers, and Philip Shlansky, Irwin Shlansky, and Martin Shlansky, 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 introduction, or manufacture for introduction, into commerce, or the offering for sale, sale, transportation, delivery for shipment, shipment, or distribution in commerce, of any wool product as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding wool 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 to or place on each such wool 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.
3. Failing to affix labels to samples, swatches, or specimens of wool products used to promote the sale of wool products showing each element of information required to be disclosed by Section 4(a) (2) of the Wool Products Labeling Act of 1939.
4. Failing to set forth respective percentages of fibers contained in the front and back of pile fabrics in such a manner as to give the ratio between the front and back of each such fabric where an election is made to separately set out the fiber content of the face and back of wool products containing pile fabrics.

It is further ordered, That respondents Philip Shlansky & Sons, Inc., Donnybrook, Ltd., Brookleigh Ltd., Mansfield Tailleurs, Ltd., corporations, and their officers and Philip Shlansky, Irwin Shlansky, and Martin Shlansky, individually and as officers of said corporations, and respondents' representatives, agents and employees, directly or through any corporate or other device do forthwith cease and desist from furnishing a false guaranty that any wool product is not misbranded under the Wool Products Labeling Act of 1939 and the Rules and Regulations promulgated thereunder when there is reason to believe that any wool product so guaranteed may be introduced, sold, transported or distributed, in commerce as the term "commerce" is defined in the aforesaid Act.

It is further ordered, That respondents Philip Shlansky & Sons, Inc., Donnybrook, Ltd., Brookleigh Ltd., Mansfield Tailleurs, Ltd., corporations, and their officers and Philip Shlansky, Irwin Shlansky, and Martin Shlansky, 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 introduction, or manufacture for 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 manufacture for sale, 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 the terms "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. 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.

3. Failing to affix labels showing each element of the information required under the Fur Products Labeling Act and the Rules and Regulations thereunder to samples of fur products used to promote or effect the sale of fur products.

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

B. Falsely or deceptively invoicing fur products by failing to set forth on invoices the item number or mark assigned to fur products.

It is further ordered, That respondents Philip Shlansky & Sons, Inc., Donnybrook, Ltd., Brookleigh Ltd., Mansfield Tailleurs, Ltd., corporations and their officers, and Philip Shlansky, Irwin Shlansky, and Martin Shlansky, 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 introduction, delivery for introduction, manufacture for introduction, sale, advertising or offering for sale, in commerce, or 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. 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.

2. 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.

3. Failing to set forth respective percentages of fibers contained in the front and back of pile fabrics in such a manner as to give the ratio between the front and back of each such fabric where an election is made to separately set out the fiber content of the face and back of textile products containing pile fabrics.

It is further ordered, That respondents Philip Shlansky & Sons, Inc., and Donnybrook, Ltd., Brookleigh Ltd., Mansfield Tailleurs, Ltd., corporations and their officers, and Philip Shlansky, Irwin Shlansky, and Martin Shlansky, 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 introduction, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States of textile fiber products; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, textile fiber products, which have been advertised or offered for sale in commerce; or in the connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, after shipment in commerce, of textile fiber products, whether

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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, do forthwith cease and desist from 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 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.