

4. Failing to set forth on invoices the item number or mark assigned to fur products.

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

BENJAMIN FAVORMAN ET AL. TRADING AS TROY
SPORTSWEAR CO., ETC.

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

Docket C-815. Complaint, Aug. 19, 1964—Decision, Aug. 19, 1964

Consent order requiring San Francisco manufacturers and importers of men's wearing apparel to cease violating the Wool Products Labeling Act by such practices as labeling fabrics falsely as containing "95% Virgin Wool, 5% Nylon," affixing to any wool product any symbol or emblem likely to be confused with the British Coat of Arms, and using the words "Highlander Wools," or other words or terms connoting British origin, and failing to show on shirt labels the percentages of the constituent fibers.

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act, the Wool Products Labeling Act of 1939, 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 Benjamin Favorman also known as Ben Favorman, and E. T. Cherin, individually and as copartners trading as Troy Sportswear Co., Sun Valley Enterprises, and Leisure Imports, hereinafter referred to as respondents, have violated the provisions of the said Acts and the Rules and Regulations promulgated under the Wool Products Labeling Act of 1939, and under the Textile Fiber Products Identification Act, respectively, 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. Benjamin Favorman, also known as Ben Favorman, and E. T. Cherin are individuals and copartners trading as Troy Sportswear Co., Sun Valley Enterprises, and Leisure Imports, with

their office and principal place of business located at 783 Mission Street, in the city of San Francisco, State of California. Respondents are engaged in the manufacturing and importing of men's wearing apparel.

PAR. 2. 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, shipped, and offered for sale in commerce, wool products, as the terms "commerce" and "wool product" are defined in the 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 stamped, tagged, labeled or otherwise identified with respect to the character and amount of the constituent fibers contained therein.

Among such misbranded wool products, but not limited thereto, were fabrics, labeled or tagged by the respondents as "95% Virgin Wool, 5% Nylon," whereas, in truth and in fact said products contained substantially different quantities of such fibers.

PAR. 4. Certain of said wool products were misbranded 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 with respect to the country of origin of such products.

Among such misbranded wool products, but not limited thereto, were woollen plaid shirts imported from Japan to which labels were affixed on which the name "Highlander Wools" appeared beneath the depiction of an emblem resembling the Coat of Arms of Great Britain. Woven into said labels were the words "Imported Japan," which words were indistinguishable and illegible, however, unless viewed in a certain position of reflected light.

There is an established custom and practice in the United States for products of foreign origin, including articles of wearing apparel, to be marked as to their origin, a fact of which the Commission takes official notice. The purchasing public is familiar with and relies upon such custom, a fact of which the Commission also takes official notice.

Respondents by means of the aforedescribed labels falsely and deceptively represented, directly or by implication, and contrary to fact, that the wool products to which they were attached were of British origin and failed to adequately disclose the true origin of such products.

PAR. 5. Certain of said wool products were further misbranded by the 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 as prescribed by the Rules and Regulations promulgated under the said Act.

Among such misbranded wool products, but not limited thereto, were shirts with labels which failed to show the percentages of the fibers contained in the product.

PAR. 6. The acts and practices of respondents as set forth above were, and are, in violation of the Wool Products Labeling Act of 1939 and of 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 Textile Fiber Products Identification Act on March 3, 1960, respondents have been and are now engaged in the introduction, manufacture for introduction, delivery 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. 8. 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 provisions of Section 4(b) of the Textile Fiber Products Identification Act, and in the manner and form prescribed by the Rules and Regulations promulgated thereunder.

Among such textile fiber products, but not limited thereto, were imported textile fiber products which were not labeled to show in words and figures plainly legible the name of the country where such textile fiber products were processed or manufactured.

PAR. 9. Certain of said textile fiber products were misbranded by respondents 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 non-required information or representations appearing on labels affixed to such products interfered with, minimized, detracted from, and conflicted with required information as to country of origin of imported textile fiber products, in violation of Rule 16(c) of the Rules and Regulations promulgated under said Act.

Among such misbranded textile fiber products, but not limited thereto, were cotton half sleeves shirts of Japanese origin with white labels sewn into the collars bearing the trade name "Mr. 'Gentry'," above which is depicted a red and gold emblem resembling the Coat of Arms of Great Britain, with the wording "Imported Japan" in gold lettering which is indistinguishable and illegible, unless viewed at an angle of reflected light.

PAR. 10. 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 methods of competition and unfair and deceptive acts and practices in commerce, under the Federal Trade Commission Act.

PAR. 11. Respondents are now, and have been engaged in the offering for sale, sale and distribution of products, namely articles of wearing apparel, to retailers and jobbers. The respondents' said business, in large part, is that of importing articles of wearing apparel from sources in Japan and selling their articles of wearing apparel to retailers and jobbers who, in turn, distribute the articles of wearing apparel to customers throughout the United States. 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. 12. Certain of said articles of wearing apparel offered for sale and sold by respondents which were manufactured in and imported from Japan did not bear adequate disclosure as to the country of origin of such products and bore labels and markings misrepresenting the country origin of such products.

Among such articles of wearing apparel, but not limited thereto, were shirts to which labels were affixed bearing an emblem resembling the Coat of Arms of Great Britain with the wording "Imported Japan" appearing in lettering which was indistinguishable and illegible unless viewed from a particular angle of reflected light. Certain of the labels affixed to such shirts also have the name "Highlander Wools" in conjunction with the aforesaid emblem.

Through the aforesaid labels and markings respondents represented, contrary to fact, that such products were of British origin and failed to adequately disclose the true origin of such products.

There is an established custom and practice in the United States for products of foreign origin, including articles of wearing apparel, to be marked as to their foreign origin, a fact of which the Commission takes official notice. The purchasing public is familiar with and relies upon such custom and practice, a fact of which the Commission also takes official notice.

As to the aforesaid articles of wearing apparel, a substantial portion of the purchasing public has a preference for articles of wearing apparel, including shirts, manufactured in Great Britain to articles of wearing apparel manufactured in Japan.

PAR. 13. By means of the aforesaid practices, respondents place in the hands of others means and instrumentalities through which they may mislead the public as to country of origin of said merchandise.

PAR. 14. Respondents in the course and conduct of their business as aforesaid, have made statements on invoices to their customers misrepresenting the character and fiber content of certain of their said products. Among such misrepresentations but not limited thereto, were statements representing certain shirts to be "Wool Import Shirts," whereas in truth and in fact the said shirts contained substantial quantities of the fibers other than wool.

PAR. 15. The acts and practices set out in Paragraph Fourteen have had, and now have, the tendency and capacity to mislead and deceive purchasers of said products as to the true content thereof and to cause them to misrepresent and misbrand such products when sold by them.

PAR. 16. In the course and conduct of their business, at all times mentioned herein, respondents have been in substantial competition, in commerce, with corporations, firms, and individuals in the sale of articles of wearing apparel of the same general kind and nature as that sold by respondents.

PAR. 17. The acts and practices of the respondents set out in Paragraphs Twelve through Fifteen were, and are, all to the prejudice and injury of the public and of the respondents' competitors 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, 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 Benjamin Favorman, also known as Ben Favorman, and E. T. Cherin are individuals and co-partners trading as Troy Sportswear Co., Sun Valley Enterprises, and Leisure Imports, with their office and principal place of business located at 783 Mission Street, in the city of San Francisco, State of California.

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 Benjamin Favorman, also known as Ben Favorman, and E. T. Cherin, individually and as co-partners trading as Troy Sportswear Co., Sun Valley Enterprises or Leisure Imports, 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 into commerce, or in connection with the offering for sale, sale, transportation, delivery for shipment, shipment, or distribution, in commerce of wool products, 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 constituent fibers included therein.

(2) Failing to clearly and conspicuously disclose on imported wool products and if such products are enclosed in packages or containers, on the front of the package or container, in such a manner as not to be hidden, or readily obliterated, the country of origin of such products.

(3) Setting forth on stamps, tags, labels or other means of identification affixed to any wool product, any symbol or emblem reasonably likely to be confused with the British Coat of Arms, or any other symbol connoting British origin, or using the words "Highlander Wool," or other words or terms connoting British origin to designate or to refer to wool products whose source is other than Great Britain.

(4) Falsely or deceptively stamping, tagging, labeling, or otherwise identifying wool products as to the country of origin of such wool products.

(5) 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 Benjamin Favorman, also known as Ben Favorman, and E. T. Cherin, individually and as co-partners trading as Troy Sportswear Co., Sun Valley Enterprises, or as Leisure Imports 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, manufacture for introduction, delivery 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 misbranding textile fiber products by:

(1) Failing to affix labels to such products showing in a clear, legible, and conspicuous manner each element of information re-

quired to be disclosed by Section 4(b) of the Textile Fiber Products Identification Act.

(2) Setting forth non-required information on labels, or elsewhere on such products, in such a manner as to interfere with, minimize, detract from, or conflict with the required information as to the country of origin of imported products or as to any other information required by the Textile Fiber Products Identification Act or the Rules and Regulations promulgated thereunder.

It is further ordered, That respondents Benjamin Favorman, also known as Ben Favorman, and E. T. Cherin, individually and as co-partners trading as Troy Sportswear Co., Sun Valley Enterprises or Leisure Imports or under any other trade name 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 articles of wearing apparel or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Offering for sale, selling or distributing any product which is of foreign origin, without clearly and conspicuously disclosing on such product and, if such product is enclosed in a package or container, on the front of the package or container, in such a manner as not to be hidden or readily obliterated, the country of origin of such product.

(2) Setting forth with reference to any product any symbol or emblem reasonably likely to be confused with the British Coat of Arms, or any other symbol or emblem connoting British origin, or using the word "Highlander," or other words or terms connoting British origin to designate or to refer to products whose source is other than Great Britain.

(3) Misrepresenting in any manner the country of origin of such products.

(4) Furnishing or otherwise placing in the hands of others the means through which they may deceive or mislead the purchasing public in respect to the origin of respondents' merchandise.

(5) 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.

Complaint

66 F.T.C.

IN THE MATTER OF

ROLAND BARON TRADING AS SANDLER'S FUR SHOP

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

Docket C-816. Complaint, Aug. 24, 1964—Decision, Aug. 24, 1964

Consent order requiring a manufacturing furrier in Chicago, Ill., to cease misbranding, falsely advertising and deceptively invoicing his fur products.

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act and the Fur Products Labeling Act and by virtue of the authority vested in it by said Acts, the Federal Trade Commission having reason to believe that Roland Baron, an individual trading as Sandler's Fur Shop, hereinafter referred to as respondent, has violated the provisions of said Acts and the Rules and Regulations promulgated under the Fur 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. Respondent Roland Baron is an individual trading as Sandler's Fur Shop.

Respondent is a manufacturer and retailer of fur products with his office and principal place of business located at 4758 Washington Street, Chicago, Illinois.

PAR. 2. Subsequent to the effective date of the Fur Products Labeling Act on August 9, 1952, respondent has been and is 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 has 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. 3. Certain of said fur products were misbranded in that they were falsely and deceptively labeled or otherwise falsely or deceptively identified with respect to the name or designation of the animal or animals that produced the fur from which the said fur products had been manufactured, in violation of Section 4(1) of the Fur Products Labeling Act.