

SUN-CAL COAT & SUIT MFG. CO. ET AL.

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

Docket C-866. Complaint, Dec. 17, 1964—Decision, Dec. 17, 1964

Consent order requiring Los Angeles, Calif., manufacturers and distributors of wool products to cease violating the Wool Products Labeling Act by such practices as falsely labeling ladies' topper coats as "100% Wool" when they contained a substantial quantity of other fibers, falsely labeling non-woolen materials used in certain topper coats, furnishing false guaranties that certain of their wool products were not misbranded, and failing to comply with other labeling requirements.

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 Sun-Cal Coat & Suit Mfg. Co., a partnership, and Melville Mathes and Sam Rubinstein, individually and as copartners trading as Sun-Cal Coat & Suit Mfg. Co., and also trading as Imperial Cloak & Suit Co., Sportrite Originals, and California Juniors, 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 it charges in that respect as follows:

PARAGRAPH 1. Respondent Sun-Cal Coat & Suit Mfg. Co., is a partnership, existing and doing business in the State of California with its principal place of business located at 834 South Broadway, Los Angeles, California. Individual respondents Melville Mathes and Sam Rubinstein are copartners in said partnership also trading as Imperial Cloak & Suit Co., Sportrite Originals, and California Juniors. They formulate, direct and control the acts, policies and practices of the said partnership, including the acts and practices hereinafter referred to. The address of the individual respondents is the same as that of Sun-Cal Coat & Suit Mfg. Co. Respondents are engaged in the manufacture and distribution of ladies' coats and suits.

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 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 topper coats that were labeled or tagged by respondents as "100% Wool" whereas in truth and in fact said topper coats contained a substantial quantity of fibers other than wool.

PAR. 4. Certain of said wool products, namely ladies' topper coats, 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 identity and character of foam backing laminated to the shell of the coats.

Among such misbranded wool products, but not limited thereto, were certain ladies' topper coats that were labeled or tagged by respondents as containing "Polyester Foam Back" whereas in truth and in fact said topper coats did not contain polyester foam backing.

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

Among such misbranded wool products, but not limited thereto, were certain topper coats with labels on or affixed thereto, which failed to disclose:

The percentage of the total fiber weight of the wool products, exclusive of ornamentation, not exceeding 5 percentum of said total fiber weight of, (1) woolen fibers; (2) each fiber other than wool if said percentage by weight of such fiber is 5 percentum or more; (3) the aggregate of all other fibers.

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.

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

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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 Sun-Cal Coat & Suit Mfg. Co. is a partnership existing and doing business in the State of California with its office and principal place of business located at 834 South Broadway, Los Angeles, California.

Respondents Melville Mathes and Sam Rubinstein are copartners in said partnership and also trade as Imperial Cloak & Suit Co., Sportrite Originals, and California Juniors, and their address is the same as that of Sun-Cal Coat & Suit Mfg. Co.

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 Sun-Cal Coat & Suit Mfg. Co., a partnership, and Melville Mathes and Sam Rubinstein, individually and as copartners trading as Sun-Cal Coat & Suit Mfg. Co. and also trading as Imperial Cloak & Suit Co., Sportrite Originals, and California Juniors, or under any 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 the offering for sale, sale, transportation, distribution or delivery for shipment or shipment in commerce of topper coats or other wool products 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. Falsely or deceptively stamping, tagging, labeling or otherwise identifying any non-woolen material or substance as to the identity, character or use of such material or substance in the manufacture of the aforesaid wool products.

3. 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, Sun-Cal Coat & Suit Mfg. Co. a partnership, and Melville Mathes and Sam Rubinstein, individually and as copartners trading as Sun-Cal Coat & Suit Mfg. Co. and also trading as Imperial Cloak & Suit Co., Sportrite Originals, and California Juniors, or under any other trade name 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 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

RICHARD S. MARCUS TRADING AS
STANTON BLANKET COMPANY