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IN THE MATTER OF  
ROBERTS SUNGLASSES, INC., ET AL.

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

*Docket C-922. Complaint, July 27, 1965—Decision, July 27, 1965*

Consent order requiring an Englewood, N. J., distributor of sunglasses to cease misrepresenting the optical qualities of its sunglasses by such practice as stating on labels that said products possess "6 Base Lenses" when such was not the fact.

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act, and by virtue of the authority vested in it by said Act, the Federal Trade Commission having reason to believe that Roberts

Sunglasses, Inc., a corporation, and George Roberts, individually and as an officer of said corporation, hereinafter referred to as respondents, have violated the provisions of said 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 Roberts Sunglasses, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of New Jersey.

Respondent George Roberts is the president of the corporate respondent.

The individual respondent formulates, directs and controls the policies, acts and practices of said corporate respondent. The office and principal place of business of the respondents is located at 138 South Van Brunt Street, Englewood, New Jersey.

PAR. 2. Respondents are now, and for more than one year last past have been, engaged in the sale and distribution in commerce of sunglasses.

Respondents cause, and have caused, said sunglasses to be shipped from their aforesaid place of business in the State of New Jersey to purchasers thereof located at their respective places of business in various other States of the United States.

Respondents maintain, and at all times mentioned herein have maintained, a substantial course of trade of said sunglasses in commerce, as "commerce" is defined in the Federal Trade Commission Act.

PAR. 3. Respondents at all times mentioned herein have been, and now are, in substantial competition in commerce with individuals, firms and corporations engaged in the sale and distribution of sunglasses.

PAR. 4. In the course and conduct of their business as aforesaid, respondents have made, and are continuing to make, representations respecting said product. Said representations appear on labels attached to the product, displayed and sold to the purchasing public. Typical of said representations contained in the labels is the statement that sunglasses sold by respondents possess "6 Base Lenses."

PAR. 5. Through the aforesaid statement respondents represent directly or indirectly that said sunglasses are equipped with lenses with a plus six diopter curve and a minus six diopter curve.

PAR. 6. In truth and in fact, the curvature of the lenses in said sunglasses varies from a curve of six diopter plus and six diopter

minus. Therefore, the foregoing representation made by the respondents was and is false, misleading and deceptive.

PAR. 7. The use by respondents of the aforesaid false, misleading and deceptive representations has had, and now has, the capacity and tendency to mislead and deceive a substantial portion of the purchasing public into the erroneous and mistaken belief that such representation was and is true and into the purchase of a substantial number of sunglasses because of such erroneous and mistaken belief.

PAR. 8. The aforesaid act and practice of respondents, as herein alleged, was and is all to the prejudice and injury of the public and of respondents' competitors and constituted and now constitutes an unfair and deceptive act and practice and an unfair method of competition in commerce in violation of Section 5(a)(1) of the Federal Trade Commission Act.

#### DECISION AND ORDER

The Federal Trade Commission having initiated an investigation of certain acts and practices of the respondents named in the caption hereof, and the respondents having been furnished thereafter with a copy of a draft of complaint which the Bureau of Deceptive Practices proposed to present to the Commission for its consideration and which, if issued by the Commission, would charge respondents with violation of the Federal Trade Commission Act; and

The respondents and counsel for the Commission having thereafter executed an agreement containing a consent order, an admission by the respondents of all the jurisdictional facts set forth in the aforesaid draft of complaint, a statement that the signing of said agreement is for settlement purposes only and does not constitute an admission by the respondents that the law has been violated as alleged in such complaint, and waivers and provisions as required by the Commission's rules; and

The Commission, having reason to believe that the respondents have violated the Federal Trade Commission Act, and having determined that complaint should issue stating its charges in that respect, hereby issues its complaint, accepts said agreement, makes the following jurisdictional findings and enters the following order:

1. Respondent Roberts Sunglasses, Inc., is a corporation organized and existing under the laws of the State of New Jersey with its office and principal place of business located at 138 South Van Brunt Street, Englewood, New Jersey.

Respondent George Roberts is an officer of said corporation 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 Roberts Sunglasses, Inc., a corporation, and its officers and George Roberts, individually and as an officer of said corporation, and respondents' agents, representatives and employees directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of sunglasses in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or indirectly, that:

The lenses of their sunglasses have a given diopter curve unless such is the fact: *Provided however*, That in the case of ground and polished sunglass lenses a tolerance not to exceed minus or plus 1/16th diopters in any meridian and a difference in power between any two meridians not to exceed 1/16th diopter and a prismatic effect not to exceed 1/8th diopter shall be allowed.

*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.

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