

order upon them, the with the Commission a report in writing, signed by such respondents, setting forth in detail the manner and form of their compliance with the order to cease and desist.

IN THE MATTER OF
CHARLES NORRIS ET AL.

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

Docket C-982. Complaint, Aug. 6, 1965—Decision, Aug. 6, 1965

Consent order requiring the proprietors of a Dallas, Texas, retail carpet concern, to cease violating the Textile Fiber Products Identification Act by misbranding, falsely advertising, and deceptively guaranteeing their textile fiber products, namely floor coverings.

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 Charles Norris and Billie Norris, individually and as officers of Marsann Carpets, Inc., said individuals being hereinafter referred to as respondents, have violated the provisions of said Acts and the Rules and Regulations promulgated 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. Respondents Charles Norris and Billie Norris are officers of Marsann Carpets, Inc., a corporation organized under the laws of the State of Texas. During all times material to this proceeding they formulated, directed and controlled the acts and practices of Marsann Carpets, Inc., including the acts and practices hereinafter set forth. Marsann Carpets, Inc., at the present time is in bankruptcy. The office and principal place of business was located at 2024 Forth Worth Avenue, Dallas, Texas. Said corporation and individual respondents were engaged in the sale of carpeting to retail customers. Respondent Charles Norris is located at 3730 South Lancaster Street, Dallas, Texas. Respondent Billie Norris is located at 206 Conroe Street, Longview, Texas.

PAR. 2. Subsequent to the effective date of the Textile Fiber Products Identification Act on March 3, 1960, respondents have engaged in the 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. 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 floor coverings which were falsely and deceptively advertised in the Dallas Times Herald, a newspaper published in the city of Dallas, State of Texas and having a wide circulation in said State and various other States of the United States, in the following respects:

Respondents in disclosing the fiber content information as to floor coverings containing exempted backings, fillings, or paddings, failed to set forth such fiber content information in such a manner

as to indicate that it applied only to the face, pile, or outer surface of the floor coverings and not to the exempted backings, fillings, or paddings.

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 custom laid floor coverings sold from samples which floor coverings were not labeled to show any of the information required to be disclosed under Section 4(b) of such Act and were not covered by invoices correctly disclosing the aforesaid information under Rule 21(b) of the Rules and Regulations under such Act.

PAR. 5. Certain of said textile fiber products were falsely and deceptively advertised in that respondents in making disclosures or implications as to the fiber content of such textile fiber products in written advertisements used to aid, promote, and assist directly or indirectly in the sale or offering for sale of said products, failed to set forth the required information as to fiber content as specified by Section 4(c) of the Textile Fiber Products Identification Act and in the manner and form prescribed by the Rules and Regulations promulgated under said Act.

Among such textile fiber products, but not limited thereto, were floor coverings which were falsely and deceptively advertised in the Dallas Times Herald, a newspaper published in the city of Dallas, State of Texas and having a wide circulation in said State and various other States of the United States, in the following respects:

Respondents in disclosing the fiber content information as to floor coverings containing exempted backings, fillings, or paddings failed to set forth such fiber content information in such a manner as to indicate that it related only to the face, pile or outer surface of such floor coverings and not to the exempted backings, fillings, or paddings.

PAR. 6. In disclosing the required fiber content information in advertising certain textile fiber products, namely floor coverings, containing exempted backings, fillings, or paddings, respondents failed to set forth that such disclosure related only to the face, pile, or outer surface of the floor covering and not to the exempted backing, filling, or padding, in violation of Rule 11 of the Rules and Regulations promulgated under the Textile Fiber Products Identification Act.

PAR. 7. 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 or practices, in commerce, under the Federal Trade Commission Act.

PAR. 8. In the course and conduct of their business respondents have caused their said textile products to be offered for sale in issues of the "Dallas Times Herald," a newspaper published in the City of Dallas, State of Texas and distributed in interstate commerce and have maintained a substantial course of trade in commerce, as "commerce" is defined in the Federal Trade Commission Act.

PAR. 9. Respondents in the course and conduct of their business, as aforesaid, have made the following guarantee statements in newspaper advertising of their textile products, namely floor coverings:

* * *

10 Year Guarantee

* * *

PAR. 10. Through the use of said statements and representations set forth above and others similar thereto, but not specifically set out herein, respondents have represented, directly or indirectly, to the purchasing public that said floor coverings are unconditionally guaranteed for ten years.

PAR. 11. In truth and in fact said floor coverings are not in fact unconditionally guaranteed for ten years and the nature and extent of the guarantee and the manner in which the guarantor will perform was not set forth in connection therewith. Therefore, the statements and representations made by the respondents as hereinabove stated were and are false, misleading and deceptive.

PAR. 12. The aforesaid acts and practices of respondents, as herein alleged, were and are all to the prejudice and injury of the public and constituted, and now constitute, unfair and deceptive acts and practices in commerce, in violation of Section 5 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

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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 Charles Norris and Billie Norris are officers of Marsann Carpets, Inc., a corporation organized under the laws of the State of Texas. The office and principal place of business of said corporation, now in bankruptcy, was located at 2024 Fort Worth Avenue, Dallas, Texas. Respondent Charles Norris has mailing address at 3730 South Lancaster Street, Dallas, Texas, and respondent Billie Norris has mailing address at 206 Conroe Street, Longview, Texas.

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 Charles Norris and Billie Norris, individually and as officers of Marsann Carpets, Inc., 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 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 set forth that the required disclosure as to the fiber content of floor coverings relates only to the face, pile, or outer surface of such products and not to exempted backing, filling or padding, when such is the case.

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.

B. Falsely and deceptively advertising textile fiber products by:

Making any representations, by disclosure or by implication, as to the fiber content of any textile fiber product in any written advertisement which is used to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of such textile fiber product, unless the same information required to be shown on the stamp, tag, label or other means of identification under Section 4(b)(1) and (2) of the Textile Fiber Products Identification Act is contained in the said advertisement, except that the percentages of the fibers present in the textile fiber product need not be stated.

C. Failing to set forth in disclosing the required fiber content information as to floor coverings containing exempted backings, fillings, or paddings, that such disclosure relates only to the face, pile or outer surface of such textile fiber products and not to the exempted backings, fillings, or paddings.

It is further ordered, That respondents Charles Norris and Billie Norris, individually and as officers of Marsann Carpets, Inc., and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of floor coverings or other products in commerce, as "commerce" is defined in the Federal Trade Commission Act do forthwith cease and desist from:

Representing that any of respondents' products are guaranteed, unless the nature and extent of the guarantee, the identity of the guarantor, and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

ABBY KENT CO., INC., ET AL.

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