

10. Misrepresents in any manner, directly or by implication, the nature, type or quality of respondents' 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
WALTHAM ATHLETICWEAR MFG. CO., INC., ET AL.

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

Docket C-989. Complaint, Sept. 10, 1965—Decision, Sept. 10, 1965

Consent order requiring a Boston, Mass., manufacturer of athletic wool jackets, shirts, and other wool products to cease misbranding and falsely advertising such wool products in violation of the Wool Products Labeling Act, and falsely invoicing said products in violation of the Federal Trade Commission Act.

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 Waltham Athleticwear Mfg. Co., Inc., a corporation, and Theodore G. Vlachos, individually and as an officer of said corporation, 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 its charges in that respect as follows:

PARAGRAPH 1. Respondent Waltham Athleticwear Mfg. Co., Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the Commonwealth of Massachusetts.

Individual respondent Theodore G. Vlachos is an officer of the corporate respondent and formulates, directs and controls the acts,

policies and practices of the corporate respondent, including the acts and practices hereinafter referred to.

Respondents are engaged in the manufacture and sale of athletic award jackets, warm-up jackets, baseball jackets; in the wholesaling of bowling and soft ball team shirts; and in some retail business. Respondents' main office and principal place of business is at 316 Meridian Street, East Boston, Massachusetts.

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, delivered for shipment and offered for sale in commerce, as "commerce" is defined in said Act, wool products as "wool product" is defined therein.

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 wool products, namely, articles of wearing apparel, which contained substantially different amounts and types of fibers than were set forth on the labels thereto affixed.

PAR. 4. Certain of said wool products were further misbranded by respondents in that they were not stamped, tagged or labeled as required under the provisions of Section 4(a)(2) of the Wool Products Labeling Act 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 wool products without fiber content labels, and with labels which failed to disclose the percentage of the total fiber weight of the wool product, exclusive of ornamentation not exceeding 5 per centum of the total fiber weight of (1) wool, reprocessed wool and reused wool; (2) each fiber other than the wool when said percentage by weight of such fiber was 5 per centum or more; and (3) the aggregate of all other fibers.

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

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(a) Words and terms used in required information were set forth in abbreviated form on the stamp, tag, label, or other means of identification on or affixed to wool products, in violation of Rule 9 of said Rules and Regulations.

(b) Samples, swatches, or specimens of wool products used to promote or effect sales of such wool products in commerce were not labeled or marked to show that information required under Section 4(a)(2) of the Wool Products Labeling Act of 1939 and the Rules and Regulations promulgated thereunder, in violation of Rule 22 of the aforesaid Rules and Regulations.

(c) Required information as to fiber content was not set forth on labels attached to wool products consisting of two or more sections of different fiber composition, in such manner as to show fiber composition of each section in all instances where such marking was necessary to avoid deception, in violation of Rule 23 of the Rules and Regulations promulgated under the Wool Products Labeling Act of 1939.

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 the Rules and Regulations promulgated thereunder, and constituted and now constitute, unfair and deceptive acts and practices in commerce, within the intent and meaning of the Federal Trade Commission Act.

PAR. 7. In the course and conduct of their business as aforesaid, respondents now cause and for some time last past have caused their said products, when sold, to be shipped from their place of business in the Commonwealth of Massachusetts to purchasers located in various other States of the United States, and maintain, and at all times mentioned herein have maintained, a substantial course of trade in said products in commerce, as "commerce" is defined in the Federal Trade Commission Act.

PAR. 8. Respondents in the course and conduct of their business, have made statements in catalogues and other advertising and promotional materials furnished to their customers, misrepresenting the fiber content of certain of their products.

Among such misrepresentations, but not limited thereto, were statements representing the fiber content thereof as "100% Wool Melton," whereas in truth and in fact the products contained substantially different fibers and amount of fibers than represented.

PAR. 9. Respondents in the course and conduct of their business have made statements on invoices to their customers, misrepresenting the fiber content of certain of their products.

Among such misrepresentations, but not limited thereto, were statements representing the fiber content thereof as "wool," whereas in truth and in fact the product was not 100% Wool, but contained substantially different fibers and amounts of fibers than represented.

PAR. 10. The acts and practices set out in Paragraphs Eight and Nine have the tendency and capacity to mislead and deceive the purchasers of said products as to the true content thereof.

PAR. 11. 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, within the intent and meaning 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 Textiles and Furs 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 Wool Products Labeling Act of 1939; 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 said Acts, 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 Waltham Athleticwear Mfg. Co., Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the Commonwealth of Massachusetts with its office and principal place of business located at 316 Meridian Street, East Boston, Massachusetts.

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Respondent Theodore G. Vlachos is an officer of Waltham Athleticwear Mfg. Co., Inc., and his office and principal place of business 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 Waltham Athleticwear Mfg. Co., Inc., a corporation, and its officers, and Theodore G. Vlachos, individually and as an officer of said corporation, 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 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 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 contained therein.

2. 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.

3. Setting forth information required under Section 4(a)(2) of the Wool Products Labeling Act and the Rules and Regulations promulgated thereunder in abbreviated form on labels affixed to wool products.

4. Failing to label or mark samples, swatches, or specimens of wool products subject to the Wool Products Labeling Act, in such manner as to show their respective fiber contents and other information required by law when said samples, swatches, or specimens are used to promote or effect sales of such wool products in commerce.

5. Failing to set forth required information on labels attached to wool products consisting of two or more sections of different fiber composition, in such a manner as to show the fiber content of each section in all instances where such marking is necessary to avoid deception.

It is further ordered, That respondents Waltham Athleticwear Mfg. Co., Inc., and its officers, and Theodore G. Vlachos, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of articles of wearing apparel or any other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Misrepresenting the character or amount of constituent fibers contained in respondents' apparel or other products on invoices or shipping memoranda applicable thereto, in catalogues, advertisements or promotional materials 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.