

IN THE MATTER OF
TALENTO, INC., ET AL. TRADING AS TALENTO, ETC.

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

Docket C-1019. Complaint, Nov. 23, 1965—Decision, Nov. 23, 1965

Consent order requiring two affiliated Miami, Fla., manufacturers of women's dresses and sportswear, to cease misbranding said textile fiber products by failing to disclose on attached labels the generic names of the constituent fibers, and by furnishing false guaranties that their textile fiber products were not misbranded.

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 Talento, Inc., a corporation, Terrell, Inc., a corporation, both trading as Talento and Sue Anne, and Irving Kashmir and Joe Luccheze, individually and as officers of said corporations, and Jack Lobel, individually and as a former officer of said corporations, 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 Talento, Inc., and Terrell, Inc., trading as Talento and Sue Anne, are corporations organized, existing and doing business under and by virtue of the laws of the State of Florida, with their offices and principal places of business located at 560 N.W. 26th Street, Miami, Florida.

Complaint

68 F.T.C.

Individual respondents Irving Kashmir and Joe Luccheze, are officers of the corporate respondents, and formulate, direct and control the acts, practices and policies of the corporate respondents, including the acts and practices complained of herein. Their business addresses are the same as said corporate respondents. The aforesaid respondents are engaged in the manufacture and sale of women's dresses and sportswear.

Respondent Jack Lobel was an officer of each of the corporate respondents until May 20, 1965, and at all times material to this proceeding and cooperated with respondents Irving Kashmir and Joe Luccheze in the formulation, direction and control of the acts, practices and policies of the corporate respondents, including the acts and practices complained of herein. The business address of respondent Jack Lobel is 2550 N.W. Fifth Avenue, Miami, Florida.

PAR. 2. 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, delivery for introduction, manufacture 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 products" are defined in the Textile Fiber Products Identification Act.

PAR. 3. Certain of said textile fiber products, were misbranded by respondents in that they were not stamped, tagged, labeled or otherwise identified with the information required under Section 4(b) 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 misbranded textile fiber products, but not limited thereto, were textile fiber products, namely women's dresses, with labels which failed to disclose the constituent fiber or combination of fibers in the textile fiber product by their generic names.

PAR. 4. The respondents have furnished false guaranties that their textile fiber products were not misbranded in violation of Section 10 of the Textile Fiber Products Identification Act.

PAR. 5. 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.

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 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 Talento, Inc., and Terrell, Inc., both trading as Talento and Sue Anne are corporations organized, existing and doing business under and by virtue of the laws of the State of Florida, with their office and principal place of business located at 560 N.W. 26th Street, in the city of Miami, State of Florida.

Respondents Irving Kashmir and Joe Luccheze are officers of the said corporations and their address is the same as that of the said corporations.

Respondent Jack Lobel was an officer of the said corporations until May 20, 1965. His address is 2550 N.W. Fifth Avenue, Miami, Florida.

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.

Syllabus

ORDER

68 F.T.C.

It is ordered, That respondents Talento, Inc., a corporation, and its officers, Terrell, Inc., a corporation, and its officers, both trading as Talento and Sue Anne, and Irving Kashmir and Joe Luccheze, individually and as officers of said corporations, and Jack Lobel, individually and as a former officer of said corporations, 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, 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 failing to affix labels to such products showing each element of information required to be disclosed by Section 4(b) of the Textile Fiber Products Identification Act.

B. Furnishing false guaranties that textile fiber products are not misbranded under the provisions of the Textile Fiber Products Identification 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.
