
IN THE MATTER OF
ARLEN TROPHY COMPANY, INC., ET AL.

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

Docket C-1096. Complaint, Aug. 4, 1966—Decision, Aug. 4, 1966

Consent order requiring a North Plainfield, N.J., manufacturer of trophies and awards to cease misrepresenting the composition of its products, specifically using the word "marble" or similar term to describe the alabaster in its merchandise.

Complaint

70 F.T.C.

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 Arlen Trophy Company, Inc., a corporation, and David Greenhouse and Irving Greenhouse, individually and as officers 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 Arlen Trophy Company, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of New York, with its principal office and place of business located at 68 Brook Avenue, North Plainfield, New Jersey.

Respondents, David Greenhouse and Irving Greenhouse are officers of the corporate respondent. They formulate, direct and control the acts and practices of the corporate respondent, including the acts and practices hereinafter set forth. Their business address is the same as that of the corporate respondent.

PAR. 2. Respondents are now, and for some time last past have been, engaged in the manufacturing, advertising, offering for sale, sale and distribution of, among other things, trophies and awards to distributors and retailers for resale to the purchasing public.

PAR. 3. In the course and conduct of their business, respondents now cause, and for some time last past have caused, their said products, when sold, to be shipped and transported from their place of business in the State of New Jersey to purchasers thereof 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. 4. In the conduct of their business, at all times mentioned herein, respondents have been in substantial competition, in commerce, with corporations, firms and individuals in the sale of products of the same general kind and nature as that sold by respondents.

PAR. 5. In the course and conduct of their business, and for the purpose of inducing the sale of their trophies, awards and other products, respondents have made certain statements and repre-

sentations in catalogs and other advertising media, distributed to their customers and the trade, concerning the type of materials used in manufacturing said products. Among and typical, but not all inclusive of such statements and representations are the following:

Genuine Marble and Walnut Individual Colorful Awards

Genuine Individual Marble Awards

Genuine Marble Team Awards

PAR. 6. Through the use of the aforesaid statements and representations, and others similar thereto but not specifically set out herein, respondents have represented, and are now representing, directly or by implication, that the stone portions of their trophies, awards and other products were made entirely of marble.

PAR. 7. In truth and in fact, the stone portions of respondents' trophies, awards and other products were not made entirely of marble but were made of alabaster, a stone which is not marble and is much less durable than marble.

Therefore, the representations set forth in Paragraph Five above, and others similar thereto, were and are false, misleading and deceptive.

PAR. 8. By the aforesaid practice, respondents place in the hands of retailers and others means and instrumentalities by and through which they may mislead the public as to the nature and character of the stone portions of said products.

PAR. 9. The use by the respondents of the aforesaid false, misleading and deceptive statements, representations and practices has had, and now has, the capacity and tendency to mislead members of the purchasing public into the erroneous and mistaken belief that said statements and representations were and are true and into the purchase of substantial quantities of respondents' products by reason of said erroneous and mistaken belief.

PAR. 10. The aforesaid acts and practices of respondents, as herein alleged, were and are all to the prejudice and injury of the public and respondents' competitors and constituted, and now constitute, unfair methods of competition in commerce and unfair and deceptive acts and practices in commerce, in violation of Section 5 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 there-

after 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 Arlen Trophy Company, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of New York, with its principal office and place of business located at 68 Brook Avenue, North Plainfield, New Jersey.

Respondents David Greenhouse and Irving Greenhouse are officers of the said corporation and their business address is the same as that of the 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 Arlen Trophy Company, Inc., a corporation, and its officers, and David Greenhouse and Irving Greenhouse, individually and as officers of the said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the manufacture, advertising, offering for sale, sale or distribution of trophies or awards, or any other product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do herewith cease and desist from:

1. Using the words "marble," "genuine marble," or any

other term of similar import or meaning, to designate, describe, or refer to, the alabaster contained in any product; or misrepresenting in any manner the composition of any product.

2. Placing in the hands of retailers and others, means and instrumentalities by and through which they may deceive and mislead the purchasing public concerning any merchandise in the respects set out in Paragraph One above.

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 and shall submit copies of all catalogs annually to the Commission for the five years next succeeding the effective date of this order and shall thereafter file such reports as the Commission may require.
