
IN THE MATTER OF

E. FOMIL & SONS ET AL.

CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF THE
FEDERAL TRADE COMMISSION AND THE FLAMMABLE FABRICS ACTS

Docket C-1338. Complaint, May 20, 1968—Decision, May 20, 1968

Consent order requiring a San Francisco, Calif., importer and distributor of fabrics to cease importing or selling any fabric not meeting the flammability standards provided under the Flammable Fabrics Act.

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act and the Flammable Fabrics Act, and by virtue of the authority vested

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in it by said Acts, the Federal Trade Commission, having reason to believe that E. Fomil & Sons, a partnership, and Ralph Fomil and Abraham Fomil, individually and as copartners trading as E. Fomil & Sons, hereinafter referred to as respondents, have violated the provisions of said Acts and the Rules and Regulations promulgated under the Flammable Fabrics 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 E. Fomil & Sons is a partnership. Respondents Ralph Fomil and Abraham Fomil are individuals and copartners trading as E. Fomil & Sons.

The respondents are engaged in the importation, sale and distribution of various commodities, including fabrics, with their office and principal place of business located at 480 Second Street, city of San Francisco, State of California.

PAR. 2. Respondents, now and for some time last past, have sold and offered for sale, in commerce; have imported into the United States; and have introduced, delivered for introduction, transported, and caused to be transported, in commerce; and have transported and caused to be transported for the purpose of sale or delivery after sale, in commerce; as "commerce" is defined in the Flammable Fabrics Act, fabric, as that term is defined therein, which fabric was, under Section 4 of the Flammable Fabrics Act, as amended, so highly flammable as to be dangerous when worn by individuals.

PAR. 3. The aforesaid acts and practices of respondents were and are in violation of the Flammable Fabrics Act and the Rules and Regulations promulgated thereunder, and as such constitute unfair methods of competition and unfair and deceptive acts and practices in commerce, within the intent and meaning 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 Flammable Fabrics 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 the respondents of all the jurisdictional facts set forth in the com-

plaint 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 alleged in such complaint, and waivers and other provisions as required by the Commission's Rules; and

The Commission having considered the agreement and having accepted same, and the agreement containing consent order having thereupon been placed on the public record for a period of 30 days, now in further conformity with the procedure prescribed in § 2.34(b) of its Rules, the Commission hereby issues its complaint in the form contemplated by said agreement, makes the following jurisdictional findings, and enters the following order:

1. Respondent E. Fomil & Sons is a partnership, trading as E. Fomil & Sons, organized, existing and doing business under and by virtue of the laws of the State of California, with its office and principal place of business located at 480 Second Street, in the city of San Francisco, State of California.

Respondents Ralph Fomil and Abraham Fomil are individuals and copartners trading as E. Fomil & Sons and their address is the same as that of said partnership.

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 E. Fomil & Sons, a partnership, and Ralph Fomil and Abraham Fomil, individually and as copartners, trading as E. Fomil & Sons, or any other name, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from manufacturing for sale, selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any fabric as "commerce" and "fabric" are defined in the Flammable Fabrics Act as amended, which fails to conform to an applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Act.

It is further ordered, That the respondents herein shall, within ten (10) days after service upon them of this order, file with the Commission an interim report in writing setting forth respondents' intentions as to compliance with this order. This interim report shall also advise the Commission fully concerning the fiber composition, construction,

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and weight of the respondents' fabrics intended or sold for use in wearing apparel and the approximate amounts thereof in inventory at the time of the issuance of this order. The interim report shall further advise the Commission fully and specifically with regard to the fabrics which led to the Commission's complaint and order in this Docket concerning (1) what, if any, inventory they have remaining and (2) what disposition they propose to make of the products. If fabric intended for wearing apparel has been disposed of in any manner, the Commission should be advised specifically concerning the nature of the disposition, supported by documentary proof.

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 of