
IN THE MATTER OF
SAM SESKIN DOING BUSINESS AS
IMPERIAL SALES COMPANY, ETC.

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

Docket C-1468. Complaint, Dec. 11, 1968—Decision Dec. 11, 1968

Consent order requiring a Hollywood, Fla., distributor of "Una-Trim," a weight-reducing product, to cease making unordered shipments to retail druggists and naming them in advertising without their prior approval.

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Complaint

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 Sam Seskin, an individual doing business as Imperial Sales Company, and The Forward Company hereinafter referred to as respondent, has 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 Sam Seskin is an individual doing business as Imperial Sales Company and The Forward Company with his office and place of business located at 1515 South 14th Avenue, Hollywood, Florida.

PAR. 2. Respondent is now and for some time last past has been engaged in the advertising, offering for sale, sale and distribution of a weight reducing product called Una-Trim to retailers for resale to the consuming public.

PAR. 3. In the course and conduct of his business, respondent now causes and for some time last past has caused, his product, when sold, to be shipped from his place of business in the State of Florida to purchasers thereof located in various other States of the United States, and maintains and at all times mentioned herein has maintained, a substantial course of trade in said product in commerce, as "commerce" is defined in the Federal Trade Commission Act.

PAR. 4. In the course and conduct of his business as aforesaid, respondent has engaged in the practice of making unordered and unauthorized shipments of his product to retail drugstores located in the various States of the United States, and in the further practice of inserting or causing the insertion of advertisements in newspapers of general circulation in the communities where the retail drugstores, to which the aforesaid unordered and unauthorized shipments were made, are located. The aforesaid advertisements announced the availability of respondent's products at the local retail drugstores named therein, and to which the aforesaid unordered and unauthorized shipments have been made without prior consent, approval or permission to use the name of such drugstores in such advertisements. Said advertisements have the false appearance of having been inserted in the said newspapers by the local retail drugstores named therein.

The acts and practices as hereinabove set forth were and are unfair and deceptive.

PAR. 5. In the conduct of his business, and at all times mentioned herein, respondent has 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 respondent.

PAR. 6. The aforesaid unfair and deceptive acts and practices of respondent have had, and now have, the tendency and capacity to induce, and have induced, retail drugstores and members of the purchasing public to purchase substantial quantities of respondent's product.

PAR. 7. The aforesaid acts and practices of respondent, as herein alleged, were and are all to the prejudice and injury of the public and of respondent's 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 respondent named in the caption hereof, and the respondent having been furnished thereafter with the 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 respondent with violation of the Federal Trade Commission Act; and

The respondent and counsel for the Commission having thereafter executed an agreement containing a consent order, an admission by the respondent 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 respondent 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 thereafter considered the matter and having determined that it had reason to believe that the respondent has violated the said Act, and that complaint should issue stating its charges in that respect, and having thereupon accepted the executed consent agreement and placed such agreement on the public record for a period of thirty (30) days, now in further conformity with the procedure prescribed in § 2.34(b) of its

Rules, the Commission hereby issues its complaint, makes the following jurisdictional findings, and enters the following order:

1. Respondent Sam Seskin is an individual doing business as Imperial Sales Company and as The Forward Company, with his office and principal place of business located at 1515 South 14th Avenue, Hollywood, Florida.

2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondent, and the proceeding as in the public interest.

ORDER

It is ordered, That the respondent Sam Seskin, an individual doing business as Imperial Sales Company or as The Forward Company or under any other name or names, and respondent's agents, representatives and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of the product "Una-Trim" or any other product in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Shipping or sending any merchandise to any drugstore or retail establishment without having previously obtained the written and express authorization or consent to the complete terms and conditions of sale or consignment, and resale, of any merchandise by the person, company or corporation to whom such merchandise is sent.

2. Placing any newspaper advertisement, or causing the dissemination of an advertisement in any other manner, for the purpose of publicizing such product, which advertisement uses the name of any drugstore or retail establishment without having previously obtained the written and express authorization or consent of the druggist or retail establishment whose name appears in the advertisement.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which he has complied with this order.

Complaint

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IN THE MATTER OF

TUFTWICK CARPET MILLS, INC., 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-1469. Complaint, Dec. 11, 1968—Decision, Dec. 11, 1968

Consent order requiring a Cartersville, Ga., carpet manufacturer to cease misbranding and falsely advertising its textile fiber products and failing to keep required fiber content records.

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 Tuftwick Carpet Mills, Inc., a corporation, and Edward P. Chamberlain, 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 Textile Fiber Products Identification Act, and it appearing to the Commission that a proceeding by its in respect thereof would be in the public interest, hereby issues its complaint stating its charges in that respect as follows:

PARAGRAPH 1. Respondent Tuftwick Carpet Mills, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Georgia, with its office and principal place of business located at 18 South Gilmer Street, Cartersville, Georgia.

Individual respondent Edward P. Chamberlain is an officer of said corporate respondent. He formulates, directs and controls the acts, practices and policies of said corporate respondent, including the acts and practices hereinafter referred to. The office and principal place of business of said individual respondent is the same as that of the corporate respondent.

Respondents are engaged in the manufacture and sale of carpeting.

PAR. 2. Respondents are now and for some time last past have been engaged in the 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