

Order

75 F.T.C.

IN THE MATTER OF

ISRAEL RETTINGER ET AL. DOING BUSINESS AS
RETTINGER RAINCOAT MFG. CO.

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

Docket 6534. Complaint, March 22, 1956—Decision, May 27, 1969

Order modifying a consent order dated August 17, 1956, 53 F.T.C. 132, which prohibited a manufacturer of rainwear from misusing the word "Goodyear" by permitting the successor respondent to use the term "Goodyear-Made By Rettinger" and similar words.

DISSENTING OPINION

MAY 27, 1969

BY DIXON, *Commissioner*:

Commissioner Dixon dissents from that part of the modified order which would permit respondents to use such statements as "Goodyear-By Rettinger" and "Goodyear-By Lucky Rainwear" to designate rainwear manufactured by a firm other than respondent corporation. Commissioner Dixon believes that such statements are wholly inadequate to inform purchasers that the rainwear is not made by respondent corporation, and, in themselves, constitute a false representation that the goods are so made.

ORDER REOPENING MATTER AND MODIFYING ORDER TO CEASE AND
DESIST

The parties named in the caption hereof having heretofore entered into an agreement containing consent order in this matter, which order became the order to cease and desist contained in the Commission's decision of August 17, 1956 [53 F.T.C. 132]; and

Respondent David Rettinger having, on August 5, 1968, filed a motion for a stay order, and subsequent thereto having reconsidered said motion and having desired to have the motion considered as withdrawn and to present for the Commission's consideration in lieu thereof an agreement entered into between said respondent, and the Rettinger Raincoat Mfg. Co., Inc., a corporation, and their attorney, and counsel for the Commission,

whereby said respondent would consent to entry of a modified order to cease and desist in such matter; and

The said parties having entered into and executed such an agreement which recites, *inter alia*, that upon acceptance of the agreement by the Commission the aforesaid motion of August 5, 1968, is to be considered as having been withdrawn by respondent David Rettinger, and only thereupon is the agreement to become a part of the official record of the proceeding; that Israel Rettinger, heretofore also named as an individual and co-partner respondent in the proceeding, is now deceased, and the partnership, Rettinger Raincoat Mfg. Co., has been dissolved; and that the Rettinger Raincoat Mfg. Co., Inc., a New York corporation, is the successor and assign of said partnership; and which agreement further provides that, if accepted by the Commission, the Commission may, without further notice to the parties thereto, issue its order reopening the proceeding and modifying the order to cease and desist contained in its decision of August 17, 1956, such order as modified to read in the form set out in the agreement; and

The Commission having concluded that the modification sought is warranted in the circumstances, and having accepted the agreement;

Now, therefore, it is ordered, That this proceeding be, and it hereby is, reopened.

It is further ordered, That the order to cease and desist contained in the Commission's decision of August 17, 1956, be, and it hereby is, modified to read as follows:

It is ordered, That respondent David Rettinger, individually and as a former copartner in Rettinger Raincoat Mfg. Co., a partnership now dissolved, and as a former officer and active stockholder of Rettinger Raincoat Mfg. Co., Inc., a corporation, which corporation is the successor and assign of said partnership, and respondent's agents, representatives, employees, and successors and assigns, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of rainwear, including rubber raincoats and rainsuits, and other similar kinds of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Using the word "Goodyear", or any other word or words of similar import, to designate or refer to such merchandise unless, in immediate conjunction with such word or words,

Order

75 F.T.C.

respondent affirmatively discloses, clearly and conspicuously, either that the Goodyear Tire and Rubber Company of Akron, Ohio, is not the manufacturer or source of such merchandise or that the manufacturer or source of such merchandise is a firm other than the Goodyear Tire and Rubber Company of Akron, Ohio: *Provided, however, That with respect to merchandise manufactured by Rettinger Raincoat Mfg. Co., Inc., use in the foregoing manner of any of the following disclosure statements, which statements are illustrative but not all-inclusive, will be deemed by the Commission to constitute compliance with this order:*

"Goodyear-Not Made by Goodyear of Akron, Ohio"

"Goodyear-Made by Rettinger"

"Goodyear-Made by Lucky Rainwear"

And provided, further, That with respect to merchandise manufactured by a firm other than Rettinger Raincoat Mfg. Co., Inc. but distributed by said company use in the foregoing manner of any of the following disclosure statements, which statements are illustrative but not all-inclusive, will be deemed by the Commission to constitute compliance with this order:

"Goodyear-Not Made by Goodyear of Akron, Ohio"

"Goodyear-By Rettinger"

"Goodyear-By Lucky Rainwear."

It is further ordered, That, for purposes of compliance, this order shall be considered inapplicable with respect to those articles of merchandise in inventory as of the date of service of this order which bear disclosure statements indicating that such merchandise is made or manufactured by the Rettinger Raincoat Mfg. Co., Inc., or by Rettinger or by Lucky Rainwear.

It is further ordered, That the order to cease and desist contained in the Commission's decision of August 17, 1956, be, and it hereby is, vacated as to decedent Israel Rettinger, a former copartner in the dissolved partnership, Rettinger Raincoat Mfg. Co.

It is further ordered, That respondent David Rettinger and Rettinger Raincoat Mfg. Co., Inc., a corporation, 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 to cease and desist.

Commissioner Dixon dissenting, and Commissioner MacIntyre abstaining.

Complaint

IN THE MATTER OF

BLAIR'S TELEVISION & MUSIC COMPANY, INC., ET AL.

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

Docket C-1539. Complaint, June 4, 1969—Decision, June 4, 1969

Consent order requiring a Chevy Chase, Md., appliance dealer to cease using bait and switch tactics, misrepresenting that offers to sell are limited, and using deceptive pricing in the sale of its TV sets.

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 Blair's Television & Music Company, Inc., a corporation, Blairs T.V.—Chevy Chase, Inc., a corporation, and C. Kemp Devereux, individually and as an officer of said corporations, 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 Blair's Television & Music Company, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Maryland, with its principal office and place of business located at 5422 Western Avenue, in the city of Chevy Chase, State of Maryland.

Respondent Blairs T.V.—Chevy Chase, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Maryland, with its principal office and place of business located at 5422 Western Avenue, in the city of Chevy Chase, State of Maryland.

Respondent C. Kemp Devereux is an individual and an officer of the corporate respondents. He formulates, directs and controls the acts and practices of the corporate respondents, including the acts and practices hereinafter set forth. His address is the same as that of the corporate respondents.

PAR. 2. Respondents are now, and for some time last past have been, engaged in the advertising, offering for sale, sale and distribution of television sets and other merchandise to the public.