

It is further ordered, That the order to cease and desist issued by the Commission November 7, 1958 remain in effect as to all respondents named therein.

IN THE MATTER OF
NEEMCO IMPERIAL, LTD., TRADING AS
VICTORIA GIFT SHOP, ETC.

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

Docket C-1548. Complaint, June 23, 1969—Decision, June 23, 1969

Consent order requiring a San Francisco, Calif., oriental gift shop to cease misbranding the fiber content of its textile fiber products and misrepresenting the location of its business.

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 Neemco Imperial Ltd., a corporation, trading as Victoria Gift Shop and Victoria Imperial Gift Shops Ltd., and Pearl L. Braha Mamiye and Mal Eli Mamiye, individually and as officers 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 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 Neemco Imperial, Ltd., trading as Victoria Gift Shop and Victoria Imperial Gift Shops Ltd., is a corporation 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 764 Market Street, San Francisco, California.

Individual respondents Pearl L. Braha Mamiye and Mal Eli Mamiye are officers of said corporate respondent. They formulate, direct and control 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 operation of an oriental gift shop and in the importation of floor coverings, handkerchiefs and other textile products.

PAR. 2. Respondents are now and for some time last past have been engaged in the 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 product" are defined in the Textile Fiber Products Identification Act.

PAR. 3. Certain of said textile fiber products were misbranded by the respondents within the intent and meaning of Section 4(a) of the Textile Fiber Products Identification Act and the Rules and Regulations promulgated thereunder, in that they were falsely and deceptively stamped, tagged, labeled, invoiced, advertised, or otherwise identified as to the name or amount of the constituent fibers contained therein.

Among such misbranded textile fiber products, but not limited thereto, were floor coverings, which were falsely and deceptively labeled in that the respondents in disclosing the fiber content information as to floor coverings containing exempted backings, fillings or paddings, failed to set forth such fiber content informa-

tion in such a manner as to indicate that it applied only to the face, pile, or outer surface of the floor coverings and not to the exempted backings, fillings, or paddings.

PAR. 4. Certain of such textile fiber products were further misbranded by respondents in that they were not stamped, tagged, labeled, or otherwise identified to show each element of information required to be disclosed by 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 without labels and textile fiber products with labels which failed:

1. To disclose the true generic names of the fibers present;
2. To disclose the true percentage of such fibers;
3. To disclose the name, or other identification issued and registered by the Commission, of the manufacturer of said product or one or more persons subject to Section 3 of the said Act with respect to such product; and
4. To disclose the name of the country where imported textile fiber products were processed or manufactured.

PAR. 5. Certain of said textile fiber products were falsely and deceptively labeled in violation of the Textile Fiber Products Identification Act in that they were not labeled in accordance with the Rules and Regulations promulgated thereunder.

Among such textile fiber products, but not limited thereto, were textile fiber products which were falsely and deceptively labeled in that the required fiber content information as to floor coverings containing exempted backings, fillings, or paddings, failed to indicate that such required fiber content information related only to the face, pile, or outer surface of the floor coverings and not to the backings, fillings, or paddings, in violation of Rule 11 of the aforesaid Rules and Regulations.

PAR. 6. 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 or practices, in commerce, under the Federal Trade Commission Act.

PAR. 7. Respondents are now and for some time last past have been engaged in the advertising, offering for sale, sale and distribution of products, namely floor coverings, hankerchiefs and other

textile products to retailers. The respondents' said business is the operation of an oriental gift shop and the importation of the aforesaid articles which are sold to consumers in the United States. The respondents maintain and at all times mentioned herein have maintained a substantial course of trade of said products in commerce, as "commerce" is defined in the Federal Trade Commission Act.

PAR. 8. In the course and conduct of their business in soliciting the sale of and selling the aforesaid products, respondents have done business under the following names: Neemco Imperial, Ltd., Victoria Gift Shop and Victoria Imperial Gift Shops Ltd. Respondents have used such names on the invoices together with the statement London, England—main office when selling the aforesaid products.

PAR. 9. By means of the aforesaid invoices and through the use of the above said names the respondents represent that the corporate respondent Neemco Imperial, Ltd., trading as Victoria Gift Shop is a British firm with its main office located in London, England and operating in the United States.

In truth and in fact, respondents do not have their main office or any office in London, England. Further the respondents maintain its sole place of business in San Francisco, California.

PAR. 10. The use by 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. 11. The aforesaid acts and practices of respondents as alleged in Paragraphs Eight, through Ten were, and are, to the prejudice and injury of the public and of respondents' competitors, and constituted, and now constitute unfair methods of competition and unfair and deceptive acts and practices in commerce, in violation of Section 5(a)(1) 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 thereafter with a copy of a draft of complaint which the Bureau

of Textiles and Furs 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 Textile Fiber Products Identification 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 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 thereafter considered the matter and having determined that it had reason to believe that the respondents have violated the said Acts, 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 Neemco Imperial, Ltd., trading as Victoria Gift Shop and Victoria Imperial Gift Shops Ltd. is a corporation 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 764 Market Street, San Francisco, California.

Respondents Pearl L. Braha Mamiye and Mal Eli Mamiye are officers of said corporation and their address is the same as that of 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 respondents Neemco Imperial, Ltd., a corporation, trading as Victoria Gift Shop and Victoria Imperial Gift Shops Ltd., or under any other name or names and its officers, and Pearl L. Braha Mamiye and Mal Eli Mamiye, individually and as officers of said corporation, 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

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, of any textile fiber product, which has been advertised or offered for sale in commerce; 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:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising or otherwise identifying such products as to the name or amount of the constituent fibers contained therein.

2. Failing to affix a stamp, tag, label or other means of identification to each such product showing in a clear, legible and conspicuous manner each element of information required to be disclosed by Section 4(b) of the Textile Fiber Products Identification Act.

3. Failing to set forth in disclosing the required fiber content information as to floor coverings, containing exempted backings, fillings, or paddings, that such disclosure relates only to the face, pile or outer surface of such textile fiber products and not to the exempted backings, fillings, or paddings.

It is further ordered, That respondents Neemco Imperial, Ltd., a corporation, trading as Victoria Gift Shop and Victoria Imperial Gift Shops Ltd., or under any other name or names and its officers, and Pearl L. Braha Mamiye and Mal Eli Mamiye, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of floor coverings, handkerchiefs or other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Directly or indirectly representing in any manner through the use of such words as "main office London, England" or any terms of similar import, either with or without such names as Neemco Imperial, Ltd., Victoria Gift

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Shop and Victoria Gift Shops Ltd., that corporate respondent is a British firm or has offices in London, England.

2. Representing in any manner that corporate respondent is a foreign firm or that the corporate respondent has offices in England or in any other foreign country or misrepresenting in any manner the location of respondents' place of business.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

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.
