

STEPHEN J. SHAFFER DOING BUSINESS AS  
SHAFFER SPORTSWEAR MFG. CO.

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

*Docket C-1732. Complaint, May 4, 1970—Decision, May 4, 1970*

Consent order requiring a Chicago, Ill., manufacturer of men's athletic clothing to cease misbranding its woolens and falsely advertising its textile fiber products.

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act, the Wool Products Labeling Act of 1939 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 Stephen J. Shaffer, individually and doing business as Shaffer

Sportswear Mfg. Co. hereinafter referred to as respondent, has violated the provisions of said Acts and the Rules and Regulations promulgated under the Wool Products Labeling Act of 1939 and 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 Stephen J. Shaffer is an individual doing business as Shaffer Sportswear Mfg. Co. with his office and principal place of business located at 2541 North Sheffield, Chicago, Illinois.

Respondent is engaged in the manufacture of men's athletic clothing.

PAR. 2. Respondent now and for some time last past has manufactured for introduction, introduced into commerce, sold, transported, distributed, delivered for shipment, shipped and offered for sale, in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939, wool products as "wool product" is defined therein.

PAR. 3. Certain of said wool products were misbranded by the respondent within the intent and meaning of Section 4(a)(1) of the Wool Products Labeling Act of 1939 and Rules and Regulations promulgated thereunder, in that they were falsely and deceptively stamped, tagged, labeled or otherwise identified with respect to the character and amount of the constituent fibers contained therein.

Among such misbranded wool products, but not limited thereto, were wool products which were stamped, tagged, labeled or otherwise identified by respondent as "Reprocessed Wool," whereas in truth and in fact, said products contained substantially different fibers and amounts of fibers than represented.

PAR. 4. Certain of said wool products were further misbranded by the respondent in that they were not stamped, tagged, labeled or otherwise identified as required under the provisions of Section 4(a)(2) of the Wool Products Labeling Act of 1939 and in the manner and form as prescribed by the Rules and Regulations promulgated under said Act.

Among such misbranded wool products, but not limited thereto were certain wool products, namely jackets, with labels on or affixed thereto which failed to disclose the percentage of the total fiber weight of the said wool products, exclusive of ornamentation not exceeding 5 per centum of the said fiber weight of (1) wool; (2) reprocessed wool; (3) reused wool; (4) each fiber other than wool, when said percentage by weight of such fiber was 5 per centum or more; and (5) the aggregate of all other fibers.

Also among such misbranded wool products, but not limited thereto, were certain wool products, namely jackets, with labels on or affixed thereto which failed to disclose the name or other identification, issued or registered by the Commission of the manufacturer of the product or one or more persons subject to Section 3 of said Act with respect to said products.

PAR. 5. The acts and practices of the respondent as set forth above were and are in violation of the Wool Products Labeling Act of 1939 and the Rules and Regulation promulgated thereunder and constituted and now 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.

PAR. 6. Respondent is now and for some time last past has been engaged in the introduction, delivery for 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 products; and has 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 has 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. 7. Certain of said textile fiber products were falsely and deceptively advertised in that respondent in making disclosures or implications as to fiber content of such textile fiber products in written advertisements used to aid, promote, and assist directly or indirectly, in the offering for sale of said products, failed to set forth the required information as to fiber content as provided for by Section 4(c) of the Textile Fiber Products Identification Act and in the manner and form provided by the Rules and Regulations under said Act.

Among such advertisements, but not limited thereto, were certain price lists distributed by respondent throughout the various States of the United States.

Among such falsely and deceptively advertised textile fiber products, but not limited thereto, were articles of wearing apparel which were advertised without a disclosure as to the true generic name of the constituent fibers present in the textile fiber products and articles of wearing apparel which were advertised with fiber implying terms such as "Gaberline," "Gabertex," "Tackle Twill," "Twill," and "Satin."

PAR. 8. The acts and practices of respondent 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 and deceptive acts and practices and unfair methods of competition, in commerce, within the intent and meaning of the Federal Trade Commission Act.

PAR. 9. Respondent, now and for some time last past, has advertised, offered for sale, sold and distributed textile products in commerce, as "commerce" is defined in the Federal Trade Commission Act. In the course and conduct of his business as aforesaid, respondent has caused his said products, when sold, to be shipped from his place of business in the State of Illinois to purchasers 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 products in commerce, as "commerce" is defined in the Federal Trade Commission Act.

PAR. 10. Respondent in the course and conduct of his business, as aforesaid, has made statements in his price lists to his customers misrepresenting the character and fiber content of certain of his said products. Among such misrepresentation but not limited thereto were statements representing such fabrics to be "Reprocessed Wool" whereas said fabrics contained substantially different fibers and quantities of fibers than represented.

PAR. 11. The acts and practices of the respondent set out in Paragraph Ten have the tendency and capacity to mislead and deceive the purchasers of said products as to the true content of such products.

PAR. 12. The aforesaid acts and practices of respondent as herein alleged were, and are, all to the prejudice and injury of the public, and constituted and now constitute unfair and deceptive acts and practices in commerce, within the intent and meaning 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 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 respondent with violation of the Federal Trade Commission Act, the Wool Products Labeling Act, and the Textile Fiber Products Identification Act; and

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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 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 Stephen J. Shaffer is an individual doing business as Shaffer Sportswear Mfg. Co. with his office and principal place of business located at 2541 North Sheffield, Chicago, Illinois.

Respondent is a manufacturer of men's athletic clothing.

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

## ORDER

*It is ordered*, That respondent Stephen J. Shaffer, individually, and doing business as Shaffer Sportswear Mfg. Co., or under any other name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the manufacture for introduction, the introduction into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products as "commerce" and "wool products" are defined in the Wool Products Labeling Act of 1939 do forthwith cease and desist from misbranding such products by:

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

2. Failing to securely affix or to place on, each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by Section 4(a)(2) of the Wool Products Labeling Act of 1939

*It is further ordered*, That respondent Stephen J. Shaffer, individually and doing business as Shaffer Sportswear Mfg. Co., or under any other name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the manufacture for introduction, the introduction, delivery for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported, 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 falsely and deceptively advertising textile fiber products by making any representations, by disclosure or implication, as to the fiber content of any textile fiber product in any written advertisement which is used to aid, promote or assist, directly or indirectly, in the sale or offering for sale of such textile fiber product, unless the same information required to be shown on the stamp, tag or label or other means of identification under Section 4(b) (1) and (2) of the Textile Fiber Products Identification Act is contained in the said advertisement, except that the percentages of the fibers present in the textile fiber product need not be stated.

*It is further ordered*, That Stephen J. Shaffer, individually, and doing business as Shaffer Sportswear Mfg. Co., or under any other name and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale, or distribution of jackets or other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting the character or amount of the constituent fibers contained in such products on price lists or other advertising material, or in any other manner.

*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 of his compliance with this order.

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IN THE MATTER OF

BILLIE LEBOW, INC., ET AL.

CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF  
THE FEDERAL TRADE COMMISSION AND THE FUR PRODUCTS  
LABELING ACTS

*Docket C-1733. Complaint, May 4, 1970—Decision, May 4, 1970*

Consent order requiring a New York City manufacturing furrier to cease misbranding its fur products.

## COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act and the Fur Products Labeling Act, and by virtue of the authority vested in it by said Acts, the Federal Trade Commission, having reason to believe that Billie Lebow, Inc., a corporation, and Billie Lebow, 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 Fur Products Labeling 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 Billie Lebow, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of New York.

Respondent Billie Lebow is an officer of the corporate respondent. She formulates, directs and controls the acts, practices and policies of the said corporate respondent including those hereinafter set forth.

Respondents are manufacturers of fur products with their office and principal place of business located at 333 Seventh Avenue, New York, New York.

PAR. 2. Respondents are now, and for some time last past have been engaged in the introduction into commerce, and in the manufacture for introduction into commerce, and in the sale, advertising, and offering for sale in commerce, and in the transportation and distribution in commerce, of fur products; and have manufactured for sale, sold, advertised, offered for sale, transported and distributed fur products which have been made in whole or in part of furs which have been shipped and received in commerce, as the terms "commerce," "fur" and "fur product" are defined in the Fur Products Labeling Act.