

Docket C-1834. Complaint, Dec. 17, 1970—Decision, Dec. 17, 1970

Consent order requiring a New York City firm of fur wholesalers to cease and desist from deceptively invoicing any fur product.

Complaint

77 F.T.C.

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 Malvin & Goldman, a partnership, and Herbert Malvin and Nathan Goldman, individually and as copartners trading as Malvin & Goldman, and formerly trading as Eura Fur Co., 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:

PAR. 1. Respondent Malvin & Goldman is a partnership existing and doing business under and by virtue of the laws of the State of New York with its office and principal place of business located at 150 West 30th Street, New York, New York. The partnership formerly traded as Eura Fur Co.

Respondents Herbert Malvin and Nathan Goldman are individuals and copartners trading as Malvin & Goldman and formerly trading as Eura Fur Co. Their address is the same as that of said partnership.

Respondents are wholesalers of furs.

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

PAR. 3. Certain of said fur products or furs were falsely and deceptively invoiced by the respondents in that they were not invoiced as required by Section 5(b)(1) of the Fur Products Labeling Act and the Rules and Regulations promulgated under such Act.

Among such falsely and deceptively invoiced fur products or furs, but not limited thereto, were fur products or furs covered by invoices which failed:

1. To disclose that the fur contained in the fur products or furs was bleached, dyed, or otherwise artificially colored, when such was the fact.
2. To show the country of origin of imported furs or those contained in the fur products.

PAR. 4. The aforesaid acts and practices of respondents, as herein alleged, are in violation of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder and constitute unfair methods of competition and unfair and deceptive acts and practices in commerce under 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 Consumer Protection, Division 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 Fur Products Labeling 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 has reason to believe that the respondents have violated the said Acts, and that complaints 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 Commis-

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

1. Respondent Malvin & Goldman is a partnership existing and doing business under and by virtue of the laws of the State of New York with its office and principal place of business located at 150 West 30th Street, New York, New York. The partnership formerly traded as Eura Fur Co.

Respondents Herbert Malvin and Nathan Goldman are individuals and copartners trading as Malvin & Goldman and formerly traded as Eura Fur Co. 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 Malvin & Goldman, a partnership, and Herbert Malvin and Nathan Goldman, individually and as copartners trading as Malvin & Goldman or under any other name or names, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce; or in connection with the introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce of furs, as the terms "commerce," "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from falsely or deceptively invoicing any fur or fur product by failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of Section 5(b)(1) of the Fur Products Labeling Act.

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.

Complaint

IN THE MATTER OF

S.A. PROMOTIONS, INC., ET AL.

CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF
THE FEDERAL TRADE COMMISSION ACT*Docket C-1835. Complaint, Dec. 17, 1970—Decision, Dec. 17, 1970*

Consent order requiring a New York City corporation dealing in sales promotional devices and games of chance to cease representing or implying that the Federal Trade Commission has endorsed any of its programs, or that any of its programs conform to a Government standard or regulation.

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act, and by virtue of the authority vested in it by that Act, the Federal Trade Commission, having reason to believe that S.A. Promotions, Inc., a corporation, and Harry Wasser, individually and as an officer of S.A. Promotions, Inc., hereinafter sometimes referred to as respondents, have violated the provisions of the Federal Trade Commission 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 S.A. Promotions, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of New York with its business address at 217 Broadway, New York, New York.

Respondent Harry Wasser is an individual and officer of respondent S.A. Promotions, Inc. He formulates, directs, and controls the acts and practices of the corporate respondent of which he is an officer, including the acts and practices herein set forth. His address is 1955 Grand Boulevard, Schenectady, New York.

PAR. 2. Respondents S.A. Promotions, Inc., and Harry Wasser are now and for some time past have been engaged in the preparation and operation of chance promotions including a copyrighted game, "Play Square," and other sales promotional devices. S.A. Promotions, Inc., and Harry Wasser furnish various services in connection with such sales promotional devices including, but not limited to, licensing the use of copyrighted promotional devices, developing promotional programs, procuring prizes, and preparing and supplying,