

Complaint

IN THE MATTER OF

GREEN BROOK CORPORATION, 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-1917. Complaint, May 10, 1971—Decision, May 10, 1971

Consent order requiring a Hialeah, Fla., manufacturer and seller of ladies' dresses and sportswear to cease misbranding and deceptively advertising its textile fiber products.

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 Green Brook Corporation and Jomar Realty, Inc., corporations, and Robert Solovei and Edward Solovei, individually and as officers of said corporations, and Fontaine Modes, Inc., a corporation, and Joseph Germano, individually and as an officer of Jomar Realty, Inc. and Fontaine Modes, Inc., 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. Respondents Green Brook Corporation, Jomar Realty, Inc., and Fontaine Modes, Inc., are corporations, organized, existing and doing business under and by virtue of the laws of the State of Florida. Green Brook Corporation has its office and principal place of business located at 1085 East 14th Street, Hialeah, Florida. Jomar Realty, Inc., and Fontaine Modes, Inc., both have their office and principal place of business located at 1080 East 15th Street, Hialeah, Florida.

Respondents Robert Solovei and Edward Solovei are officers of Green Brook Corporation and Jomar Realty, Inc. They participate in the formulation, direction and control of the acts, practices and policies of the aforesaid corporations. Their address is the same as that of Green Brook Corporation. Proposed respondent Joseph Germano is an officer of Jomar Realty, Inc., and of Fontaine Modes, Inc., and he participates in the formulation, direction and control

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of the acts, practices and policies of these two corporations. His address is the same as that of these said corporations.

Respondents are engaged in the manufacture and sale of ladies' dresses and sportswear.

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

PAR. 3. Certain textile fiber products were misbranded by 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 amounts of the constituent fibers contained therein.

Among such misbranded textile fiber products, but not limited thereto, were garments with dual labels showing conflicting amounts of constituent fibers therein.

PAR. 4. Certain of the textile fiber products were misbranded by the 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 products were garments with labels which failed:

1. To disclose the true generic names of the fibers present; and
2. To disclose the true percentages of such fibers.

PAR. 5. Certain of said textile fiber products were misbranded in violation of the Textile Fiber Products Identification Act in that they were not labeled in accordance with the Rules and Regulations promulgated thereunder in that the required information as to fiber content was not set forth in such a manner as to separately show the fiber content of each section of textile fiber products con-

taining two or more sections, in violation of Rule 25(b) of the aforesaid Rules and Regulations.

PAR. 6. Certain of said textile fiber products were falsely and deceptively advertised in that respondents in making disclosures or implications as to the fiber content of such textile fiber products in written advertisements used to aid, promote, and assist directly or indirectly in the sale or offering for sale of said products, failed to set forth the required information as to fiber content as specified by Section 4(c) 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 textile fiber products, but not limited thereto, were ladies dresses which were falsely and deceptively advertised by means of, among others, a brochure published in the State of Florida, and having a wide circulation in said state and various other States of the United States, in that the said textile fiber products were advertised by means of fiber implying terms such as "avril" and "duck" without the aforesaid required information being set forth.

PAR. 7. By means of the aforesaid advertisements and others of similar import and meaning not specifically referred to herein, respondents falsely and deceptively advertised textile fiber products in violation of the Textile Fiber Products Identification Act in that said textile fiber products were not advertised in accordance with the Rules and Regulations promulgated thereunder in that a fiber trademark was used in advertising textile fiber products containing more than one fiber and such fiber trademark did not appear at least once in the said advertisement in immediate proximity and conjunction with the generic name of the fiber in plainly legible and conspicuous type, in violation of Rule 41(b) of the aforesaid Rules and Regulations.

PAR. 8. The acts and practices of the 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.

DECISION AND ORDER

The Federal Trade Commission having initiated an investigation of certain acts and practices of the respondents named in the caption

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hereof, and the respondents having been furnished thereafter with a copy of a draft of complaint which the Division of Textiles and Furs, Bureau of Consumer Protection 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. Respondents Green Brook Corporation, Jomar Realty, Inc., and Fontaine Modes, Inc., are corporations, organized, existing and doing business under and by virtue of the laws of the State of Florida. Green Brook Corporation has its office and principal place of business located at 1085 East 14th Street, Hialeah, Florida. Jomar Realty, Inc., and Fontaine Modes, Inc., both have their office and principal place of business located at 1080 East 15th Street, Hialeah, Florida.

Respondents Robert Solovei and Edward Solovei are officers of Green Brook Corporation and Jomar Realty, Inc. They participate in the formulation, direction and control of the acts, practices and policies of the aforesaid corporations. Their address is the same as that of Green Brook Corporation. Proposed respondent Joseph Germano is an officer of Jomar Realty, Inc., and of Fontaine Modes, Inc., and he participates in the formulation, direction and control of the acts, practices and policies of these two corporations. His address is the same as that of these said corporations.

Respondents are engaged in the manufacture and sale of ladies' dresses and sportswear.

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 Green Brook Corporation and Jomar Realty, Inc., corporations, and their officers, and Robert Solovei and Edward Solovei, individually and as officers of said corporations, and Fontaine Modes, Inc., a corporation, and its officers, and Joseph Germano, individually and as an officer of Jomar Realty, Inc., and Fontaine Modes, Inc., and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, manufacture 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:

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 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 make a disclosure on the required label on or affixed to textile fiber products composed of two or more sections of different fiber composition, in such a manner as to show the fiber composition of each section in all instances where such disclosure is necessary to avoid deception.

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B. Falsely and deceptively advertising textile fiber products by:

1. Making any representations by disclosure or by 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, 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.

2. Using a fiber trademark in advertising textile fiber products containing more than one fiber without such fiber trademark appearing in immediate proximity and conjunction with the generic name of the fiber in plainly legible type or lettering of equal size and conspicuousness.

It is further ordered, That respondents notify the Commission at least 30 days prior thereto of any proposed change in the corporate respondents such as dissolution, assignment or sale resulting in the emergence of successor corporations, the creation or dissolution of subsidiaries or any other change in the corporations which may affect compliance obligations arising out of the order.

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

It is further ordered, That 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.

IN THE MATTER OF

PERFECT FILM & CHEMICAL CORPORATION ET AL.

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

Docket C-1918. Complaint, May 13, 1971—Decision, May 13, 1971

Consent order requiring New York City, Philadelphia, Pa., and Fort Worth,