

Consent order requiring a New York City manufacturer and distributor of textile products, among other things to cease failing to provide instructions on a permanently affixed label which inform purchasers how to effect regular care and maintenance of respondents' wearing apparel.

Appearances

For the Commission: *James Manos.*

For the respondents: *Pro se.*

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

Complaint

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Commission, having reason to believe that Bel-Mor Knitwear, Inc., a corporation, and Aaron Genicoff, individually and as an officer of Bel-Mor Knitwear, Inc., hereinafter referred to as respondents, have engaged in acts and practices that are not in conformance with the Commission's Trade Regulation Rule relating to the Care Labeling of Textile Wearing Apparel (16 C.F.R. §423) and by these and other means 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 Bel-Mor Knitwear, Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of New York.

Respondent Aaron Genicoff is an officer of the corporate respondent. He formulates, directs and controls the policies, acts and practices of the said corporate respondent including those hereinafter set forth.

Respondents' office and principal place of business is located at 229 West 36th Street, New York, N. Y.

PAR. 2. Respondents are manufacturers and distributors of textile products in the form of finished articles of wearing apparel as the terms "textile product" and "finished article of wearing apparel" are defined in the Commission's Trade Regulation Rule relating to the Care Labeling of Textile Wearing Apparel (16 C.F.R. §423). Among said articles of wearing apparel manufactured and distributed by the respondents are ladies' sweaters.

PAR. 3. In the course and conduct of respondents' business as aforesaid, respondents cause, and for some time last past have caused, their finished articles of wearing apparel, when sold, to be shipped from their state of origin or distribution to purchasers thereof located in various other States of the United States and in the District of Columbia, and maintain, and at all times mentioned herein have maintained, a substantial course of trade in said products in commerce as "commerce" is defined in the Federal Trade Commission Act.

PAR. 4. On Dec. 9, 1971, after due notice and hearing, the Commission promulgated, effective July 3, 1972, its Trade Regulation Rule relating to the Care Labeling of Textile Wearing Apparel (16 C.F.R. §423) requiring that certain finished articles of wearing apparel shall have a label or tag permanently affixed or attached thereto which fully informs the purchaser as to instructions for the regular care and maintenance of such articles.

PAR. 5. In the course and conduct of their aforesaid business, respondents have attached to their said finished articles of wearing apparel

labels with instructions for the care and maintenance of said apparel as follows:

MACHINE WASH WARM TUMBLE DRY MEDIUM.

PAR. 6. When the aforesaid articles of wearing apparel are washed and dried in accordance with the instructions described in "Paragraph Five," above, excessive shrinkage results and, further, when any of the aforesaid wearing apparel is washed with other articles the dye in said apparel "runs" or "bleeds" onto, and stains the other articles. Through the failure of the respondents to provide instructions which when followed would prevent excessive shrinkage and which would inform purchasers to wash said wearing apparel separately, respondents thereby have failed to affix labels which fully inform purchasers how to effect the regular care and maintenance of said apparel.

PAR. 7. The aforesaid acts and practices of respondents, as alleged, are not in conformance with the provisions and requirements of the Commission's Trade Regulation Rule relating to the Care Labeling of Textile Wearing Apparel (16 C.F.R. §423), and thereby constituted and now constitute unfair methods of competition, and unfair and deceptive acts and practices, in commerce, in violation of Section 5 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 New York Regional Office 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 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 Act, and that complaint should issue stating its charges in that respect, and having thereupon accepted the executed consent

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agreement and placed such agreement on the public record for a period of sixty (60) days, now in further conformity with the procedure prescribed in Section 2.34(b) of its rules, the Commission hereby issues its complaint, makes the following jurisdictional findings, and enters the following order:

1. Respondent, Bel-Mor Knitwear, Inc. is a corporation organized, 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 229 West 36th Street, New York, N. Y.

Respondent Aaron Genicoff is an officer and an individual of said corporation. He formulates, directs and controls those hereinafter referred to. The office and principal place of business of respondent Genicoff is the same as that of said corporate respondent.

Respondents are engaged in the business of manufacturing and distributing textile products in the form of finished articles of wearing apparel including ladies' sweaters.

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 Bel-Mor Knitwear, Inc., a corporation, its successors and assigns, and its officers, and Aaron Genicoff, individually and as an officer of said corporation and respondents' representatives, agents and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the manufacturing, offering for sale, sale or distribution of any textile product in the form of a finished article of wearing apparel, as the terms "textile product" and "finished article of wearing apparel" are defined in the Federal Trade Commission's Trade Regulation Rule relating to the Care Labeling of Textile Wearing Apparel (16 C.F.R. §423), in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Failing to provide, for any said article of wearing apparel, care instructions which when followed prevent excessive shrinkage of the article.
2. Failing to include the phrase "wash separately" in care instructions for the machine or hand washing of any said apparel whose dye would "run" or "bleed" onto, or stain other articles washed with said apparel.

3. Failing to provide instructions on a permanently affixed label which fully inform purchasers how to effect the regular care and maintenance of said apparel.

It is further ordered, That respondents notify by registered mail all of their customers who have purchased, or to whom have been delivered, the finished articles of wearing apparel which gave rise to this complaint of the excessive shrinkage and staining nature of said products, and effect the recall of said products from such customers.

It is further ordered, That the respondents herein relabel said articles of wearing apparel to bring them into conformance with the requirements of the Federal Trade Commission's Trade Regulation Rule relating to the Care Labeling of Textile Wearing Apparel (16 C.F.R. §423).

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

It is further ordered, That the individual respondents herein promptly notify the Commission of the discontinuance of their present business or employment and of their affiliation with a new business or employment. Such notice shall include respondents' current business and address, the nature of the business or employment in which they are engaged as well as a description of their duties and responsibilities.

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 respondents 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 the order to cease and desist contained herein.

IN THE MATTER OF

LEON BIRNBAUM TRADING AS JOLIE KNITWEAR

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

Docket C-2612. Complaint, Dec. 9, 1974—Decision, Dec. 9, 1974

Consent order requiring a New York City manufacturer of textile fiber products, among other things to cease failing to label its merchandise with information relative to proper care and washing instruction of its wearing apparel.