
IN THE MATTER OF

EPSHTEIN TRADING CORPORATION, ET AL.

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

Docket C-2720. Complaint, Aug. 25, 1975-Decision, Aug. 25, 1975

Consent order requiring a New York City importer and distributor of furs and fur products, among other things to cease falsely invoicing its merchandise.

Appearances

For the Commission: *Jerry R. McDonald.*
For the respondents: *Pro se.*

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 Epshtein Trading Corporation, a corporation, and Jacob L. Epshtein, 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 Epshtein Trading Corporation 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 224 W. 29th St., New York, N.Y.

Individual respondent Jacob L. Epshtein is an officer of Epshtein Trading Corporation. He formulates, directs, and controls the acts and practices of the corporate respondent, including the acts and practices hereinafter set forth. His business address is the same as that of the corporate respondent.

Respondents are engaged in the importation and sale of furs.

PAR. 2. Respondents are now and for some time last past have been engaged in the sale and offering for sale in commerce, and in the importation into the United States, and in the transportation and distribution in commerce, of furs; and have imported for sale, sold, offered for sale, transported and distributed furs which have been shipped and received in commerce, as the terms "commerce" and "fur" are defined in the Fur Products Labeling Act.

PAR. 3. Certain of said furs were falsely and deceptively invoiced with respect to the names or designations of the animals that produced the said furs in violation of Section 5(b)(1) of the Fur Products Labeling Act.

Among such falsely and deceptively invoiced furs, but not limited thereto, were furs which were invoiced as "mink" or "South Korean mink" when in truth and in fact said furs were not produced by the designated animals. In accordance with Section 7 of the Fur Products Labeling Act and pursuant to the designations established thereunder by the Fur Products Name Guide, said furs were, in fact, produced by animals named in said guide, as "Kolinskys" or "Chinese Weasels", and were required to be designated "Kolinsky" or "Chinese Weasel."

PAR. 4. Certain of said furs were falsely and deceptively invoiced in that respondents set forth on invoices pertaining to said furs the names

of animals other than the name or names of the animals that produced the said furs in violation of Section 5(b)(2) of the Fur Products Labeling Act.

PAR. 5. 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 constituted, and now constitute, unfair methods of competition and unfair and deceptive acts and practices in commerce under the Federal Trade Commission Act.

DECISION AND ORDER

The Commission having heretofore determined to issue its complaint charging the respondents named in the caption hereto with violation of the Federal Trade Commission Act, and the respondents having been served with notice of said determination and with a copy of the complaint the Commission intended to issue, together with a proposed form of order; 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 complaint to issue herein, 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 considered the agreement and having provisionally accepted same, and the agreement containing consent order having thereupon been placed 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 in the form contemplated by said agreement, makes the following jurisdictional findings, and enters the following order:

1. Respondent Epshtein Trading Corporation 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 224 W. 29th St., New York, N.Y.

Respondent Jacob L. Epshtein is an officer of said corporation. He formulates, directs and controls the policies, acts and practices of said corporation, and his principal office and place of business is located at the above-stated address.

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 Epshtein Trading Corporation, a corporation, its successors and assigns, and its officers, and Jacob L. Epshtein, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporation, subsidiary, division, or any other device, in connection with the introduction, or importing for introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of furs or fur products, as "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:

1. 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.

2. Setting forth on an invoice pertaining to such fur or fur product any false or deceptive information with respect to the name or designation of the animal or animals that produced the fur.

3. Setting forth on an invoice pertaining to such fur or fur product the name or names of any animal or animals other than the name of the animal producing the fur as specified in the Fur Products Name Guide.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged, as well as a description of his duties and responsibilities.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed 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 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
KAISER STEEL CORPORATION

CONSENT ORDER, ETC., IN REGARD TO ALLEGED VIOLATION OF
SEC. 7 OF THE CLAYTON ACT

Docket No. 8878. Complaint, Mar. 3, 1972-Decision, Aug. 27, 1975

Consent order requiring an Oakland, Calif., steel company, among other things to transfer the business of MSL Tube, acquired from MSL Industries, Inc., to a wholly-owned subsidiary, Kaiser Steel Tubing, Inc., whose records must be audited annually by an independent public accountant.

Appearances

For the Commission: *Stephen Miller, Harold J. Lamboley, D. Kenneth Kaplan and Perry W. Winston.*

For the respondents: *Wilmer, Cutler & Pickering, Wash., D.C. and Raymond Haile, Oakland, Calif.*

COMPLAINT

The Federal Trade Commission, having reason to believe that respondent Kaiser Steel Corporation, a corporation, has violated Section 7 of the Clayton Act as amended, (15 U.S.C. §18) and that a proceeding in respect thereof would be in the public interest, issues its complaint pursuant to Section 11 of the Clayton Act, (15 U.S.C. §22) stating its charges as follows:

I. Definitions

1. For the purpose of this complaint, the following definitions shall apply:

(a). Electric resistance welded mechanical steel tubing denotes tubing formed from flat-rolled steel into solid-wall tubing in an electric resistance welded tube mill. It can be made from hot-rolled, cold-rolled or galvanized steel and may be in a round, square, rectangular or a special shape form. It includes structural tubing used in highway and building construction and, in smaller sizes for such applications as the manufacture of furniture, bicycles and lawn mowers. Electric resistance welded steel tubing is used for a wide variety of mechanical and structural purposes as opposed to pressure tubing which is used for the conduction of fluids and/or gases under pressure.

(b). Eleven Western States include the States of California, Oregon, Washington, Arizona, New Mexico, Idaho, Utah, Montana, Wyoming, Colorado and Texas.