

IN THE MATTER OF
ITT CONTINENTAL BAKING COMPANY, INC., ET AL.

Docket C-2015. Interlocutory Order, Aug. 30, 1977

Denial of respondents' petition to reopen proceeding for modification of the consent order.

ORDER DENYING RESPONDENTS' PETITIONS TO REOPEN THE
PROCEEDING FOR MODIFICATION OF CONSENT ORDER

Respondents ITT Continental and Bates, ITT's advertising agency, petition the Commission, pursuant to Rules of Practice Section 3.72(b), to reopen the above-styled proceeding for purposes of modifying in certain specified aspects Paragraph I.1 of the order entered on August 17, 1971. 79 F.T.C. 248, 254.

Petitioners assert that modification of the order is needed to permit them to conduct consumer tests so as to substantiate intended advertising claims with respect to a new bread product, "Fresh Horizons." However, nothing in the order precludes such testing. Petitioners further assert that Paragraph I.1 of the order is inconsistent with the First Amendment, as applied in the recent series of Supreme Court "commercial speech" cases. The issue of the order's applicability to a particular advertising claim is not before the Commission, however. A hypothetical construction of the order that suggests it might bar truthful, adequately substantiated claims does not justify modification at this time.

The Commission has determined that petitioners have failed to present adequate evidence that changed conditions of fact or law, or the public interest, requires modification of the order. Rules of Practice, Section 3.72(b)(2).

The aforesaid petition is accordingly denied, without prejudice to respondents' right to refile at an appropriate time.

It is so ordered.

Complaint

90 F.T.C.

IN THE MATTER OF
PREMIER CLOTHING CO., INC., ET AL.

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

Docket C-2899. Complaint, Aug. 31, 1977 — Decision, Aug. 31, 1977

This consent order, among other things, requires a New York City clothing manufacturer and distributor to cease misbranding and misrepresenting the wool and constituent fiber content of its products. The firm is also required to advise affected customers that the clothing they purchased was misbranded.

Appearances

For the Commission: *Martin Gorman.*

For the respondents: *Pro se.*

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act, as amended, and the Wool Products Labeling Act of 1939, and by virtue of the authority vested in it by said Acts, the Federal Trade Commission, having reason to believe that Premier Clothing Co., Inc., a corporation, and Sidney Kreigler, individually and as an officer of said corporation, hereinafter sometimes referred to as respondents, have violated the provisions of said Acts and the rules and regulations promulgated under the Wool Products Labeling Act of 1939, 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 Premier Clothing Co., Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of New York, with its principal office and place of business located at 120 Fifth Ave., New York, New York.

Respondent Sidney Kreigler is an officer of the corporate respondent. He formulates, directs, and controls the acts and practices of the corporate respondent including the acts and practices hereinafter set forth. His address is the same as that of the corporate respondent.

Respondents are engaged in the importation, sale and distribution of clothing products including but not limited to men's and boys' coats.

PAR. 2. Respondents, now and for some time last past, have imported for introduction into commerce, manufactured for introduction into commerce, introduced into commerce, transported, distri-