

4. The U.S. Bureau of Standards made tests of granite taken from a quarry named Quarry 115 or that respondent is the owner of the quarry from which the granite tested under Serial No. 115, as shown in Research Paper RP1320, was taken, or that respondent is the exclusive user of said granite.

5. The granite used by the respondent is from the same quarry as the sample tested by the U.S. Bureau of Standards as Serial No. 115 in its Research Paper RP1320.

DECISION OF THE COMMISSION AND ORDER TO FILE REPORT OF COMPLIANCE

Pursuant to Section 3.21 of the Commission's Rules of Practice, the initial decision of the hearing examiner shall on the 17th day of September, 1959, become the decision of the Commission; and, accordingly:

It is ordered, That the respondent herein shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

IN THE MATTER OF

MARTIN STUART WOOLEN COMPANY ET AL.

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

Docket 7479. Complaint, Apr. 30, 1959—Decision, Sept. 17, 1959

Consent order requiring New York City manufacturers to cease violating the Wool Products Labeling Act by labeling and identifying on invoices and shipping memoranda as "100% Cashmere," fabrics which contained a substantial quantity of fibers other than cashmere, and by failing to label wool products as required.

Mr. Frederick McManus supporting the complaint.

Mr. Sidney Silverstein of *Higgins & Silverstein*, of Woonsocket, R.I., for respondents.

INITIAL DECISION BY JOHN B. POINDEXTER, HEARING EXAMINER

On April 30, 1959, the Federal Trade Commission issued a complaint charging that Martin Stuart Woolen Company, a corporation, and Abraham Baker, individually and as an officer of said corporation, hereinafter referred to as respondents, had violated the provisions of the Federal Trade Commission Act, the Wool Products

Labeling Act of 1939 and the Rules and Regulations promulgated under the last-named act.

After issuance and service of the complaint, the respondents and their counsel and counsel supporting the complaint entered into an agreement for a consent order. The agreement has been approved by the Director and the Assistant Director of the Bureau of Litigation. The agreement disposes of the matters complained about.

The pertinent provisions of said agreement are as follows: Respondents admit all jurisdictional facts; the complaint may be used in construing the terms of the order; the order shall have the same force and effect as if entered after a full hearing and the said agreement shall not become a part of the official record of the proceeding unless and until it becomes a part of the decision of the Commission; the record herein shall consist solely of the complaint and the agreement; respondents waive the requirement that the decision must contain a statement of findings of fact and conclusions of law; respondents waive further procedural steps before the hearing examiner and the Commission, and the order may be altered, modified, or set aside in the manner provided by statute for other orders; respondents waive any right to challenge or contest the validity of the order entered in accordance with the agreement and the signing of said agreement is for settlement purposes only and does not constitute an admission by respondents that they have violated the law as alleged in the complaint.

The undersigned hearing examiner having considered the agreement and proposed order and being of the opinion that the acceptance thereof will be in the public interest, hereby accepts such agreement, makes the following jurisdictional findings, and issues the following order:

JURISDICTIONAL FINDINGS

1. Respondent Martin Stuart Woolen Company is a corporation organized, existing and doing business under and by virtue of the laws of the State of Rhode Island, with its office and principal place of business located at 450 7th Avenue, New York, New York.

2. Respondent Abraham Baker 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 herein-after set forth. His office is also located at 450 7th Avenue, New York, New York.

3. 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

56 F.T.C.

ORDER

It is ordered, That the respondents Martin Stuart Woolen Company, a corporation, and its officers, and Abraham Baker, individually, and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction, into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of wool products, as such products are defined in and subject to the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers included therein.

2. Failing to securely affix or place on each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool products, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reused wool, (3) reprocessed wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of such wool products of any non-fibrous loading, filling or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool products into commerce, or in the offering for sale, sale, transportation, distribution, or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

It is further ordered, That the respondents Martin Stuart Woolen Company, a corporation, and its officers, and Abraham Baker, individually, and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of fabrics in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from, directly or indirectly:

Misrepresenting the character or amount of the constituent fibers contained in such products in invoices or shipping memoranda applicable thereto, or in any other manner.

DECISION OF THE COMMISSION AND ORDER TO FILE REPORT OF COMPLIANCE

Pursuant to Section 3.21 of the Commission's Rules of Practice, the initial decision of the hearing examiner shall on the 17th day of September, 1959, become the decision of the Commission; and, accordingly:

It is 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 the order to cease and desist.

IN THE MATTER OF

NEPTUNE GARMENT COMPANY ET AL.

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

Docket 7481. Complaint, May 6, 1959—Decision, Sept. 17, 1959

Consent order requiring a Boston rain wear manufacturer to cease representing falsely by such means as attached labels that raincoats it sold to Air Force Post Exchanges were "Approved by Headquarters Air Materiel Command USAF * * * Mfd'd in Strict Accordance with Specification No. MILR 3386A With AF Approved Material."

Mr. Alvin D. Edelson for the Commission.

Mr. George W. Gold, of Boston, Mass., for respondents.

INITIAL DECISION BY WALTER R. JOHNSON, HEARING EXAMINER

In the complaint dated May 6, 1959, the respondents are charged with violating the provisions of the Federal Trade Commission Act.

On July 21, 1959, the respondents and their attorney entered into an agreement with counsel in support of the complaint for a consent order.

Under the foregoing agreement, the respondents admit the jurisdictional facts alleged in the complaint. The parties agree, among other things, that the cease and desist order there set forth may be entered without further notice and have the same force and effect as if entered after a full hearing and the document includes a waiver by the respondents of all rights to challenge or contest the validity of the order issuing in accordance therewith. The agreement further recites that it is for settlement purposes only and does not constitute an admission by the respondents that they have violated the law as alleged in the complaint.

The hearing examiner finds that the content of the agreement meets all of the requirements of section 3.25(b) of the Rules of the Commission.

The hearing examiner being of the opinion that the agreement and the proposed order provide an appropriate basis for disposition of this proceeding as to all of the parties, the agreement is hereby accepted and it is ordered that the agreement shall not become a part of the official record of the proceeding unless and until it becomes a part of the decision of the Commission. The following jurisdictional findings are made and the following order issued.

1. Respondent Neptune Garment Company is a corporation organized, existing and doing business under and by virtue of the laws of the State of Massachusetts with its principal office and place of business located at 242 Dover Street, Boston, Massachusetts.

Individual respondent Cecil S. Rose is president of the corporate respondent with his principal office and place of business at the same address as the corporate respondent.

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 Neptune Garment Company, a corporation, and its officers, and Cecil S. Rose, individually and as an officer of the corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of rain-wear or any other merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing that said merchandise has been manufactured in accordance with Air Force or any other military or governmental specifications, or with Air Force or any other military or governmentally approved material when such is not in accordance with the facts.

DECISION OF THE COMMISSION AND ORDER TO FILE REPORT OF COMPLIANCE

Pursuant to Section 3.21 of the Commission's Rules of Practice, the initial decision of the hearing examiner shall, on the 17th day of September, 1959, become the decision of the Commission; and, accordingly:

It is 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 the order to cease and desist.

Decision

IN THE MATTER OF

INTERNATIONAL HOUSEWARES INC., ET AL.

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

Docket 7485. Complaint, May 7, 1959—Decision, Sept. 17, 1959

Consent order requiring Niagara Falls, N.Y., distributors of "Kitchen Queen Stainless Steel Waterless Cookware" to cease representing falsely in advertising literature furnished their distributors—including sales training manuals, charts, leaflets, cookbooks, and brochures—that use of said utensils and the "waterless" method of cooking would protect health; that the utensils were new and revolutionary; that their sales personnel were members of their advertising department and that the offer they made was a "special advertising offer" at special reduced prices and only to selected customers; and that they manufactured their products and tested them in their own laboratory.

Mr. Morton Nesmith supporting the complaint.
Respondents, *pro se*.

INITIAL DECISION OF JOHN LEWIS, HEARING EXAMINER

The Federal Trade Commission issued its complaint against the above-named respondents on May 7, 1959, charging them with the use of unfair and deceptive acts and practices and unfair methods of competition, in commerce, in violation of the Federal Trade Commission Act, by making various false and misleading statements in connection with the advertising and selling of cooking utensils distributed by them. After being served with said complaint, respondents appeared and entered into an agreement, dated July 13, 1959, containing a consent order to cease and desist purporting to dispose of all of this proceeding as to all parties, except as to subparagraph (c) of paragraph 5 of the complaint which it has been agreed may be dismissed as not being sustainable. Said agreement, which has been signed by all respondents and by counsel supporting the complaint, and approved by the Director and Assistant Director of the Commission's Bureau of Litigation, has been submitted to the above-named hearing examiner for his consideration, in accordance with Section 3.25 of the Commission's Rules of Practice for Adjudicative Proceedings.

Respondents, pursuant to the aforesaid agreement, have admitted all the jurisdictional facts alleged in the complaint and agreed that the record may be taken as if findings of jurisdictional facts had been duly made in accordance with such allegations. Said agreement

further provides that respondents waive any further procedural steps before the hearing examiner and the Commission, the making of findings of fact or conclusions of law and all of the rights they may have to challenge or contest the validity of the order to cease and desist entered in accordance with such agreement. It has been agreed that the order to cease and desist issued in accordance with said agreement shall have the same force and effect as if entered after a full hearing and that the complaint may be used in construing the terms of said order. It has also been agreed that the record herein shall consist solely of the complaint and said agreement, and that said agreement is for settlement purposes only and does not constitute an admission by respondents that they have violated the law as alleged in the complaint.

This proceeding having now come on for final consideration on the complaint and the aforesaid agreement containing consent order, and it appearing that the order provided for in said agreement covers all of the allegations of the complaint and provides for an appropriate disposition of this proceeding as to all parties, said agreement is hereby accepted and is ordered filed upon this decision's becoming the decision of the Commission pursuant to Section 3.21 and 3.25 of the Commission's Rules of Practice for Adjudicative Proceedings, and the hearing examiner, accordingly, makes the following jurisdictional findings and order:

1. Respondent International Housewares, 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 706 Ninth Street, Niagara Falls, New York. The individual respondents Richard J. Day, Andrew Foti, and Anthony Geraci are officers of said respondent corporation, and their address is the same as that of the corporate respondent.

2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondents hereinabove named. The complaint states a cause of action against said respondents under the Federal Trade Commission Act, and this proceeding is in the interest of the public.

ORDER

It is ordered, That respondents, International Housewares, Inc., a corporation, and its officers, and Richard J. Day, Andrew Foti, and Anthony Geraci, individually and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offer-

ing for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of stainless steel cooking utensils or any other cooking utensils of substantially similar composition, design, construction, or purpose, do forthwith cease and desist from:

1. Representing, directly or by implication:

(a) That the use of respondents' utensils and the "waterless" method of cooking will promote or is conducive to better health of the users thereof. However, nothing contained herein shall prevent respondents from representing that more vitamins and minerals are retained in food cooked in their utensils and using the "waterless" method of cooking than when cooked in other utensils requiring substantially larger quantities of water.

(b) That respondents' utensils are new and revolutionary;

(c) That respondents' sales personnel are members of their advertising department or are other than salesmen;

(d) That respondents' offer to sell said utensils is for the purpose of advertising or is a "special advertising offer";

(e) That the prices at which respondents' utensils are offered for sale are special or reduced prices, unless such is the fact;

(f) That respondents do not sell their utensils to everyone but only to selected customers, or those who qualify;

(g) That respondents own, operate or control a factory wherein said utensils are manufactured or that respondents own, operate or control a laboratory wherein said utensils are tested.

2. Furnishing means or instrumentalities to others by and through which they may mislead and deceive the public respecting the matters set forth in paragraph 1 hereof.

It is further ordered, That the charge contained in paragraph 5(c), "That purchasers of said utensils will save on their fuel and food bills," be and the same hereby is, dismissed.

DECISION OF THE COMMISSION AND ORDER TO FILE REPORT OF COMPLIANCE

Pursuant to Section 3.21 of the Commission's Rules of Practice, the initial decision of the hearing examiner shall, on the 17th day of September, 1959, become the decision of the Commission; and, accordingly:

It is 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 the order to cease and desist.

