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case should not be placed on its own docket for review, and that pursuant to Section 3.21 of the Commission's Rules of Practice (effective August 1, 1963), the initial decision should be adopted and issued as the decision of the Commission:

It is ordered, That the initial decision of the hearing examiner shall, on the 6th day of August, 1965, become the decision of the Commission.

It is further ordered, That LaSalle Distributing Company, a partnership, and Eastern Adjustment Salvage Company, a partnership, and Harry Walkon, Morris Watnick, and Nathan Wigod, individually and as copartners trading and doing business as the above partnerships, shall, within sixty (60) days after service of this order upon them, file with the Commission a report in writing, signed by such respondents, setting forth in detail the manner and form of their compliance with the order to cease and desist.

IN THE MATTER OF
CHARLES NORRIS 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-982. Complaint, Aug. 6, 1965—Decision, Aug. 6, 1965

Consent order requiring the proprietors of a Dallas, Texas, retail carpet concern, to cease violating the Textile Fiber Products Identification Act by misbranding, falsely advertising, and deceptively guaranteeing their textile fiber products, namely floor coverings.

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 Charles Norris and Billie Norris, individually and as officers of Marsann Carpets, Inc., said individuals being 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 Charles Norris and Billie Norris are officers of Marsann Carpets, Inc., a corporation organized under the laws of the State of Texas. During all times material to this proceeding they formulated, directed and controlled the acts and practices of Marsann Carpets, Inc., including the acts and practices hereinafter set forth. Marsann Carpets, Inc., at the present time is in bankruptcy. The office and principal place of business was located at 2024 Forth Worth Avenue, Dallas, Texas. Said corporation and individual respondents were engaged in the sale of carpeting to retail customers. Respondent Charles Norris is located at 3730 South Lancaster Street, Dallas, Texas. Respondent Billie Norris is located at 206 Conroe Street, Longview, Texas.

PAR. 2. Subsequent to the effective date of the Textile Fiber Products Identification Act on March 3, 1960, respondents have engaged in the introduction, delivery 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 product" are defined in the Textile Fiber Products Identification Act.

PAR. 3. Certain of said 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 amount of constituent fibers contained therein.

Among such misbranded textile fiber products, but not limited thereto, were floor coverings which were falsely and deceptively advertised in the Dallas Times Herald, a newspaper published in the city of Dallas, State of Texas and having a wide circulation in said State and various other States of the United States, in the following respects:

Respondents in disclosing the fiber content information as to floor coverings containing exempted backings, fillings, or paddings, failed to set forth such fiber content information in such a manner

as to indicate that it applied only to the face, pile, or outer surface of the floor coverings and not to the exempted backings, fillings, or paddings.

PAR. 4. Certain of said textile fiber products were further misbranded by respondents in that they were not stamped, tagged, labeled or otherwise identified as required under the provisions of Section 4(b) of the Textile Fiber Products Identification Act and in the manner and form as prescribed by the Rules and Regulations promulgated under said Act.

Among such misbranded textile fiber products, but not limited thereto, were custom laid floor coverings sold from samples which floor coverings were not labeled to show any of the information required to be disclosed under Section 4(b) of such Act and were not covered by invoices correctly disclosing the aforesaid information under Rule 21(b) of the Rules and Regulations under such Act.

PAR. 5. 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 floor coverings which were falsely and deceptively advertised in the Dallas Times Herald, a newspaper published in the city of Dallas, State of Texas and having a wide circulation in said State and various other States of the United States, in the following respects:

Respondents in disclosing the fiber content information as to floor coverings containing exempted backings, fillings, or paddings failed to set forth such fiber content information in such a manner as to indicate that it related only to the face, pile or outer surface of such floor coverings and not to the exempted backings, fillings, or paddings.

PAR. 6. In disclosing the required fiber content information in advertising certain textile fiber products, namely floor coverings, containing exempted backings, fillings, or paddings, respondents failed to set forth that such disclosure related only to the face, pile, or outer surface of the floor covering and not to the exempted backing, filling, or padding, in violation of Rule 11 of the Rules and Regulations promulgated under the Textile Fiber Products Identification Act.

PAR. 7. The acts and practices of 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.

PAR. 8. In the course and conduct of their business respondents have caused their said textile products to be offered for sale in issues of the "Dallas Times Herald," a newspaper published in the City of Dallas, State of Texas and distributed in interstate commerce and have maintained a substantial course of trade in commerce, as "commerce" is defined in the Federal Trade Commission Act.

PAR. 9. Respondents in the course and conduct of their business, as aforesaid, have made the following guarantee statements in newspaper advertising of their textile products, namely floor coverings:

* * *
10 Year Guarantee
* * *

PAR. 10. Through the use of said statements and representations set forth above and others similar thereto, but not specifically set out herein, respondents have represented, directly or indirectly, to the purchasing public that said floor coverings are unconditionally guaranteed for ten years.

PAR. 11. In truth and in fact said floor coverings are not in fact unconditionally guaranteed for ten years and the nature and extent of the guarantee and the manner in which the guarantor will perform was not set forth in connection therewith. Therefore, the statements and representations made by the respondents as hereinabove stated were and are false, misleading and deceptive.

PAR. 12. The aforesaid acts and practices of respondents, as herein alleged, were and are all to the prejudice and injury of the public and constituted, and now constitute, unfair and deceptive acts and practices in commerce, in violation of Section 5 of the Federal Trade Commission Act.

DECISION AND ORDER

The Commission having heretofore determined to issue its complaint charging the respondents named in the caption hereof with violation of the Federal Trade Commission Act and the Textile Fiber Products Identification Act, and the respondents having been served with notice of said determination and with a copy of the

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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 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 set forth in such complaint, and waivers and provisions as required by the Commission's rules; and

The Commission, having considered the agreement, hereby accepts same, issues its complaint in the form contemplated by said agreement, makes the following jurisdictional findings, and enters the following order:

1. Respondents Charles Norris and Billie Norris are officers of Marsann Carpets, Inc., a corporation organized under the laws of the State of Texas. The office and principal place of business of said corporation, now in bankruptcy, was located at 2024 Fort Worth Avenue, Dallas, Texas. Respondent Charles Norris has mailing address at 3730 South Lancaster Street, Dallas, Texas, and respondent Billie Norris has mailing address at 206 Conroe Street, Longview, Texas.

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 Charles Norris and Billie Norris, individually and as officers of Marsann Carpets, Inc., and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, delivery 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. Failing to set forth that the required disclosure as to the fiber content of floor coverings relates only to the face, pile, or outer surface of such products and not to exempted backing, filling or padding, when such is the case.

2. Failing to affix labels to such textile fiber products showing each element of information required to be disclosed by Section 4(b) of the Textile Fiber Products Identification Act.

B. Falsely and deceptively advertising textile fiber products by:

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.

C. Failing to set forth in disclosing the required fiber content information as to floor coverings containing exempted backings, fillings, or paddings, that such disclosure relates only to the face, pile or outer surface of such textile fiber products and not to the exempted backings, fillings, or paddings.

It is further ordered, That respondents Charles Norris and Billie Norris, individually and as officers of Marsann Carpets, Inc., and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of floor coverings or other products in commerce, as "commerce" is defined in the Federal Trade Commission Act do forthwith cease and desist from:

Representing that any of respondents' products are guaranteed, unless the nature and extent of the guarantee, the identity of the guarantor, and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

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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
ABBY KENT CO., INC., ET AL.

CONSENT ORDERS, OPINIONS, ETC., IN REGARD TO THE ALLEGED
VIOLATION OF SEC. 2(d) OF THE CLAYTON ACT

Docket C-328 et al. Complaint, March 1, 1963—Decision, Aug. 9, 1965

Consent orders requiring 55 wearing apparel manufacturers, respondents named in Appendix A attached hereto, Docket Numbers C-925 through C-979, to cease discriminating among their competing customers in the payment of advertising and promotional allowances, in violation of Sec. 2(d) of the Clayton Act; and setting effective date of 243 identical cease and desist orders previously issued, respondents named in Appendix B attached hereto.

COMPLAINT

The Federal Trade Commission, having reason to believe that each of the 55 respondents named in Appendix A, Docket Nos. 925-979 has violated and is now violating the provisions of subsection (d) of Section 2 of the Clayton Act, as amended by the Robinson-Patman Act (U.S.C., Title 15, Section 13), and it appearing to the Commission that a proceeding by it in respect thereto is in the interest of the public, the Commission hereby issues its complaints stating its charges as follows:

PARAGRAPH 1. Each of the respondents is a corporation engaged in commerce, as "commerce" is defined in the amended Clayton Act, and sells and distributes its wearing apparel products from one State to customers located in other States of the United States. The sales of respondents in commerce are substantial.

PAR. 2. Each of the respondents in the course and conduct of its business in commerce paid or contracted for the payment of something of value to or for the benefit of some of its customers as compensation or in consideration for services and facilities furnished by or through such customers in connection with their sale or offering for sale of wearing apparel products sold to them by respondent, and such payments were not made available on proportionally equal terms to all other customers competing with favored

customers in the sale and distribution of respondent's wearing apparel products.

PAR. 3. Included among, but not limited to, the practices alleged herein, each of the respondents has granted substantial promotional payments or allowances for the promoting and advertising of its wearing apparel products to certain department stores and others who purchase respondent's said products for resale. These aforesaid promotional payments or allowances were not offered and made available on proportionally equal terms to all other customers of respondent who compete with said favored customers in the sale of respondent's wearing apparel products.

PAR. 4. The acts and practices alleged in Paragraphs One through Three are all in violation of subsection (d) of Section 2 of the Clayton Act, as amended by the Robinson-Patman Act.

DECISION AND ORDER

The Federal Trade Commission having initiated an investigation of certain acts and practices of each of the 55 respondents named in Appendix A, Docket Numbers C-925 through C-979, and subsequently having determined that complaints should issue, and each respondent having entered into an agreement containing an order to cease and desist from the practices being investigated and having been furnished a copy of a draft of complaint to issue herein charging it with violation of subsection (d) of Section 2 of the Clayton Act, as amended, and

Each of the respondents having executed the agreement containing a consent order which agreement contains an admission of all the jurisdictional facts set forth in the complaint to issue herein, and a statement that the signing of the said agreement is for settlement purposes only and does not constitute an admission by the respondent that the law has been violated as set forth in such complaint, and also contains the waivers and provisions required by the Commission's rules; and

The Commission, having considered the agreements, hereby accepts the same, issues its complaints in the form contemplated by said agreements, makes the following jurisdictional findings, and enters the following orders:

1. Each of the respondents named in Appendix A is a corporation organized and existing under the laws of the various States of the United States, with its office and principal place of business located as listed in Appendix A.
2. The Federal Trade Commission has jurisdiction of the subject matter of these proceedings and of the respondents.

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ORDER

It is ordered, That each of the respondents named in Appendix A, a corporation, its officers, directors, agents, representatives and employees, directly or through any corporate or other device, in the course of its business in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

(1) Paying or contracting for the payment of anything of value to, or for the benefit of, any customer of respondent as compensation or in consideration for advertising or promotional services, or any other service or facility, furnished by or through such customer in connection with the handling, sale or offering for sale of wearing apparel products manufactured, sold or offered for sale by respondent, unless such payment or consideration is made available on proportionally equal terms to all other customers competing with such favored customer in the distribution or resale of such products.

It is further ordered, That each of the respondents named in Appendix A 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 this order.

APPENDIX A

Following is a listing of the 55 respondents named in cease and desist orders (New York City unless otherwise indicated):

- (C-925) Aansworth, Ltd., 1407 Broadway
- (C-926) Guttman Knitwear Creations, Inc., 1407 Broadway
- (C-927) Society Brand Division of Hart Schaffner & Marx, 36 S. Franklin St., Chicago, Ill.
- (C-928) House of Jamison, Inc., 498 Seventh Ave.
- (C-929) Alison Ayres, Inc., 1400 Broadway
- (C-930) Alper-Schwartz Co., Inc., 530 Seventh Ave.
- (C-931) Audrey Lee Classics, Inc., 1359 Broadway
- (C-932) Stanley Blacker, Inc., 2200 Arch St., Philadelphia, Pa.
- (C-933) Blouses By Vera, Inc., 417 Fifth Ave.
- (C-934) Brentwood Sportswear Co., 19th and Allegheny, Philadelphia, Pa.
- (C-935) Campus Casuals of California, 1200 S. Hope St., Los Angeles, Calif.
- (C-936) Christian Dior-New York, 498 Seventh Ave.
- (C-937) Arthur Cole Associates, Inc., 498 Seventh Ave.
- (C-938) Davenshire, Inc., 930 S. Rolff St., Davenport, Iowa
- (C-939) Diane Young Sportswear, Inc., 525 Seventh Ave.
- (C-940) Handmacher-Vogel, Inc., 533 Seventh Ave.
- (C-941) Huntington Mfg. Co., Inc., 312 W. Randolph St., Chicago, Ill.
- (C-942) Joseph & Feiss Co., 2149 W. 53rd St., Cleveland, Ohio
- (C-943) Junior Sophisticates Co., Inc., 498 Seventh Ave.
- (C-944) Junior Theme, Inc., 1400 Broadway

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APPENDIX A—Continued

- (C-945) R. Kolodney & Co., Inc., 450 Capitol Ave., Hartford, Conn.
- (C-946) Lamm Brothers, Inc., Gleneagles Court, Baltimore, Md.
- (C-947) Leslie Fay, Inc., 1400 Broadway
- (C-948) Linker & Herbert, Inc., 205 W. 39th St.
- (C-949) New York Manufacturing Corp., 214 W. 39th St.
- (C-950) Mam'selle Dress, Inc., 498 Seventh Ave.
- (C-951) Marlene Industries Corp., 141 W. 36th St.
- (C-952) Mister Pants, Inc., 550 Seventh Ave.
- (C-953) Modelia, Inc., 205 W. 39th St.
- (C-954) Old Colony Knitting Mills, Inc., 40 Glen Ave., Newton Centre, Mass.
- (C-955) Pat Fashions, Inc., 1370 Broadway
- (C-956) Petrocelli Clothes, Inc., 28 W. 23rd St.
- (C-957) Publix Shirt Corp., 350 Fifth Ave.
- (C-958) Queen Knitting Mills, Inc., 2701 N. Broad St., Philadelphia, Pa.
- (C-959) Rosanna Knitted Sportswear, Inc., 1410 Broadway
- (C-960) Russ Togs, Inc., 1372 Broadway
- (C-961) H. A. Seinsheimer Co., 400 Pike St., Cincinnati, Ohio
- (C-962) Shipmates Sportswear, Inc., 1307 Washington Ave., St. Louis, Mo.
- (C-963) Jerry Silverman, Inc., 530 Seventh Ave.
- (C-964) Smart-Maid Coat & Suit Corp., 545 Eighth Ave.
- (C-965) Stern-Slegman-Prins Co., Inc., 3122 Gillham Plaza, Kansas City, Mo.
- (C-966) Susan Laurie, Inc., 902 Broadway
- (C-967) T.P. Industries, Inc., 1375 Broadway
- (C-968) United Sheeplined Clothing Co., Inc., 804 Broadway, Long Branch,
N. J.
- (C-969) The Villager, Inc., 330 N. 12th St., Philadelphia, Pa.
- (C-970) Westbury Fashions, Inc., 1400 Broadway
- (C-971) M. Wile & Co., Inc., 77 Goodell St., Buffalo, N. Y.
- (C-972) Zelinka-Matlick, Inc., 512 Seventh Ave.
- (C-973) Mattique, Ltd., 1410 Broadway
- (C-974) Sporteens, Inc., 1407 Broadway
- (C-975) Gotham Knitting Mills, Inc., 1407 Broadway
- (C-976) Beacon Frocks, Inc., 1385 Broadway
- (C-977) Lady Carol Dresses, Inc., 1400 Broadway
- (C-978) George Small, Inc., 1375 Broadway
- (C-979) Boys Tone Shirt Co., Inc., 350 Fifth Ave.

ORDERS SETTING EFFECTIVE DATE OF ORDERS TO CEASE AND DESIST
RESPONDENTS NAMED IN APPENDIX B

The respondents and counsel supporting the complaints having submitted to the Commission as a proposed settlement of these proceedings agreements containing orders to cease and desist, and the Commission having entered its decision accepting said agreements and issuing its complaints and orders to cease and desist in conformity with the terms and conditions thereof; and

It is ordered, That the orders, Docket Nos. C-328 through C-490, issued on May 1, 1963, 62 F.T.C. 1248, and modified by an order of

