AMERICAN DEB FURS, INC., ET AL. 1275 i2ti8 Syllabus
in disposition of all the issues presented

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Findings 56 F.T.C.

INITIAL DECISION BY EowARD CREEL, HEARING EXAMINER

The complaint charges that respondents have violated the Fur Products Labeling Act and the Rules and regulations promulgated thereunder by falsely and deceptively labeling, invoicing and ad-vertising certain fur products and by failing to maintain full and accurate records disclosing the facts upon which their claims were based.
After hearings, proposed findings and conclusions were submit-ted by counsel supporting the complaint and counsel for respond-
ents. These proposals have been considered and to the extent they
are accepted they are embodied herein. To the extent they are not
embodied herein they are hereby rejected.
After considering the entire record, the following facts are found.

FINDINGS OF FACTS

1. Respondent American Deb F4 n3er465 T99p6 0 0 10.3(T Fo0.3 1 160T4449 (F4 n3.3 4o

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CONCLUSION

The aforesaid acts and practices of respondents are m violation of the Fur Products Labeling Act and the Rules and Regulations promulgated thPrem1der, an._d constitute unfair and deceptive acts and practices in commerce under the Federal Trade Commission Act.

ORDER

It i's orde1·ed, That American Deb Furs, Inc., a corporation, and its officers, and Herbert Fischbein, individually and as an oflicer

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excess of the price at which the respondents have usually and cus-tomarily sold such product in the recent. regular course of business.
4. Representing, directly or by implication, that any person's regular or usual price of any fur product is any amount in excess of the price at which such person has usually and customarily sold such product in the recent regular course of business.
5. Setting forth information required under Section 5 (b) (1) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder in abbreviated form.
6. Failing to set forth the term "Dyed Broadtail processed Lamb"
as required by Rule 10 of the "Rules and Regulations under the Fur Products Labeling Act."
It is furtheP ordered, That the complaint herein against respond-ent Ethel Harris, nn individual, be, and the same hereby is, dis-missed without prejudice to the right of the Commission to take ,. such action in the future ns the facts may warrant.

DECISION OF THE CQ::\Il\1JSSION AND ORDER TO FILE REPORT OF COMPLIANCE

This matter having come on to be heard by the Commission upon its revie.w of the hearing examiner's initial decision; and
The Commission having determined that the initial decision :is not
· appropriate in all respects to dispose of this proceeding:
It is ordered, That the findings of facts contained in the initial decision be, and they hereby are, modified (1) by striking the

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Decision 56 F.T.C.

by invoice occurs only in the event of subsequent sale. The fictitious prices listed on the consignment memorandums constituted false rep-resentations that the merchandise was being offered for sale at reductions in price from the higher ones listed. Such documents were used by respondents to aid and assist in the sale or offering for sale of the fur products to which they related and the false rep-resenta.tions made respecting the prices were necessarily intended for the same purpose. The fur products so described in the re-spondents' consignment memorandums therefore were falsely adver-tised within the meaning of Section 5 (a) (5) of the Fur Products Labeling Act.
11. The complaint additionally charged vio]ation of Rule 44 (e) by failure to maintain full and adequate records disclosing the facts upon which respondents' pricing and savings claims and rep-resentations were based. As found above, respondents have falsely and deceptively advertised certain of their fur products by repre-senting that the prices thereof were reduced from what were in fact fictitious prices. Respondents also have failed to maintain record disclosing the facts upon which such representations were based and required by subsection (e) of Rule 44 and, consequently, have violated that subsection.
It is further ordered, That the order contained in the initial de-cision be, and it hereby is, modified by inserting the following paragraphs a.fter subparagraph 6 of paragraph B thereof, the same to be designatetl as paragraphs C and D:
C. Falsely or deceptively advertising fur products through the use of nn:v a.dvertiserne11t. repre:sentatjon~ pub]jc nm10n11cementi or notice which is intended to aid, promote or assist, directly or in-dfrectly, in the sale, or offering for sale, of fur products and which represents, directly or by implication, that the former, regu-lar or usual price of any fur product js any amount which is in excess of the price at which respondents have formerly, usually or customarily sold such product in the recent regular course of their business.
D. Making pricing claims or representatives of the type referred to in paragraph C above, unless there are majntained by respondents ful] and adequate records disclosing the facts upon which such claims and representations are based.
It £s furtlier o'J'Clend, That tl1c initial (lt,cision as he.rein modified be, and it hereby is, adopted as the decision of the Commission. It ,£s further ordered, That the respondents, American Deb Furs, Inc., and Herbert Fischbein, shall, "·ithin sixty (60) days after service upon them of this order, file with the Commission a report,

MICHAELIAN & KOHLBERG, INC., ETC. 1281

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in writing, setting forth m detail the manner and form in which they have complied with the order to cease and desist as modified.

IN THE MATTER OF

MICHAELIAN & KOI-ILBERG, INC., TRADING AS
SPINNING WHEEL RUGS ET AL.

CONSENT ORDER, ETC.: IN REG.AP.I) TO THE ALLEGED VIOLATION OF THE
FEDETIJ1.L TRADE C03DIISSION ACT

Docket 7642. Com.plaint, Oct. 29, 19.59-Decision, Avr. 19, 1960

Consent order requiring New York City distrib-61_2 1 Tf 72.41 Tm (York)Tj800 8.4L-61 0 0 7 347.09l0495 0 09R