

2. Falsely or deceptively invoicing fur products by:
- A. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed in each of the subsections of Section 5(b)(1) of the Fur Products Labeling Act.
 - B. Setting forth on invoices pertaining to fur products any false and deceptive information with respect to the name or designation of the animal or animals that produced the fur contained in such fur product.
 - C. 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.
 - D. Failing to set forth the term "Persian Lamb" in the manner required where an election is made to use that term instead of the word "Lamb".
 - E. Failing to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb".
 - F. Failing to disclose that fur products contain or are composed of second-hand used fur.
 - G. Failing to set forth separately information required under Section 5(b)(1) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder with respect to each section of fur products composed of two or more sections containing different animal furs.
 - H. Failing to set forth on invoices the item number or mark assigned to fur products.

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

IN THE MATTER OF

ADELE FASHIONS, INC., ET AL.

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

*Docket C-639-C-671. Complaint, Dec. 27, 1963—Decision, Dec. 27, 1963**

Consent orders requiring 33 wearing apparel manufacturers to cease discriminating in price among their customers in violation of Sec. 2(d) of the

* These orders were made effective on Aug. 9, 1965, see *Abby Kent Co., Inc., et al.*, docket No. C-328, et al., Aug. 9, 1965.

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Clayton Act by favoring certain retailers with promotional payments not made proportionally available to competing stores, and postponing the effective date of the orders until further order of the Commission.

COMPLAINTS

The Federal Trade Commission, having reason to believe that 33 wearing apparel manufacturers named in a listing of respondents on p. 2070 herein, have violated and are 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. The respondents are corporations engaged in commerce, as "commerce" is defined in the amended Clayton Act, and sells and distributes their 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. The respondents in the course and conduct of their business in commerce paid or contracted for the payment of something of value to or for the benefit of some of their 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 respondents, 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 respondents wearing apparel products.

PAR. 3. Included among, but not limited to, the practices alleged herein, respondents have granted substantial promotional payments or allowances for the promoting and advertising of their wearing apparel products to certain department stores and others who purchase respondents 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 respondents who compete with said favored customers in the sale of respondents 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.

DECISIONS AND ORDERS

The Federal Trade Commission having initiated an investigation of certain acts and practices of the manufacturers named in a listing

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of respondents on p. 2070 herein, and subsequently having determined that complaints should issue, and the respondents having entered into agreements containing orders to cease and desist from the practices being investigated and having been furnished copies of a draft of complaint to issue herein charging them with violation of subsection (d) of Section 2 of the Clayton Act, as amended, and

The respondents having executed the agreements containing consent orders which agreements contain an admission of all the jurisdictional facts set forth in the complaints to issue herein, and statements that the signing of the said agreements are for settlement purposes only and do not constitute admissions by the respondents that the law has been violated as set forth in such complaints, 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. Respondent manufacturers listed herein are corporations organized and existing under the laws of various States, with their offices and principal places of business located as indicated on appended list.

2. The Federal Trade Commission has jurisdiction of the subject matter of these proceedings and of the respondents.

ORDERS

It is ordered, That respondents named in a listing of respondents on p. 2070 herein, corporations, their officers, directors, agents, representatives and employees, directly or through any corporate or other device, in the course of their business in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

(1) Paying or contracting for payment of anything of value to, or for the benefit of, any customer of the respondents 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 the effective date of these orders to cease and desist be and it hereby is postponed until further order of the Commission.

The following is a listing of the 33 respondents named in the complaints and cease and desist orders (New York City unless otherwise indicated):

- (C-639) Adele Fashions, Inc., 1407 Broadway.
- (C-640) Blume Knitwear, Inc., 30-02 48th Avenue, Long Island City, N.Y., and a subsidiary at the same address, Impromptu Casuals, Inc.
- (C-641) Cluett, Peabody & Co., Inc., 530 Fifth Avenue.
- (C-642) Country Tweeds, Inc., 250 West 39th Street.
- (C-643) Litt-Gluck Co., 111 West 19th Street.
- (C-644) Sy Frankl, Inc., 1350 Broadway.
- (C-645) Glensder Corp., 417 Fifth Avenue.
- (C-646) The Hadley Corp., Weaverville, N.C.
- (C-647) Larry Levine, Inc., 252 West 37th Street.
- (C-648) Lord Jeff Knitting Co., Inc., 58-30 64th Street, Maspeth, N.Y.
- (C-649) Miss Maude, Inc., 1311 Park Avenue, Hoboken, N.J.
- (C-650) Mayflower Dress Co., Inc., 1350 Broadway.
- (C-651) Munsingwear, Inc., 718 Glenwood Avenue, Minneapolis, Minn.
- (C-652) Puritan Skirt & Dress Co., Inc., 144 Moody Street, Waltham, Mass.
- (C-653) The Puritan Sportswear Corp., 813 25th Street, Altoona, Pa.
- (C-654) Rainfair, Inc., 1501 Albert Street, Racine, Wis.
- (C-655) Sportswear Corporation of America, 6516 Page Boulevard, St. Louis, Mo.
- (C-656) Serbin, Inc., 1280 Southwest First Street, Miami, Fla.
- (C-657) Sir James, Inc., 910 South Los Angeles Street, Los Angeles, Calif.
- (C-658) Kandahar Sportswear Co., Inc., 8 West 30th Street
- (C-659) Bobbie Brooks, Inc., 3839 Kelley Avenue, Cleveland, Ohio.
- (C-660) Gay Gibson, Inc., 2617 Grand Avenue, Kansas City, Mo.
- (C-661) The Grove Co., 8300 Manchester Road, St. Louis, Mo.
- (C-662) Irwill Knitwear Corp., 1407 Broadway.
- (C-663) Kathi Originals, Inc., 1350 Broadway.
- (C-664) Lofties Knitting Mills, Inc., 85 DeKalb Avenue, Brooklyn, N.Y.
- (C-665) Mademoiselle Modes, Inc., 520 Eighth Avenue.

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(C-666) Donkenny, Inc., 1407 Broadway, and a subsidiary at the same address, Melray Blouse Co., Inc.

(C-667) Albert Rosenblatt & Sons, Inc., 1400 Broadway.

(C-668) Economy Blouse Corp., 1407 Broadway.

(C-669) E. D. Winter & Co., Inc., 525 Seventh Avenue.

(C-670) Jack Winter, Inc., 233 East Chicago Street, Milwaukee, Wis.

(C-671) Young Timers, Inc., 520 Eighth Avenue.

IN THE MATTER OF

CONTINENTAL BAKING COMPANY

ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF SECS. 2(a) AND 2(d) OF THE CLAYTON ACT

Docket 7630. Complaint, Oct. 27, 1959—Decision, Dec. 31, 1963

Order dismissing—the Commission concluding that respondent sustained its meeting competition defense—complaint charging a manufacturer of bakery products operating some 67 bakeries and many more sales depots in 40 States and the District of Columbia, with discriminating in price between competing purchasers in violation of Secs. 2(a) and 2(d) of the Clayton Act.

COMPLAINT

The Federal Trade Commission, having reason to believe that the party respondent named in the caption hereof and hereinafter more particularly designated and described has violated and is now violating the provisions of subsections (a) and (d), Section 2, of the Clayton Act, as amended by the Robinson-Patman Act, approved June 19, 1936 (U.S.C., Title 15, Sec. 13), hereby issues its complaint, stating its charges with respect thereto as follows:

COUNT ONE

PARAGRAPH 1. Respondent, Continental Baking Company, is a corporation organized, existing and doing business under and by virtue of the laws of the State of Delaware, with its principal office and place of business located at Rye, New York.

PAR. 2. Respondent is now, and for many years last past has been, engaged in the production, sale, and distribution of bread and other bakery products for use, consumption or resale within the United States. Its total consolidated sales in 1957 were approximately \$307 million and its sales of bread in the same year were approximately \$187 million.

PAR. 3. Respondent markets its products under widely advertised brands, including Wonder bread and Hostess cake. Respondent sells its products to thousands of retailer customers located throughout most of the United States. These customers are regular accounts with whom respondent has entered into contracts or arrangements to supply them with their requirements of bakery products made by it. Respondent operates approximately 67 bakeries and many more sales depots or loading stations located in 40 states and the District of Columbia. For the purpose of supplying said customers and of making deliveries pursuant to such contracts or arrangements, respondent ships its products both from its bakeries directly to its customers, some of which are located in States other than that from which such shipments originate, and from said bakeries to said sales depots or loading stations and to other bakeries, some of which depots and other bakeries are located in States other than that from which such shipments originate, for regular reshipment to its customers, some of which are located in States other than that from which such reshipments are made. Respondent carries on negotiations across State lines with some of its customers for the sale of its products, and adjustments of accounts between respondent and some of its customers take place across such lines. Advertising, both national and local, is prepared and placed in media by respondent's headquarters in Rye, New York.

Respondent, from its headquarters, centrally purchases raw materials for the manufacture of its product, as well as supplies, equipment, and other needs, and ships or causes to be shipped such items from various points to its bakeries located in States other than those from which such shipments originate. Respondent at all times maintains control, directly from its headquarters or through various regional offices, over the activities of its bakeries, such control being exercised over, among other matters, the area in which and the price at which each bakery is permitted to sell, standards of production to be maintained by said bakeries, all but minor repairs to plants and equipment, personnel policies, and funds collected and disbursed by said bakeries. In the exercise of such controls, respondent's headquarters, regional offices, bakeries, and sales depots carry on a steady flow of correspondence and other contacts with one another across State lines.

Thus there is and has been at all times herein mentioned a continuous current of trade and commerce, as "commerce" is defined in the Clayton Act, in said products between respondent and its customers.

PAR. 4. In the course and conduct of its business, respondent is now and during the times mentioned herein has been in substantial com-

