

Complaint

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IN THE MATTER OF

H. G. GITTERS, INC.

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

Docket C-1699. Complaint, Feb. 26, 1970—Decision, Feb. 26, 1970

Consent order requiring a New York City manufacturing furrier to cease misbranding, falsely invoicing and deceptively guaranteeing its fur products.

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act and the Fur Products Labeling Act, and by virtue of the authority vested in it by said Acts, the Federal Trade Commission, having reason to believe that H. G. Gitters, Inc., a corporation, hereinafter referred to as respondent, has violated the provisions of said Acts and the Rules and Regulations promulgated under the Fur Products Labeling 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. Respondent H. G. Gitters, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of New York.

Respondent manufactures fur products with its office and principal place of business located at 307 Seventh Avenue, New York, New York.

PAR. 2. Respondent is now and for some time last past has been engaged in the introduction into commerce, and in the manufacture for introduction into commerce, and in the sale, advertising and offering for sale in commerce, and in the transportation and distribution in commerce, of fur products; and has manufactured for sale, sold, advertised, offered for sale, transported and distributed fur products which have been made in whole or in part of furs which have been shipped and received in commerce, as the terms "commerce," "fur" and "fur product" are defined in the Fur Products Labeling Act.

PAR. 3. Certain of said fur products were misbranded in that they were falsely and deceptively labeled to show that fur contained therein was natural, when in fact such fur was pointed, bleached,

dyed, tip-dyed, or otherwise artificially colored, in violation of Section 4(1) of the Fur Products Labeling Act.

PAR. 4. Certain of said fur products were misbranded in that they were not labeled as required under the provisions of Section 4(2) of the Fur Products Labeling Act and in the manner and form prescribed by the Rules and Regulations promulgated thereunder.

Among such misbranded fur products, but not limited thereto, were fur products with labels which failed to disclose that the fur contained in the fur products was bleached, dyed, or otherwise artificially colored, when such was the fact.

PAR. 5. Certain of said fur products were falsely and deceptively invoiced by the respondent in that they were not invoiced as required by Section 5(b)(1) of the Fur Products Labeling Act and the Rules and Regulations promulgated under such Act.

Among such falsely and deceptively invoiced fur products, but not limited thereto, were fur products covered by invoices which failed:

1. To disclose that the fur contained in the fur products was bleached, dyed, or otherwise artificially colored, when such was the fact.

2. To show the country of origin of imported furs used in such fur products.

PAR. 6. Certain of said fur products were falsely and deceptively invoiced in violation of the Fur Products Labeling Act in that they were not invoiced in accordance with the Rules and Regulations promulgated thereunder in the following respects:

- (a) The term "natural" was not used on invoices to describe fur products which were not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored, in violation of Rule 19(g) of said Rules and Regulations.

- (b) Required item numbers were not set forth on invoices, in violation of Rule 40 of said Rules and Regulations.

PAR. 7. Certain of said fur products were falsely and deceptively invoiced in that said fur products were invoiced to show that the fur contained therein was natural, when in fact such fur was pointed, bleached, dyed, tip-dyed, or otherwise artificially colored, in violation of Section 5(b)(2) of the Fur Products Labeling Act.

PAR. 8. Respondent furnished false guaranties that certain of its fur products were not misbranded, falsely invoiced or falsely advertised when respondent in furnishing such guaranties had reason to believe that fur products so falsely guaranteed would be introduced, sold, transported or distributed in commerce, in violation of Section 10(b) of the Fur Products Labeling Act.

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PAR. 9. The aforesaid acts and practices of the respondent, as herein alleged, are in violation of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder and constitute unfair methods of competition and unfair and deceptive acts and practices in commerce under the Federal Trade Commission Act.

DECISION AND ORDER

The Federal Trade Commission having initiated an investigation of certain acts and practices of the respondent named in the caption hereof, and the respondent having been furnished thereafter with a copy of a draft of complaint which the Bureau of Textiles and Furs proposed to present to the Commission for its consideration and which, if issued by the Commission, would charge respondent with violation of the Federal Trade Commission Act and the Fur products Labeling Act; and

The respondent and counsel for the Commission having thereafter executed an agreement containing a consent order, an admission by the respondent of all the jurisdictional facts set forth in the aforesaid draft of complaint, a statement that the signing of said agreement is for settlement purposes only and does not constitute an admission by respondent that the law has been violated as alleged in such complaint, and waivers and other provisions as required by the Commission's Rules; and

The Commission having thereafter considered the matter and having determined that it has reason to believe that the respondent has violated the said Acts, and that complaint should issue stating its charges in that respect, and having thereupon accepted the executed consent agreement and placed such agreement on the public record for a period of thirty (30) days, now in further conformity with the procedure prescribed in § 2.34(b) of its Rules, the Commission hereby issues its complaint, makes the following jurisdictional findings, and enters the following order:

1. Respondent corporation is organized, existing and doing business under and by virtue of the laws of the State of New York with its office and principal place of business located at 307 Seventh Avenue, New York, New York.
2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondent, and the proceeding is in the public interest.

Order

ORDER

It is ordered, That H. G. Gitters, Inc., a corporation, and its officers, and respondent's 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 sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," and "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:

1. Representing directly or by implication on a label that the fur contained in such fur product is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

2. Failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of Section 4(2) of the Fur Products Labeling Act.

B. Falsely or deceptively invoicing any fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of Section 5(b)(1) of the Fur Products Labeling Act.

2. Representing directly or by implication on an invoice that the fur contained in such fur product is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. Failing to set forth the term "natural" as part of the information required to be disclosed on an invoice under the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

4. Failing to set forth on an invoice the item number or mark assigned to such fur product.

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It is further ordered, That respondent H. G. Gitters, Inc., a corporation, and its officers, and respondent's representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any fur product is not misbranded, falsely invoiced or falsely advertised when the respondent has reason to believe that such fur product may be introduced, sold, transported, or distributed in commerce.

It is further ordered, That respondent notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further 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 this order.

IN THE MATTER OF

WILLIAM FROHLINGER TRADING AS
WILLIAM FROHLINGER FURS

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

Docket C-1700. Complaint, Feb. 26, 1970—Decision, Feb. 26, 1970

Consent order requiring a New York City retail furrier to cease falsely invoicing his fur products.

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act and the Fur Products Labeling Act, and by virtue of the authority vested in it by said Acts, the Federal Trade Commission, having reason to believe that William Frohlinger, an individual trading as William Frohlinger Furs, hereinafter referred to as respondent, has violated the provisions of said Acts and the Rules and Regulations

promulgated under the Fur Products Labeling 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. Respondent William Frohlinger is an individual trading as William Frohlinger Furs.

Respondent is a fur merchant with his office and principal place of business located at 207 West 29th Street, New York, New York.

PAR. 2. Respondent is now and for some time last past has been engaged in the introduction into commerce, and in the sale, advertising, and offering for sale in commerce, and in the transportation and distribution in commerce, of fur products; and has sold, advertised, offered for sale, transported and distributed fur products which have been made in whole or in part of furs which have been shipped and received in commerce; and has introduced into commerce, and sold, advertised and offered for sale in commerce, and transported and distributed in commerce, furs, as the terms "commerce," "fur" and "fur product" are defined in the Fur Products Labeling Act.

PAR. 3. Certain of said fur products or furs were falsely and deceptively invoiced by the respondent in that they were not invoiced as required by Section 5(b)(1) of the Fur Products Labeling Act and the Rules and Regulations promulgated under such Act.

Among such falsely and deceptively invoiced fur products or furs, but not limited thereto, were fur products or furs covered by invoices which failed:

1. To disclose that the fur contained in the fur products or furs was bleached, dyed, or otherwise artificially colored, when such was the fact.

2. To show the country of origin of imported furs or those contained in the fur products.

PAR. 4. Respondent sold and distributed fur products or furs which were bleached, dyed or artificially colored. Certain of these furs or fur products were falsely and deceptively invoiced in violation of Section 5(b)(2) of the Fur Products Labeling Act in that the said fur products were described on invoices as "Dressed Ranch Mink females" without disclosing that said fur products or furs were bleached, dyed or otherwise artificially colored. The respondent's description of the said furs or fur products as "Dressed Ranch Mink females" without a disclosure that the said furs or fur products were bleached, dyed or artificially colored had the tendency and capacity to mislead respondent's customers and others into the erroneous belief that the fur products or furs were not bleached, dyed or

otherwise artificially colored. Such failure to disclose a material fact was to the prejudice of respondent's customers and the purchasing public and constituted false and deceptive invoicing under Section 5(b) (2) of the Fur Products Labeling Act.

PAR. 5. Certain of said furs were falsely and deceptively invoiced with respect to the name of the country of origin of imported furs, in violation of Section 5(b) (2) of the Fur Products Labeling Act.

Among such falsely and deceptively invoiced furs, but not limited thereto, were imported furs covered by invoices which failed to show the country of origin of such imported furs. The omission of the required material fact as to the country of origin of the imported furs implied that the said furs were of domestic origin when in truth and in fact the said furs were of foreign origin, in violation of Section 5(b) (2) of the Fur Products Labeling Act.

PAR. 6. Certain of said fur products or furs were falsely and deceptively invoiced in violation of Rule 19(a) of the Rules and Regulations promulgated under the Fur Products Labeling Act.

PAR. 7. The aforesaid acts and practices of respondent, as herein alleged, are in violation of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder and constitute unfair methods of competition and unfair and deceptive acts and practices in commerce under the Federal Trade Commission Act.

DECISION AND ORDER

The Federal Trade Commission having initiated an investigation of certain acts and practices of the respondent named in the caption hereof, and the respondent having been furnished thereafter with a copy of a draft of complaint which the Bureau of Textiles and Furs proposed to present to the Commission for its consideration and which, if issued by the Commission, would charge respondent with violation of the Federal Trade Commission Act and the Fur Products Labeling Act; and

The respondent and counsel for the Commission having thereafter executed an agreement containing a consent order, an admission by the respondent of all the jurisdictional facts set forth in the aforesaid draft of complaint, a statement that the signing of said agreement is for settlement purposes only and does not constitute an admission by respondent that the law has been violated as alleged in such complaint, and waivers and other provisions as required by the Commission's Rules; and

The Commission having thereafter considered the matter and hav-

ing determined that it had reason to believe that the respondent has violated the said Acts, and that complaint should issue stating its charges in that respect, and having thereupon accepted the executed consent agreement and placed such agreement on the public record for a period of thirty (30) days, now in further conformity with the procedure prescribed in § 2.34(b) of its Rules, the Commission hereby issues its complaint, makes the following jurisdictional findings, and enters the following order:

1. Respondent William Frohlinger is an individual trading as William Frohlinger Furs.

Respondent is a fur merchant with his office and principal place of business located at 207 West 29th Street, New York, New York.

2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondent, and the proceeding is in the public interest.

ORDER

It is ordered, That respondent William Frohlinger, an individual trading under William Frohlinger Furs or any other name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising or offering for sale, in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce; or in connection with the introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur, as the terms "commerce," "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from falsely or deceptively invoicing furs or fur products by:

1. Failing to furnish an invoice as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by Section 5(b)(1) of the Fur Products Labeling Act.

2. Representing, directly or by implication, on invoices that the fur contained in furs or fur products is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. Failing when a fur or fur product is pointed or contains or is composed of bleached, dyed or otherwise artificially colored

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fur, to disclose such facts as a part of the required information on invoices pertaining thereto.

4. Misrepresenting in any manner on an invoice, directly or by implication, the country of origin of any imported fur.

It is further ordered, That 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

WINDSOR DISTRIBUTING COMPANY ET AL.

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

Docket 8773. Complaint, Feb. 3, 1969—Decision, Mar. 6, 1970

Order requiring three companies engaged in distributing vending machines and supplies and six of their individual officers to cease making deceptive representations as to earnings, required qualifications of purchasers, sales routes, machine locations, repurchase of machines and supplies, nature of respondents' businesses, and other misrepresentations in selling their vending machines and supplies.

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act, and by virtue of the authority vested in it by said Act, the Federal Trade Commission, having reason to believe that Windsor Distributing Company, a corporation, Pentex Distributing Company, a corporation, Pen-Ida Distributing Company, a corporation, and Roger A. Gerth and Sanford A. Middleman, individually and as officers of said corporations, and John F. Thomas and Frank Halavonic and Jerome Scott and Kenneth Bedingfield, individually and as office managers of said respective corporations hereinafter referred to as respondents, have violated the provisions of said 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. Respondent Windsor Distributing Company is a corporation organized, existing and doing business under and by virtue of the laws of the State of Pennsylvania, with its principal office

and place of business located at 6 North Balph Avenue, in the city of Pittsburgh, State of Pennsylvania.

Respondent Pentex Distributing Company is a corporation organized, existing and doing business under and by virtue of the laws of the State of Pennsylvania, with its principal office and place of business located at 3130 Stemmons Freeway, in the city of Dallas, State of Texas.

Respondent Pen-Ida Distributing Company is a corporation organized, existing and doing business under and by virtue of the laws of the State of Pennsylvania, with its principal office and place of business located at 2520 South State Street, Suite 202, in the city of Salt Lake City, State of Utah.

Respondents Roger A. Gerth and Sanford A. Middleman are individuals and are officers of each of the corporate respondents. Their address is the same as the corporate respondent, Windsor Distributing Company. Respondent John F. Thomas is an individual and is office manager of Windsor Distributing Company. His address is the same as the said corporate respondent, Windsor Distributing Company. Respondent Frank Halavonic is an individual and is officer manager of Pentex Distributing Company. His address is the same as said corporate respondent, Pentex Distributing Company. Respondent Jerome Scott is an individual and was office manager of Pen-Ida Distributing Company. Respondent Kenneth Bedingfield is an individual and is office manager of Pen-Ida Distributing Company. Their address is the same as said corporate respondent, Pen-Ida Distributing Company.

Respondents Gerth and Middleman together with the aforementioned manager of each of said corporate respondents cooperate and act together to formulate, direct and control the acts and practices of each of said corporate respondents, including the acts and practices hereinafter set forth.

PAR. 2. Respondents are now, and for some time last past have been engaged in the advertising, offering for sale, sale and distribution of vending machines and vending machine supplies to the public.

PAR. 3. In the course and conduct of their business, as aforesaid, respondents now cause, and for some time last past have caused, their said products, when sold, to be shipped from their respective places of business in the States of Pennsylvania, Texas and Utah to purchasers thereof located in various other States of the United States and in the District of Columbia, and maintain, and at all times mentioned herein have maintained, a substantial course of

trade in said products in commerce, as "commerce" is defined in the Federal Trade Commission Act.

PAR. 4. In the course and conduct of their aforesaid business and for the purpose of inducing the purchase of their said products, the respondents have made, and are now making, numerous statements and representations in advertisements inserted in newspapers and in promotional material and in oral representations and statements by their salesmen and representatives to prospective purchasers with respect to employment, profits, nature of business, investment, and other business opportunities and benefits to be derived by purchasing said products.

Typical and illustrative of said representations and statements appearing in advertising and promotional material, including "help wanted" and other columns, but not all inclusive thereof, are the following:

SPARE TIME INCOME

Refilling and collecting money for NEW TYPE high quality coin operated dispensers in this area. No selling. To qualify you must have car references, \$600 to 1900 cash. Seven to twelve hours weekly can net excellent monthly income. More full time. For personal interview write WINDSOR DISTRIBUTING COMPANY, 6 N. BALPH AVENUE, PITTSBURGH, PENNSYLVANIA, 15202. Include phone number. (Substantially the same advertisement is used by each of the other corporate respondents under its separate corporate name and address).

PAR. 5. By and through the use of the above-quoted statements and representations, and others of similar import and meaning but not expressly set out herein, separately and in connection with the oral statements and representations of their salesmen and representatives, the respondents have represented, and are now representing, directly or by implication, that:

1. Respondents offer employment or are making a bona fide offer to sell established businesses to persons who respond to their advertisements.

2. Purchasers of respondents' products must own an automobile, furnish references, have special qualities or be specially selected to qualify for purchase of respondents' products.

3. Persons who purchase respondents' products will not be required to engage in any type of selling activity.

4. Respondents grant exclusive territories to purchasers for the location of their vending machines and sales of respondents' machines will not be made to other persons in such territories.

5. Each vending machine purchased from respondents will produce a minimum \$35 gross profit during each month of operation; purchasers of said machines could reasonably expect a return on their investment of \$9,000 net per year by purchasing 50 machines.

6. Sales routes have been previously established by respondents for said purchasers; that satisfactory and profitable locations have been, or will be, secured for the purchaser; and that respondents will relocate the machines if the original locations are unsatisfactory.

7. Persons who have previously purchased respondents' machines are making substantial earnings from the operation.

8. Machines purchased from respondents are of specified quality, performance, structural design or type.

9. Respondents will repurchase machines at any time if the purchasers are not satisfied with the vending machine business.

10. Respondents are a nut and candy company; are seeking to establish future markets for said products; and in so doing are selling vending machines to purchasers at or near cost.

PAR. 6. In truth and in fact:

1. Respondents do not offer employment nor are they making a bona fide offer to sell established businesses to persons responding to their advertisements. Their sole purpose is to sell their vending machines and vending machine supplies and equipment to such persons.

2. It is not necessary, for purchasers of respondents' products to own an automobile, to furnish references, have special qualities or be specially selected to qualify for purchase of respondents' products. The only requirement is that the purchase price be paid.

3. Persons who purchase said products are required to engage in extensive selling or soliciting in order to establish, operate and maintain locations for said products.

4. Purchasers of respondent's products are not granted exclusive territories within which machines purchased by them may be placed and operated, and sales of machines are made to other parties in said territories.

5. \$35 per machine is greatly in excess of the gross profit that can be expected by purchasers of said machines for each month of operation; \$9,000 net per year is greatly in excess of the net income purchasers make from the operation of 50 machines. In a substantial number of instances, persons who purchase respondents' products and engage in said vending machine business make little or no profit.

6. Neither respondents nor their agents have established sales routes for the purchasers prior to the purchase of respondents' machines, and in those instances where respondents' agents do locate or assist in locating the machines for the purchasers, the locations are generally found to be unsatisfactory and unprofitable. Respondents do not relocate machines for purchasers.

7. In most instances persons who purchased respondents' products and engaged in said vending machine business did not make substantial earnings; but made little or no profit.

8. Purchasers frequently find, upon delivery, that the machines sold to them by respondents are of a different quality, performance, structural design, or type than as represented.

9. Respondents will not and do not repurchase the machines sold by them in the event the purchasers are not satisfied or for any other reasons.

10. Respondents are not a nut and candy company; are not seeking to establish future markets for said products; but are primarily engaged in the sale of vending machines for profit and do not sell said machines to purchasers at or near cost.

PAR. 7. In the course and conduct of their aforesaid business and at all times mentioned herein, respondents have been, and now are, in substantial competition, in commerce, with corporations, firms and individuals in the sale of vending machines and supplies of the same general kind and nature as those sold by respondents.

PAR. 8. The use by respondents of the aforesaid false, misleading and deceptive statements, representations and practices have had, and now has, the capacity and tendency to mislead members of the purchasing public into the erroneous and mistaken belief that said statements and representations were, and are, true and into the purchase of substantial quantities of respondents' products by reason of said erroneous and mistaken belief.

PAR. 9. The aforesaid acts and practices of respondents, as herein alleged, were, and are, all to the prejudice and injury of the public, and of respondents, competitors and constituted, and now constitute, unfair methods of competition in commerce and unfair and deceptive acts and practices in commerce in violation of Section 5 of the Federal Trade Commission Act.

Mr. Frank P. Dunn and Mr. Harry G. Shupe for the Commission.

Mr. Sanford A. Middleman (Middleman & Dixon), and Mr. Patrick J. Basial, Pittsburgh, Pa., for respondents.

INITIAL DECISION BY EDGAR A. BUTTLE, HEARING EXAMINER

OCTOBER 21, 1969

PRELIMINARY STATEMENT

A complaint was filed in the above entitled matter on February 3, 1969, and mailed to respondents on February 12, 1969. Issue was joined by the filing of an interim answer on March 13, 1969. This interim answer following respondents' motion for a more definite statement filed on March 25, 1969, subsequently became the final answer of respondents as indicated by the record. Essentially the allegations of the complaint charged respondents under the Federal Trade Commission Act with engaging in deceptive practices emanating from misrepresentations made by them to the public in seeking customers for their vending machines and the products which they dispensed.

A prehearing conference in the above entitled matter was held June 2, 1969. Subsequent thereto hearings were held on June 30, 1969, through July 3, 1969, in Washington, D.C., on July 7, 1969, and July 8, 1969, in Casper, Wyoming, and on July 22 and July 23, 1969, at Pittsburgh, Pennsylvania.

Proposed findings were filed by complaint counsel and counsel for respondents on October 13, 1969.

The hearing examiner has carefully considered the proposed findings of fact and conclusions of complaint counsel and counsel for respondent, and such proposed findings and conclusions if not herein adopted, either in the form proposed or in substance, are rejected as not supported by the record or as involving immaterial matters.

FINDINGS OF FACT

1. Respondent Windsor Distributing Company is a corporation organized, existing and doing business under and by virtue of the laws of the State of Pennsylvania, with its principal office and place of business located at 6 North Balph Avenue, in the city of Pittsburgh, State of Pennsylvania. Admitted by answer. See also Tr. 39-40 and Tr. 588-89 for name change.

2. Respondent Pentex Distributing Company is a corporation organized, existing and doing business under and by virtue of the laws of the State of Pennsylvania, with its principal office and place of business located at 3130 Stemmons Freeway, in the city of Dallas, State of Texas. Admitted by answer. See also Tr. 39-41.

3. Respondent Pen-Ida Distributing Company is a corporation or-

