

In fact, it never was sold to the U.S. Army. It is a sheer copy. What can we or you do about protecting the consumer and preventing this kind of deception?

General LEE. We certainly can't do anything about it—but if there isn't a law that would get him for selling that—that is a misrepresentation.

Mr. ROSENTHAL. If you were Jones Manufacturing Co. and somebody was selling a product called Jones turtleneck sweater, you could stop them. You could get an injunction against them.

Taking that a step further—I am not suggesting this. I am just thinking out loud. If this says U.S. Army here, why couldn't the U.S. Army stop these fellows from doing this sort of thing?

General LEE. I would defer that to my counsel, Mr. Raby.

Mr. ROSENTHAL. I think you should.

Mr. RABY. I guess the real problem, sir, is one of whether or not it is in fact misleading. An item that is marked U.S. Army like that implies that it was made for the Government but it, in fact, was not.

I think we had some cases like that where surplus items were sold representing that they did meet Government specifications which we have referred to the Federal Trade Commission.

Mr. ROSENTHAL. This is something else. What do you want to do about this, Mr. Raby?

Mr. RABY. I am not prepared to answer that one. I will furnish an answer for the record.

(The following letter was subsequently received:)

DEFENSE SUPPLY AGENCY,
Alexandria, Va., April 16, 1968.

Mr. PETER S. BARASH,
Legal Assistant, Special Consumer Inquiry, Government Operations Committee,
House of Representatives, Washington, D.C.

DEAR MR. BARASH: During the hearings on April 2, 1968, Chairman Rosenthal asked about the sales by surplus stores of shirts similar to the shirts prescribed for wear by the Army. At the time I indicated that I would furnish an answer for the record.

Based on my review, I believe that the question is properly one which should be referred to the Federal Trade Commission since the sale of the shirts might violate the Federal Trade Commission Act (15 U.S.C. 45). I have therefore asked Mr. Frank Hale, Acting Director, Bureau of Deceptive Practices, Federal Trade Commission, to contact you for further information. Enclosed is a copy of my letter to Mr. Hale.

Sincerely,

ALBERT RABY, Jr.,
Assistant Counsel.

DEFENSE SUPPLY AGENCY,
Alexandria, Va., April 16, 1968.

Mr. FRANK HALE,
Acting Director, Bureau of Deceptive Practices,
Federal Trade Commission,
Washington, D.C.

DEAR MR. HALE: During hearings on consumer protection held on April 2, 1968, by Congressman Rosenthal, chairman, Special Consumer Inquiry, Special Studies Subcommittee, House Government Operations Committee, a question arose concerning sales by surplus stores of shirts such as those prescribed for wear as a part of the U.S. Army uniform.