

Syllabus

IN THE MATTER OF
PERFECT VOICE INSTITUTE AND T. G. COOKE

COMPLAINT (SYNOPSIS), FINDINGS, AND ORDER IN REGARD TO THE ALLEGED
VIOLATION OF SEC. 5 OF AN ACT OF CONGRESS APPROVED SEPT. 26, 1914

Docket 1503. Complaint, Mar. 13, 1928—Decision, Dec. 23, 1930

Where a corporation engaged in the sale of a method of voice development, and an individual, its president, manager, and controller thereof, in advertising and describing its so-called course of "Physical Voice Culture" in newspapers, magazines, and other publications of general circulation, and in pamphlets, letters, circulars and other forms of printed, written or mimeographed matter,

- (a) Represented the method as new and based on the alleged fundamental relation of the hyo-glossus muscle to the effective development of the speaking and singing voice, by isolation and development of such muscle, through devices and instruction provided, and the grooving of the tongue as therein set forth, and that the system in question had been proved by every law of physics, anatomy, mechanics, and mathematics, and had proven infallible in the case of thousands of students all over the world, the facts being that the muscle referred to could not be isolated and separately developed, served no possible function in voice tone production, and said claims and representations were false and misleading;
- (b) Falsely represented that every student could have a beautiful speaking or singing voice through development of said hyo-glossus muscle by physical exercise and performance of a few simple, silent exercises, requiring only a few minutes a day, in the privacy of his own home, that such exercises would result, in a few months, in a powerful, beautiful, and vibrant voice, and in progress from day to day, and that the development and control of such muscle, or lack thereof, was the primary cause of a strong and perfect, or weak and imperfect voice;
- (c) Represented and stated that a post mortem on the throat of Caruso showed wonderful development of said muscle and proved the amazing truth of the "Feuchtinger" discovery of the true functions of such muscle, instinctive control of which after many years led to Caruso's becoming the century's greatest singer, and that the main difference between normal vocal organs of the student and those of Caruso and other world famed singers lay in the control, strength, and development of the muscle in question, the facts being that no such post mortem was ever performed, there was no evidence that Caruso ever made any effort to control said muscle or attributed his voice thereto, or to any other muscle, and implications of the aforesaid representations were wholly unwarranted, incredible and deceptive;
- (d) Offered its said course to prospective pupils enrolling within a limited time at the temporarily reduced and special price of \$89.50 instead of the regular and full price of \$120, the fact being that the former figure constituted its regular, permanent, and full price for the entire treatise, books, course of instruction, and articles and accessories making up its aforesaid course; and

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(e) Represented that it offered to prospective pupils freely and without compensation to it, a complete outfit for practical work, consisting of "mirror, electric torch, tongue depressor, tryhedron, tongue support, breath measure, and special harmonic resonator", the facts being that the aforesaid articles were included in the course in question and the regular and full price charged therefor and none were given the pupils without full payment;

With capacity and tendency to deceive the public and to induce persons to enroll as students in reliance upon the truth and accuracy of such representations, and to divert trade to it from competitors:

Held, That such practices, under the conditions and circumstances set forth, were to the prejudice of the public and competitors and constituted unfair