

IN THE MATTER OF

ROBERT O. BENNETT DOING BUSINESS AS NATIONAL
SERVICE BUREAU AND LILLIE K. BENNETT

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

Docket 5745. Complaint, Mar. 1, 1950—Decision, Jan. 31, 1952

Where two individuals engaged under a Washington, D. C. mailing address in securing and selling to credit bureaus, retail stores, collection agencies and other customers in various states information relating to delinquent debtors, principally, and, as thus engaged in mailing out large numbers of letters and receiving replies thereto;

In attempting to secure desired information, for their said customers with respect to the addresses, employment, etc., of delinquent debtors, pursuant to arrangements whereby they were authorized by their customers to send a check for 10 cents to each replying delinquent, as below set forth, and to deposit such an amount to said person's credit in respondents' bank at the expense of the customer, and through the means of certain form letters, together with blanks for supplying the desired information as to the delinquent and, a self-addressed return envelope—

- (a) Falsely represented through the use of the name "National Service Bureau" in said form letters, and particularly as employed with the words "Disbursement Office" and "Disbursement Officer", that they were a part of or connected in some manner with the Veterans Administration or some other part or agency of the United States Government; and,
- (b) Falsely represented through the use of the words "If you will fill in the enclosed blank giving the requested information we will forward to you a check for a small sum of money deposited with us for that purpose", that a small but significant sum of money to which the recipient of the letter was entitled, had been deposited with them and would be forwarded to the recipient upon his furnishing information which would identify him as the person entitled thereto;

The facts being that they were not connected with the United States Government in any respect; and the sending by them of such a check for 10 cents did not justify their statement that a small sum of money had been deposited with them for forwarding, and constituted a transparent scheme to mislead and conceal the purpose for which the information was sought;

With effect of misleading a substantial portion of the public into the mistaken belief that their misleading representations were true, and with capacity and tendency so to do, and thereby induce a substantial number of the public to give information which they would not otherwise have supplied:

Held, That such acts and practices, under the circumstances set forth, were all to the prejudice and injury of the public and constituted unfair and deceptive acts and practices in commerce.

Before *Mr. Webster Ballinger*, hearing examiner.
Mr. J. W. Brookfield, Jr. for the Commission.

Reilly & Neumann and *Byrne & Byrne*, of Washington, D. C., for respondents.

COMPLAINT¹

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 Robert O. Bennett, an individual trading and doing business as National Service Bureau and Lillie K. Bennett, an individual, 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 Robert O. Bennett is an individual trading and doing business under the name National Service Bureau. Both respondents, Robert O. Bennett and Lillie K. Bennett, live and carry on their business at 504 Aspen Street, N. W., in the City of Washington, D. C., but the mailing address used by National Service Bureau is 505 Colorado Building, Washington, D. C. Respondents Robert O. Bennett and Lillie K. Bennett cooperate and act together in performing the acts and practices hereinafter alleged.

PAR. 2. Respondents are now, and for more than two years last past have been, engaged in the business of locating delinquent debtors and in selling information as to these debtors to their clients. Certain of respondents' clients cause goods and other property to be transported from their places of business in various States of the United States to purchasers thereof in other States of the United States and

¹The complaint is published as amended by an order granting motion to amend complaint to conform to proof dated December 29, 1950, as follows:

This matter coming before the Commission upon motion of counsel supporting the complaint to amend the complaint herein to conform to the proof, and it appearing counsel for the respondents have acknowledged receipt of copy of said motion and have waived the filing of an answer and further notice and the Commission having duly considered the matter, and the record, and being now fully advised in the premises:

It is ordered, That the motion to amend the complaint to conform to the proof be, and the same hereby is, granted.

It is further ordered, That the complaint heretofore issued be amended as follows:

By striking that portion of Paragraph Five which reads as follows:

"Through the use of the name 'National Service Bureau' and the phraseology 'Disbursement Officer' and 'Disbursement Office,' "

and inserting in lieu thereof the following:

Through the use of the name "National Service Bureau," and also through the use of the phrase "Disbursement Officer" and also the phrase "Disbursement Office," in connection with the name "National Service Bureau."

It is further ordered, That the evidence heretofore taken be, and the same hereby is, adopted as evidence in connection with the complaint as herein amended to the same extent and to the same effect as if such evidence had been originally taken under the complaint as herein amended.

Complaint

48 F. T. C.

maintain and at all times mentioned herein have maintained courses of trade in such goods and property in commerce between and among the United States. Some of respondents' clients are located in Chicago, Illinois; Cincinnati, Ohio; New York, New York and other cities and States throughout the United States. The course and conduct of respondents' said business involves intercourse of a commercial and business nature between them and their clients and the persons from whom information is sought who are located in the various States of the United States.

PAR. 3. In the course and conduct of respondents' said business of obtaining information concerning other persons, respondents use certain form letters substantially in the following form:

THE NATIONAL SERVICE BUREAU,
Colorado Building, Washington 5, D. C.

Office of
R. O. Bennett
Room 505

DEAR MADAM: If you will fill in the inclosed blank giving the requested information we will forward you a check for a small sum of money deposited with us for you for that purpose.

Very truly yours,

(S) ROBERT BENNETT, *Disbursement Officer.*

Enclosed with the above-mentioned letter is a reply form for the recipient to fill in the information desired by respondents. This form is headed:

DISBURSEMENT OFFICE
THE NATIONAL SERVICE BUREAU
505 COLORADO BUILDING
WASHINGTON 5, D. C.

followed by lines showing the information requested and also bears the following statement:

CLAIM NUMBER 18241101.

Fill in and return this blank within 30 days. Allow two weeks for mailing the check.

PLEASE TYPE OR PRINT INFORMATION
GIVE COMPLETE INFORMATION TO EXPEDITE MAILING OF CHECK

PAR. 4. Respondents mail the said form letters to the persons concerning whom information is sought at their last known addresses together with an envelope addressed to "The National Service Bureau, Colorado Building, Washington, D. C., Disbursement Office, Room 505," for the return of said form letters. Many of the persons to whom said form letters and return envelopes are sent are located in the various states of the United States outside of the District of Columbia.

PAR. 5. Through the use of the name "National Service Bureau" and also through the use of the phrase "Disbursement Officer" and also the phrase "Disbursement Office," in connection with the name "National Service Bureau." Respondents represent that National Service Bureau is an agency of the United States government or has some connection with one of the governmental agencies. Said representations are false and misleading. In truth and in fact respondents are in no way connected with the Federal Government, but conduct the said business as a private enterprise for the receiving of fees for information concerning allegedly delinquent debtors.

Through the use of the said form letters, respondents represent directly and by implication that certain funds have been deposited with them for the persons to whom the letters are sent and cause the recipients of said letters to furnish them information in the false belief that they, the recipients, are to receive substantial sums of money.

In truth and in fact respondents have not received money to be deposited for these persons and they receive nothing except a check for ten cents which is sent by respondents upon receipt of the information.

PAR. 6. The use as hereinabove set forth of the foregoing false and misleading statements, representations and designations has, and has had, the capacity and tendency to mislead and deceive, and has misled and deceived, many persons to whom the said form letters were sent into the erroneous and mistaken belief that the said statements and representations were true; and that the trade name used by respondents indicated the true nature of respondents' business; and induce the recipients thereof to give information to respondents which otherwise they would not have supplied.

PAR. 7. The aforesaid acts and practices of respondents, as herein alleged, are all to the prejudice and injury of the public and constitute unfair and deceptive acts and practices in commerce within the intent and meaning of the Federal Trade Commission Act.

DECISION OF THE COMMISSION AND ORDER TO FILE REPORT
OF COMPLIANCE

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission, on March 1, 1950, issued and subsequently served its complaint in this proceeding upon respondents Robert O. Bennett, an individual trading and doing business as National Service Bureau, and Lillie K. Bennett, an individual, charging them with the use of unfair and deceptive acts and practices in com-

Findings

48 F. T. C.

merce in violation of the provisions of said Act. After the issuance of said complaint and the filing of respondents' answer, hearings were held at which testimony and other evidence in support of and in opposition to the allegations of said complaint were introduced before a hearing examiner of the Commission theretofore duly designated by it and such testimony and other evidence were duly recorded and filed in the office of the Commission. Thereafter, the proceeding regularly came on for final consideration by said hearing examiner upon the complaint, the answer thereto, testimony and other evidence, proposed findings as to the facts and conclusions presented by counsel, and said hearing examiner, on January 30, 1951, filed his initial decision.

Within the time permitted by the Commission's Rules of Practice, counsel for respondents filed with the Commission an appeal from said initial decision, and thereafter this proceeding regularly came on for final consideration by the Commission upon the record herein, including briefs in support of and in opposition to the appeal and oral argument of counsel; and the Commission, having issued its order granting said appeal in part and denying it in part and being now fully advised in the premises, finds that this proceeding is in the interest of the public and makes this its findings as to the facts and its conclusion drawn therefrom and order, the same to be in lieu of the initial decision of the hearing examiner.

FINDINGS AS TO THE FACTS

PARAGRAPH 1. Respondent Robert O. Bennett is an individual trading as and doing business under the name The National Service Bureau. Both respondents, Robert O. Bennett and Lillie K. Bennett, live and carry on said business at 504 Aspen Street, N. W., in the city of Washington, D. C., and use as a business and mailing address 706 Thirteenth Street, N. W., Washington, D. C., where an office is maintained and used primarily as an address for the receipt of mail. Respondents formerly maintained an office at 505 Colorado Building, Washington, D. C. Respondents Robert O. Bennett and Lillie K. Bennett cooperate and act together in performing the acts and practices hereinafter described.

PAR. 2. Respondents are now and for more than four years last past have been engaged in the business of securing and selling to their customers information relating to delinquent debtors, extension of credit and for other purposes; their principal business being that of locating delinquent debtors. Their customers consist of credit bureaus maintained by business and professional organizations, retail stores, collection agencies, attorneys, and finance companies, desiring information principally with reference to delinquent accounts.

Their customers and the persons about whom information is sought are located throughout the various States of the United States and in the District of Columbia. Respondents' business is principally conducted by mail. They weekly transmit approximately 2,100 letters seeking the above-described information and receive approximately 700 replies thereto. The conduct of respondents' business constitutes intercourse of a commercial nature between them and the persons from whom information is sought in commerce, as "commerce" is defined in the Federal Trade Commission Act.

PAR. 3. Respondent Robert O. Bennett has been in the collection business for more than 15 years. About five years ago he conceived and put into practice a plan involving the use of a mail skip tracer to secure credit information from delinquent debtors, which plan respondents have used ever since and are now using. A pamphlet issued by respondents contains the following description of a mail skip tracer:

1. WHAT IS A MAIL SKIP TRACER?

A mail skip tracer is a piece of mail which offers an inducement for its recipient to reveal his address, employment, phone number, and other pertinent information which may be used by his creditor in obtaining payment of money due.

2. IN WHAT CASES SHOULD A MAIL SKIP TRACER BE USED?

a. If you send mail to an address, and it is not returned to you, you know that this person is getting his mail at this address or it is being forwarded by the Post Office to him. Neither the Postmaster nor any one connected with the Post Office may give you this information as to where your skip is and only by using an inducement such as a mail skip tracer can you find him.

b. When your mail is delivered and you know the person is at the given address, but you do not know where he works or banks, and this information would be valuable to you, the inducement offered in the mail skip tracer will more than likely get this information for you.

3. WHAT MAKES A MAIL TRACER ILLEGAL?

Any piece of mail which obtains information by the use of subterfuge is illegal. THE NATIONAL SERVICE BUREAU does NOT use subterfuge.

PAR. 4. In the course and conduct of their business of securing credit information by the use of a mail skip tracer, respondents receive from each of their customers an authorization, bearing the signature of the customer, on the following form supplied by respondents:

PLEASE TYPE OR PRINT ALL NAMES AND ADDRESSES

THE NATIONAL SERVICE BUREAU,
706 13th Street NW., Washington 5, D. C.

GENTLEMEN: Please attempt to obtain all information you can from the following persons from whom mail has not been returned. Please send a check

Findings

48 F. T. C.

for 10¢ to each person listed below sending you the information you request in payment for this information. Please deposit 10¢ to this person's credit in your bank and charge this 10¢ to our account and credit our account with all deposits not paid out by you at the end of each month. We agree to pay you the sum of 25¢ for an address; 50¢ for an address, a phone number, and/or one or more relatives or references; \$1.00 for employment and/or bank. In the case of a bank and no employment, you are to refund us 50¢ upon being notified the bank was of no use to us. We also agree to pay a charge of 10¢ for all returned mail, proof to be furnished to us. We understand that your maximum charge for any one locate is \$1.00 plus the 10¢ deposit fee. We agree to keep all information confidential.

(Please use both sides of this sheet)

SEND NO MONEY—YOU WILL BE BILLED MONTHLY

NO RESULTS—NO CHARGE

Name _____
 Street _____
 City _____ State _____
 Zone _____
 By _____

Upon receipt of such authorization respondents mailed to each of the persons listed at the address furnished the following form letter:

THE NATIONAL SERVICE BUREAU
 WASHINGTON 5, D. C.

DISBURSEMENT OFFICE

If you will fill in the inclosed blank giving the requested information we will forward you a check for a small sum of money deposited with us for you for that purpose.

Very truly yours,

(S) ROBERT BENNETT, *Disbursement Officer*.

A self-addressed return envelope with the words "Disbursement Office" appearing in the left hand corner, and a questionnaire were enclosed with the letter, the questionnaire being as follows:

Disbursement Office	DO NOT WRITE
The National Service Bureau	IN THIS SPACE
Washington, D. C.	
Below is the required information.	Claim _____
Please send the check.	Bureau _____
Fill in and return blank within 30 days.	File _____
Allow two weeks for mailing check.	OK By _____
Check will not be sent unless all information is given below.	Date _____
TYPE OR PRINT ALL INFORMATION.	
NAME _____	
NO. AND STREET _____	

736

Findings

CITY ----- STATE -----
 OCCUPATION -----
 EMPLOYED BY -----
 EMPLOYER'S ADDRESS -----
 HUSBAND OR WIFE'S NAME -----
 EMPLOYED BY -----
 ADDRESS -----
 HOME PHONE ----- BUSINESS PHONE -----
 BANK WITH -----
 ADDRESS -----
 REFERENCE -----
 ADDRESS -----
 REFERENCE -----
 ADDRESS -----

Upon receipt of each form of questionnaire filled in by the person to whom it was sent, respondents mail their check for ten cents to that person. Each questionnaire when filled in and returned to respondents is forwarded by them to the customer requesting the information, together with an itemized bill for the information secured and including a charge for the ten cents paid out. No charge is made if no reply is received.

After the issuance of the complaint, respondents eliminated the words "Disbursement Officer," appearing after the signature of "Robert Bennett" on said form letter, and the words "Disbursement Office" from the questionnaire and from the return envelopes.

PAR. 5. Through the use of the name "The National Service Bureau" alone and more particularly when used together with the words "Disbursement Office" or "Disbursement Officer" in the manner hereinabove described, respondents have represented that they were a part of or connected in some manner with the Veterans Administration or some other part or agency of the United States Government.

Through the use of their form letter stating "If you will fill in the inclosed blank giving the requested information we will forward to you a check for a small sum of money deposited with us for that purpose," together with the enclosed blank as above described, respondents have represented that a small but significant sum of money to which the recipient of the letter is entitled has been deposited with respondents and that this money will be forwarded to the recipient of the letter upon his furnishing sufficient information by means of which he can be identified as the person entitled to the money.

PAR. 6. In fact respondents are not connected with the United States Government in any respect. No sum of money to which any recipient of these letters is entitled has been deposited with respondents and no sum of money has been forwarded by respondents other than respond-

Order

48 F. T. C.

ents' check for ten cents which is sent to each person furnishing the requested information. This payment of ten cents does not justify respondents' statement that a small sum of money has been deposited with them for forwarding. This practice is a transparent scheme to mislead and conceal the purpose for which the information is sought.

PAR. 7. The use by the respondents of the name "The National Service Bureau" and their use of the other false, misleading and deceptive statements and representations as herein above described have the tendency and capacity to and did mislead a substantial portion of the public into the erroneous and mistaken belief that respondents are connected with or are an agency of the United States Government and that their other said false, misleading and deceptive statements and representations are true and to induce a substantial number of the public, because of such mistaken and erroneous belief, to give respondents information concerning their present location, employment and financial condition which they would otherwise not have supplied.

CONCLUSION

The aforesaid acts and practices of respondents as hereinbefore found are all to the prejudice and injury of the public and constitute unfair and deceptive acts and practices in commerce within the intent and meaning of the Federal Trade Commission Act.

ORDER

It is ordered, That Robert O. Bennett and Lillie K. Bennett, individuals, trading as The National Service Bureau or trading under any other name or trade designation, jointly or severally, their representatives, agents and employees, directly or through any corporate or other device, in connection with the business of obtaining and selling information concerning delinquent debtors or other credit information in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Using the name "The National Service Bureau" or any other words of similar import to designate, describe or refer to respondents' business, or otherwise representing, directly or by implication, that respondents are connected with or are an agency of the United States Government or that their business is other than that of obtaining and selling credit information.

(2) Representing, directly or by implication, that money has been deposited with them for persons from whom information is requested, unless or until the money has in fact been so deposited, and then only when the amount so deposited is clearly and expressly stated.

736

Order

(3) Using any forms, letters, questionnaires, or other material, printed or written, which does not clearly and expressly state that the information requested is to be used for credit purposes.

It is further ordered, That said respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth the manner and form in which they have complied with said order.

IN THE MATTER OF
HASTINGS POTATO GROWERS ASSOCIATION

COMPLAINT, SETTLEMENT, FINDINGS, AND ORDER IN REGARD TO THE ALLEGED VIOLATION OF SUBSECTION (C) OF SEC. 2 OF AN ACT OF CONGRESS APPROVED OCT. 15, 1914, AS AMENDED BY AND ACT APPROVED JUNE 19, 1936

Docket 5921. Complaint, Sept. 10, 1951—Decision, Jan. 31, 1952

Where a cooperative corporation engaged in selling potatoes and other vegetables produced in Florida by its members, (1) to buyers who usually purchased in small volumes, through brokers to whom it paid brokerage fees varying from three to ten cents per hundredweight; (2) to some of such brokers who also purchased for their own accounts for resale; and (3) directly to other buyers, including some chain-store organizations who usually purchased in larger volumes for use or resale—

- (a) Paid a fee as brokerage to buying brokers in connection with the sale of potatoes to them in the same manner as it paid them a fee for effecting sales, as its agents, to small buyers, and in the same amounts, through invoicing them at the same prices as they charged small buyers and paying bills rendered to the association for brokerage fees in connection with sales made to said brokers for their own account for resale, as well as for fees earned for effecting sales as the association's agent to small buyers;
- (b) Paid such a fee also to buying brokers in connection with other sales of potatoes through the practice of charging them prices which were lower than those charged small buyers by the amount of the brokerage fees that it paid them for effecting sales to the small buyers—in some of such transactions, invoicing buying brokers at such lower prices, and in other transactions invoicing the buying brokers the same prices as those charged small buyers but permitting them to deduct the necessary discount for allowances; and
- (c) Charged direct buyers, including some chain-store organizations lower prices than it charged small buyers, through either invoicing such buyers at prices which were lower by the amount of the brokerage fees or invoicing them at the same prices charged small buyers and permitting them to make the necessary deduction:

Held, That said association, in making such payments of fees as brokerage and such charging of lower prices, paid or granted something of value as a commission, brokerage or other compensation in lieu thereof, in connection with the sale of vegetables, to the other parties to such transactions or to their agents, etc., who were acting in their behalf, and that such acts and practices violated subsection (c) of Sec. 2 of the Clayton Act as amended.

Before *Mr. Frank Hier*, trial examiner.

Mr. Peter J. Dias and *Mr. Richard E. Ely* for the Commission.

Mr. Counts Johnson, of Tampa, Fla., for respondent.