

IN THE MATTER OF

MILTON B. ENGEL ET AL. DOING BUSINESS AS
NATIONAL SCHOOL OF CHEMISTRYCONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF
THE FEDERAL TRADE COMMISSION ACT*Docket 7376. Complaint, Jan. 23, 1959—Decision, Dec. 2, 1959*

Consent order requiring Redwood City, Calif., sellers of an elementary correspondence course in high school chemistry, to cease representing falsely in newspaper advertisements that persons completing the course should be trained, qualified, recognized, and employed as chemists, could analyze any known substance, and would be able to earn the same income as various professional men and skilled workers.

Mr. Terral A. Jordan supporting the complaint.

Respondents, *pro se*.

INITIAL DECISION BY JOHN B. POINDEXTER, HEARING EXAMINER

On January 23, 1959, the Federal Trade Commission issued its complaint charging that the above-named respondents had violated the provision of the Federal Trade Commission Act. The complaint alleged that respondents, for the purpose of enrolling prospective students and thereby promoting the sale of said courses of instruction for home study in various subjects, including chemistry, and the supplies and equipment in connection therewith, had made false, misleading and deceptive statements.

After issuance and service of the complaint, Milton B. Engel and Alice Engel, as individuals and as co-partners trading and doing business as National School of Chemistry, or under any other trade name, hereinafter referred to as respondents, and counsel supporting the complaint entered into an agreement for a consent order. The agreement has been approved by the Acting Director of the Bureau of Litigation. The agreement disposes of the matters complained about.

The pertinent provisions of said agreement are as follows: Respondents admit all jurisdictional facts; the complaint may be used in construing the terms of the order; the order shall have the same force and effect as if entered after a full hearing and the said agreement shall not become a part of the official record of the proceeding unless and until it becomes a part of the decision of the Commission; the record herein shall consist solely of the complaint and the agreement; respondents waive the requirement that the decision must contain a statement of findings of fact and conclusions of law; respondents waive further procedural steps before the hearing examiner and

604

Order

the Commission, and the order may be altered, modified, or set aside in the manner provided by statute for other orders; respondents waive any right to challenge or contest the validity of the order entered in accordance with the agreement and the signing of said agreement is for settlement purposes only and does not constitute an admission by respondents that they have violated the law as alleged in the complaint.

The undersigned hearing examiner having considered the agreement and proposed order and being of the opinion that the acceptance thereof will be in the public interest, hereby accepts such agreement, makes the following jurisdictional findings, and issues the following order:

JURISDICTIONAL FINDINGS

1. Respondents Milton B. Engel and Alice Engel are individuals trading and doing business as a co-partnership under the name of National School of Chemistry. Their office and principal place of business is located at 3046 Bayshore Highway, Redwood City, California.

2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondents hereinabove named and the proceeding is in the public interest.

ORDER

It is ordered, That respondents Milton B. Engel and Alice Engel, as individuals or as co-partners trading and doing business as National School of Chemistry, or under and other trade name, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of respondents' courses of study and instruction, including a course of instruction in chemistry, or the supplies and equipment used in connection therewith, or any other articles of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or indirectly:

1. That persons completing respondents' said chemistry course will be trained, qualified, recognized or employed as a chemist; or that persons completing any of respondents' said courses of study and instruction will be trained, qualified, recognized or employed in any profession or vocation other than as actually so afforded or provided by said courses of study and instruction.

2. That persons completing said chemistry course will acquire a complete, thorough or basic knowledge of chemistry; or that any

of respondents' said courses of study and instruction afford or provide an amount or degree of training or instruction greater than is in fact provided.

3. That persons completing said chemistry course can analyze or duplicate any known substances; or that persons completing any of respondents' said courses of study and instruction will be trained, instructed or otherwise made able to do or perform any methods, procedures, skills or techniques in any occupation or profession to a degree of proficiency greater than is the fact.

4. That persons completing said chemistry course will be enabled thereby to earn an income equivalent to that earned by doctors, dentists, chemists or other professional persons or by printers, electricians or other skilled workers; or that the income of persons completing said courses of study and instruction will be any amount greater than that generally received by persons with the same background and training as that afforded by said courses of study and instruction and employed in the profession or occupation in which instruction and training is afforded by said courses of study and instruction.

DECISION OF THE COMMISSION AND ORDER TO FILE REPORT OF COMPLIANCE

Pursuant to Section 3.21 of the Commission's Rules of Practice, the initial decision of the hearing examiner shall, on the 2nd day of December, 1959, become the decision of the Commission; and, accordingly:

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

IN THE MATTER OF
TOM VINT DOING BUSINESS AS NATIONAL BUSINESS
SERVICE