

929

Decision

and form in which they have complied with the foregoing order to cease and desist.

Commissioner Anderson not participating.

IN THE MATTER OF
AMERICAN REGISTRY OF DOCTOR'S NURSES, ET AL.

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

Docket 7526. Complaint, June 26, 1959—Decision, Feb. 17, 1960

Consent order requiring a Washington, D.C., concern engaged in selling memberships in its so-called "Registry," insurance policies, certificates, pins consisting of a caduceus with the letters "RDN" or "DN" superimposed, emblems and other insignia, to persons employed in doctors' offices, to cease representing falsely by use of its corporate name that its business was a non-profit organization of professional nurses, authorized to certify that applicants met the occupational requirements of doctor's nurses; and representing falsely through such trade name, certificates, pins, etc., that the purchaser would acquire thereby a recognized professional status.

Mr. Terral A. Jordan for the Commission.

Shipley, Akerman & Pickett, by *Mr. Alex Akerman, Jr.*, of Washington, D.C., for respondents.

INITIAL DECISION BY J. EARL COX, HEARING EXAMINER

The complaint charges respondents with the use of false, misleading and deceptive representations, unfair and deceptive acts and practices, and unfair methods of competition in commerce in connection with their business of selling memberships in American Registry of Doctor's Nurses, policies of insurance, certificates, pins, emblems and other insignia and indicia to persons employed in doctors' offices, in violation of the Federal Trade Commission Act.

After the issuance of the complaint all respondents, except Phillip Sellers, their attorney, and counsel supporting the complaint entered into an agreement containing consent order to cease and desist, which was approved by the Director and an Assistant Director of the Commission's Bureau of Litigation, and thereafter transmitted to the Hearing Examiner for consideration.

In the agreement it is stipulated and agreed that the complaint should be dismissed as to respondent Phillip Sellers, for reasons set forth in affidavits by Robert L. S. Bickford and Phillip Sellers,

which are attached to, made a part of and incorporated into said agreement.

The agreement states that respondent American Registry of Doctor's Nurses is a corporation organized, existing and doing business under and by virtue of the laws of the State of Florida; that respondents Robert L. S. Bickford and Evelyn W. Bickford are individuals, and acting president and vice president, and secretary, respectively, of the corporate respondent; that respondent Ralph Z. Bell is an individual, and was formerly president of the corporate respondent; that the office and principal place of business of the respondents is Liddon Building, Marianna, Florida; and that respondents' said office and principal place of business was formerly located at 1366 National Press Building, Washington, D.C.

The agreement provides, among other things, that respondents signatory thereto admit all the jurisdictional facts alleged in the complaint, and agree that the record may be taken as if findings of jurisdictional facts had been duly made in accordance with such allegations; that the record on which the initial decision and the decision of the Commission shall be based shall consist solely of the complaint and this agreement; that the agreement shall not become a part of the official record unless and until it becomes a part of the decision of the Commission; that the complaint may be used in construing the terms of the order agreed upon, which may be altered, modified or set aside in the manner provided for other orders; that the agreement is for settlement purposes only and does not constitute an admission by said respondents that they have violated the law as alleged in the complaint; and that the order set forth in the agreement and hereinafter included in this decision shall have the same force and effect as if entered after a full hearing.

Respondents signatory to the agreement waive any further procedural steps before the hearing examiner and the Commission, the making of findings of fact or conclusions of law, and all of the rights they may have to challenge or contest the validity of the order to cease and desist entered in accordance with the agreement.

The order agreed upon fully disposes of all the issues raised in the complaint, and adequately prohibits the acts and practices charged therein as being in violation of the Federal Trade Commission Act. Accordingly, the hearing examiner finds this proceeding to be in the public interest, and accepts the agreement containing consent order to cease and desist as part of the record upon which this decision is based. Therefore,

It is ordered, That American Registry of Doctor's Nurses, a corporation, and its officers, and Ralph Z. Bell, individually and for-

merly an officer of said corporation, Robert L. S. Bickford and Evelyn W. Bickford, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the operation of a membership organization of persons employed in doctors' offices or any other membership organization or in connection with the offering for sale, sale or distribution of memberships, certificates, pins, emblems or other insignia or indicia or policies of insurance or any other articles of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the trade name of American Registry of Doctor's Nurses without clearly and conspicuously revealing in immediate connection therewith that it is a private business operated for a profit; or using any other trade name which implies, contrary to fact, that it is a non-profit organization, without clearly and conspicuously revealing in immediate connection therewith that it is a private business operated for a profit;

2. Representing that respondents are a certifying, accrediting or qualifying agency authorized or competent to establish the occupational requirements for doctors' nurses or to determine the qualifications of individuals as doctors' nurses; or representing that respondents are a certifying, accrediting or qualifying agency authorized or competent to establish the occupational requirements for any occupation or profession or to determine the qualifications of individuals as members of any occupation or profession, unless such is the fact;

3. Furnishing, supplying, or selling memberships, certificates, pins, emblems or other insignia or indicia to persons other than graduate, registered or licensed nurses, which represent that the wearer is a graduate, registered or licensed nurse; or furnishing, supplying or selling memberships, certificates, pins, emblems or other insignia or indicia to persons which represent, contrary to fact, that such person is a qualified member of an occupation or profession.

It is further ordered. That the complaint be, and same hereby is, dismissed as to respondent Phillip Sellers.

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 did, on the 17th day of February, 1959, become the decision of the Commission; and, accordingly:

It is ordered, That respondents American Registry of Doctor's Nurses, a corporation, Ralph Z. Bell, individually, and Robert L. S. Bickford and Evelyn W. Bickford, individually and as officers of