

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

LEON A. HEISSERER DOING BUSINESS AS
NORTH CENTRAL TRAINING SERVICE

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

Docket 8296. Complaint, Mar. 2, 1961—Decision, Aug. 10, 1961

Consent order requiring an individual in Council Bluffs, Iowa, to cease using false job guarantee claims and other misrepresentations on post cards and circulars distributed to prospective purchasers of his correspondence course on preparation for civil service employment, as in the order below specified.

COMPLAINT

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 Leon A. Heisserer, individually and doing business as North Central Training Service, hereinafter referred to as respondent, has 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 Leon A. Heisserer is an individual trading and doing business as North Central Training Service, with his principal place of business located at 707 Bennett Building, Council Bluffs, Iowa.

PAR. 2. Respondent is now, and for some time last past has been, engaged in the sale and distribution of a course of study and instruction purporting to prepare the purchasers thereof for examinations for various Civil Service positions in the United States Government and in other lesser political subdivisions, which said course is pursued by correspondence through the United States mails. Respondent, in the course and conduct of said business, causes said course of study and instruction to be sent from his place of business in the State of Iowa to, into and through various other States of the United States to purchasers thereof located in States other than the State of Iowa. There has been at all times mentioned herein a course of trade in said course of study and instruction, as sold and distributed by respondent, in commerce, as "commerce" is defined in the Federal Trade Commission Act.

PAR. 3. In connection with the sale of said course of study and instruction, respondent has made, published and caused to be published certain advertising material, including postal cards, circulars and folders, distributed to prospective students in States other than the State of Iowa, in and by which many representations have been made, and are made, in regard to said course of study and matters connected therewith. Typical, but not all inclusive, of representations made in such advertising are the following:

GET A GOVERNMENT JOB!
MANY THOUSANDS OF OPPORTUNITIES
Federal — State — Municipal
GOVERNMENT POSITIONS
MEN and WOMEN AGES 18-50
THIS IS YOUR OPPORTUNITY!

TO PREPARE FOR CIVIL SERVICE EXAMINATIONS

Civil Service positions offer Greater Security, High Salaries, Excellent Chances for Advancement and Pay Raises, Paid Sick Leave. Long Vacations with Pay, Liberal Pensions. Thousands of men and women wanted. Prepare now for Civil Service positions. Instructions now being given if you qualify. Many Govt. jobs expected to open soon.

Complaint

59 F.T.C.

Rural Mail Carriers
Postmaster 2, 3, 4 Cl.
Postal Clerk-Carriers
Transportation Clerks
Border Patrol (Vets)
Customs Service (Vets)

U.S. Clerks
File Clerk-Typists
Stenographers
Office Workers
Asst. Meat Inspectors
Also, Many Others

MAIL ATTACHED CARD TODAY!
FOR FULL INFORMATION
AND LIST OF POSITIONS

GRAMMAR SCHOOL SUFFICIENT
FOR MANY JOBS

APPROXIMATE AGE LIMITS 18-62
EDUCATIONAL REQUIREMENTS: GRAMMAR SCHOOL, HIGH
SCHOOL, OR IN NUMEROUS CASES, NONE

POSTAL POSITIONS
POST OFFICE CLERK
RURAL MAIL CARRIER
POSTMASTER
2ND CLASS
3RD CLASS
4TH CLASS
POSTAL TRANSPORTATION
CLERK
(Railway, Air, Boat and
Highway)
CITY MAIL CARRIER
Law Enforcement Positions
Inspector of Customs
Correctional
Customs Guard
Customs Patrol Inspector
Border Patrolman
Junior Custodial Officer
Virus and Serum
Livestock Inspector
Meat Inspector
Federal Guard
Police Officer
Guard Patrol
Clerical Positions
Stenographer-Typist
Typist, Junior
File Clerk
Clerk
Messenger
Business Machine Operator
Billing Machine Operator
Clerk-Stenographer

CUSTODIAL POSITIONS
CUSTODIAN
SUPPLY CLERK
STOREKEEPER OR
WAREHOUSEMAN
FINANCIAL & ACCOUNTING
POSITIONS
ACCOUNTING & AUDITING
ASST.
JUNIOR ACCOUNTING
STATISTICAL CLERK
JUNIOR PROFESSIONAL ASST.
INTERNAL REVENUE
AGENT
ZONE DEPUTY COLLECTOR
Other Positions
Social Worker
Telephone Operator
Telephone Supervisor
Engineering Aide
Forest and Field Clerk
Communications Operator
Soil Conservation Asst.
Library Assistant
Student Nurse
Hospital Attendant
Junior Observer-Meteorology
Elevator Operator
Employment Interviewer
Fish Culturist
Photographer
Printer Proof Reader
Printer Assistant
Meteorologist Aide
Nursing Assistant
Photographic Aide

NOTE: For more than thirty years the gospel of HOME STUDY EDUCATION has been preached. Thousands who listened to the advice and ACTED are now in good jobs with regular monthly salaries.

PAR. 4. By means of the statements appearing in the aforesaid postal cards, circulars and folders, hereinabove set forth, and others similar thereto, respondent represents, directly or by implication, that:

1. Many thousands of Government positions are open and that said positions, including those listed, will be filled within a short time.
2. Said listed positions are available to all applicants having a grammar or high school education, or in some instances no educational qualifications are required.
3. Completion of respondent's course prepares the student for all of the positions listed in respondent's advertising, including the positions of Internal Revenue Agent, livestock inspector, meat inspector, fish culturist, photographer, and other positions of a technical or semi-technical nature.

PAR. 5. The aforesaid statements are false, misleading and deceptive. In truth and in fact:

1. There are no vacancies in nor examinations scheduled for many of the positions listed by respondent.
2. Many of the said listed positions are not available to all applicants having a grammar or high school education as such positions require physical and educational qualifications or experience.
3. Completion of respondent's said course does not prepare the student for many of the listed positions, and in many of the listed positions either technical training or experience is required to qualify for such positions.

PAR. 6. Respondent Leon A. Heisserer, trading as North Central Training Service, and salesmen and representatives employed by him, in the course of their solicitations for said course of study, have repeated the statements set out in Paragraph Three and have made additional oral statements to prospective purchasers of said course, of which the following are typical:

1. The completion of respondent's course of study makes persons eligible for appointments to or assures them of or guarantees them United States Civil Service positions.
2. Respondent or his sales agents or representatives are employees of the United States Civil Service Commission or the United States Government, or have some official connection therewith.
3. Many persons who have purchased and completed respondent's course have received appointments to or have been employed by government agencies.

PAR. 7. All of the said oral statements were, and are, false, misleading and deceptive. In truth and in fact:

1. Completion of respondent's course does not make persons eligible for appointments to or assure them of or guarantee United States Civil Service positions.

2. Respondent, his sales agents or representatives are not employees of and have no connection with any governmental agency.

3. No large number of persons have received government appointments or have been employed by any governmental agencies as a result of or through the completion of respondent's course of study.

PAR. 8. Respondent is now, and at all times mentioned herein has been, in substantial competition with other individuals, corporations, partnerships and firms engaged in the sale, in commerce, of courses of instruction by correspondence.

PAR. 9. The use by respondent of the aforesaid statements and representations has had, and now has, the tendency and capacity to confuse, mislead and deceive members of the public into the erroneous and mistaken belief that such statements are true and to induce them to purchase respondent's course of study in said commerce on account thereof. As a direct result of the practices of respondent, as aforesaid, substantial trade in commerce is, and has been, diverted to respondent from his competitors and injury has been, and is being, done to competition in commerce between and among the various States of the United States.

PAR. 10. The aforesaid acts and practices of respondent, as herein alleged, are all to the prejudice and injury of the public and of competitors of respondent and constitute unfair and deceptive acts and practices and unfair methods of competition in commerce within the intent and meaning of the Federal Trade Commission Act.

Mr. William A. Somers for the Commission.

Ginsburg, Rosenberg & Ginsburg, by *Mr. Herman Ginsburg*, for respondents.

INITIAL DECISION BY HERMAN TOCKER, HEARING EXAMINER

In a complaint issued March 2, 1961, the respondent, Leon A. Heisserer, an individual doing business under the firm name and style of North Central Training Service, located at 707 Bennett Building, Council Bluffs, Iowa, was charged with making misleading representations in connection with the sale and distribution in commerce of a correspondence course of study and instruction.

The respondent, by and with the advice of his attorneys, and counsel supporting the complaint have entered into an agreement

containing a consent order to cease and desist, thus disposing of all the issues involved in this proceeding.

In the agreement it was expressly provided that the signing thereof was for settlement purposes only and did not constitute an admission by the respondent that he had violated the law as in the complaint alleged.

By the terms of the agreement, the respondent admitted all the jurisdictional facts alleged in the complaint and agreed that the record herein may be taken as if the Commission had made findings of jurisdictional facts in accordance with the allegations.

By the agreement, the respondent expressly waived any further procedural steps before the Hearing Examiner and the Commission; the making of findings of fact or conclusions of law; and all rights he might have to challenge or contest the validity of the order to cease and desist to be entered in accordance therewith.

Respondent further agreed that the order to cease and desist, to be issued in accordance with the agreement, shall have the same force and effect as if made after a full hearing.

It was further provided that said agreement, together with the complaint, shall constitute the entire record herein; that the complaint herein may be used in construing the terms of the order to be issued pursuant to said agreement; and that such order may be altered, modified or set aside in the manner prescribed by the statute for orders of the Commission.

The Hearing Examiner has considered the agreement and the order therein contained, and, it appearing that said agreement and order provide for an appropriate disposition of this proceeding, the same is hereby accepted and shall be filed upon becoming part of the Commission's decision in accordance with Sections 3.21 and 3.25 of the Rules of Practice.

Now, in consonance with the terms thereof, the Hearing Examiner finds that the Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondent named herein, and that this proceeding is in the interest of the public, and issues the following order:

ORDER

It is ordered. That Leon A. Heisserer, individually and trading and doing business under the name of North Central Training Service, or under any other name, and his agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission

Act, of courses of study and instruction, do forthwith cease and desist from representing, directly or indirectly, that:

1. There are vacancies for any specified United States Civil Service positions when such vacancies do not exist, or that said vacancies will be filled within a short time.

2. Positions in the United States Civil Service, which are restricted to any group or otherwise restricted or require certain qualifications, are open unless such restrictions are clearly set forth.

3. Completion of respondent's course prepares a person for all of the positions listed in respondent's advertising.

4. Completion of respondent's course of study makes persons eligible for appointments to or assures them of or guarantees them United States Civil Service positions.

5. Respondent, his school, his agents or representatives, or any one of them, have any connection with the United States Civil Service Commission, any agency thereof, or any other agency of the United States Government.

6. Many persons who have completed said course of instruction have received appointments to or been employed by governmental agencies as a result of such course of 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 10th day of August 1961, become the decision of the Commission; and, accordingly:

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

IN THE MATTER OF

TYLER PIPE & FOUNDRY COMPANY

CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF
SEC. 2(d) OF THE CLAYTON ACT