

not inherently or independently rigid without the addition of, or necessity for, substantial interior structural support.

It is further 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 this order.

IN THE MATTER OF
DENNIS HARTMAN DOING BUSINESS AS NATIONAL
POETRY ASSOCIATION, ETC.

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

Docket C-153. Complaint, June 22, 1962—Decision, June 22, 1962

Consent order requiring an individual in West Los Angeles, Calif., engaged under various trade names in soliciting original manuscripts for publication, largely through competitions in educational institutions, and in publishing anthologies of poetry, essays, drawings, etc., to cease representing falsely by use of his trade names and his designation as secretary in his promotional materials that the organizations sponsoring the competitions

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and publishing the anthologies were non-profit institutions or groups of persons associated together to promote interest in literary or artistic works, and that he was acting in the name of such a group.

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 Dennis Hartman, an individual doing business as National Poetry Association, National Essay Association, National High School Poetry Association, American Poetry Society and National Art Association, 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 Dennis Hartman is an individual who does business under various trade names including, among others: National Poetry Association, National Essay Association, National High School Poetry Association, American Poetry Society and National Art Association. His office and principal place of business is located at 3750 Overland Drive, West Los Angeles, Calif.

PAR. 2. Respondent is now, and for some time last past has been, engaged in the business of soliciting manuscripts of original literary and artistic works for publication; and of publishing, advertising, offering for sale, selling, and distributing various publications including anthologies of poetry, essays, drawings, and other literary and artistic works. His volume of business has been and is substantial.

PAR. 3. In the course and conduct of his business, respondent now causes, and for many years last past has caused, said anthologies and other publications, when sold, to be shipped from his place of business in the State of California to purchasers thereof located in various other States of the United States. Respondent maintains, and at all times mentioned herein has maintained, a substantial course of trade in said products in commerce, as "commerce" is defined in the Federal Trade Commission Act.

PAR. 4. In the course and conduct of his business, respondent uses form letters, bulletins, brochures, and other promotional materials in soliciting manuscripts of original literary and artistic works, and in soliciting the sale of his anthologies and other publications. Said promotional materials are, in the main, sent to educational institutions for distribution to, or for the notice of educators and students. Said promotional materials invite participation by educators and

students in various competitions, the purported purposes of which are to determine the merit of, and to accord recognition to, poems, essays, drawings and other original literary and artistic works.

Those participants in said competitions whose works have been selected by respondent for publication, or the institutions with which such participants are associated, are thereafter informed that the particular publication which will contain such work may be ordered from respondent at a designated price.

PAR. 5. In the course and conduct of his business, respondent sets forth various organizational names, designations and titles in said promotional materials which describe the nature and purpose of the organization that is purportedly sponsoring a particular competition in which educators or students are invited to participate. Other promotional materials bearing the said names and titles solicit orders for anthologies and other publications containing said literary and artistic works.

Among and including, but not necessarily limited to, the organizational names and designations so used by respondent are those set forth in paragraph 1 hereof. Much of said promotional materials also bears the name of respondent, together with the designation or title of Secretary.

PAR. 6. In the course and conduct of his business, respondent has set forth certain statements in said promotional materials which purport to further describe the nature and purpose of the organizations named or designated therein.

Among and typical, but not necessarily limited to, the statements contained in said promotional materials are the following:

OUR EFFORTS ARE DEDICATED TO THE YOUTH OF OUR COUNTRY, AND TO THEIR RESPECTIVE TEACHERS AND SCHOOLS (National High School Poetry Association Bulletin).

The National Poetry Association was founded in 1937 for the purpose of giving publication recognition to the creative writing and arts efforts of high school students (National Poetry Association brochure).

PAR. 7. By and through the use of the aforesaid names, designations, titles and statements as set forth in said promotional materials sent and distributed as aforesaid, respondent has represented, directly or by implication:

(a) The group or organizations named as sponsoring said competitions and publishing the anthologies are eleemosynary or non-profit institutions or are composed of persons who are associated together for the purpose of promoting interest in poetry, essays, drawings, or other literary or artistic works as the case may be.

(b) That he is acting in the name, or with the approval, of a group or organization so constituted.

PAR 8. Respondent's said statements and representations, and others of the same import and meaning not set forth specifically herein, are false, misleading, and deceptive. In truth and in fact:

(a) Said competitions are not sponsored by eleemosynary or non-profit institutions, nor do said names refer to organizations composed of persons who are associated together for the purposes as represented by respondent. To the contrary, the organizations so named are merely trade names under which respondent carries on his business of soliciting manuscripts of original literary and artistic works for publication, and of soliciting the sale of his said publications.

(b) Respondent is acting for himself and to his own interests in carrying on his said business.

PAR 9. In the conduct of his business at all times mentioned herein, respondent has been in substantial competition, in commerce, with corporations, firms and individuals engaged in the solicitation of literary and artistic manuscripts for publication, and in the sale of publications of the same general kind and nature as those sold by respondent.

PAR 10. The use by respondent of the aforesaid false, misleading, and deceptive statements, representations and practices has had, and now has, the capacity and tendency to mislead members of the purchasing public into the erroneous and mistaken belief that said statements and representations were and are true, and into the purchase of substantial quantities of respondent's products by reason of said erroneous and mistaken belief.

PAR 11. The aforesaid acts and practices of respondent, as herein alleged, were, and are, all to the prejudice and injury of the public and of respondent's competitors and constituted, and now constitute, unfair methods of competition in commerce and unfair and deceptive acts and practices in commerce, in violation of Section 5(a) (1) of the Federal Trade Commission Act.

DECISION AND ORDER

The Commission having heretofore determined to issue its complaint charging the respondent named in the caption hereof with violation of the Federal Trade Commission Act, and the respondent having been served with notice of said determination and with a copy of the complaint the Commission intended to issue, together with a proposed form of order; and

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The respondent and counsel for the Commission having thereafter executed an agreement containing a consent order, an admission by the respondent of all the jurisdictional facts set forth in the complaint to issue herein, a statement that the signing of said agreement is for settlement purposes only and does not constitute an admission by respondent that the law has been violated as set forth in such complaint, and waivers and provisions as required by the Commission's rules; and

The Commission, having considered the agreement, hereby accepts same, issues its complaint in the form contemplated by said agreement, makes the following jurisdictional findings, and enters the following order:

1. Respondent Dennis Hartman is an individual who does business under various trade names including, among others: National Poetry Association, National Essay Association, National High School Poetry Association, American Poetry Society and National Art Association. His office and principal place of business is located at 3750 Overland Drive, West Los Angeles, Calif.

2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondent, and the proceeding is in the public interest.

ORDER

It is ordered, That Dennis Hartman, an individual, doing business as National Poetry Association, National Essay Association, National High School Poetry Association, American Poetry Society, National Art Association, or under any other trade name or names, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the solicitation of literary or artistic manuscripts for publication, or with the offering for sale, sale or distribution of published anthologies or other literary or artistic works, or of any other publications, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the names National Poetry Association, National Essay Association, National High School Poetry Association, American Poetry Society, National Art Association or any other words or names of similar import or meaning to designate, describe or refer to the respondent's business; or from otherwise representing, directly or by implication, that any business organized or operated for profit is composed of persons who are associated together for the purpose of promoting interest in poetry, essays, drawings, or other literary or artistic works;

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2. Representing, directly or by implication, that any business organized or operated for profit is an eleemosynary or non-profit institution;

3. Using the title of Secretary or any other title commonly used by officers of associations or eleemosynary organizations;

4. Representing, directly or by implication, that respondent is acting in the name of or with the approval of or is sponsored by any eleemosynary organization.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commis-