
IN THE MATTER OF
CLAUDE I. WOOLWINE DOING BUSINESS AS UNIVERSAL
TRAINING SERVICE ET AL.*

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

*Docket 8138. Complaint, Oct. 12, 1960**—Decision, Sept. 28, 1962*

Consent order requiring a San Francisco seller of a correspondence course purporting to prepare purchasers for U.S. Civil Service examinations and U.S. Government positions, to cease misrepresenting the availability of Government jobs and accompanying salaries, representing falsely connection with

* A desist order was issued against the other respondent, Grady L. Rushing doing business as Marcel Co., on Nov. 27, 1961, 59 F.T.C. 1182.

** Published in 59 F.T.C. 1182.

the U.S. Civil Service and prospective earnings of salesmen of the course, among other things, as set out in the order below.

Mr. Harry E. Middleton, Jr., for the Commission.

Mr. Allan L. Sapiro, of San Francisco, Calif., for the respondent.

INITIAL DECISION BY HERMAN TOCKER, HEARING EXAMINER

In a complaint issued October 12, 1960, the respondent, Claude I. Woolwine, an individual doing business under the firm name and style of Universal Training Service, located at 150 Powell Street, San Francisco, Calif., was charged with making misleading representations in connection with the sale and distribution in commerce of correspondence courses of study and instruction.

The respondent, by and with the advice of his attorney, 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 is expressly provided that the signing thereof is for settlement purposes only and does not constitute an admission by the respondent that he has violated the law as in the complaint alleged.

By terms of the agreement, the respondent admits all the jurisdictional facts alleged in the complaint and agrees 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 waives 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 may have to challenge or contest the validity of the order to cease and desist to be entered in accordance therewith.

Respondent further agrees 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 is 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 Com-

mission'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 respondent Claude I. Woolwine, doing business as Universal Training Service, or under any other name or names, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of his course of instruction, relating to United States Civil Service positions, or any other course of instruction, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that:

1. Civil Service Examinations are imminent or had been announced for any of the positions listed in any particular area, unless such is the fact.
2. The completion of said course of instruction will enable a person to pass the Civil Service Examination for a selected job.
3. Their course of instruction provides training for Civil Service positions.
4. Qualifications are required in order to purchase the course.
5. Starting salaries for positions in Civil Service are in any amount that is not in accordance with the facts; or misrepresenting the amount of any salary for Civil Service positions.
6. Respondents will continue to instruct persons who have completed their courses of instruction until they are appointed to a Civil Service position; or misrepresenting in any manner the amount of instruction that they give to their purchasers.

It is further ordered, That respondent Claude I. Woolwine, trading as Universal Training Service, or under any other name, and his representatives, agents and employees, directly or through any corporate or other device, in connection with the solicitation for salesmen to sell his course of instruction relating to United States Civil Service positions, or any other course of instruction, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that the monthly earnings of salesmen selling his course of instruction average from \$1200 to \$1800; or average or amount to any sum that is in excess of the average or the amount actually earned.
2. Representing, directly or by implication, that persons selling said course operate a home study school.

ORDER WAIVING FILING OF NOTICE, DECISION OF THE COMMISSION AND
ORDER TO FILE REPORT OF COMPLIANCE

This matter having come before the Commission upon the certification by the hearing examiner, under Section 4.13(c)(9) of the Rules of Practice, of the question of acceptance of a duly executed consent agreement between respondent Claude I. Woolwine and counsel supporting the complaint; and

It appearing from the moving papers that it was through inadvertence that respondent failed to file timely notice of his desire to dispose of the proceeding by entry of a consent order; and

The Commission having concluded that, in the circumstances presented, it should exercise its discretion and waive the requirement for more timely filing of notice:

It is ordered, That the provision of the Commission's Notice of July 14, 1961, requiring the filing of notice by September 1, 1961, be, and it hereby is, waived in this case.

It is further ordered, That the initial decision of the hearing examiner accepting the consent agreement executed by the parties be, and it hereby is, adopted as the decision of the Commission; and, accordingly:

It is further ordered, That the respondent 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

DANNON MILK PRODUCTS, INC., ET AL.

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