

Complaint

IN THE MATTER OF

E. P. SORENSEN, d/b/a BELDEN SCHOOL OF NURSING

CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF THE
FEDERAL TRADE COMMISSION ACT*Docket C-320. Complaint, Mar. 15, 1963—Decision, Mar. 15, 1963*

Consent order requiring a Chicago individual, engaged in selling a correspondence course, to cease representing falsely in advertising in nationally circulated magazines, circulars, form letters, etc., that persons completing his course would become proficient auxiliary nurses, qualified to secure employment with hospitals and similar institutions.

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 E. P. Sorensen, an individual doing business as Belden School of Nursing, hereinafter referred to as the 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 E. P. Sorensen is an individual doing business as Belden School of Nursing with his principal office and place of business located at 2525 Sheffield Avenue, Chicago, Illinois.

PAR. 2. Respondent is now and for some time last past has been engaged in the advertising, offering for sale, sale and distribution of a correspondence course of instruction in auxiliary nursing. As used hereinafter the terms "auxiliary nursing" and "auxiliary nurse" shall mean or refer to all of those persons working in the nursing field below the level of licensed practical nurse and include the job titles of unlicensed practical nurse, nursing aides, hospital attendants, doctor's office nurse, baby nurse, nurse companion, and other similar titles.

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

PAR. 4. In the course and conduct of his business, at all times mentioned herein, the respondent has been in substantial competition, in

commerce, with corporations, firms and individuals engaged in the sale of courses of instruction in auxiliary nursing.

PAR. 5. In the course and conduct of his business, respondent has disseminated and caused the dissemination of advertisements and other promotional material describing and extolling his said course of instruction, by the United States mail and by various other means in commerce, as "commerce" is defined in the Federal Trade Commission Act, including but not limited to advertisements inserted in nationally circulated magazines, brochures, circulars and form letters, for the purpose of inducing and which were likely to induce, directly or indirectly, the purchase of his said course of instruction in commerce, as "commerce" is defined in the Federal Trade Commission Act.

PAR. 6. By means of statements contained in said advertisements and promotional material disseminated as aforesaid, the respondent has represented, directly or by implication:

1. That persons completing respondent's said correspondence course of instruction in auxiliary nursing will thereby have become and will thereby be proficient and competent in the performance of the duties and functions of an auxiliary nurse.

2. That persons completing respondent's said correspondence course of instruction in auxiliary nursing will thereby have become and will thereby be an auxiliary nurse.

3. That persons completing respondent's said correspondence course of instruction in auxiliary nursing will thereby have become and will thereby be qualified and enabled to secure employment as an auxiliary nurse on general or private duty with hospitals, sanatoriums, institutions, individuals or similar or related places of employment.

PAR. 7. In truth and in fact:

1. Persons completing respondent's said correspondence course of instruction in auxiliary nursing will not thereby have become and will not thereby be proficient or competent in the performance of the duties and functions of an auxiliary nurse.

2. Persons completing respondent's said correspondence course of instruction in auxiliary nursing will not thereby have become and will not thereby be an auxiliary nurse.

3. Persons completing respondent's said correspondence course of instruction in auxiliary nursing will not thereby have become and will not thereby be qualified and enabled to secure employment as an auxiliary nurse on general or private duty with hospitals, sanatoriums, institutions, individuals, or similar or related places of employment.

Said statements and representations were, therefore, false, misleading and deceptive.

PAR. 8. 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 said correspondence course from the respondent by reason of said erroneous and mistaken belief.

PAR. 9. 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 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

The respondent and counsel for the Commission having thereafter executed an agreement containing a consent order, an admission by 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 E. P. Sorensen is an individual doing business as Belden School of Nursing with his office and principal place of business located at 2525 Sheffield Avenue, in the city of Chicago, State of Illinois.

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 respondent E. P. Sorensen, an individual, doing business under the name of Belden School of Nursing, or any other

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trade 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 correspondence courses in auxiliary nursing including practical nursing and nurse's aide or any similar or related course of instruction 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 said courses of instruction will thereby have become and will thereby be proficient and competent in the performance of the duties and functions of an auxiliary nurse including a practical nurse and a nurse's aide.

2. That persons completing said courses of instruction will thereby have become and will thereby be an auxiliary nurse including a practical nurse and a nurse's aide.

3. That persons completing said courses of instruction will thereby have become and will thereby be qualified and enabled to secure employment as an auxiliary nurse including a practical nurse and a nurse's aide on general or private duty with hospitals, sanatoriums, institutions, individuals, or similar or related places of employment.

It is further ordered, That the 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 this order.

IN THE MATTER OF

FORSTER MFG. CO., INC., ET AL.