

IN THE MATTER OF

WILLIAM GARLAND CHASTAIN DOING BUSINESS AS  
THE WASHINGTON SERVICE BUREAU

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

*Docket C-1475. Complaint, Jan. 6, 1969—Decision, Jan. 6, 1969*

Consent order requiring a Tucson, Ariz., seller of correspondence courses on Civil Service preparation to cease falsely representing that Civil Service examinations will be given in any particular area, that completion of his course will enable enrollee to obtain a designated position, that he will continue to train enrollee until job placement, and that he is affiliated with United States Government.

## Complaint

75 F.T.C.

## 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 William Garland Chastain, an individual doing business as The Washington Service Bureau, 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 William Garland Chastain is an individual doing business as The Washington Service Bureau, with his office and principal place of business located at 3201 North First Avenue, in the city of Tucson, State of Arizona. The individual respondent formulates, directs, and controls the acts and practices of the said business including those hereinafter set forth.

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 purchasers thereof for United States Civil Service examinations and positions with the United States Government. Said course is pursued by correspondence through the United States mail.

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

PAR. 4. In the course and conduct of his aforesaid business, for the purpose of inducing the purchase of his course, the respondent has made, and is now making, numerous statements and representations in advertising and promotional material and by and through the oral presentations of his salesmen respecting United States Civil Service examinations and positions, the kind, quality and duration of training and instruction afforded, selection of enrollees and connection with the United States Government.

Typical and illustrative of said statements and representations,

contained in advertising and promotional material, but not all inclusive thereof, are the following:

(a) In newspaper advertisements:

MEN & WOMEN  
URGENTLY NEEDED  
to train for  
U.S. CIVIL SERVICE  
Examination  
For Forestry, Border Patrol, Fish and Game, U.S. Clerks, etc.  
For list of positions and salary, write  
WASHINGTON  
SERVICE BUREAU  
c/o Independent Press-Telegram  
Box W 4176

(b) In sales and promotional material:

Now is the most opportune time to start preparing—every day that you delay, you are making it that much harder on yourself. Don't wait until examinations are announced to decide. They are posted on short notice and we could not possibly give you adequate training in a few weeks.

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The information presented in this folder is believed to be correct at time of printing but is subject to change by the United States Government.

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Are the examinations difficult to pass? Not for one who prepares—by enrolling in a training such as ours.

(c) In enrollment agreement:

Your enrollment agreement entitles you to:

#### II SPECIAL STUDIES

If, upon completion of your course and taking your first Civil Service examinations, you do not receive a passing grade, or do not receive an appointment within six months after the completion of your course, you will receive additional preparatory material in the same subjects or specifically in those you feel you need special training, the subject to be selected by the student, provided that you takeup to two examinations within a period of six months after the completion of your course.

#### III TUITION SERVICE

Each set of lessons contains practice problems and one or more review tests. After completing the practice problems, you answer the questions in test and mail it to INSTRUCTION DEPARTMENT, P.O. Box 1549, Tucson, Arizona. A qualified instructor will review and grade your papers on lines similar to those used by government grading officers in grading actual Civil Service examinations. These graded papers will be returned to you with notes or suggestions, if the instructor feels that suggestions are called for.

PAR. 5. By and through the use of the above-quoted statements and representations, and others of similar import and meaning but not expressly set out herein, separately and in connection with the oral statements and representations of respondent's salesmen

to prospective purchasers and purchasers of said course of instruction, the respondent has represented, and is now representing, directly or by implication, that:

1. Civil Service examinations are imminent for all of the positions listed in the brochure in the areas in which the advertisements set out in Paragraph Four are circulated.

2. The completion of the course of instruction offered by respondent will enable a person to pass the Civil Service examinations for the aforesaid positions and persons passing the examination are assured of obtaining United States Civil Service positions.

3. The respondent trains enrollees for the aforementioned position or positions of Border Patrol, Forester, Mail Clerk-Carrier and others.

4. The course is sold only to those who qualify.

5. The respondent will continue to instruct persons who have completed said course of instruction until they are appointed to a Civil Service position.

6. Respondent, his agents and representatives are connected with the United States Civil Service Commission or a branch thereof, or some other agency of the United States Government.

PAR. 6. In truth and in fact:

1. Civil Service examinations had not been announced for any of the positions listed in the brochure in many of the areas in which said advertisements were circulated.

2. The completion of the respondent's course of instruction enables few, if any persons, to pass the Civil Service examination for the aforementioned positions and not all persons who pass Civil Service examinations receive appointments to positions.

3. Respondent has only one general clerical course, and it does not train persons for the position of Border Patrol, Forester, Mail Clerk-Carrier or any particular position.

4. Respondent will sell said course to virtually anyone and has no requirement that any qualifications be met other than subscribing and paying for the course.

5. Respondent does not continue to instruct those who have completed the course of instruction until they have been appointed to a Civil Service position.

6. Respondent, his agents and representatives, are not connected with the United States Civil Service Commission, a branch thereof, or any other agency of the United States Government.

PAR. 7. In the course and conduct of his aforesaid business, and at all times mentioned herein, respondent has been, and now is, in substantial competition, in commerce, with corporations, firms and individuals in the sale of correspondence courses of the same general kind and nature as those sold by respondent.

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 to induce a substantial number thereof to subscribe and to purchase said course of instruction.

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 Federal Trade Commission having initiated an investigation of certain acts and practices of the respondent named in the caption hereof, and the respondent having been furnished thereafter with a copy of a draft of complaint which the Bureau of Deceptive Practices proposed to present to the Commission for its consideration and which, if issued by the Commission, would charge respondent with violation of the Federal Trade Commission Act; and

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 aforesaid draft of complaint, 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 alleged in such complaint, and waivers and other provisions as required by the Commission's Rules; and

The Commission having thereafter considered the matter and having determined that it had reason to believe that the respondent has violated the said Act, and that complaint should issue stating its charges in that respect, and having thereupon accepted the executed consent agreement and placed such agreement

on the public record for a period of thirty (30) days, now in further conformity with the procedure prescribed in § 2.34(b) of its Rules, the Commission hereby issues its complaint, makes the following jurisdictional findings, and enters the following order:

1. Respondent William Garland Chastain is an individual doing business as The Washington Service Bureau, with his office and principal place of business located at 3201 North First Avenue, Tucson, Arizona.

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 William Garland Chastain, an individual doing business as The Washington Service Bureau 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 advertising, offering for sale, sale or distribution of any materials or course of instruction, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or by implication, that:

(1) Civil Service examinations for particular positions have been announced or are about to be given in or for any geographical or United States Civil Service area: *Provided however*, That it shall be a defense in any enforcement proceeding instituted hereunder for respondent to establish that examinations actually have been announced or are about to be given in or for such area and adequate time remains for the filing of applications to participate in such examinations and to prepare to take such examinations.

(2) The completion of any series of materials or course of instruction will enable a person to pass the Civil Service examination for the position selected by such person.

(3) Persons completing said materials or course of instruction and passing a Civil Service examination are assured of or will obtain Civil Service positions.

(4) Respondent's materials or course of instruction provide training for Civil Service positions or design-

nated Civil Service positions: *Provided however*, That it shall be a defense in any enforcement proceeding instituted hereunder for respondent to establish that solely by virtue of having completed said course persons are qualified and competent to discharge the duties and responsibilities of such position.

(5) Persons solicited to purchase respondent's materials or course of instruction are examined or screened as to their qualifications for positions to be sought before they are permitted to purchase such materials or course; or that said materials or course are sold only to those who qualify for the particular Civil Service position covered thereby.

(6) Respondent will continue to train or instruct persons who have completed a purchased series of materials or course of instruction until they are appointed to a Civil Service position; or misrepresenting, in any manner, the extent or nature of instruction given to purchasers.

(7) Respondent is a part of or affiliated with the United States Government; or misrepresenting, in any manner, respondent's affiliation with or relation to any person or private or public corporation or organization.

B. Failing to deliver a copy of this order to all present and future salesmen or other persons engaged in the sale of respondent's course and to secure from each salesman or person a signed statement acknowledging receipt of said order.

*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

WALTER DAN CROSS DOING BUSINESS AS  
DELAWARE VALLEY SEWING CENTER

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

*Docket C-1476. Complaint, Jan. 6, 1969—Decision, Jan. 6, 1969*

Consent order requiring a Broomall, Pa., retailer of new and used sewing