

Complaint

76 F.T.C.

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

JOSE ANGEL SENDRA TRADING AS AMERICAN
PROFESSIONAL AGENCY, ETC.

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

Docket C-1564. Complaint, July 16, 1969—Decision, July 16, 1969

Consent order requiring a Miami, Florida, distributor of correspondence courses in English, photography, electronics and other subjects to cease misrepresenting the nature of his instructional staff and facilities, that he provides scholarships, that instructional material or equipment is free, and that students will be offered salaried employment.

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 Jose Angel Sendra, an individual trading and doing business as American Professional Agency, as Miami Popular Schools, and as First National Academy, 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. Jose Angel Sendra is an individual trading and doing business as American Professional Agency, as Miami Popular Schools, and as First National Academy, with his principal place of business located at 4329 SW. 8th Street in the city of Miami, State of Florida.

PAR. 2. Respondent is now, and for some time last past has been, engaged in the advertising, offering for sale, sale and distribution of courses of study and instruction in various subjects such as the English language, photography, electronics and oth-

ers. Said courses are pursued by correspondence through the mails.

PAR. 3. In the course and conduct of his business as aforesaid, respondent now causes, and for some time last past has caused, his courses, when sold to be shipped from his place of business in the State of Florida to purchasers thereof located in various countries in Latin America. Respondent maintains, and at all times mentioned herein has maintained, a substantial course of trade in said courses in commerce, as "commerce" is defined in the Federal Trade Commission Act.

PAR. 4. In the course and conduct of his aforesaid business, and for the purpose of inducing the purchase of his courses, respondent has made, and is now making, numerous statements and representations with respect to said courses in advertisements inserted in newspapers and magazines and in brochures and other printed material furnished to prospective purchasers of his courses in Latin America.

By and through said statements and representations, respondent represents, and has represented, directly or by implication, that:

1. Respondent's business is that of a non-profit educational enterprise devoted to the dissemination of culture and education in Latin America.

2. Respondent has a staff of professors or other academic personnel.

3. All students receive scholarships.

4. The instructional material and equipment are free, the student being required to pay only postage and handling charges.

5. Respondent offers salaried employment to students.

PAR. 5. In truth and in fact:

1. Respondent's business is not that of a non-profit educational enterprise devoted to the dissemination of culture and education in Latin America. Respondent is engaged in the sale of correspondence courses for a profit.

2. Respondent employs no professors or other academic personnel.

3. Students do not receive scholarships.

4. The instructional material and equipment are not free. The sum of money paid by the student includes the cost of the instructional material and equipment as well as the postage and handling.

5. Respondent does not offer salaried employment to students.

Complaint

76 F.T.C.

Therefore, the statements and representations as set forth in Paragraph Four hereof were, and are, false, misleading and deceptive.

PAR. 6. 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 engaged in the sale of courses of study and instruction covering the same or similar subjects.

PAR. 7. 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 courses of study and instruction by reason of said erroneous and mistaken belief.

PAR. 8. The aforesaid acts and practices of respondent, as herein alleged, were and are all to the prejudice and injury of respondent's competitors and constituted, and now constitute, unfair methods of competition 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 respond-

ent 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 Jose Angel Sendra is an individual trading and doing business as American Professional Agency, as Miami Popular Schools, and as First National Academy, with his principal place of business located at 4329 SW. 8th Street, Miami, Florida.

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 Jose Angel Sendra, an individual trading as American Professional Agency, as Miami Popular Schools, and as First National Academy, or under any other name or names, and respondent's agents, representatives and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of courses of study and instruction in the English language, photography, electronics or any other subject, 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. Respondent's business is other than that of a private commercial venture engaged in the sale of correspondence courses for profit; or misrepresenting, in any manner, the nature of respondent's business.

2. Respondent has a staff of professors or other academic personnel; or misrepresenting, in any manner, the nature or extent of the instructional facilities, personnel or equipment possessed by respondent.

3. Respondent provides scholarships.

4. The instructional material or equipment provided as a part of respondent's courses is free; or misrepresenting, in any manner, the cost or nature of respondent's courses.

5. Respondent offers salaried employment to students; or

Decision and Order

76 F.T.C.

misrepresenting, in any manner, the opportunity for students to earn money while studying respondent's courses.

It is further ordered, That respondent shall forthwith distribute a copy of this order to each of his employees directly involved in the advertising and sale of his courses.

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.
