

Complaint

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IN THE MATTER OF

## TALENT RESEARCH BUREAU, INC., ET AL.

CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF  
THE FEDERAL TRADE COMMISSION ACT*Docket C-1772. Complaint, July 17, 1970—Decision, July 17, 1970*

Consent order requiring a Chicago, Ill., distributor of photographs and photographic services to cease misrepresenting its capability to promote modeling or acting careers for children.

## 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 Talent Research Bureau, Inc., a corporation, and Henry H. Bloomfield and Irwin M. Bloomfield, individually and as officers of said corporation, hereinafter referred to as respondents, have 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 Talent Research Bureau, Inc., is a corporation organized, existing, and doing business under and by virtue of the laws of the State of Illinois. Talent Research Bureau, Inc., is not now actively engaged in business, but from August 9, 1968, until about July 31, 1969, maintained its office and principal place of business at 2514 North Laramie Avenue, Chicago, Illinois.

Respondents Henry H. Bloomfield and Irwin M. Bloomfield are individuals and officers of the corporate respondent. They formulate, direct, and control the policies, acts, and practices of the corporate respondent, including the acts and practices hereinafter set forth. Their address is 5401 West Chicago Avenue, Chicago, Illinois.

PAR. 2. Respondents are now, and for some time last past have been, engaged in the advertising, offering for sale, sale, and distribution of photographs and photographic services. Respondents have sold their products and services to purchasers thereof located in various States of the United States and now cause, and for some time last past have caused, their products, when sold, to be shipped from their place of business in the State of Illinois to purchasers thereof located in other States, and maintain, and at all times mentioned herein have maintained, a substantial course of trade in said prod-

ucts and services in commerce, as "commerce" is defined in the Federal Trade Commission Act.

PAR. 3. From about August 9, 1968, until about July 31, 1969, when respondent Talent Research Bureau, Inc., was actively engaged in business, respondents offered for sale and sold photographic and other services as part of an employment placement program for children. Under this program, the purchaser, for a \$75 "registration fee," was entitled to one composite photograph of his child and, upon payment of a \$5 "sitting fee" per photograph, a new composite photograph each year for five years thereafter. In addition, the purchaser was entitled to have his child interviewed by a professional "talent scout" who would prepare a resume of the child's qualifications and attempt to place the child in modeling or acting jobs, primarily in the field of commercial advertising.

PAR. 4. In the course and conduct of their business as aforesaid, and for the purpose of inducing the purchase of their products and services, respondents have made, in direct mail advertising and in brochures and other promotional materials, numerous statements and representations of which the following are typical:

T. R. B. [respondent Talent Research Bureau, Inc.] is a research organization seeking children who may show a potential for appearing in print advertising (magazines, newspapers, catalogues) television commercials and fashion shows.

... Talent Research Bureau, Inc., a company devoted to discovering exceptionally talented children who they feel possess the qualities necessary for a possible career in modeling, acting and motion picture work.

We have received information indicating that your child may have the necessary qualifications for the commercial advertising media.

If the information is correct, we would be very interested in your child.

Every co-operation will be extended ... to give your child the exposure necessary to establish a career in the tremendous modeling and advertising field.

Your child's poses and resume, together with Miss Louise Downe's professional grading and remarks will be available to all users of child talent for print advertising, television commercials, modeling and motion pictures, for a period of five years.

You can arrange to have one of our interviewers call at your home to make a preliminary personality analysis of your child.

PAR. 5. By and through the use of the aforesaid statements and representations, and others of similar import and meaning not specifically set forth herein, respondents represented directly or by implication:

That Talent Research Bureau, Inc., is a research organization engaged in promoting the modeling and acting careers of talented children in the field of commercial advertising;

That they receive information relative to the modeling and acting qualifications of particular children and are only interested in talented children;

That, for a period of five years, they circulate and make available to all employers of child talent the photographs, resumes, and professional talent evaluations of children enrolled in their employment placement program; and

That they employ professional talent scouts to call on prospective purchasers of their services in order to evaluate the talent and qualifications of the children of such prospective purchasers.

PAR. 6. In truth and in fact:

Talent Research Bureau, Inc., is not a research organization engaged in promoting the modeling and acting careers of talented children;

Respondents do not receive information relative to the modeling and acting qualifications of particular children and will enroll any child in their employment placement program without regard to such child's talent or qualifications;

Respondents do not circulate and make available to a substantial number of employers of child talent the photographs, resumes, and professional talent evaluations of the children enrolled in their employment placement program; and

Respondents do not employ professional talent scouts to call on prospective purchasers of their services, but employ for this purpose salesmen who have no special qualifications or experience in evaluating the talent and qualifications of the children of such prospective purchasers.

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

PAR. 7. In the course and conduct of their business as aforesaid, and for the purpose of inducing the purchase of their products and services, respondents and their salesmen have made numerous oral statements and representations with respect to the nature and effectiveness of respondents' employment placement program for children. By and through the use of such statements and representations, and others of similar import and meaning not specifically set forth herein, respondents represented directly or by implication:

That children are not enrolled in respondents' employment placement program unless they have the necessary qualifications for prompt placement;

That respondents have no difficulty in placing children enrolled in their program and a substantial number of such children are placed by respondents;

That children will earn back the \$75 registration fee in a short time and will earn \$2,000 the first year as a result of respondents' placement efforts;

That a child featured in a Bayer Aspirin television commercial was employed as a result of respondents' placement efforts; and

That respondents have placed many Negro children in modeling and acting jobs and one hundred such children are needed for placement by respondents.

PAR. 8. In truth and in fact:

Respondents will enroll any child in their employment placement program without regard to such child's talent or qualifications;

Respondents do not place a substantial number of children in modeling and acting jobs and generally are unable to place children in any employment;

Respondents' placement efforts will not enable children to earn back the \$75 registration fee in a short time and will not enable children to earn \$2,000 the first year, but substantially less than these amounts if anything;

Respondents have not placed a child featured in a Bayer Aspirin television commercial and have no connection whatever with Bayer Aspirin; and

Respondents have not placed a substantial number of Negro children in modeling and acting jobs and have no knowledge of employment opportunities for one hundred such children.

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

PAR. 9. In the course and conduct of their business as aforesaid, and at all times mentioned herein, respondents have been in substantial competition, in commerce, with corporations, firms, and individuals in the sale of products and services of the same general kind and nature as those sold by respondents.

PAR. 10. The use by respondents 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 mistaken and erroneous belief that said statements and representations were, and are, true and into the purchase of substantial quantities of respondents' products and services by reason of said erroneous and mistaken belief.

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PAR. 11. The aforesaid acts and practices of respondents, as herein alleged, were, and are, all to the prejudice and injury of the public and of respondents' 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 respondents named in the caption hereof, and the respondents having been furnished thereafter with a copy of a draft of complaint which the Bureau of Industry Guidance proposed to present to the Commission for its consideration and which, if issued by the Commission, would charge respondents with violation of the Federal Trade Commission Act; and

The respondents and counsel for the Commission having thereafter executed an agreement containing a consent order, an admission by the respondents 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 the respondents that the law has been violated as alleged in said complaint, and waivers and provisions as required by the Commission's Rules; and

The Commission, having reason to believe that the respondents have violated the Federal Trade Commission Act, and having determined that complaint should issue stating its charges in that respect, hereby issues its complaint, accepts said agreement, makes the following jurisdictional findings, and enters the following order:

1. Respondent Talent Research Bureau, Inc., is a corporation organized, existing, and doing business under and by virtue of the laws of the State of Illinois. The corporation is not now actively engaged in business, but from about August 9, 1968, until about July 31, 1969, maintained its office and principal place of business at 2514 North Laramie Ave., Chicago, Illinois.

Respondents Henry H. Bloomfield and Irwin M. Bloomfield are individuals and officers of the corporate respondent. Their business address is 5401 West Chicago Ave., Chicago, Illinois.

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

## ORDER

*It is ordered,* That respondents Talent Research Bureau, Inc., a corporation, and its officers, and Henry H. Bloomfield and Irwin M. Bloomfield, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale, or distribution of photographs and photographic or other services in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the name "Talent Research Bureau," or any name of similar import or meaning, to designate or refer to respondents' business; or otherwise representing in any manner that respondents operate a research organization engaged in promoting the modeling or acting careers of children or adults.

2. Representing, directly or by implication:

- (a) That respondents receive information relative to the modeling or acting qualifications of particular children or that respondents' employment placement services are available only to talented children or only to children whose talent and qualifications assure prompt placement in modeling or acting jobs;

- (b) That respondents employ, for the purpose of calling on prospective purchasers, professional talent scouts who are qualified to evaluate the modeling or acting qualifications of the children of such prospective purchasers;

- (c) That respondents place a substantial number of children in modeling or acting jobs;

- (d) That respondents have no difficulty in placing children in modeling or acting jobs or that placement of children in such jobs is in any way assured or guaranteed;

- (e) That a model or actor featured in a particular advertisement, commercial, or other appearance has been placed through the efforts of respondents, when such is not the case;

- (f) That respondents' employment placement services enable children to earn income or profits in any amount in excess of the amount usually and customarily earned by children enrolled in respondents' employment placement program;

- (g) That respondents circulate or make available to a

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substantial number of employers of child talent the photographs, resumes, and professional talent evaluations of children enrolled in respondents' employment placement program.

3. Misrepresenting in any manner the nature or effectiveness of respondents' employment placement services.

*It is further ordered*, That respondents herein shall forthwith deliver a copy of this order to cease and desist to all present and future salesmen or other persons engaged in the sale of respondents' products or services and shall secure from each such salesman or other person a signed statement acknowledging receipt of a copy of this order.

*It is further ordered*, That respondent corporation notify the Commission at least thirty (30) days prior to any proposed change in its corporate structure such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of this order.

*It is further ordered*, That 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 of their compliance with this order.

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IN THE MATTER OF

PICKFAIR PLACE, LTD., ET AL.

CONSENT ORDER, ETC., IN REGARD TO THE ALLEGED VIOLATION OF THE  
FEDERAL TRADE COMMISSION AND THE WOOL PRODUCTS LABELING ACTS

*Docket C-1773. Complaint, July 24, 1970—Decision, July 24, 1970*

Consent order requiring a New York City manufacturer and seller of women's apparel to cease misbranding its wool products.