

LEON WOLFF TRADING AS LINCOLN SCHOOL OF
PRACTICAL NURSING

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

Docket C-1859. Complaint, Feb. 1, 1971—Decision, Feb. 1, 1971

Consent order requiring a Los Angeles, California, individual selling a correspondence course of instruction in practical nursing to cease misrepresenting that completion of respondent's course will qualify a person to perform the functions of, or be qualified for employment as, a practical nurse, misrepresenting the training afforded or the type of employment for which a trainee will qualify, using the words "practical nursing" in any of his promotional material, and failing to clearly disclose in such material that persons completing the course need properly supervised experience.

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 Leon Wolff, an individual, trading and doing business as Lincoln School of Practical Nursing, 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. Respondent Leon Wolff is an individual trading and doing business as Lincoln School of Practical Nursing with his office

and principal place of business located at 805 Larrabee Street, in the city of Los Angeles, State of California.

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 practical nursing.

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 courses, when sold to be shipped from his place of business in the State of California 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 courses in commerce, as "commerce" is defined in the Federal Trade Commission Act.

PAR. 4. In the course and conduct of his business, and 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 study and instruction.

PAR. 5. In the course and conduct of his business, respondent has disseminated, and caused the dissemination of, advertisements and other promotional material describing his said course of instruction, by the United States mails and by various other means, including but not limited to advertisements inserted in nationally circulated magazines and in 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.

PAR. 6. By means of statements contained in said advertisements and promotional material, disseminated as aforesaid, and by use of the words "Practical Nursing" as a part of his trade name respondent represents and has represented, directly or by implication, that:

1. Persons completing respondent's course of instruction will thereby have become and will be proficient and competent in the performance of the duties and functions of a practical nurse.

2. Persons completing respondent's course of instruction will thereby have become and will thereby be a practical nurse.

3. Persons completing respondent's course of instruction will thereby become and will thereby be qualified for employment as a practical nurse on general or special duty in hospitals, clinics, nursing homes and other institutions or in private homes.

PAR. 7. In truth and in fact:

1. Persons who complete said course will not thereby have become and will not thereby be proficient and competent in the performance of the duties and functions of a practical nurse. Nursing consists of

manual and technical skills performed for the safety and welfare of patients. To properly teach nursing duties and functions, it is necessary to instruct, demonstrate, have return demonstration, and, if necessary, corrections and demonstrations. Clinical experience is also necessary. Respondent's course of instruction consists only of text material and simple written examinations and therefore is not adequate to properly teach the duties and functions of a practical nurse.

2. Persons completing respondent's course of instruction will not thereby have become and will not thereby be a practical nurse.

3. Persons completing respondent's course of instruction will not thereby become and will not thereby be qualified for employment as a practical nurse on general or special duty in hospitals, clinics, nursing homes and other similar or related institutions or in private homes.

Therefore, the statements and representations referred to in Paragraph Six hereof were, and are, 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 substantial quantities of respondent's courses of instruction 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 caption hereof with violation of the Federal Trade Commission Act, and the respondent having been served with the 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 the 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

Decision and Order

78 F.T.C.

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 considered the agreement and having accepted same, and the agreement containing consent order having thereupon been placed on the public record for a period of thirty (30) days, now in further conformity with the procedure prescribed in Section 2.34(b) of its Rules, the Commission hereby issues its complaint in the form contemplated by said agreement, makes the following jurisdictional findings, and enters the following order:

1. Respondent Leon Wolff is an individual trading and doing business as Lincoln School of Practical Nursing with his principal office and place of business located at 805 Larrabee Street, Los Angeles, California.

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 Leon Wolff, an individual trading and doing business as Lincoln School of Practical Nursing 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 advertising, offering for sale, sale or distribution of courses of instruction in nursing or any other subject, trade or vocation, 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. Persons completing respondent's course of instruction in practical nursing will, by virtue of having completed said course, have become and will thereby be proficient and competent in the performance of the duties and functions of a practical nurse;

2. Persons completing respondent's course of instruction in practical nursing will, by virtue of having completed said course, have become and will thereby be a practical nurse;

3. Persons completing respondent's course of instruction in practical nursing will, by virtue of having completed said course, have become and will thereby be qualified for employment as a practical nurse.

B. Misrepresenting, in any manner:

1. The training afforded by any of respondent's courses;

2. The nature or type of employment for which persons completing any of respondent's courses of instruction will thereby be qualified.

C. Using the words "practical nursing" or any other words or terms of similar import or meaning as a part of a trade or corporate name, or in advertising and promotional material, form letters or other printed or written material; misrepresenting in any other manner that respondent is engaged in training persons to be practical nurses: *Provided, however*, That nothing herein shall be deemed to prevent respondent from using the terms "nurse's aide" or "nursing attendant" in a truthful and nondeceptive manner.

It is further ordered, That, in any advertisement seeking leads to prospective purchasers of his course in practical nursing, the respondent herein shall disclose clearly, and in type no smaller than the largest size type used in the body copy of the advertisement, that persons completing said course cannot consider themselves competent in the performance of nursing skills until they have had properly supervised experience, in addition to respondent's course: *Provided*, That nothing herein shall be deemed to prevent respondent from making truthful and nondeceptive representations as to the nature of such training as may be provided by his course.

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

BLACKSTONE SCHOOL OF LAW, INC., ET AL.¹

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

Docket 5906. Complaint, July 18, 1951—Decision, Feb. 10, 1971.²

Order modifying an order of June 29, 1954, 50 F.T.C. 1070, which required a Chicago, Illinois, correspondence school of law to cease misrepresenting that its degrees in law qualified holders to take a State's bar examination.