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

LA SALLE EXTENSION UNIVERSITY

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

Docket 5907. Complaint, July 18, 1951—Decision, June 24, 1971

Order modifying an earlier order dated June 29, 1954, 50 F.T.C. 1083, which prohibited a correspondence school offering law courses from misrepresenting that students would be admitted to take bar examinations, by requiring the respondent to disclose in its advertising that its courses alone will not qualify a student for a bar examination.

Mr. Quentin P. McColgin and *Mr. William P. Bergsten* supporting the complaint.

Dow, Lohnes and Albertson, Wash., D.C., by *Mr. Thomas S. Markey*, *Mr. James A. Treanor, III*, and *Mr. James D. Monahan* for respondent.

CERTIFICATION OF RECORD OF THE COMMISSION WITH RECOMMENDATIONS FOR FINAL DISPOSITION

OCTOBER 19, 1970

PRELIMINARY STATEMENT

On July 18, 1951, the Commission issued a complaint *In the Matter of La Salle Extension University*, a corporation, charging it with the use of unfair and deceptive acts and practices in commerce in violation of the provisions of the Federal Trade Commission Act. After hearings, the Commission on June 29, 1954 [50 F.T.C. 1083], issued its findings, conclusions and order.

The Commission in issuing its order found that through the use of various statements and representations the respondent represented that students completing its courses of study and qualifying for its degree of Bachelor of Laws were eligible from the standpoint of education and legal training to be admitted to the bar examinations of the respective States.

The Commission found respondent's representations that such students were thereby eligible or enabled to participate in the bar examinations of the respective states were false, misleading and deceptive. Further, the Commission found that students whose education and legal training were limited solely to respondent's home study courses would not be permitted to participate in the bar examination of 44 States (at the time of the decision there were only 48 States admitted to the Union). The Commission found that as of 1950 Montana, Mississippi, Georgia and California were the only States which did not require that bar candidates' studies be pursued in a resident [1] law school or law office.

The Commission, therefore, issued the following order against the respondent:

ORDER

It is ordered, That respondent, LaSalle Extension University, a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of courses of study and instruction, do forthwith cease and desist from representing, directly or by implication, that recipients of respondent's purported academic degrees in law or others satisfactorily completing respondent's course of study through correspondence will be admitted to or are otherwise eligible to participate in bar examinations, unless such representations are expressly limited to those states (specifically named) wherein the requirements for education and legal training requisite to participating in such examinations are fulfilled solely by completion of a course of legal study through correspondence.

On January 19, 1970, the Commission issued an Order to Show Cause against the respondent why the June 29, 1954, order issued by the Commission should not be amended as a result of substantial changes of conditions of fact and law and that the following order be substituted in lieu of the original June 29, 1954 order:

It is ordered, That respondent, LaSalle Extension University, a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of courses of study and instruction, do forthwith cease and desist from:

1. Failing, in connection with respondent's courses of study in law, clearly and conspicuously to disclose; (a) in any advertisement or offer to sell; (b) on each page of any promotional material or descriptive brochure; (c) in each enrollment form, application form, sales contract or similar document, in type

[1] As used herein "resident" means that a law student actually attends lecture type classes on the various legal subjects taught on a regular basis, including night classes.

as large as the largest type appearing thereon; that said courses are not recognized or accepted as sufficient education or legal training to qualify the student to become a candidate for admission to the profession of law in any of the States in the United States or the District of Columbia: *Provided,* That, respondent may qualify such disclosure by listing those States which will accept said courses if additional education and legal training requirements are met: *And provided further,* That respondent clearly and conspicuously and in immediate conjunction thereto disclose all such additional requirements.

2. Conferring or offering to confer an LL.B, LL.M, J.D., S.J.D. or any other law degree upon purchasers of respondent's courses of study and instruction in law.

On February 19, 1970, respondent filed its answer to the Order to Show Cause opposing the proposed order and requested that a hearing examiner be appointed to conduct hearings for the receipt of evidence. Thereafter the Commission issued an order reopening the proceeding and directing hearings for the receipt of evidence pursuant to Section 3.72(b)(3) of the Commission's Rules. The matter was subsequently assigned to the hearing examiner to conduct hearings and directing that upon completion of the hearings he certify the record, together with his recommendation for final disposition of this matter to the Commission. Thereafter, hearings were held and proposed findings and briefs filed with the examiner.

This matter is before the hearing examiner for certification to the Commission with his recommendations for final disposition. Consideration has been given to all of the evidence and the proposed findings and conclusions and brief filed by counsel for the respondent and counsel supporting the complaint, and all such proposed findings of fact and conclusions not hereinafter found or concluded are rejected; and the hearing examiner, having considered the entire record herein, makes the following recommended findings of fact, conclusions drawn therefrom and recommends the following order:

RECOMMENDED FINDINGS OF FACT

1. As previously found in the Commission's June 29, 1954, decision, the respondent is an Illinois corporation with its office and principal place of business at 417 South Dearborn Street, Chicago, Illinois. The respondent is engaged in the same type of business as originally found; namely, operation of a correspondence school selling courses of study and instruction in law and other subjects which are pursued by correspondence through the United States mails. During all periods of time the respondent has been engaged in a substantial course of trade in its courses of instruction in commerce between the various States of the United States and in the District of Columbia.

2. In the course and conduct of its business and subsequent to the issuance of the order in this matter on June 29, 1954, respondent has continued to make and does now make representations in newspaper, matchbook and magazine advertisements regarding its correspondence law course in which it advertises that it offers "LAW TRAINING" and the "LL.B. DEGREE." In most instances, such advertisements invite the public to send for additional information.

Typical of representations made by respondent in such newspaper, matchbook and magazine advertisements are the following:

Enjoy the rewards offered law-trained men in business (CX 87).
STUDY LAW at home (CX 26).
LAW TRAINING FOR LEADERSHIP (CX 81).
La Salle law training.
EARN AN LL.B. DEGREE FROM LA SALLE (CX 87).
Upon completion of your training you are awarded a Bachelor of Laws degree, if qualified (CX 81).
Home Study Law Course (CX 86 A).
Earn a Law Diploma for Business Leadership (CX 86 A).
Law Degree (CX 77 B).
LAW COURSES
☐ Bachelor of Law Degree
☐ Business Law
☐ Insurance Law
☐ Claim Adjusting Law
☐ Law for Police Officers
☐ Law for Trust Officers (CX 40, 78).

3. Respondent sends additional promotional materials to members of the public who respond to the newspaper, matchbook and magazine advertisements set forth above. Such promotional materials make certain representations and explain the advantages of legal training and outline the course of study. In addition, respondent has sales personnel who call upon prospective students who have responded to respondent's matchbook, newspaper and magazine advertisements by requesting further information on respondent's courses of study.

Typical and illustrative, but not all inclusive, of representations made by respondent within such promotional materials are the following:

A background in Law, particularly as evidenced by an LL.B. degree, is also recognized as the one cultural asset above all others that increases personal prestige and influence in every area of living. (CX 80.)

Home study is an accepted American method of Law education. (CX 50 C.)

Home study is a popular, convenient, and professional way of acquiring a Law education. (CX 50 C.)

The faculty of the La Salle Law School is composed of people of high per-

sonal and professional standing, experienced both in the practice and teaching of law. (CX 36, 50 C.)

After you have completed your training and complied with all the requirements of the La Salle Law School, you are awarded a diploma of graduation and given the degree of Bachelor of Laws. (CX 36, 50 C.)

The subjects treated in the La Salle Law course are approximately the same as those included in the courses offered by the leading law schools of America. (CX 36, 50 C.)

La Salle is certified as an approved educational institution. (CX 36, 50 C.)

4. Respondent advertises and sells two major correspondence courses of study in law which, when successfully completed, result in the student obtaining a Bachelor of Laws (LL.B.) from respondent. The first of these courses, No. 300, is referred to by respondent as "Complete Law Training" (CX 31; RX 83) and "American Law and Procedure" (CX 16, 19; Tr. 182, 219). This course (hereinafter called Complete Law Training course) consists of 89 lessons at a cost of $550 (Tr. 142). Respondent's courses Nos. 350 and 354, called respondent's "California Law Courses" are basically the same and are designed for students who wish to take the California bar examination. The course No. 354 is the same as respondent's course No. 350 with an additional year devoted to preparation for taking the California bar. There are 99 lessons in the California 3-year law course and the cost of $695 (Tr. 142, 144). The 4-year course consists of 109 lessons and costs $695 (CX 47 B), plus an additional charge for the fourth year.

5. Successful completion of respondent's Complete Law Training course No. 300 or its 3-year California Law Course will not meet the education and legal training requirements necessary for becoming a candidate for admission to the bar in any State of the United States or the District of Columbia (CX 38, 92; Tr. 164). In California a student is required to study law for 4 years by correspondence (CX 35, 92). Consequently, respondent's Complete Law Training course No. 300 or its 3-year California Law Course are not acceptable in any State. No State in the United States or the District of Columbia, with the exception of California, will permit a person to take that State's bar examination as the result of correspondence or extension study of law. While the States vary, the majority require successful completion of resident study at an American Bar Association approved or accredited law school. Some States still allow apprenticeship, study partly in school and in a law office over an extended period, after approval of the apprenticeship is received from the State (CX 38, 92).

6. Respondent's advertisements fail to set forth fully and conspic-

uously that successful completion of its Complete Law Training course No. 300 or its 3-year California Law Course does not qualify anyone to take a bar examination or practice law in any of the 50 States of the United States or the District of Columbia. The advertisements, in the form of matchbook, newspaper or magazine ads, usually only advertise law training or the fact that respondent grants on LL.B. degree and fail to set forth the fact that respondent's courses are of no value for anyone who wishes to practice law. (See Recommended Finding No. 2.) Numerous witnesses testified that it was their impression on reading respondent's ads that they would be able to take the bar examination or practice law in their respective States upon completing respondent's law course. (Tr. 86, 118, 129, 469–470, 475, 491, 523–525, 547, 558, 578–580, 592, 608, 624, 661–662, 667) Respondent's advertisements are usually accompanied by a blank form with which to request further information regarding respondent's courses. Respondent mails pursuant to such requests brochures (CX 36, 50 C, 80, 98) that contain some references to the limitations of respondent's courses and the value of its LL.B. degree. However, these brief explanations, usually in small print, are at least confusing, particularly when read in conjunction with the advertising claims.

7. Only in the State of California is it possible for one to take the bar examination and be admitted after successfully completing respondent's 4-year California Law Course. In addition, in California the rules regulating the admission to the practice of law provide "Before beginning the study of law, every general applicant shall have either: (1) completed at least two years of college work . . . or: (2) reached the age of 23 years and have obtained in apparent intellectual ability the equivalent of at least two years of the college work hereinabove defined." (CX 35, p. 10.) In its advertising respondent has failed to set forth fully and clearly the above requirements for becoming a candidate for admission in the State of California and in fact accepts students in the California Law Course who do not have the requisite 2 years or its equivalent of college work. Consequently, while completion of respondent's 4-year California Law Course meets the legal training requirements for the State of California, additional education or age requirements and tests must be met to qualify a candidate for the bar in the State of California and completion of respondent's 4-year California Law Course does not necessarily mean that such requirements have been or will be met (Tr. 118–121).

8. It is found, therefore, that respondent has failed in its advertis-

ing to point out fully and conspicuously that successful completion of either its Complete Law Training course No. 300 or its 3-year California Law Course does not qualify a person to become a candidate for the bar in any State of the United States or in the District of Columbia, including California. It is further found that respondent has failed to set forth fully and conspicuously that successful completion of either its 3- or 4-year California Law Course will not qualify one to take the California bar without meeting further age and educational requirements and successfully passing certain preliminary tests required by the State of California.

9. The Commission in its Order to Show Cause included a provision in its proposed order to the effect that respondent should be prohibited from conferring or offering to confer an LL.B., LL.M., J.D., S.J.D.[2] or any other law degree upon purchasers of its courses of study in law. Counsel in support of the complaint urge that such a provision is essential because the mere conferring of such degrees are inherently deceptive, since at least some of the persons who received such a degree are misled into believing that such degrees automatically qualifies them to take the bar examinations in the various States of the United States and to practice law in their respective States. Counsel in support of the complaint also contend that the respondent does not have the authority to issue such degrees from its state of incorporation, Illinois. Consequently, the deceptive nature of respondent's conferring of such degrees is somehow enhanced. (CSC's Sixth and Seventh Prop. Findings; see also CSC's Thirteenth, Fourteenth and Fifteenth Prop. Findings.)

10. Respondent is a business corporation organized in 1908 and has been awarding the LL.B. degree since 1915. Its curriculum has been approved by the State of Illinois as recently as January 1, 1970. While its corporate character contains no provision for the issuing of any degree (such a provision, in fact, was stricken from its original corporate charter), respondent, as a university, has assumed the implied corporate power to issue such degrees without challenge until the present proceeding. (RX 13, 19; Tr. 211, 214, 261–265, 269–270, 273–276, 280.)

11. In the examiner's opinion that question of what degrees, if any, can be offered or conferred by respondent is a matter of Illinois law and a function of the Illinois Superintendent of Public Instruction. The Illinois statute is specific and clear with regard to the

[2] The record shows that the only law degree ever advertised or conferred by respondent is the LL.B. degree.

awarding of degrees. (See CSC Sixth Prop. Finding.) The examiner is aware of no authority which would permit the Commission to enter into this field which is specifically regulated by State law. The cases cited by counsel in support of the complaint are not in point. The issue here involved is not whether State law interferes with the Commission's function in regard to deceptive advertising, but whether the Commission should enter into another completely unrelated field; namely, the granting of degrees. For the Commission to prohibit respondent from granting degrees, in effect pre-empting the State from enforcing its own laws in its own fashion, is not essential to the Commission's carrying out its function of prohibiting misleading advertising.

12. In this instance it appears to the examiner that the evil at which the original complaint and the present proceeding is directed is to prohibit the respondent from engaging in false and misleading advertising. The fact that respondent may not have authority from the State to issue law degrees may well be relevant to the question of whether its advertising is deceptive. However, the issue still revolves around respondent's advertising and not the fact that it may be issuing degrees without proper authority from the State of Illinois. There is nothing in the pertinent Illinois statutes which interferes with the Commission's carrying out its function of prohibiting deceptive advertising. The Commission if it so desired in a proper proceeding may well conclude that the respondent should be prohibited from advertising in any way the fact that it issues or confers law degrees.

13. In addition, virtually every witness who had responded to respondent's advertisements conceded that, if a clear explanation or disclaimer accompanied respondent's advertisements pertaining to law degrees, no deception in their regard would be possible (Tr. 103, 130–131, 243, 315, 507–509, 581, 600, 622, 692). As found above the present advertisements of respondent's LL.B. degree are misleading, and it appears to the examiner that an appropriate disclaimer or explanation should appear in immediate conjunction with all advertisements of respondent's law degrees. This will effectively eliminate the evil at which this proceeding is directed without the more drastic and unnecessary remedy of completely prohibiting the issuing of law degrees.

RECOMMENDED CONCLUSION

1. By the use of the statements and representations included in respondent's advertising and promotional materials, respondent has

falsely represented that students who complete its course of study in law and who receive its law degree (LL.B.) are thereby eligible to participate in bar examinations or to become practicing lawyers in their respective States. Such misrepresentations have the tendency and capacity to deceive members of the purchasing public and to induce the purchase of a substantial number of respondent's courses of instruction in commerce.

2. The rules and laws of the States that previously recognized respondent's courses of study in law have been changed so that now no State, except California under certain circumstances found above, recognizes respondent's courses of study in law or its academic degree of Bachelor of Laws (LL.B.) conferred on students completing its courses as meeting the minimum education and legal training requirements requisite to participating in the bar examinations of the respective States and to becoming practicing lawyers in such States.

3. In view of the false representations concerning the law courses and law degrees offered by respondent as well as the changed conditions of fact and law, the public interest requires the Commission to reopen, alter and modify its Cease and Desist Order issued in this proceeding on June 29, 1954, so as to inhibit such false representations.

4. The second paragraph of the proposed order contained in the Commissions Order to Show Cause is omitted as not appropriate or necessary to eliminate the deceptive nature of respondent's advertising of its law degrees.

RECOMMENDED ORDER

As pointed out above, the examiner does not recommend the inclusion of the second paragraph of the order contained in the Commission's Order to Show Cause. In addition, minor changes from the original paragraph 1 of the Commission's order have been made in order to make the order more specific. The following order to cease and desist is recommended.

It is ordered, That respondent, La Salle Extension University, a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of courses of study and instruction, do forthwith cease and desist from failing, in connection with advertisements or promotion of respondent's courses of study in law, clearly and conspicuously to disclose (a) in any advertisement or offer to sell in type the same size and appear-

ance as the advertising claims appearing thereon; (b) on the front page or cover and on each page of any promotional material or descriptive brochure wherein respondent's law courses or law degrees are mentioned in type the same size and appearance as the advertising claims appearing thereon; (c) in each enrollment form, application form, sales contract or similar document, in type the same size and appearance as the advertising claims appearing thereon; that said courses are not recognized or accepted as sufficient education or legal training to qualify the student to become a candidate for admission to the profession of law in any of the States in the United States or the District of Columbia: *Provided*, That respondent may qualify such disclosure by listing the State or States which will accept said courses: *And provided further*, That if the State or States listed have any additional age, education, preliminary testing, or other legal training requirements that respondent clearly and conspicuously and in immediate conjunction with such list disclose, in type the same size and appearance as the advertising claims appearing thereon, all such additional requirements.

Opinion of the Commission

JUNE 24, 1971

By Dixon, *Commissioner:*

This matter is before the Commission on exceptions filed by counsel supporting the complaint and respondent from the hearing examiner's recommended findings, conclusions and order, filed October 19, 1970. A Commission order, issued June 29, 1954 [50 F.T.C. 1083], prohibits respondent from representing that receipients of its "purported academic degrees in law or others satisfactorily completing respondent's course of study through correspondence will be admitted to or otherwise eligible to participate in bar examinations unless such representations are expressly limited to those states . . . wherein the requirements for education and legal training requisite to participation in such examinations are fulfilled solely by completion of a course of legal study through correspondence."

The Commission, citing its understanding that respondent continues to offer for sale a correspondence course of study in law and continues to confer a purported academic degree of bachelor of law (LL.B.), and its further understanding that no state recognizes respondent's source of study or degree as meeting the minimum education and legal training requisite to becoming a candidate for admis-

sion to the profession of law, issued, on January 19, 1970, an order to show cause why the 1954 order should not be modified. The proposed order would have respondent affirmatively disclose that its courses of study are "not recognized or accepted as sufficient education or legal training to qualify the student to become a candidate for admission to the profession of law in any of the States in the United States or the District of Columbia; provided that, respondent may qualify such disclosure by listing those states which will accept said courses if additional education and legal training requirements are met; and provided further, that respondent clearly and conspicuously and in immediate conjunction thereto disclose all such additional requirements." The proposed order also would proscribe the conferring of or offering to confer an LL.B. or any other law degree by respondent.

Respondent filed an answer to the order to show cause, and, as the answer raised substantial factual issues, the Commission issued a further order, on February 27, 1970, reopening the proceeding and directing hearings for the receipt of evidence pursuant to Section 3.72(b)(3) of the Commission's Rules. After hearings and the filing of proposed findings and briefs by the parties, the examiner filed his recommendations.

No findings were recommended by the examiner, nor where they proposed by the parties, as to the general background of respondent's business. However, the record is clear in this regard.

Respondent, an Illinois corporation, is a proprietary institution, providing instruction by correspondence in numerous courses of study. In 1969, its overall enrollment exceeded 100,000 students, 10,088 of whom were taking courses purportedly relating to the study of law. In descending order of the number of students enrolled, respondent's leading courses are accounting, high school computer planning, interior decorating, law, business management, and hotel/motel management. La Salle's total revenue from the sale of all its courses, in 1969, was approximately $50,000,000; its gross receipts from the sale of its "complete law courses" were $3,332,750. The "complete law courses" are a three-year course, which cost $550 and consists of 89 lessons, and a four-year course, costing $695 and consisting of 109 lessons. Upon the completion of either of these two courses, respondent confers a bachelor of law degree (LL.B.). No state recognizes the degree as qualifying its recipients as candidates for admission to its bar. California accepts four-year correspondence courses, including respondent's, if the recipient meets several other qualifications.

The examiner found that respondent, in its advertisements, "failed to set forth fully and conspicuously that completion of its three-year [course] does not qualify anyone to take a bar examination or practice law in any of the 50 States of the United States or the District of Columbia," and that in its advertisements respondent usually advertised that its courses of study provided a legal education and could lead to a law degree, but failed to disclose the limited utility of the degree and course of study.

With these findings as a basis of support, the examiner recommended the conclusion that respondent's advertisements and promotional material are deceptive as they represent falsely that "students who complete its course of study in law and receive its law degree (LL.B.) are thereby eligible to participate in bar examinations or to become practicing lawyers in their respective states." The examiner's recommended order would require respondent to make an affirmative disclosure with the same wording proposed in the order to show cause.

Respondent does not take exception to the examiner's recommendation that the order require that disclosure be made, nor does it take exception to the wording of the disclosure. It objects strenuously, however, to the provisions requiring that disclosure be made "in type the same size and appearance as the advertising claims appearing thereon," and that the disclosure appear "on the front page or cover and on each page of any promotional material or descriptive brochure wherein respondent's law courses or degrees are mentioned."

The Type-Size Provision: Respondent questions whether it is necessary in the order to be more precise than to require that the disclosure be clear and conspicuous. But even if a specific provision is to be included, respondent argues, further, that requiring the disclosure to be the same size as the largest advertising claim is unreasonable.

Generally, to lessen the opportunity for misconstruction and misinterpretation of orders, the Commission strives to describe, with as much precision as is feasible, what will constitute compliance. This is clearly of the utmost importance when misconstruction can lead to a violation of the order and penalty proceedings. Imprecision, for that matter, can be fatal to the validity of an order. In *Federal Trade Commission* v. *Henry Broch & Co.*, 368 U.S. 360, 367–368 (1965), the Court said that "the severity of possible penalties prescribed . . . for violations of orders which shall have become final underlines the necessity for fashioning orders which are, at the out-

set, sufficiently clear and precise to avoid raising serious questions as to their meaning and application."

With this in mind, we turn to the question of the reasonableness of the type-size provision. To reiterate, respondent does not dispute the examiner's finding that its representation that it was offering a course in the study of law led purchasers to believe that they could qualify for admission to the bar. This was deceptive, as no state except California recognizes correspondence courses for this purpose. Where, as here, the mere offering of the product or service leads to deception (without further affirmative claims), we believe that it is reasonable and necessary to demand that a disclosure required to dispel the deception be given equal prominence with the offer. We note that in certain promotional material, respondent's practice is to use the word "LAW" in large letters with the text of the ad in much smaller letters. Surely a prospective purchaser is entitled to be informed that the course will not qualify him to take the bar examination in letters equally as large as the letters which we find, on the basis of the record, convey this meaning.[1]

Further specific arguments as to the unreasonableness of the type-size provision were advanced by respondent. Respondent argues that the type-size provision presents problems of indefiniteness and, also, that "in most cases it will be physically impossible with the existing layout designs to fix, in largest matching print, the rather lengthy disclosure required by the recommended order." Respondent also contends that the type-size provision will not assure the visability of the disclosure. To support this argument, respondent imagines an advertisement in which all print is uniformly small so that the matching disclosure would "get lost in the crowd."

We agree with complaint counsel that the type-size provision cannot be considered unreasonable for the reason that it may require respondent to alter the layout of its advertisements. Unlike trademarks or trade names, advertising layouts are generally of transitory value; they rarely, if ever, can be said to constitute a valuable business asset which the Commission would endeavor to preserve if feasible. Moreover, it is well settled that if there is no way to present the claim in a particular medium without making a false representation, the seller must abandon the use of that medium. *Fed-*

[1] The proposed order in the order to show cause provided that the disclosure be made in "type as large as the largest type appearing thereon." As the words in the promotion set in the largest type may not be advertising claims (*e.g.*, in CX 77, "La Salle Extension University" is in the largest type), the examiner's recommended order in this respect is less demanding.

eral Trade Commission v. *Colgate-Palmolive Co., et al.*, 380 U.S. 374 (1965).

Similarly, we reject respondent's contention that the type-size provision is unreasonable because it is indefinite. Although its argument is not entirely clear, respondent seems to base this assertion on the fact that the disclosure will vary among advertisements to the extent that the size of advertising claims vary from one advertisement to another. Whatever the basis for respondent's position, its argument is wholly without merit. Quite clearly, the type-size provision makes the order more definitive, while giving respondent some flexibility in composing its advertisements.

As to the contention that respondent could devise an advertisement with uniform and small-size print so that the disclosure would get "lost in the crowd," it is unlikely that respondent would find that it was to its advantage to compose such an ad, for the promotional claims would also be lost. Irrespective of this, the order, by including this specific provision, does not excuse respondent from complying with the broader "clear and conspicuous" requirement. Respondent's advertisements must, in short, be both of the type-size designated and also clear and conspicuous.

In summary, neither respondent's arguments nor our examination of the record shows that the type-size provision is unreasonable or not feasible. We therefore sustain the examiner's recommended order as to the type-size provision.

The "On Each Page" Provision: In support of its principal contention that the "on each page" provision is "unnecessarily onerous," respondent points out that its promotional material includes multi-page pamphlets relating to courses other than law. Respondent believes that under the wording of the order, it would be required to make the disclosure in such a pamphlet on each page, even though the page made no reference to law degrees or law courses. And even as to those materials devoted exclusively to its purported "courses of law," respondent contends that the number of pages are so numerous and hence the number of disclosures would be so great, that it would be unnecessarily redundant and degrading, and that the impact would be dulled, if it were required to make the disclosure on each page. Specifically, respondent recommends a provision that would require that the disclosure appear "clearly and conspicuously . . . , with such clarity as is likely to be observed and read, . . . in connection with the mention of respondent's law courses or law degrees in any promotional material or descriptive brochure."

To respondent's argument that the examiner's recommended order