

Complaint

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IN THE MATTER OF

EASTERN DETECTIVE ACADEMY, INC., ET AL.

ORDER, OPINION, ETC., IN REGARD TO THE ALLEGED VIOLATION OF
THE FEDERAL TRADE COMMISSION ACT*Docket 8793. Complaint, July 22, 1969—Decision, June 30, 1971*

Order requiring a Washington, D.C., school offering courses of instruction as private and public detectives and investigators to cease misrepresenting that there is a great demand for its graduates, that many of its graduates have obtained employment at desirable wages, misrepresenting the placement service of the school, that the school has a shooting range, that students will receive training in the use of handguns, and placing with any debt collection agency any contract which has been deceptively procured. The order also requires that respondents' contract contain a notice that it may be cancelled by a student within seven days, and also forbids respondents to deceptively induce a prospective student to sign an installment contract.

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 Eastern Detective Academy, Inc., a corporation, and Earl M. Leven, individually and as an officer 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. Eastern Detective Academy, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the District of Columbia, with its principal office and place of business located at 724 14th Street, NW., in Washington, D.C.

Respondent Earl M. Leven is an individual and is an officer of the corporate respondent. He formulates, directs and controls the acts and practices of the corporate respondent, including the acts and practices hereinafter set forth. His address is the same as that of the corporate respondent.

PAR. 2. Respondents are now, and for some time last past have been, engaged in the operation of a school, offering a course of instruction to those seeking employment as private or public detectives, investigators or agents.

PAR. 3. In the course and conduct of their aforesaid business, and

for the purpose of inducing enrollment in their course of instruction, respondents engage and for some time last past have engaged in the advertising of their course of instruction in newspapers of interstate circulation. In the further course and conduct of their business, respondents from their offices in the District of Columbia solicit and for some time last past have solicited students by means of advertising brochures mailed to persons located in various other States of the United States; and respondents maintain, and at all times mentioned herein have maintained, a substantial course of trade in commerce, as "commerce" is defined in the Federal Trade Commission Act.

PAR. 4. In the course and conduct of their aforesaid business, and for the purpose of inducing enrollment in their course of instruction, the respondents have made, and are now making, numerous statements and representations in advertisements inserted in newspapers and in promotional material, of which the following are typical and illustrative, but not all inclusive thereof:

TRAINED UNDERCOVER
PEOPLE ARE ALWAYS IN DEMAND

* * * * *

Male and Female Undercover
Agents in Demand Now

* * * * *

Free Job Placement Service for
Advanced Students & Graduates

* * * * *

Our Placement Service has placed several hundred persons in investigative work in just the past year.

* * * * *

MEN & WOMEN
EXCITING BIG PAY JOBS OPEN FOR
PRIVATE DETECTIVES

IF YOU ARE

* A PERSON OF GOOD
CHARACTER

* WILLING TO TAKE TRAINING
IN YOUR SPARE TIME

* * * * *

Thank you for your inquiry regarding our Training Program Leading to Private Detective, Undercover Investigator and General Law Enforcement Officer.

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 their employees, the respondents have represented, and are now representing, directly or by implication that:

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1. There is a great demand for graduates of respondents' course as detectives, investigators, undercover agents and in other similar positions and employment in such positions is available upon the completion of respondents' course of instruction.
2. Several hundred persons who attended respondents' course have obtained employment in investigative work within one year.
3. Completion of respondents' course of instruction qualifies persons to be detectives, investigators, undercover agents, or for employment in other similar positions at commensurate wages.
4. Respondents provide a placement service which places a significant number of advance students or graduates of respondents' course in positions for which they have been trained by respondents.

PAR. 6. In truth and in fact:

1. There is no significant demand for graduates of respondents' course, whose training is limited to completion of their course of instruction, as detectives, investigators, undercover agents or in other similar positions and employment in such positions is not ordinarily available upon completion of respondents' course of instruction to persons with limited practical experience.
 2. In no year did several hundred persons who attended respondents' course obtain employment in investigative work or in other positions for which they were trained by respondents. Respondents have neither enrolled nor graduated several hundred students during any one year.
 3. Completion of respondents' course of instruction does not qualify persons to be detectives, investigators, undercover agents or for employment in other similar positions at commensurate wages. Employment in the aforementioned positions is conditioned upon the aptitude and practical experience of the individual rather than the training afforded by respondents' course of instruction and a substantial number of graduates from respondents' course are unable to obtain positions which pay wages commensurate with those paid individuals in the aforementioned positions.
 4. Respondents do not provide a placement service which places a significant number of advance students or graduates of respondents' course in positions for which they have been trained by respondents.
- Therefore, the statements and representations as set forth in Paragraphs Four and Five hereof, and others of similar import and meaning but not expressly set out herein, were and are false, misleading and deceptive.

PAR. 7. In the further course and conduct of their business, as aforesaid, and for the purpose of inducing the sale of their course of

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instruction, respondents have made and are now making numerous statements and representations by means of brochures and promotional materials and by oral statements of their employees, in which the respondents have represented, and are now representing directly or by implication that:

1. Respondents maintain a staff of seventeen instructors qualified by practical experience or training in the Army Security Agency, District of Columbia Courts, U.S. Supreme Court, U.S. Air Force, Office of Special Investigations, Army Counter-Intelligence School, U.S. Signal Corps Radio Communications, Constabulary of Great Britain, Illinois State Security Forces, Maryland State Internal Security Police, Armed Forces Institute of Pathology, Washington, D.C. Metropolitan Police-Detective Division, Department of the Provost Marshal General, United States Army-Criminal Investigation Division, Federal Bureau of Investigation, and Detective Bureau-New York City Police.

2. Students will be trained in the firing of handguns on respondents' shooting range and that the respondents have student training equipment such as polygraph instruments which the students will be trained to operate through practical exercise.

3. Each of the testimonial letters, which respondents display or enclose with their brochure, from graduates of respondents' course and businesses which have employed graduates of respondents' course are unsolicited and unbiased testimonials as to the value of respondents' course.

PAR. 8. In truth and in fact:

1. Respondents do not maintain a staff of seventeen instructors qualified by practical experience or training as represented by respondents. The number of instructors maintained by respondents is significantly less than seventeen and respondents' staff of instructors is not qualified by practical experience or training in all the areas represented by respondents. In a number of instances, instructors so qualified had terminated their employment with respondents a number of years prior to such representations. In other instances, the aforementioned representations were without foundation and therefore false.

2. Students are not trained in the firing of handguns on a shooting range and respondents do not have student training equipment such as polygraph instruments which the students are trained to operate through practical exercise. Respondents do not operate a shooting range and the only firing done by the students during the course of respondents' instruction, is the firing of a pistol into an enclosed metal box. The only instruction the students receive on polygraph

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instruments is in the form of a lecture at which time a rented or borrowed polygraph machine is brought into the classroom but is not made available for student use.

3. In a number of instances, the testimonial letters from graduates of respondents' course and businesses which have employed graduates of respondents' course which respondents displayed or enclosed with their brochure, were neither unsolicited nor unbiased. In some instances, these letters were written by respondents' employees and in other instances respondents induced the writing of said letters through bargaining.

Therefore the statements and representations as set forth in Paragraph Seven hereof, and others of similar import and meaning but not expressly set out herein, were and are false, misleading and deceptive.

PAR. 9. In the further course and conduct of their aforesaid business, respondents through their employees have regularly obtained potential students' signatures on installment payment contracts through failing to disclose the nature of the instruments and by falsely representing that such instruments were non-binding enrollment applications or that the classes were paid for on a pay as you go basis and the prospective students could cancel their enrollment at any time that they chose to do so. Thereafter, when these prospective students failed to attend respondents' course and make payments under the contract, respondents systematically brought legal actions and obtained judgments against the prospective students or assigned the contracts to a collection agency for the bringing of legal actions and the obtaining of judgments against the prospective students.

Therefore, such statements, representations and practices constitute acts and practices which were and are unfair, misleading and deceptive.

PAR. 10. In the course and conduct of their aforesaid business, and at all times mentioned herein, respondents have been, and now are, in substantial competition, in commerce, with corporations, firms and individuals engaged in the sale of courses of instruction to those seeking employment as private or public detectives, investigators or agents, of the same general kind and nature as that sold by respondents.

PAR. 11. 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 erroneous and mistaken belief that said state-

ments and representations were and are true and into the purchase of substantial quantities of respondents' services by reason of said erroneous and mistaken belief.

PAR. 12. 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.

Mr. Donald L. Bachman and Mr. Edward D. Steinman supporting the complaint.

Mr. Earl M. Leven, pro se and for corporate respondent.

INITIAL DECISION BY JOHN LEWIS, HEARING EXAMINER

FEBRUARY 20, 1970

STATEMENT OF PROCEEDINGS

The Federal Trade Commission issued its complaint against the above-named respondents on July 22, 1969, charging them with engaging in unfair methods of competition and unfair and deceptive acts and practices, in commerce, in violation of Section 5 of the Federal Trade Commission Act, by the use of false, misleading and deceptive statements, representations and practices in connection with their operation of a school offering a course of instruction to those seeking employment as detectives, investigators or agents. After being served with said complaint, respondents appeared without counsel and filed their answer, denying certain allegations of the complaint and not responding to certain other allegations thereof.

Pursuant to notice duly given, a prehearing conference was convened herein on September 16, 1969, in Washington, D.C., before the undersigned hearing examiner, theretofore duly designated to act as hearing examiner in this proceeding. At said conference respondents were advised by the hearing examiner that, under the Commission's Rules of Practice (Section 3.12(b)(ii)), their failure to answer a number of the allegations of the complaint constituted an admission thereof. Since respondents indicated that they were not aware of this in filing their answer, they were permitted to orally amend their answer by responding to those allegations to which they had previously made no response and by modifying their answers to certain other allegations. In accordance with the examiner's order scheduling said prehearing conference, complaint counsel supplied to re-

spondents (a) a list of their potential witnesses, together with a general statement of the nature of the expected testimony of such witnesses, and (b) a list of their proposed documentary exhibits, together with copies thereof. A number of the exhibits proposed to be offered in evidence by complaint counsel were marked for identification and the respondent agreed that certain of them were genuine and authentic. Respondents were advised by the examiner that at the hearings to be held herein, they would be permitted to cross-examine witnesses called by counsel supporting the complaint, and to call witnesses in their own behalf. By agreement of the parties, the transcript of the prehearing conference was made a part of the public record in this proceeding, and the results thereof were embodied in a prehearing order of the examiner dated October 7, 1969.

Hearings for the reception of testimony and other evidence were held in Washington, D.C., from October 16 to October 23, 1969. At said hearings, testimony and other evidence were received in support of, and in opposition to, the allegations of the complaint, such evidence being duly recorded and filed in the office of the Commission. All parties appeared at the hearings and were afforded full opportunity to be heard, and to examine and cross-examine witnesses. At the close of all the evidence, the parties were given an opportunity to file proposed findings of fact, conclusions of law and an order, on or before November 24, 1969. On motion of counsel supporting complaint, and without objection by respondents, the time for filing proposed findings was extended until December 29, 1969. Proposed findings as to the facts, conclusions of law and an order were filed by counsel supporting complaint, on December 29, 1969.

Although no proposed findings were filed by respondents, they requested the examiner, by letter dated January 26, 1970, to dismiss the complaint in this proceeding for the reason that they were not represented by counsel herein due to financial inability. Said request, which was treated as a motion, was denied by order of the examiner dated January 29, 1970. However, respondents were advised in said order that they could submit a new application, on or before February 9, 1970, requesting the assignment of counsel, together with appropriate facts and documents to support their claim of financial inability to retain counsel. No such application was submitted by respondents. However, respondents thereafter requested an extension of time to file proposed findings. Such request was denied by order of the examiner dated February 17, 1970.

After having carefully reviewed the evidence in this proceeding

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and the proposed findings and conclusions,¹ and based on the entire record, including his observation of the witnesses, the undersigned makes the following:

FINDINGS OF FACT²

I. The Respondents

A. *Identity and Business*

1. Eastern Detective Academy, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the District of Columbia, with its principal office and place of business located at 724 14th Street, NW., in Washington, D.C. Respondent Earl M. Leven is an individual and is an officer of the corporate respondent. He formulates, directs and controls the acts and practices of the corporate respondent, including the acts and practices hereinafter set forth. His business address is the same as that of the corporate respondent (Admitted, PHO, par. 1; Tr. 4; CX 111-A, I).

2. Respondents are now, and for some time last past have been, engaged in the operation of a school, offering a course of instruction to those seeking employment as private or public detectives, investigators or agents (Admitted, in part, PHO, par. 2; CX 1, 2, 4, 6-8, 10-B, 11-15, 39, 42-73, 221-226, 229-233, 235-244, 247, 248).³

B. *Commerce*

3. In the course and conduct of their aforesaid business, and for the purpose of inducing enrollment in their course of instruction, re-

¹ Proposed findings not herein adopted, either in the form proposed or in substance, are rejected as not supported by the evidence or as involving immaterial matters.

² References are hereinafter made to certain portions of the record, in support of particular findings. Such references are to the principal portions of the record relied upon by the examiner, but are not intended as an exhaustive compendium of the portions of the record reviewed and relied upon by him. Although no proposed findings were submitted by respondents, the examiner has not relied solely on the proposed findings submitted by counsel supporting the complaint in making factual findings herein, but has made his own, independent review of the testimony and other evidence in the record. The following abbreviations are used in referring to the record: "Tr." (for the transcript of testimony), "CX" (for complaint counsel's exhibits), "RX" (for respondents' exhibits), and "PHO" (for the examiner's prehearing order).

³ Respondents contended at the prehearing conference that their course of instruction was not offered to those seeking employment as "public" detectives, but was limited to those seeking employment as "private" detectives (Tr. 7-9). While many of respondents' advertisements refer to their course of instruction as being offered for "private detective training," a number do not use the qualifying adjective "private" and refer to their training course as being in "Civil and Criminal Investigations" (emphasis supplied) or as involving "Complete Detective Training," and its list of courses include a number in the field of criminal offenses, such as are normally investigated by public detectives or policemen (CX 6, 39, 42-73, 223-226, 241-244, 247, 248).

spondents engage, and for some time last past have regularly engaged, in advertising their course of instruction in (a) newspapers published in the District of Columbia and distributed throughout the metropolitan area thereof, including portions of the States of Maryland and Virginia, (b) in the yellow pages of the telephone directory distributed in the metropolitan area of the District of Columbia, including portions of the States of Maryland and Virginia, and (c) in transit buses operating in the District of Columbia and adjacent areas of the States of Maryland and Virginia. In the further course and conduct of their business respondents, from their offices in the District of Columbia, regularly solicit, and for some time last past have solicited, students by means of advertising brochures mailed to persons located in various other States of the United States, and by means of sales representatives who visit prospective students in their homes in various other States of the United States. The volume of respondents' advertising and solicitation of students through interstate media and by vehicles and individuals traveling across state lines has been, and now is, substantial. (Admitted, in part, PHO, par. 3; Tr. 10-17, 195, 202-222, 224, 227-242, 281, 334-349, 439-445, 514-517, 527-528, 567-568, 590-592, 603; CX 1, 2, 4-8, 10-15, 216-248, 250-252).⁴

C. Competition

4. In the course and conduct of their business, and since at least July 1967, respondents have been, and now are in substantial competition, in commerce, with other corporations, firms or individuals engaged in the sale of courses of instruction to those seeking employment as private or public detectives, investigators or agents, of the same general kind and nature as that sold by respondents. (Tr. 512, 510).

II. The Alleged Illegal Practices

A. The Challenged Advertising

5. The charges in the complaint are based primarily on the making by respondents of certain allegedly false, misleading and deceptive statements and representations, concerning the nature and benefits of their course of instruction, in newspaper advertisements,

⁴ At the prehearing conference respondents admitted the insertion of advertisements in newspapers and the mailing of brochures to students, but contended that the volume involved was not substantial (Tr. 11). As the above record references establish, respondents placed a substantial number of advertisements in the Washington Post and/or Washington Daily News between 1966 and 1969, and contracted for the insertion of over 1,000 display cards in D.C. transit buses in 1967 and 1968.

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transit bus displays and brochures distributed to prospective students. Respondents do not dispute the fact that they made the challenged statements in advertising, but contend that certain of the statements were discontinued or modified at various times prior to the issuance of the complaint herein. They also deny that such statements were false and deceptive.

6. Typical of the statements made by respondents in newspaper advertisements, transit bus displays and promotional material, for the purpose of inducing enrollment in their course of instruction, are the following:

- A. TRAINED UNDERCOVER PEOPLE ARE ALWAYS IN DEMAND
- B. Male and Female Undercover Agents in Demand Now
- C. Free Job Placement Service for Advanced Students & Graduates
- D. Our Placement Service has placed several hundred persons in investigative work in just the past year.
- E. MEN & WOMEN EXCITING BIG PAY JOBS OPEN FOR PRIVATE DETECTIVES IF YOU ARE A PERSON OF GOOD CHARACTER WILLING TO TAKE TRAINING IN YOUR SPARE TIME
- F. Thank you for your inquiry regarding our Training Program Leading to Private Detective, Undercover Investigator and General Law Enforcement Officer.

7. As noted above, respondents concede the making of the above-quoted statements, but contend that certain of them were discontinued prior to the issuance of the complaint, *viz.*, that statements "A" and "B" were discontinued approximately two years ago, statement "D" was discontinued three or four years ago, and statement "E" was discontinued two or three years ago, and that the reference in statement "F" to "Undercover Investigator" was discontinued about three years ago (PHO, par. 4; Tr. 23-25). No affirmative evidence was offered by respondents to establish when the use of the statements in question was discontinued. However, the evidence offered by counsel supporting complaint establishes that statement "A" was still being used in newspaper advertisements in late 1968 and early 1969 (CX 239, 240). Statement "B," which is substantially similar to statement "A," appeared in newspaper advertisements at least as late as September 1967 (CX 223), and an identical statement appeared in display card advertising in D.C. Transit buses until at least mid-1968 (CX 1; Tr. 345, 342). Statement "D" was used frequently in newspaper advertisements during 1966 and 1967 (CX 7-8, 11, 14, 221-222, 229-237). A similar statement, in which the earlier reference to the number of students placed (*i.e.*, "several hundred") was deleted, but in which respondents stated that "many of our graduates were placed in interesting, well-paying positions," appeared in

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newspaper advertisements in late 1968 and early 1969 (CX 239-240). Statement "E" was in use at least during 1967 and 1968 in display card advertising in D.C. Transit buses, and in cards distributed to prospective students in their homes (Tr. 281, 344, 514; CX 2-A, 10-B). As late as March and April 1969, respondents were advertising "Detective Training * * * for good paying jobs" (CX 224-226).

B. The Representations

8. The complaint alleges (Par. Five) that through the use of statements in advertisements such as those set forth above, and through oral statements made by their employees, respondents have represented and are now representing, directly or by implication, that:

A. There is a great demand for graduates of respondents' course as detectives, investigators, undercover agents and in other similar positions, and employment in such positions is available upon the completion of respondents' course of instruction.

B. Several hundred persons who attended respondents' course have obtained employment in investigative work within one year.

C. Completion of respondents' course of instruction qualifies persons to be detectives, investigators, undercover agents, or for employment in other similar positions at commensurate wages.

D. Respondents provide a placement service which places a significant number of advance students or graduates of respondents' course in positions for which they have been trained by respondents.

9. Respondents admit making the representations set forth in subparagraphs A and B above, but contend they were discontinued, in line with their assertion that statements A, B, D and E, set forth in Paragraph 6 above, were discontinued (PHO, par. 5; Tr. 30). However, as heretofore noted, no affirmative evidence as to the discontinuance of such statements was offered by respondents. Moreover, as above found, the evidence affirmatively discloses that such statements or substantially similar statements were made at least between 1967 and 1969. Respondents' denial as to having made the representation set forth in subparagraph C above, is based on the alleged lack of clarity in the phrase "similar positions at commensurate wages" (Tr. 32-33). However, the examiner finds no lack of clarity in the phrase in question. The words "similar positions" obviously refer to positions which are similar to "detective, investigator [and] undercover agents," and the words "commensurate wages" clearly refer to wages which are commensurate with those paid to detectives, investigators, and undercover agents. Respondents denial as to subpara-

graph D above, is based on the alleged lack of clarity in the phrase "significant number" (Tr. 40). The phrase obviously means respondents have represented that the number of students placed by them is of an order of magnitude which would be considered as substantial. From the statement made by respondents in their advertisements that they have placed "many of our graduates," and that they had placed "several hundred persons * * * in just the last year," is clear that they have made the representation alleged in subparagraph D above. Moreover, in addition to the above-quoted statements in advertisements, respondents' sales representatives (including respondent Leven himself) informed prospective students that respondents provided a placement service and had placed many students and graduates in well-paying positions (Tr. 311, 597, 602, 785, 847, 864, 879, 898). It is, accordingly, concluded and found that, by means of statements in the advertisements quoted in Paragraph 6 above, and those of similar import, and through oral statements and representations of their employees, respondents have made the representations set forth in Paragraph 8 above and have continued to make such representations until at least early 1969.

10. In addition to the representations set forth in Paragraph 8 above, the complaint (Par. Seven) alleges that respondents have made certain other representations to prospective students in brochures and promotional material and by oral statements of their employees, as follows:

A. Respondents maintain a staff of seventeen instructors qualified by practical experience or training in the Army Security Agency, District of Columbia Courts, U.S. Supreme Court, U.S. Air Force, Office of Special Investigations, U.S. Army Counter-Intelligence School, U.S. Signal Corps Radio Communications, Constabulary of Great Britain, Illinois State Security Forces, Maryland State Internal Security Police, Armed Forces Institute of Pathology, Washington, D.C. Metropolitan Police-Detective Division, Department of the Provost Marshal General, United States Army-Criminal Investigation Division, Federal Bureau of Investigation, and Detective Bureau-New York City Police.

B. Students will be trained in the firing of handguns on respondents' shooting range, and that the respondents have student training equipment such as polygraph instruments which the students will be trained to operate through practical exercise.

C. Each of the testimonial letters, which respondents display or enclose with their brochure, from graduates of respondents' course and businesses which have employed graduates of respondents'

course are unsolicited and unbiased testimonials as to the value of respondents' course.

11. Respondents concede the making of the statement set forth in subparagraph A above, but contend that it was discontinued around March 1969, when they revised the brochure in which it appeared (PHO, par. 7; Tr. 46-47; CX 107-A). Respondents also concede having made the representation set forth in subparagraph B above, except for the portion thereof alleging that they would provide practical training to students on the polygraph instrument (Tr. 50-52). The record establishes that in their advertising and promotional material respondents made specific reference to the "Lie Detector" as being included in the "training" which they provided (CX 2-A, 10-B, 247-248). Respondents suggested, during the course of the hearing, that prospective students should have understood their training on the polygraph or lie detector would be limited to a demonstration on how it operated and would not include practical training in its operation, since it takes many months of training to learn to operate the instrument and students cannot be taught to operate it during the course of the two-hour lecture assigned to the topic. The trouble with respondents' position is that it assumes a degree of sophistication in what is entailed in lie-detector training which the average student does not possess. Most of the students had no idea until after they were registered that training on the polygraph was limited to a two-hour lecture. From the statements made in respondents' advertising that they would receive "training" on the "Lie Detector" and from oral statements of respondents' sales representatives most students were under the impression that they would receive practical training in how to operate the polygraph (Tr. 302, 312, 484, 491, 842, 849).⁵ While respondents denied having made the representation set forth in subparagraph C above, there is no dispute that the brochures and promotional material shown to prospective students included testimonial letters from graduates and from businesses which employed graduates of re-

⁵ Several witnesses called by respondents testified either that they were not told they would be taught how to operate the polygraph instrument, or that respondents' representative told them the course would be a "cursory" one in which they would merely observe how the instrument operated (Tr. 1057, 947, 965, 992, 1022-23). The testimony of these witnesses is of little probative value insofar as contradicting the testimony of other witnesses to whom contrary oral representations were made. Moreover, it is of no value insofar as contradicting the express representation made in respondents' advertisements that students would receive training on the lie detector. Where the impression created by an advertisement is deceptive, the fact that an oral explanation is later given does not cure the initial deception. *Federal Trade Commission v. Carter Products, Inc.*, 186 F. 2d 821 (7th Cir. 1951).

