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54, CX 55, CX 57, CX 58, CX 59, CX 60, CX 61 and CX 154. Commission exhibit 41 is a pamphlet stating on its cover "Wonderful things happen to a Cinderella Girl! Cinderella, the finishing school for models and career girls who aim at loveliness to win success." Part of the CX 41 copy states:

miracles after sundown—*Drab* little typist becomes *lovely* airline stewardess! *Overweight* order clerk now a fashion counselor! "No-date" steno becomes belle of the office! High school graduate wins success in television! Middle-age widow *looks* ten years younger—gets exciting new job! *Shy* librarian gets three raises and a beau! Factory worker becomes studio receptionist! (Italic supplied.)

CX 155 is an advertisement in the Educational Directory of the *Washington Post* of September 10, 1967, reading:

Air Career Training is now available at Cinderella Career School, 1219 G Street, Prepare for a Stewardess or Reservationist position. Call 628-1950 for a career analysis.

72. The allegedly false, misleading and deceptive statements, in the Cinderella airline advertisement, in all but one exhibit, are in the context of advertisements stressing Cinderella's finishing and modeling programs. The advertisements emphasize the personal improvement aspect of the courses, and not the fact that Cinderella's courses *ipso facto* qualify its students as airline stewardesses. Only two Cinderella advertisements use the word "stewardess." In CX 41 the words "airline stewardess" are used in a descriptive context to stress physical and personality transformations, *i.e.*, from the "drab" to the "lovely," from the "overweight" to the "fashion counselor." Commission exhibit 41 relates to finishing and modeling courses. It makes no specific effort to interest the reader in a stewardess or air career program.

CX 155 does not represent that the Cinderella course *qualifies* a student to be employed directly as an airline stewardess. The emphasis in the advertisement (CX 155) is upon preparation—self-improvement.

73. No consumer witness testified as to his or her understanding of the "airline" advertisements. However, the complaint counsel's "educational" witnesses, upon being shown CX 11 and asked *what they thought the statements meant to a high school graduate*, replied:

A. Well, it would mean probably romance, it would mean attraction to move into something which would turn her into a very *charming personality*, that would appeal to her fancy, and appeal to her romantic inclinations, I would assume.

Q. Reading further, "Training for exciting careers in executive secre-

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tarial, professional modeling, fashion and retailing, airlines." What would that mean to these girls.

A. Well, it would mean that they would have strong possibilities of being accepted into these four statements [six fields] and have a *career in these fields*, that would be my feeling. (See Busick testimony Tr. 686.) (Italic supplied.)

William Henry Brown testified:

A. Well, I would say here that the student would assume again that if she completed this particular course that she could expect to receive a high paying job that required quite a bit of training and it would be on a par of a profession, what she would do would amount to a professional type of work. (Tr. 460.)

Julia Fickling testified:

A. That once they had finished this course or this training that they would be eligible to get *jobs in these areas, with airlines* or as executive secretaries or as fashion models. (Tr. 441) (Italic supplied).

Lester Jack Wilson testified:

On the airlines, my knowledge is that the airlines take people without this. Airline people have told me that they prefer they not have this type training, so, therefore, I don't see really what the airline training has to do to train a person to be an airline stewardess and if they have to take the airline training anyway after this. (Tr. 332.)

These statements are, in fact, hearsay, and their probative value, if any, is minimal.

74. Addah Jane Hurst, a witness for respondents, a teacher at Washington and Lee High School, Arlington, Virginia, graduated from Nebraska State College in 1940, with an A.B. degree in English and Social Studies, and a B.S. degree in Education. Mrs. Hurst taught at the Fairfield, Nebraska, Senior High School, McCook High School, Fremont High School and thereafter became the Superintendent of Schools in Miller, Nebraska. She studied for her masters degree in speech at the University of Denver, but discontinued after her marriage. Mrs. Hurst began substitute teaching at Washington and Lee and Yorktown Senior High Schools in 1962, and presently teaches on a daily basis at Washington and Lee (Tr. 1256-58, 1263-65). In addition to her teaching duties, Mrs. Hurst counsels students on an informal basis (Tr. 1266), assisting them in selecting their choice of college and vocation (Tr. 1267-68). In 1967 Mrs. Hurst substituted for the senior class sponsor at Washington and Lee and assisted in counseling the graduating class (Tr. 1268). Between 1962 and 1967 Mrs. Hurst discussed career and finishing schools with approximately 50 girls (Tr. 1276-77). Upon being shown CX 53, an

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advertisement similar to CX 11, and asked what impression a student would receive after reading "airline preparatory," she testified: "the appeal would be to give them those qualities of grooming, and so forth, that would prepare them better for whatever field they might choose" (Tr. 1284). Mr. Hurst testified that "it certainly doesn't mean that they are going to go out and become a stewardess" (Tr. 1282).

75. Inasmuch as complaint counsel have failed to prove the allegations in Paragraphs Five and Six, subparagraphs 4, by reliable, probative and substantial evidence, such charges hereby are dismissed.

#### The Alleged Buyer Deception

76. The complaint alleges respondents have represented directly or by implication contrary to the fact that: "*Respondents* offer a course of instruction that *qualifies* students for jobs as 'buyers' for retail stores." (Italic supplied.)

Some of the Cinderella school's allegedly deceptive advertising contains, among others, the following statements:

Comprehensive training in the many facets of fashion careers. Includes retailing, buying, sales promotion, advertising, display and practical field trips. FASHION IS A YOUNG PEOPLES FIELD. In no other area can a woman assume executive status at such an early age. Fashion is a stable field, the third largest in the U.S. High School Diploma or equivalent is required. SEND FOR BROCHURE. NO OBLIGATION. (CX 16B through CX 21, inclusive, CX 29, CX 155.)

\* \* \* \* \*

#### TRAINING FOR EXCITING CAREERS IN

Executive Secretarial      Professional Modeling  
Fashion & Retailing      Airlines  
(CX 11, CX 12, CX 13, CX 14.)

\* \* \* \* \*

#### CAREERS!

The Cinderella Career and Finishing School offers \* \* \* careers in EXECUTIVE SECRETARIAL, PROFESSIONAL MODELING, FASHION MERCHANDISING, RETAIL BUYING. (CX 6, CX 22, CX 26.)

\* \* \* \* \*

#### WE'VE GOT THE CINDERELLA SECRET

Come in and find out what it is. Our world famous Cinderella Finishing Training can make you poised, lovely, confident! Career Training for:

Executive Secretarial  
Retail Fashion Merchandising

Professional Modeling  
Airlines Prep  
(CX 7, CX 8, CX 9.)

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Complaint counsel rely heavily upon the following statements:

Let's take a look at some of the things we offer:

FASHION BUYER: The position of a buyer is both responsible and rewarding. For buyers of womens' apparel, this consists of a whirlwind tour of showrooms to view the new seasons' offering in New York, Chicago, and San Francisco. Some buyers are selected to make trips to foreign markets such as Paris, Rome or London. Earnings of buyers range from \$5,000 to over \$20,000 depending upon the size and type of department. (CX 43—flyer.)

\* \* \* \* \*

#### FASHION CAREERS

All our lives are touched by fashion, for fashion is everywhere. There are fashions not only in clothing but in cars, furniture, interiors, and foods. Fashion is a fast moving world that needs people in administrative capacities who are alert, and welcome the excitement of change.

The Fashion Career Course at Cinderella's is a varied program touching upon many facets of fashion careers, because we feel many young people are not exactly sure of what they wish to do. Some may have a latent talent for organization—some have an undiscovered knack for fashion "know-how"—some, perhaps, a flare for writing.

The curriculum and our facility (all university graduates with retail experience) is selected to bring out these hidden talents and help you find your niche in the remunerative field of fashion—where advancement is quite rapid.

Our students observe and analyze the activities of the "F" Street stores. They prepare assignments from window displays, sales promotion campaigns, advertising, and business activities. Thus they gain from the actual experience of others already in the field. In addition to preparing reports, they conduct meetings and learn the importance of getting along with people. Fashion is a young people's field. In no other area can a woman assume executive status at such an early age. And, of course, along with executive status comes financial reward. Fashion is a stable field; it is the third largest industry in the United States, following only steel and food.

Opportunity in retailing, just one segment of fashion, is unlimited. With the exploding population and resultant opening of Branch Stores across the country, new jobs are constantly being created. One half of retailing's top executives are under 35 years of age. Forty percent of retailing's executives are women. The average buyer earns between \$10,000 and \$20,000, some earn more. (CX 44—flyer.)

77. As previously found as to all the other alleged deceptions, the representations as to buyers are made only in the advertisements of Cinderella Career College and Finishing School operated by Stephen Corporation. Therefore, the alleged "buyer" deception hereby is dismissed at this time as to all respondents except Stephen Corporation.

78. The testimony of complaint counsel's education witnesses

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as to the meaning of the buyer representations to female high school seniors is not the best evidence of such meaning. But, for what it is worth, part of such testimony is quoted. Upon being shown CX 11, Lester Wilson testified:

A. To the student this implies that when she completes the school she can go into a top executive secretarial job. I don't believe many students could do this from any school, whether it be Cinderella or any business school or what have you. This implies "the top is there if you take our training," *I suppose*. Professional modeling, it implies the top of the top jobs is what the students—how they react to this. (Tr. 332) (*Italic supplied*).

With respect to CX 18 Mr. Wilson testified:

A. It emphasizes the fashion field and I presume, well, I don't presume, *I know from what young people tell me* they think they can be buyers at Woody's, Garfinkel's or one of these larger stores, this type thing. (Tr. 334) (*Italic supplied*).

Upon being asked whether a female high school senior, upon reading CX 43, would think that she could come out of the school as a fashion buyer, Mr. Wilson testified: "Well, that is what it says" (Tr. 335).

79. Mr. Wilson counsels about 90 high school seniors. Very few of these students discuss with him such schools as Patricia Stevens or the Cinderella Career College and Finishing School (Tr. 385) because most of the students he counsels are planning on going on to higher education. A "goodly number" go to work for the United States Government, and "just when you take what is left there aren't but so many to talk to" (Tr. 386). Mr. Wilson discussed career schools such as Cinderella with only four girls between July 1966 and July 1967 (Tr. 409), and about the same number in prior years (Tr. 386-87). Two of the girls spoke to him in the lunchroom at Washington and Lee High School for ten minutes (Tr. 390). They asked him whether he thought they could "win a beauty contest" and whether they could "get a scholarship" (Tr. 412). The other two girls that he spoke to in 1967 wanted to know, "was it [Cinderella] really a reputable organization, and what would they expect to gain from it" (Tr. 410). Mr. Wilson was unable to testify that any of these few inquiries were prompted by the girls' reading the Cinderella advertisements. Mr. Wilson was vague as to whether the girls were in fact discussing the Cinderella school or some other school (Tr. 387-391, 411, 412-13). Mr. Wilson's familiarity with the Cinderella curriculum was obtained by examining the Commission exhibits just prior to his testimony (Tr. 401). Nevertheless, Mr. Wilson readily volun-

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teered his opinions as to the quality and function of the Cinderella curricula. Mr. Wilson's testimony concerning the Cinderella curricula has no probative value insofar as the complaint charges of deception are concerned (Tr. 330-32).

Mr. Wilson's knowledge about the preparation for and participation in the field of professional modeling was insubstantial (Tr. 395-400).

His testimony concerning salaries of secretaries (Tr. 358-59) and buyers (Tr. 369-72), in the light of the expert testimony to the contrary, is neither reliable, substantial, nor probative.

80. Complaint counsel's witness, Julia Fickling, upon being shown CX 11, testified that students would think that they would be eligible to "get jobs in those areas" (Tr. 460). After reading CX 18 Mrs. Fickling testified:

Q. From that advertisement, Mrs. Fickling, what type of jobs would these girls think that they would be qualified for after having completed the course outlined, mentioned in that advertising?

A. Well, I would say that they would believe that they *would get a job* as sales clerk, that they could probably *become* a buying manager, that they would be *qualified* as advertising writers for display—not, not writers, it says display—I take it back. I repeat what I said at first because there is a comma there, advertising, I would think that they would feel that they could be qualified either as advertising, what do you call people who draw the pictures?

HEARING EXAMINER GROSS: Illustrators.

THE WITNESS: Illustrators. And that they could be fashion models.

By Mr. Downs.

Q. What does the—

A. Or executives in these areas. (Tr. 443) (*italic supplied*).

Mrs. Fickling testified that CX 43 would mean to these girls was "that they would be buying clothes for sale in stores" (Tr. 443). This, of course, is the rankest kind of hearsay evidence, and not probative. It is yet not clear to the hearing examiner why complaint counsel did not place upon the witness stand witnesses who had read the Cinderella advertisements and interpreted them in the manner asserted in the complaint. The hearing examiner must conclude that complaint counsel did not have any such witnesses—and that the failure to produce them is attributable to the fact that the advertisements were and are not in fact deceptive in the manner asserted in the complaint.

81. James G. Busick testified that students reading CX 11 would think they had a strong possibility of having "*a career in these fields*" (Tr. 686) (*italic supplied*). After examining CX 18,

Mr. Busick testified that students upon reading the advertisement would think:

A. \* \* \* That they have reached the pinnacle of success and all they have to do is enroll in this school and they are guaranteed to be a good executive and to continue on with a wonderful career \* \* \*. (Tr. 687-88.)

With respect to CX 43 Mr. Busick testified:

A. Well, that would indicate *to me* or to these girls, I feel, that all you have to do is to finish this course up and you would be able to mingle in New York, Chicago and San Francisco and you would have a strong chance, and you would feel like you were almost assured of making good money and traveling all over the world, including the United States.

Q. Traveling in what capacity?

A. As a buyer or as any—well, this is buyer yes. Modeling would be next. (Tr. 688-89) (*italic supplied*).

82. Mr. Busick first heard of Cinderella Career College and Finishing School in February 1967, when the Burns family of Cambridge, Maryland, got in touch with Mr. Busick as a result of a solicitation in their home by a Cinderella salesman (see testimony of Mrs. Shirley Burns Tr. 700 *et seq.*; Shelley Burns Tr. 731 *et seq.*; and Susan Bennett Tr. 736 *et seq.*).

83. The Shelley Burns—Susan Bennett evidence (Tr. 700 *et seq.*) may be summarized: Mrs. Burns having received a piece of Cinderella advertising at her home in Cambridge through the mails, mailed the cards to Cinderella stating that Shelley, her daughter, and Susan, her foster daughter, both then high school seniors, were interested in Cinderella's airline training and secretarial courses respectively. Thereafter, a Cinderella salesman, pursuant to an appointment previously arranged, called at the Burns' home in Cambridge and made his "sales presentation" to Mrs. Burns, Shelley and Susan. The same evening as the salesman made his presentation, Mrs. Burns signed CX 91, CX 92, CX 93A-B and CX 94A-B. These are the enrollment contracts and promissory notes relating to the Burns-Bennett incident. The contracts dated February 2, 1967, embody a \$1,790 tuition fee for a fashion merchandising course for Shelley Burns. Mrs. Burns obligated herself to pay \$1,430 for a secretarial course for Susan Bennett. She gave the salesman a check for a \$50 partial down payment. Mrs. Burns' husband was present for the first part of the salesman's sales presentation, but Mr. Burns had to leave and was not present at the time his wife incurred the \$1,430 obligation on behalf of Susan. When Mr. Burns returned later and ascertained that the contracts had been signed and the obligation incurred, "he was a little peeved because I had signed them

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without his okay on them. And he said I shouldn't have done it and we should have talked it over, and he got into the part about the children \* \* \* living by themselves \* \* \*" (Tr. 713-14). Early the next morning Mr. Burns telephoned and awakened the Cinderella salesman at his motel and told the salesman of his objection to Mrs. Burns' actions. Mr. Burns was interested solely in getting out of the obligation his wife had incurred the previous evening. He met with the Cinderella salesman at 1:00 p.m. the same day. Mrs. Burns was unable to recall the salesman's name and the writing upon the contract is a bit illegible. Later Mr. Burns took up the matter with Barbara Solid at the Cinderella school. The net result was that the Burns' \$50 was refunded and their obligations totalling \$3,220 were cancelled by the Cinderella school (Tr. 718-19). However, Mrs. Burns later received some "payment books" and sent them on to the Dorchester County Board of Education. The Burns family paid nothing to the Cinderella school nor to anyone else as a result of the episode. Mrs. Burns could not remember who sent her the payment books. She just "assumed" that because they were payment books that a finance company was involved (Tr. 721). Mrs. Burns never had the nature nor the amount of her financial obligation misrepresented (Tr. 722-23). The Burns family never "lost one penny from this transaction" (Tr. 724). The Burns family used pressures by the Dorchester County School Board and the "District Attorney" to obtain the refund of the \$50 paid to the Cinderella salesman by check the evening of February 2, 1967. The Dorchester County School Board, presumably through James G. Busick, contacted the Maryland State licensing authorities and the State licensing authorities notified the Cinderella school that its license to do business in Maryland would be withheld "until such a time as they refunded our [the Burns'] money [the \$50] \* \* \*" (Tr. 727).

At the time, Mrs. Burns was working for the Maryland National Bank earning \$4,000 per annum. Mr. Burns' income was \$7,500 per annum (Tr. 727).

Mrs. Burns' testimony (Tr. 728-29) is illuminating:

HEARING EXAMINER GROSS: I would like to ask this witness a question and with the usual caveat.

Mrs. Burns, you are pretty made [mad] at Cinderella, aren't you?

THE WITNESS: Well, the most thing I am made [mad] about is the fact that I thought they were a very nice school and then after I wrote them a very nice letter and at least asked for an answer they didn't even bother to answer me back. I have a copy of my letter and you may read it.

HEARING EXAMINER GROSS: Is that why you are made [mad] at them because they didn't answer your letter?



THE WITNESS: No, but I feel like if they are a school of integrity like they say they are, and they find people that aren't quite satisfied with what they have to offer—

HEARING EXAMINER GROSS: You have any evidence they are not a school of integrity?

THE WITNESS: Oh, no, no, sir.

Except for the fact they didn't even both [bother] to answer and usually when you have a school of integrity the least they can do is answer a letter that you send to them.

HEARING EXAMINER GROSS: Well, I am sure—

THE WITNESS: In regards to your children that you are sending up here.

HEARING EXAMINER GROSS: I am sure you know now that the whole world is a little busier than they used to be and people don't answer letters the instant they are opened now, you know that now. Sometimes department stores won't even cash your checks that you pay your bills with for two or three weeks.

THE WITNESS: That is true, I realize that.

HEARING EXAMINER GROSS: You work for a bank so you are a business lady.

THE WITNESS: Yes, sir.

HEARING EXAMINER GROSS: And you knew what you were doing when you signed those notes, didn't you?

THE WITNESS: I knew I signed notes, but I didn't realize how deeply I was getting into.

84. *William Henry Brown*, after reading CX 11 testified that the students he counsels would, after reading it, "expect to receive a high paying job" which would amount to "professional type work" (Tr. 459-60); that his students would think they "would be qualified to enter the field of fashion as a model, as a buyer, or some other form of executive." After reading CX 18 and CX 43, Mr. Brown testified that the students he counsels would think that they would be "qualified to apply for a job as a fashion buyer" (Tr. 461-62). William Brown never discussed the Cinderella school with any of his students, nor did any of his students ever show him a Cinderella advertisement (Tr. 464). Here again, the examiner must note that the best evidence of the reaction of Mr. Brown's students to the Cinderella advertisements would have been the testimony of the students themselves.

85. *Addah Jane Hurst*, whose business experience is related in finding 74 *supra*, had, during the period she was a school counselor, counseled numerous high school girls with respect to their choice of colleges and vocations (Tr. 1267-68). She had counseled at least fifty girls interested in career and finishing schools (Tr. 1276-77). Upon being shown the Cinderella advertisements, Mrs. Hurst testified that her students would receive the impression that the Cinderella school offers "preparatory"

courses for training in particular fields such as modeling and fashion merchandising (Tr. 1270-72, 1274-76, 1278-79) :

This is CX 19. On the basis of reading this ad, they would conclude that they were receiving training in the *many facets of fashion as a career*.

Now, let's see, CX 43 is broader. Here they would assume that they were being given a preparatory type of course, or maybe a training ground is a better expression, in the *field of fashion buying, modeling*, and again this finishing program which involves make-up, figure, personality, voice, wardrobe, hair styling, poise, and so forth. That is CX 43.

Now, CX 44 is devoted to the fashion career. I hate to be repetitive, but it is evident that this covers the same territory in which the girl would again conclude that she would be getting a preparatory—I wish I could think of another word, but a *preparatory course in fashion*. However, this field is somewhat broadened, it seems to me, here in that it includes the fact that it touches on the concomitant careers which would include, say, interior design. So that it is different from the preceding one in that respect. (Tr. 1275-76) (*italic supplied*).

Mrs. Hurst testified unqualifiedly that the Cinderella advertising which she was called upon to examine, in the light of public understanding, was not deceptive (Tr. 1316).

86. *Suzette Kettle*, director of the Bauder Fashion Career College & Finishing School in Atlanta, Georgia, formed the corporation in 1965 after giving up control of the Patricia Stevens Career College & Finishing School in Atlanta, which she had managed from 1954 to 1957; and owned, and operated, from 1957 to 1965 (Tr. 1196-1198). Prior to 1954 the witness wrote curricula for Patricia Stevens of Chicago; was the school's national director of education, and modeled for Elizabeth Arden and Stanley Korshak in Chicago, Illinois (Tr. 1196-1198). The Bauder Fashion Career College & Finishing School's fashion merchandising course costs \$1,755. Its curriculum content is similar to Cinderella's course (Tr. 1201-1204). The witness, who had dealt with many students of high school graduation age (Tr. 1223), testified that such girls, upon reading CX 19:

A. Well, I would think she could only look at and consider the courses that are available—in other words, *areas of training*.

Q. Can you state what a high school girl would get as an impression from reading that advertisement, what would be available to her at that school from that advertisement?

A. I would say just training in a particular area that she might be interested in.

Q. And what particular areas would she think about by reading that advertisement?

A. *Training in retailing or buying or sales promotion, or advertising, or display.*

Q. Can you tell me whether or not a girl of that age bracket from reading this advertising, would believe that upon taking this training she could then get a job directly as a buyer?

A. No. (Tr. 1224) (*italic supplied*).

\* \* \* \* \*

Q. Now, I would like to show you Commission's Exhibit No. CX-44, which is the document that you looked at before and read from. Is there anything in that document which, upon reading by a teenager, a teen-age girl, would give her the impression that she could obtain a position as a buyer immediately upon completing the course of instruction?

A. *No*—I think just the statement in the third paragraph, where it says that the staff itself will help you to find your niche. In other words, a niche to me is a starting place. And a buyer is an ultimate position.

Q. And finally, I now show you Commission Exhibit No. 43, which is one that you have not seen. I would like you to take a few minutes just to read that over. Now, is there anything in that exhibit which in your judgment would give the impression to a teen-age girl, a high school girl, that by taking the course of instruction offered by the Cinderella School she would, upon completion of those courses of instruction be able to obtain a job as a buyer?

A. *No*. Again I believe it just outlines the programs that they do have to offer. (Tr. 1224-1225) (*italic supplied*).

87. The Cinderella school does not promise, state or represent that any of its students will be qualified, upon graduation from its course in fashion merchandising, to assume a particular position immediately thereafter. There is *no* consumer testimony as to the meaning of the challenged advertisements relating to this alleged deception. There is *no* consumer testimony that a person to whom the advertisement is directed receives the impression, from reading the advertisements, that such person will, immediately upon graduation from the Cinderella course in fashion merchandising, "qualify" for the position of "buyer." The Cinderella advertisements do not so represent.

88. If the factual statements contained in CX 6, CX 7, CX 8, CX 9, CX 11, CX 12, CX 13, CX 14, CX 16-CX 21, incl.; CX 22, CX 26, CX 29, CX 43, CX 44, CX 155, the Cinderella ads, are false, complaint counsel has not placed any probative, substantial evidence in this record which proves them to be false, or demonstrates the manner in which they would deceive the persons to whom they are directed (TR. 976-982, 987-988, 1206-1212, 1376-1378; RX 67—for identification).

89. *Yolanda Costelloe* testified: CX 43 is an accurate description of a buyer, but that buyers now earn from ten to twenty-five thousand dollars per year (Tr. 976); that CX 16B, 17B, CX 18 thru CX 21, are true and not misleading (Tr. 978-982); that CX 44B correctly represents and describes the fashion merchan-

dising curriculum; and that CX 44A is true and not misleading (Tr. 987). The witness' testimony in this respect is not contradicted by other evidence in the record and, it must be kept in mind constantly, that the affirmative burden of going forward, and of persuasion, are, in this proceeding, upon complaint counsel (see p. 932 *supra*).

90. *Suzette Kettle*, with a broad experience in the field of fashion merchandising, testified there are no false representations in the Cinderella advertisements (Tr. 1206, 1211-1212). The witness confirmed, however, that the salary figures mentioned in the advertisements may lag behind the salaries now being paid, because of the tremendous expansion and development in the fashion industry (Tr. 1206-1211). The witness opined that the salary figures were probably obtained from an outdated government publication *Careers for Women in Retailing* (RX 67) published in 1963. She stated that with respect to salary and percentage figures in the fashion industry it is outdated (Tr. 1206-1207).

RX 67 pages 15-16 states:

The position of buyer is both responsible and rewarding. \* \* \* For buyers of womens' apparel, this consists of a whirlwind tour of showrooms to view the new season's offerings. Some buyers are selected to make trips to foreign markets. \* \* \* Earnings of buyers range from under \$4,000 to over \$20,000 depending upon the size and type of department.

Other statements in Cinderella's advertising are adapted from statements contained in RX 67.

91. *Peter Gough*, work experience coordinator for Montgomery County Maryland public schools since 1961 (Tr. 1364-1367) received a Bachelor's degree from Hofstra College, Long Island, New York, in Marketing Management and a Masters degree in Distributive Education from Temple University, Philadelphia, Pennsylvania. He has sixty additional college credits in the field of retail education, from New York University, George Washington University, Maryland University and Muhlenberg College. The witness worked for Gimbel's department store in New York City; for Joe Lowe Corporation, a wholesale company; and he owned and operated a retail business in Philadelphia, Pennsylvania. In addition to teaching the distributive education course, Mr. Gough coordinates classroom instruction with practical work experience for students who are in the Montgomery County's cooperative work experience programs (Tr. 1374). Mr. Gough testified that the factual statements and representations contained in CX 44 are true (Tr. 1376-1377). With the reservation:

A. \* \* \* there is one thing down here that I would like to clarify.

Q. Qualify?

A. I would say that the average buyer's salary—the average buyer earns between, I would say, better than \$10,000. I think that is a low figure for a buyer. I have worked with buyers. Well, they were good buyers when \$60,000 in bonuses at the end of the year was not the biggest bonus that was given out in a retail department store.

The other thing that I would like to clarify here is that one-half of retailing top executives are under thirty-five years or age. I would say that is a high figure. I would say that it is much lower. I would say the average, I guess that probably covers this, but I think you would find many that would be below thirty-five years of age. (Tr. 1377-1378.)

Miss Costelloe testified that one of Cinderella's co-operative students (attending school and working at the same time) would be in a position to accept a job as buyer because she had already had experience working in a department store as part of her training (Tr. 984).

Counsel have stipulated (see stipulation dated June 29, 1967) and it is found that "Competent and authorized personnel of various large department stores would, if called as witnesses, testify that students of Cinderella Career College and Finishing School, merely because they had completed a course of instruction at, or had been enrolled as a student in, Cinderella Career College and Finishing school, would not qualify for a position as a buyer in the aforesaid department stores." (SF, June 29, 1967.)

92. The hearing examiner finds, on the whole record, complaint counsel has failed to prove by substantial, reliable and probative evidence the allegations in subparagraphs "5" of Paragraphs Five and Six of the complaint. Such complaint charges hereby are dismissed as to all respondents.

#### The Alleged Job Placement Deception

93. The complaint alleges that respondents have represented directly or by implication, contrary to the fact, that:

5. *Respondents* find jobs for their students in almost all cases through their job placement service. (Italic supplied.)

94. CX 5 through 14, inclusive, CX 22, CX 26, CX 27, CX 28, CX 55, CX 57, CX 60, CX 61, and CX 64—contain, among other statements, "JOB PLACEMENT SERVICES"; "FREE JOB PLACEMENT SERVICE" (See ads CX 53 and CX 45); "Employment placement service!; Assistance in finding part-time employment while attending school. Jobs are obtainable by most qualified graduates through our Job Placement Service." (CX 35, CX 38); "Assistance in finding part-time employment while attending school. Jobs are obtainable by most qualified graduates through our Employ-

