

**UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION**

In the Matter of)	
)	
EDUCATIONAL RESEARCH CENTER)	
OF AMERICA, INC., and)	
STUDENT MARKETING GROUP, INC.,)	
corporations, and)	DOCKET NO. C-4079
)	
MARIAN SANJANA, individually and as an officer of)	
EDUCATIONAL RESEARCH CENTER OF)	
AMERICA, INC., and)	
)	
JAN STUMACHER, individually and as an officer of)	
STUDENT MARKETING GROUP, INC.)	

COMPLAINT

The Federal Trade Commission, having reason to believe that Educational Research Center of America, Inc. and Student Marketing Group, Inc., corporations; Marian Sanjana, individually and as an officer of Educational Research Center of America, Inc.; and Jan Stumacher, individually and as an officer of Student Marketing Group, Inc. (“respondents”), have violated the provisions of the Federal Trade Commission Act, and it appearing to the Commission that this proceeding is in the public interest, alleges:

1. Respondent Educational Research Center of America, Inc. (“ERCA”) is a Pennsylvania corporation with its principal office or place of business headquartered in Pittsburgh, Pennsylvania.
2. Respondent Marian Sanjana is an officer and director of ERCA. Individually or in concert with others, she formulates, directs, controls, or participates in the policies, acts, or practices of ERCA, including the acts or practices alleged in this complaint. Her principal office or place of business is the same as that of ERCA.
3. Respondent Student Marketing Group, Inc. (“SMG”) is a New York corporation with its principal office or place of business at 300 Merrick Road, Suite 206, Lynbrook, New York 11563. SMG also does business as the College Bound Selection Service.

B. “As you may know, ERCA is administering this annual poll to more than 14 million students and w

with commercial entities for marketing purposes. Therefore, the representation set forth in Paragraph 11 was, and is, false or misleading.

13. Through the means described in Paragraph 10, respondents have represented, expressly or by implication, that information collected from middle and junior high school students through the Survey is compiled into survey reports that are shared with colleges and universities.

14. In truth and in fact, little if any information collected from middle and junior high school students through the Survey is compiled into survey reports. Rather, the information is primarily shared with commercial entities for marketing purposes. Therefore, the representation set forth in Paragraph 13 was, and is, false or misleading.

15. The acts and practices of respondents as alleged in this complaint constitute unfair or deceptive acts or practices, in or affecting commerce, in violation of Section 5(a) of the Federal Trade Commission Act.

THEREFORE, the Federal Trade Commission this sixth day of May, 2003, has issued this compla