

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION

In the Matter of ABCSP, INC., a corporation.)))))))	Docket No. C-4378
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COMPLAINT

The Federal Trade Commission, having reason to believe that ABCSP, Inc. (“ABC,” or “respondent”) has violated provisions of the Federal Trade Commission Act, and it appearing to the Commission that this proceeding is in the public interest, alleges:

1. Respondent is a California corporation with its principal office or place of business at 1406 Blue Oaks Blvd., Ste. 100, Roseville, CA 95747. Respondent does business under its own name as well as the name, “Always Best Care.” Respondent provides its services through a network of franchisees located throughout the United States.
2. Respondent advertises that its locally-based “care coordinators” offer consumers free assistance in obtaining placements at assisted living communities, residential care homes, and other facilities which provide care for the frail elderly. ABC states that it receives compensation for its placement services from the facilities at which it makes its placements.
3. The acts and practices of respondent alleged in this complaint have been in or affecting commerce, as “commerce” is defined in Section 4 of the Federal Trade Commission Act.
4. There are least 39,000 assisted living facilities in the United States, as well as thousands of smaller, residential care homes which provide assistance and living arrangements for the frail elderly. In many of the geographic areas in which ABC’s franchisees operate, there are at least one thousand such facilities and homes.
5. ABC’s training manual for new franchisees recommends that they sign contracts with at least 35 to 40 such facilities before opening for business. ABC typically does not know the identity of the assisted living facilities and residential care homes with which its franchisees have contracts.
6. Respondent has disseminated or has caused the dissemination of promotional materials for its placement services through web-based advertisements. See, e.g., Exhibits A through C, attached hereto. ABC’s promotional materials contain the following statements or depictions:

a. ABC's Web Site:

To help guide you through the maze of assisted living communities, independent communities and residential care homes, Always Best Care visits or evaluates most every facility in our markets. If you need help selecting assisted living facilities that are ideal for your loved ones, let us provide our expertise.

Exh. A.

b. ABC's Web Site:

With our free assisted living placement program, we match our clients with the top three or four most appropriate living options based upon individual needs, custom screening, and available budgets.

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Understanding what community is right for your loved one can be a daunting task. Always Best Care helps seniors and their families through the entire process. Our Care Coordinators are local and have personally viewed virtually all of the assisted living communities in your area. Contact your Always Best Care representative today.

Exh. B.

c. ABC's Web Site:

Our Care Coordinators are local and have personally viewed most RCFE [Residential Care Facility for Elderly] homes in your area.

Exh. C.

7. Through the means described in Paragraph 6, ABC has represented, expressly or by implication, that its placement recommendations for assisted living facilities and residential care homes in different geographic regions are based on the personal knowledge of its personnel or agents regarding virtually all, or a substantial majority, of such facilities in these geographic regions.

8. In truth and in fact, in numerous geographic regions of the United States, ABC's placement recommendations for assisted living facilities and residential care homes are not based on the personal knowledge of its personnel or agents of virtually all, or a substantial majority, of the facilities in that geographic region. Therefore, the representation set forth in Paragraph 7 is false or misleading.

9. Through the means described in Paragraph 6, respondent has represented, expressly or by implication, that it possessed and relied upon a reasonable basis that substantiated the representation set forth in Paragraph 7, at the time the representation was made.

10. In truth and in fact, respondent did not possess and rely upon a reasonable basis that substantiated the representation set forth in Paragraph 7, at the time the representation was made. Therefore, the representation set forth in Paragraph 9 is false or misleading.

11. Respondent's practices, as alleged in this complaint, constitute 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 third day of December, 2012, has issued this complaint against respondent.

By the Commission.

Donald S. Clark
Secretary

SEAL: