

Miracle Ear's company to pay \$700,000 settlement

HARRISBURG, Pa. (AP) — The nation's third-largest hearing aid manufacturer said Wednesday it will pay a total of \$700,000 to 15 states to settle charges claiming it used deceptive advertising to sell its Miracle Ear device.

Dahlberg Inc. agreed to change its ads and make disclosures about the limitations of its product. It did not acknowledge any wrongdoing.

The agreement ended an investigation started last year by the 15 states into Miracle Ear ads, which said devices equipped with Clarifier circuits eliminate background noise, allowing users to understand conversations in noisy environments.

Pennsylvania's Bureau of Consumer Protection argued that no hearing aid could live up to such a claim.

"There's no way a mechanical device can function like a human ear," said Stephen Hladik, state deputy attorney general. "A hearing aid is an amplifier. It does not have the ability to differentiate sound the way it was implied in the advertising campaign."

Dahlberg ran the ads nationally until 1993, when the U.S. Food and Drug Administration ordered the company to stop the campaign.

Dahlberg, a Golden Valley, Minn.,-based subsidiary of Bausch & Lomb Inc.

of Rochester, N.Y., said it sought to resolve the matter to avoid costly litigation over an old ad campaign.

"Dahlberg has consistently defended and maintained that the performance claims for the Clarifier circuit were substantiated by reliable scientific evidence," said Carl Sassano, president and chief executive officer.

Despite the agreement, the Federal Trade Commission said it would proceed with a separate lawsuit filed in January charging that the ads were false and unsubstantiated.

As part of the accord announced Wednesday, Dahlberg must disclose in

ads that hearing aids may not provide the same benefits to all users, and that the efficacy of hearing aids may depend on proper fit, degree of hearing loss and accuracy of patient evaluation.

The company also must include a disclaimer that understanding speech in a noisy environment may be difficult, even with the Clarifier.

In addition to Pennsylvania, states receiving money under the settlement are: Arizona, California, Florida, Illinois, Massachusetts, Minnesota, Missouri, New Mexico, New York, North Carolina, Texas, Vermont, West Virginia and Wisconsin.

Two past tenants open doors of Biosphere 2

TUCSON, Ariz. (AP) — Two people who lived inside Biosphere 2 for two years were arrested Wednesday for allegedly breaking into the sealed environmental experiment and leaving the doors open so outside air could get in.

Abigail Alling, who has been taking responsibility for Monday's intrusion in calls to reporters across the country, faces two felony charges, burglary and criminal property damage, and a misdemeanor trespassing count.

She was arrested at a Tucson motel with fellow crew member Mark Van Thillo, said Pinal County Sheriff's spokeswoman Belia Fessenden. Van Thillo faces the same charges.

Alling and Van Thillo, among eight people who lived in the sealed dome for two years ending Sept. 26, 1993, are employees of the project's operator, Space Biospheres Ventures.

Both were suspended from their jobs with the project last week by a court-appointed receiver representing the controversial project's financial backer, Texas billionaire

Ed Bass.

Alling had indicated she was considering turning herself in, but Fessenden said the pair was arrested by a surveillance team when they appeared to be preparing to leave the motel.

Alling said she ordered the doors thrown open at the giant terrarium to end the experiment in order to protect the current crew of seven living in the dome outside Oracle, 35 miles north of Tucson. Without offering specifics, she said the crew was in danger because the receiver had suspended managers who know how to operate the system and that the crew was incapable of reacting to emergencies that might occur.

The case was initially classified a misdemeanor. Fessenden said the property damage count was boosted to a felony after Biosphere 2 officials estimated losses at \$80,000. The only physical damage revealed publicly was that five small panes of glass in the dome's "lungs" were broken, as were plastic seals on some doors. Four of the five doors were left open.

Homeless hero's rescue disputed

NEW ORLEANS (AP) — A homeless man's story that he rescued an elderly couple from a flaming wreck in a daring act that led to a job offer, cash and other assistance was disputed Wednesday by several people who said they witnessed the accident.

"We all helped each other," said Craig Allen, who works at a service station at the intersection where the accident occurred. "There's no way one person did it all."

But police stood by their initial account that Michael Dennis risked his life Saturday to pull Margaret Waltzer, 67, and her husband Elmo, 79, out of a burning car.

After that account was publicized, calls poured in to the police station from people offering money, clothes and jobs. Dennis, who had been homeless for two years after being laid off as a forklift operator, was hired Tuesday by a Baton Rouge company. He was honored for his bravery Wednesday by New Orleans police.

Dennis said others were trying to cash in on his

celebrity, including an erroneous report that General Motors Corp. had given him \$10,000. On Tuesday, Dennis told reporters about the GM gift, but on Wednesday he said he had been mistaken.

"I got them out of the car by myself," Dennis said. "Now people are coming out of the woodwork saying, 'I did it, I did it.' I'm angry about it."

Allen said he and four co-workers joined about five others in the rescue.

Glen Charouleau, who manages a nearby tile store, displayed burns on his arm and face that he said he got when he pulled Waltzer out of the car. He said the men from the service station rescued Margaret Waltzer.

"I went in the car twice and (Dennis) is taking the credit for it," he said. "That was not him. That was me."

Another witness, Dorothy Gotlin, said Dennis saved the couple's lives. But she said the smoke was so thick "you couldn't see what was happening in the car. ... You couldn't see the people in there."

Publicist sentenced, stole Trump's shoes

NEW YORK (AP) — A publicist who admitted having a "sexual relationship" with Marla Trump's footwear was sentenced Wednesday to up to four and one-half years in prison for stealing her shoes and lingerie.

Chuck Jones, 52, a former public relations aide for Trump, rejected several plea deals that would have spared him jail but would have required psychiatric counseling.

State Supreme Court Justice Richard Andrias told Jones he was satisfied that Jones had committed the crimes for reasons he could not really control.

"I don't think you have any-

one to blame but yourself," he said.

A jury convicted Jones Feb. 16 of burglary, criminal possession of stolen property and weapons possession. Andrias sentenced him to one and one-half to four and one-half years in prison. He faced up to 15 years on the burglary count alone.

"I think the jury was wrong, and we're going to appeal this," Jones said outside court.

Jones was arrested in July 1992 after police searched his office and found dozens of pairs of Marla Trump's missing shoes, boots and undergarments hid-

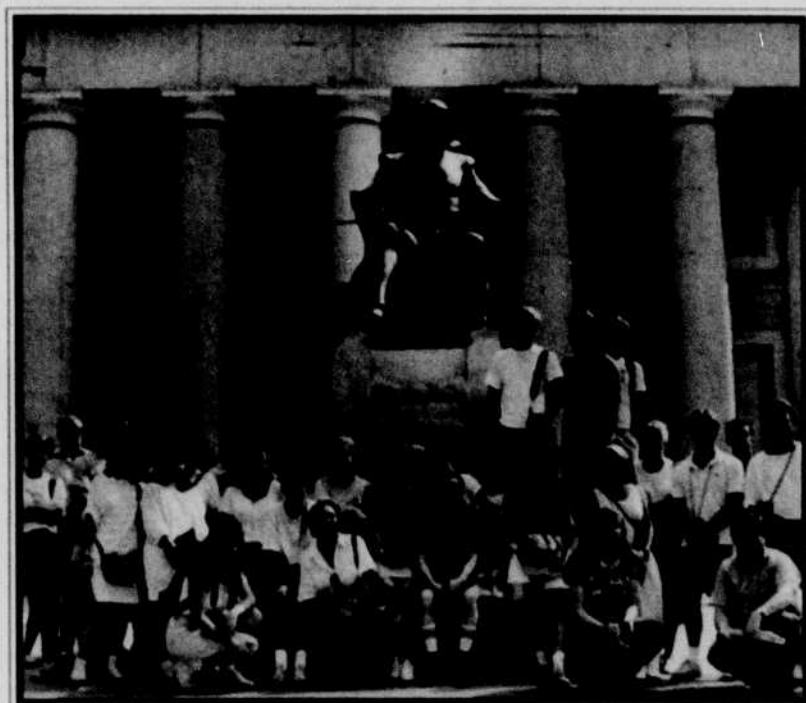
den in closets and drawers. The backs of the footwear had been slashed. Police also found an unlicensed handgun.

A videotape taken by a hidden camera in Trump's apartment showed Jones rummaging through her closet. Jones claimed he had permission to be in the apartment.

Trump, formerly Marla Maples, married developer Donald Trump last year.

Jones, who is married and has two daughters, often spoke openly during the three-week trial of his "sexual fascination" with women's shoes.

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