representation is made, proposed respondents possess and rely upon competent and reliable scientific evidence that substantiates the representation.

Paragraph II of the proposed order prohibits proposed respondents from making any representation for Svelt-PATCH, or any other drug or device, about the health benefits, performance, or efficacy of such product unless, at the time the representation is made, proposed respondents possess and rely upon competent and reliable scientific evidence that substantiates the representation.

Paragraph III of the proposed order prohibits proposed respondents from misrepresenting the existence, contents, validity, results, conclusions, or interpretations of any test, study, or study.

Paragraphs IV of the proposed order provides that nothing in this order shall prohibit proposed respondents from making any representation permitted by the Food and Drug Administration.

Paragraph V of the proposed order requires proposed respondents to pay three hundred and seventy-five thousand dollars ($375,000) in consumer redress, or if consumer redress is impracticable or unwarranted, said money shall be payable to the United States Treasury.

Paragraph VI of the proposed order contains recordkeeping requirements for materials that substantiate, qualify, or contradict covered claims and requires the proposed respondents to keep and maintain all advertisements and promotional materials containing any representation covered by the proposed order. In addition, paragraph VII requires distribution of a copy of the consent decree to current and future officers and agents. Further, paragraph VIII provides for Commission notification upon a change in the corporate respondent. Paragraph IX requires proposed respondent Patrice Runner to notify the respondents when he discontinues his current business or employment and of his affiliation with certain new businesses or employment. The proposed order also requires the filing of a compliance report (Paragraph X).

Finally, paragraph XI of the proposed order provides for the termination of the order after twenty years under certain circumstances.

The purpose of this analysis is to facilitate public comment on the proposed order. It is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Donald S. Clark,

Secretary.

[FR Doc. 97–8801 Filed 4–4–97; 8:45 am]

BILLING CODE 6750–01–M

FEDERAL TRADE COMMISSION

[File No. 912–3220]

Dean Distributors, Inc., et al., d/b/a Advanced Health Systems, Cambridge Direct Sales, and Medibase; Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair or deceptive acts or practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would require, among other things, the California-based companies, which market low calorie and very low calorie diet (VLCD) programs, to possess a reasonable basis for any future claims regarding weight loss or weight loss maintenance, and to clearly and prominently disclose in any representation regarding the safety of respondent's VLCD diet programs that physician monitoring is required to minimize the potential for health risks, namely development of gallbladder disease.

DATES: Comments must be received on or before June 6, 1997.

ADDRESSES: Comments should be directed to: FTC/Office of Secretary, Room 159, 6th St. and Pa. Ave., NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Walter Gross or J. Reilly Dolan, FTC/H–200, Washington, DC 20580. (202) 326–3319 or 326–3292.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and Section 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home page (for March 25, 1997), on the World Wide Web, at ''http://www.ftc.gov/os/actions/htm.'' A paper copy can be obtained from the FTC Public Reference Room, Room H-130, Sixth Street and Pennsylvania Avenue, NW., Washington, DC 20580, either in person or by calling (202) 326–3627. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with Section 4.9(b)(6)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii)).

Analysis of Proposed Consent Order

The Federal Trade Commission has accepted an agreement to a proposed consent order from Dean Distributors, Inc., a corporation doing business as advanced Health Care Systems, Cambridge Direct Sales and Medibase. Proposed respondent markets low calorie and very low calorie diet programs through a multi-level distribution system and directly to independent physicians.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The Commission has alleged that proposed respondent has made false and unsubstantiated claims in its advertising, promotional and sales materials that are likely to mislead consumers as to: (1) the likelihood of success in achieving and maintaining weight reduction; and (2) the health risk associated with rapid weight loss. Proposed respondent has represented, through consumer endorsements, that its diet programs produce successful results. The consumers featured in these testimonials purportedly achieved remarkable success in reaching a desired weight, and in changing their appearance. Through these consumer endorsements, proposed respondent has represented that he success achieved by such consumers in reaching their weight loss goal reflects the typical or ordinary experiences of participants of respondent's weight loss programs. The Commission has alleged that proposed respondent had failed to substantiate the claim that the weight loss success experienced by persons featured in these testimonial advertisements is representative of what consumers will generally achieve with the products.

The Commission has also alleged that proposed respondent has represented that the typical consumer of its products and services is successful in maintaining achieved weight loss, or, at a minimum, a substantial portion of achieved weight loss, over time. Proposed respondent has not provided adequate substantiation to support representations regarding the long-term effectiveness of the weight loss products and programs. Furthermore, according to the Commission's complaint, proposed respondent has represented that its maintenance claims were based in part upon a valid statistical analysis of its customers. However, the Commission has alleged that the analysis in question was not based upon a valid statistical sample of proposed respondent's customers.

Finally, the Commission has alleged that proposed respondent has represented that its physician monitored very-low-calorie diet programs are free of serious health risks without disclosing that physician monitoring is necessary to minimize the risk of serious health complications associated with very-low calorie diet programs. Further the Commission has alleged that in materials prepared specifically for physicians of patients using the very-low-calorie diets, proposed respondent failed to list serious adverse heath complications that have been associated with very-low-calorie diets.

The proposed consent order seeks to address the alleged misrepresentations cited in the accompanying complaint by requiring proposed respondents to possess a reasonable basis for any future claims regarding weight loss or weight loss maintenance. The proposed consent order also requires proposed respondent to clearly and prominently disclose in any representation regarding the safety of respondent's VLCD diet programs that physician monitoring is required to minimize the potential for health risks, namely development of gallbladder disease.

The purpose of this analysis is to facilitate public comment on the proposed order, and is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Donald S. Clark,

Secretary.

[FR Doc. 97–8799 Filed 4–4–97; 8:45 am]

BILLING CODE 6750–01–M

FEDERAL TRADE COMMISSION

[File No. 962–3172]

Amerifit, Inc.; Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair or deceptive acts or practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would require, among other things, the Connecticut-based company to pay $100,000 to the Commission for disgorgement and would prohibit the respondent from representing that the Fat Burners products, or any other food, drug, or dietary supplement cause weight loss or reduce body fat unless, at the time the representation is made, it possesses and relies upon competent and reliable scientific evidence that substantiates the representation. In addition, the proposed consent agreement would prohibit the respondent from using the trade name ''Fat Burners,'' unless it is used as part of the trade name ''Fat Burners Diet, Exercise and Supplement System'' and a disclosure statement is prominently and clearly placed on materials containing that name.

DATES: Comments must be received on or before June 6, 1997.

ADDRESSES: Comments should be directed to: FTC/Office of the Secretary, Room 159, 6th St. and Pa. Ave., N.W., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: Justin Dingfelder or Jeffrey Feinstein, FTC/S–4302, Washington, D.C. 20580. (202) 326–3017 or 326–2372.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and Section 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home page (for March 25, 1997), on the World Wide Web, at ''http://www.ftc.gov/os/actions/htm.'' A paper copy can be obtained from the FTC Public Reference Room, Room H–130, Sixth Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580, either in person or by calling (202) 326–3627. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with Section 4.9(b)(6)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii)).

Analysis of Proposed Consent Order

The Federal Trade Commission has accepted, subject to final approval, an agreement to a proposed consent order from AmeriFIT, Inc. (respondent). The agreement would settle a proposed complaint by the Commission that respondent engaged in unfair or deceptive acts or practices in violation of sections 5(a) and 12 of the Federal Trade Commission Act.

The proposed consent order has been placed on the public record for sixty (60) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The Commission's complaint alleges that respondent manufactured, advertised, labeled, offered for sale, sold and distributed products to the public, including ''Fat Burners,'' ''Fast Burners,'' ''Improved Formula Fat Burners,'' and ''Extra Strength Fat Burners'' (collectively, ''the Fat Burners products''), and represented that the Fat Burners products cause weight loss or reduced body fat. The Commission's complaint further alleges that respondent did not possess and rely upon a reasonable basis that substantiated those representations.

The consent agreement resolving these allegations prohibits respondent from representing that the Fat Burners products, or any other food, drug, or dietary supplement cause weight loss or reduce body fate unless, at the time the representation is made, it possesses and relies upon competent and reliable scientific evidence that substantiates the representation.

The agreement further prohibits respondent from using the name ''Fat Burners'' or any other name that communicates the same or similar meaning unless the material containing the name clearly and prominently contains the following disclosure:

THE DIETARY SUPPLEMENT IN THIS SYSTEM IS FOR NUTRITIONAL USE ONLY