

## TRANSACTION GRANTED EARLY TERMINATION—Continued

ET date	Transaction No.	ET requisition status	Party name
		G	ADE Corporation.
		G	ADE Corporation.
	19982416	G	Grupo Industrial Bimbo, S.A., de C.V.
		G	Mrs. Baird's Bakeries, Inc.
		G	Mrs. Baird's Bakeries, Inc.
	19982422	G	Veeco Instruments Inc.
		G	Virgil Elings.
		G	Digital Instruments, Inc.
	19982423	G	Virgil Elings.
	19982423	G	Veeco Instruments Inc.
		G	Veeco Instruments Inc.
	19982439	G	Tyssen-Bornemisza Continuity Trust.
		G	COMSAT Corporation.
		G	COMSAT RSI, Inc.
	19982446	G	AirTouch Communications, Inc.
		G	Mario J. Gabelli.
		G	Rivgam Communications, L.L.C.
	19982448	G	Glen Raven Mills, Inc.
		G	A. Dewarvin Fils & Cie S.A.
		G	Dickson S.A.
	19982513	G	France Telecom.
		G	Robert Behar.
		G	Hero Productions, Inc., Hero Satellite Services, Inc.
	19982514	G	France Telecom.
		G	Alejandro Sawicki.
		G	Hero Productions, Inc., Hero Satellite Services, Inc.
	19982515	G	Canadian Fracmaster Ltd.
		G	John R. Stanley.
		G	TransTexas Gas Corporation.
	19982533	G	Aspect Telecommunications Corporation.
		G	EG&G Venture Partners.
		G	Voicetek Corporation.
	19982534	G	Illinova Generating Company.
		G	Northeast Utilities.
		G	COE Tejana Corporation.
	19982544	G	Leandro P. Rizzuto.
		G	CTS Corporation.
		G	Dynamics Corporation of America.
		G	Waring Products Division.
	19982548	G	Code Hennessy & Simmons III L.P.
		G	AmeriTruck Distribution Corp.
		G	Thompson Bros., Inc.
	19982549	G	Stratos Global Corporation.
		G	ICG Communications, Inc.
		G	Maritime Telecommunications Network, Inc./Maritime Cellular.
	19982552	G	Vestar Capital Partners III. L.P.
		G	Maurice Bidermann.
		G	Bidermann Industries, U.S.A., Inc.
	19982554	G	MidAmerican Energy Holdings Company.
		G	American Mutual Holding Company.
		G	AmerUS Home Services, Inc.
	19982556	G	U.S. Liquids Inc.
		G	USA Waste Services, Inc.
		G	City Environmental, Inc.
		G	Northern A-1 Environmental.
		G	City Environmental Services of Florida, Inc.
	19982603	G	Helix Technology Corporation.
		G	Granville-Phillips Company.
		G	Granville-Phillips Company.

**FOR FURTHER INFORMATION CONTACT:**

Sandra M. Peay or  
Parcellena P. Fielding, Contact  
Representatives

Federal Trade Commission, Premerger  
Notification Office, Bureau of  
Competition Room 303 Washington,  
D.C. 20580 (202) 326-3100.

By Direction of the Commission.

**Donald S. Clark,**

*Secretary.*

[FR Doc. 98-13086 Filed 5-15-98; 8:45 am]

BILLING CODE 6750-01-M

**FEDERAL TRADE COMMISSION**

[File No. 952-3235]

**Bogdana Corporation, et al.; Analysis  
To Aid Public Comment**

AGENCY: Federal Trade Commission.

**ACTION:** Proposed consent agreement.

**SUMMARY:** The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices or unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the draft complaint that accompanies the consent agreement and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

**DATES:** Comments must be received on or before July 17, 1998.

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

**FOR FURTHER INFORMATION CONTACT:** Joel Winston, FTC/S-4002, Washington, D.C. 20580. (202) 326-3153.

**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 May 12, 1998), on the World Wide Web, at "http://www.ftc.gov/os/actions97.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 To Aid Public Comment**

The Federal Trade Commission has accepted an agreement to a proposed consent order from Bogdana Corporation; and Joseph L. Gruber and Bogda Gruber, Individually and as officers of Bogdana Corporation.

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.

This matter involves alleged deceptive representations for two dietary supplements: Cholestaway, capsules or wafers purported to lower serum cholesterol; and Flora Source, a powdered supplement purported to replace natural intestinal flora, thereby boosting the immune system and providing other health benefits. Advertisements for the products included 30-minute television infomercials, 30-minute radio infomercials, 60-second television commercials, and catalogs.

According to the FTC complaint, by using the trade name "Cholestaway," and through the advertisements, the respondents made claims that Cholestaway: significantly lowers serum cholesterol levels; significantly lowers serum cholesterol levels without changes in diet; significantly lowers serum cholesterol levels and causes significant weight loss even if users eat foods high in fat, including fried chicken and pizza; substantially reduces or eliminates the body's absorption of dietary fat; lowers low density lipoprotein cholesterol and improves the high density lipoprotein cholesterol to low density lipoprotein cholesterol ratio; is effective in the treatment of hardening of the arteries and heart disease; causes significant weight loss; causes significant weight loss without changes in diet; significantly reduces blood triglyceride levels; significantly reduces elevated blood pressure; and is scientifically proven to lower serum cholesterol levels and reduce elevated blood pressure significantly; and that testimonials from consumers appearing in the advertisements for cholestaway reflect the typical or ordinary experience of members of the public who use the product. The complaint alleges that the respondents did not have a reasonable basis for any of these representations at the time they were made.

The complaint also alleges that the respondents misrepresented radio infomercials for Cholestaway to be independent radio programs rather than commercial messages.

The complaint further alleges that the respondents made claims, without a reasonable basis, that Flora Source: replaces the natural intestinal flora that are lost due to illness, prescription drugs or antibiotics, thereby reducing

the risk of developing illnesses such as chronic fatigue syndrome (Epstein-Barr syndrome) and other immunosuppression diseases, including AIDS; improves the body's absorption of nutrients, including B vitamins; enhances the body's immune response and is effective in the treatment of immunosuppression diseases, including AIDS; prevents weight gain; and is effective in the prevention or treatment of anorexia and gastrointestinal disorders and symptoms, including food sensitivities, constipation, diarrhea, dyspepsia, abdominal pain, bloating and gas.

The consent order contains provisions designed to prevent the respondents from engaging in similar acts and practices in the future.

Part I of the order prohibits the respondents from making the representations about Cholestaway challenged in the complaint, unless they possess and rely upon competent and reliable scientific evidence that substantiates the representation. Part II of the order contains similar provisions with regard to the challenged representations about Flora Source.

Part III prohibits respondents from making any representation about the efficacy, performance, safety or benefits of any food, dietary supplement or drug unless they possess and rely upon competent and reliable scientific evidence that substantiates the representation.

Part IV prohibits the respondents from using the name "Cholestaway" or any other name that represents that the product will lower serum cholesterol levels unless they have substantiation.

Part V prohibits the respondents from misrepresenting the existence, contents, validity, results, conclusions or interpretations of any test, study, or research.

Part VI prohibits the respondents from representing that the experience represented by a user testimonial or endorsement of the product is the typical or ordinary experience of users of the product unless the representation is substantiated or they disclose what the generally expected results would be or that consumers should not expect the same results.

Part VII prohibits the respondents from disseminating any advertisement that misrepresents that it is not a paid advertisement, and requires disclosures, during television ads fifteen minutes in length or longer and radio ads five minutes or longer, that the program is a paid advertisement.

Part VIII allows the respondents to make representations for any drug that are permitted in labeling for that drug

under any tentative final or final Food and Drug Administration ("FDA") standard or under any new drug application approved by the FDA.

Part IX allows the respondents to make representations for any product that are specifically permitted in labeling for that product by regulations issued by the FDA under the Nutrition Labeling and Education Act of 1990.

Parts X through XII and XIV require the respondents to keep copies of advertisements making representations covered by the order; to keep records concerning those representations, including materials that they relied upon when making the representations; to provide copies of the order to certain of the corporate respondents' personnel; to notify the Commission of changes in corporate structure; and to file compliance reports with the Commission. Part XV provides that the order will terminate after twenty (20) years under certain circumstances.

Part XIII requires that the Grubers notify the Commission of any change in their business or employment.

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

By direction of the Commission.

**Donald S. Clark,**  
Secretary.

[FR Doc. 98-13140 Filed 5-15-98; 8:45 am]  
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## FEDERAL TRADE COMMISSION

[File No. 971-0039]

### Fastline Publication, Inc., et al.; Analysis To Aid Public Comment

**AGENCY:** Federal Trade Commission.  
**ACTION:** Proposed consent agreement.

**SUMMARY:** The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices or unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the draft complaint that accompanies the consent agreement and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

**DATES:** Comments must be received on or before July 17, 1998.

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

**FOR FURTHER INFORMATION CONTACT:** Willian Baer or Willard Tom, FTC/H-375, Washington, D.C. 20580. (202) 326-2932 or 326-2786.

**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 May 11, 1998), on the World Wide Web, at "http://www.ftc.gov/os/actions97.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 To Aid Public Comment

The Federal Trade Commission has accepted, subject to final approval, an agreement to a proposed consent order from Fastline Publications, Inc. ("Fastline") and Mid-America Equipment Retailers Association ("Mid-America"). The agreement would settle allegations that Fastline and Mid-America violated Section 5 of the Federal Trade Commission Act by agreeing not to advertise or publish prices for new farm equipment in the *Fastline Kentucky Farm Edition*.

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 review the agreement and the comments received, and will decide whether it should withdraw from the agreement and take other appropriate action or make final the agreement's proposed order.

The purpose of this analysis is to facilitate public comment on the proposed consent order. The analysis is not intended to constitute an official

interpretation of the agreement and proposed order, or to modify in any way their terms. Further, the proposed consent order has been entered into for settlement purposes only, and does not constitute an admission by Fastline or Mid-America that the law has been violated as alleged in the complaint.

### The Complaint

Fastline publishes, among other things, picture buying guides for new and used farm equipment, which are mailed free to farmers and ranchers in over 40 states. Farm equipment advertised in Fastline's buying guides ranges from relatively inexpensive lawn mowers to heavy duty farm equipment such as tractors, plows, planters, cotton pickers, and combines costing tens of thousands of dollars. Fastline's principal source of revenue is the farm equipment dealers who advertise in its buying guides. Fastline currently publishes 20 monthly editions of its farm equipment buying guides, serving 41 states. Farm equipment dealers view the *Fastline Kentucky Farm Edition* as a key vehicle for advertising to farmers located in Kentucky.

Mid-America is a trade association for farm equipment dealers. It was formed in 1992 through the merger of the Indiana Implement Dealers Association, Inc., and the Kentucky Farm and Power Equipment Retailers Association (the "Kentucky Retailers Association"). About 90 percent of the farm equipment dealers in Kentucky and Indiana are members of Mid-America.

In early 1991, several Kentucky farm equipment dealers complained to Fastline about dealers advertising prices, including discount prices, for new farm equipment in the *Fastline Kentucky Farm Edition*. The price advertisements were, among other things, facilitating downward pressure on prices for new farm equipment. In protest, several dealers withheld their advertising from the *Fastline Kentucky Farm Edition* until Fastline agreed not to publish advertisements that included prices for new farm equipment.

Price advertisements for new farm equipment began to reappear in the *Fastline Kentucky Farm Edition* by the end of 1991. In early 1992, Fastline was invited to the annual meeting of the Kentucky Retailers Association, during which several of its members expressed their dislike for price advertising and threatened to withdraw or otherwise cancel their advertisements in the *Fastline Kentucky Farm Edition* if Fastline continued to publish advertisements that included prices for new equipment. Fastline, threatened with the loss of substantial advertising