

revenue, acquiesced and stopped accepting advertisements that included prices for new equipment. Following the merger of the Kentucky and Indiana trade associations, Mid-America sought and obtained Fastline's reaffirmation of the agreement not to publish prices for new equipment in the *Fastline Kentucky Farm Edition*.

These agreements have injured consumers by: (1) reducing price competition among farm equipment dealers for new farm equipment; (2) depriving consumers of truthful and nondeceptive price information; and (3) depriving consumers of the benefits of competition.

The Proposed Consent Order

Fastline and Mid-America have signed a consent agreement containing a proposed order. Part II of the proposed order would enjoin Mid-America from impeding the advertising of prices or other terms of sale for farm equipment or parts. Additionally, Mid-America would be enjoined from participating in or assisting in any boycott regarding the advertising or prices or other terms of sale for farm equipment or parts.

Part III of the proposed order would enjoin Fastline from agreeing to prohibit or restrict the advertising or prices or other terms of sale for farm equipment or parts. Notwithstanding this provision, however, the proposed order would not prevent Fastline from adopting and enforcing reasonable guidelines with respect to advertisements that Fastline reasonably believes would be false or deceptive within the meaning of Section 5 of the Federal Trade Commission Act.

Part IV of the proposed order would require Mid-America to amend its by-laws to incorporate by reference Paragraph II of the order, and distribute a copy of the amended by-laws to each of its members. In addition, the proposed order would require Mid-America to distribute copies of the proposed order and accompanying complaint to: (a) Persons whose activities are affected by the order; or who have responsibilities with respect to the subject matter of the order, and (b) each of its members.

Part V of the proposed order would require Fastline to distribute copies of the order and accompanying complaint to persons whose activities are affected by the order, or who have responsibilities with respect to the subject matter of the order. In addition, the proposed order would require Fastline to publish annually for each of the next five years in each edition of its farm equipment buying guides a copy of the NOTICE attached to the order.

Parts VI, VII, and VIII of the proposed order impose certain reporting requirements in order to assist the Commission in monitoring compliance with the order.

The proposed consent order would terminate twenty (20) years after the date it is issued.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 98-13141 Filed 5-15-98; 8:45 am]

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FEDERAL TRADE COMMISSION

[File No. 952-3235]

Western Direct Marketing Group, 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 violation of federal law prohibiting unfair or deceptive acts or practices or unfair methods of competition. The attached Analysis to Aid Public Comment describes both 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, DC 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 Western Direct Marketing Group ("WDMG") and Western Intentional Media Corporation ("WIMC").

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 withdrawn from the agreement or make final the agreement's proposed order.

This matter involves alleged deceptive representations for Cholestaway, a dietary supplement marketed by Bodgana Corporation, purported to lower serum cholesterol. Advertisements for the product included 30-minute television infomercials.

WDMG is the successor corporation to Television Marketing Group, the advertising agency for the Cholestaway television infomercials. MIMC is WDMG's corporate parent.

According to the FTC complaint, through the infomercials, the respondent 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 significantly 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 diseases; 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 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 challenged in the complaint, unless they possess and rely upon competent and reliable scientific evidence that substantiates the representation.

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

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

Part IV 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 V 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 VI 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 VII through X 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 making the representations; to provide copies of the order to certain of the respondents' personnel; to notify the Commission of changes in corporate structure; and to file complaint reports with the Commission. Part XI provides that the order will terminate after twenty (20) years under certain circumstances.

The purpose of this analysis is to facilitate public comment on the proposed order, and its 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. 98-13142 Filed 5-15-98; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: Financial Status Reporting Form (SF-269) with Supplemental Form (ADD-02) for Developmental Disabilities Council Program.

OMB No.: 0980-0212.

Description: Developmental Disabilities Council Program funds are awarded contingent on fiscal requirements in Part B of the Developmental Disabilities Assistance and Bill of Rights Act. The SF-269, mandated in the revised OMB Circular A-102, provides no breakouts necessary for proper stewardship. The proposed alternative would breakout the necessary information, but would do so in a consolidated manner that makes reporting easier. It will allow proactive compliance monitoring by the Government to catch problems early.

Respondents: State, Local or Tribal Government.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of respondents per respondent	Average burden hours per response	Total burden hours
ADD-02	55	2	90	990
Estimated Total Annual Burden Hours: 990				

In Compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Information Services, Division of Information Resource Management Services, 370 L'Enfant Promenade, S.W., Washington, D.C. 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Dated: May 13, 1998.

Bob Sargis,

Acting Reports Clearance Officer.

[FR Doc. 98-13111 Filed 5-15-98; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: Voluntary Surveys of Program Partners to Implement Executive Order