

C. This Order if such complaint is filed after the Order has terminated pursuant to this paragraph.

Provided further, that if such complaint is dismissed or a federal court rules that the respondent did not violate any provision of the Order, and the dismissal or ruling is either not appealed or upheld on appeal, then the Order will terminate according to this paragraph as though the complaint was never filed, except that the Order will not terminate between the date such complaint is filed and the later of the deadline for appealing such dismissal or ruling and the date such dismissal or ruling is upheld on appeal.

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement, subject to final approval, to a proposed consent order from Benckiser Consumer Products, Inc. ("Benckiser").

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 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 in this matter charges Benckiser with engaging in unfair or deceptive acts or practices in connection with the advertising and promotion of EarthRite household cleaning products. According to the complaint, Benckiser falsely represented that it donates some portion of the revenue from the sale of EarthRite products to non-profit environmental organizations. The complaint also alleges that Benckiser falsely represented that, at the times it made the donation claim, it relied upon a reasonable basis which substantiated the claim.

The consent order contains provisions designed to remedy the violations charged and to prevent Benckiser from engaging in similar deceptive acts or practices in the future.

Part I of the order prohibits Benckiser from representing that any portion of the revenue from the sale of any Benckiser household cleaning product is donated to any organization unless Benckiser discloses, clearly, prominently, and in close proximity to such representation, the method of calculating the amount of such donation.

Part II of the order requires Benckiser to maintain copies of all materials relied

upon in making any representation covered by the order.

Part III of the order requires Benckiser to distribute copies of the order to its operating divisions and to various officers, agents, representatives and employees of Benckiser.

Part IV of the order requires Benckiser to notify the Commission of any changes in corporate structure that might affect compliance with the order.

Part V of the order is a "sunset" provision, dictating that the order will terminate twenty years from the date it is issued or twenty years after a complaint is filed in federal court, by either the United States or the FTC, alleging any violation of the order.

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 any of their terms.

Donald S. Clark,

Secretary.

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[Dkt. C-3610]

Physicians Group, Inc., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order prohibits, among other things, a Virginia physicians' group, and its seven board members from attempting to engage in an agreement or agreeing with other physicians to negotiate or refuse to negotiate with a third party payor. In addition, it requires dissolution of the group within 120 days.

DATES: Complaint and Order issued August 11, 1995.¹

FOR FURTHER INFORMATION CONTACT: Mark Horoschak or Rendell Davis, FTC/S-3115, Washington, DC 20580. (202) 326-2756 or (202) 326-2894.

SUPPLEMENTARY INFORMATION: On Thursday, May 11, 1995, there was published in the Federal Register, 60 FR 25223, a proposed consent agreement with analysis In the Matter of Physicians Group, Inc., et al., for the

¹ Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H-130, 6th Street & Pennsylvania Avenue NW., Washington, DC 20580.

purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

A comment was filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Donald S. Clark,

Secretary.

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[Dkt. C-3613]

The Scotts Company; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, Scotts, an Ohio-based corporation, to divest its Peters Consumer Water Soluble Fertilizer Business and related assets to Alljack & Company or another Commission-approved buyer by no later than December 31, 1995. If the divestiture is not completed on time, the consent order permits the Commission to appoint a trustee to complete the transaction. In addition, the Commission substituted a 10-year prior-notice provision for the 10-year prior-approval provision contained in the proposed consent agreement as it was published for public comment.

DATES: Complaint and Order issued September 8, 1995.¹

FOR FURTHER INFORMATION CONTACT: Howard Morse or Robert Cook FTC/S-3627, Washington, DC 20580. (202) 326-2949 or 326-2771.

SUPPLEMENTARY INFORMATION: On Thursday, June 15, 1995, there was published in the Federal Register, 60 FR 31470, a proposed consent agreement with analysis In the Matter of The Scotts Company, for the purpose of soliciting

¹ Copies of the Complaint, the Decision and Order, and Commissioner Azcuenaga's statement are available from the Commission's Public Reference Branch, H-130, 6th Street and Pennsylvania Avenue NW., Washington, DC 20580.