

commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than August 30, 1996.

A. Federal Reserve Bank of New York (Christopher J. McCurdy, Senior Vice President) 33 Liberty Street, New York, New York 10045:

1. *The Chase Manhattan Corporation*, New York, New York; and *Mellon Bank Corporation*, Pittsburgh, Pennsylvania; to acquire through their joint venture, *ChaseMellon Shareholder Services*, L.L.C., Ridgefield Park, New Jersey, the stock transfer business of Wells Fargo Bank, N.A., San Francisco, California, and certain affiliated banks and thereby to engage in trust company activities pursuant to § 225.25(b)(3) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, August 12, 1996.

Jennifer J. Johnson

*Deputy Secretary of the Board*

[FR Doc. 96-20903 Filed 8-15-96; 8:45 am]

BILLING CODE 6210-01-F

## FEDERAL TRADE COMMISSION

[File No. 942-3332]

### **RBR Productions, Inc.; Richard Rosenberg; Proposed Consent Agreement With 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 prohibit, among other things, the Ridgefield, New Jersey-based beauty salon products supplier from making specific misrepresentations about the safety of its disinfectant products and would require the firm to have evidence to back certain other human safety and environmental benefit claims. The consent agreement settles allegations stemming from advertising and promotional materials for RBR's disinfectants, "Let's Dance" and "Let's Touch," touted as non-toxic or non-corrosive to skin and eyes, and for its "Let's Go" drying spray.

**DATES:** Comments must be received on or before October 15, 1996.

**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:** Lee Peeler, Federal Trade Commission, 6th and Pennsylvania Avenue, NW, S-4002, Washington, DC 20580. (202) 326-3090. Janet Evans, Federal Trade Commission, 6th and Pennsylvania Avenue, NW, S-4002, Washington, DC 20580. (202) 326-2125.

**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 following 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. 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)).

### **Agreement Containing Consent Order To Cease and Desist**

The Federal Trade Commission having initiated an investigation of certain acts and practices of RBR Productions, Inc., a corporation, and Richard Rosenberg, individually and as an officer and director of said corporation, hereinafter sometimes referred to as proposed respondents, and it now appearing that proposed respondents are willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated,

It is hereby agreed by and between RBR Productions, Inc., by its duly authorized officer, and Richard Rosenberg, individually and as an officer and director of said corporation, and counsel for the Federal Trade Commission that:

1. Proposed respondent RBR Productions, Inc. is a corporation organized, existing, and doing business under and by virtue of the laws of the state of New Jersey, with its office and principal place of business located at 1010 Hoyt Avenue, Ridgefield, New Jersey 07657. From time to time, RBR Productions, Inc. does business under the name of Isabel Cristina Beauty Care Products.

Proposed respondent Richard Rosenberg is an officer and director of RBR Productions, Inc. He formulates, directs, and controls the policies, acts, and practices of said corporation and

his office and principal place of business is the same as that of said corporation.

2. Proposed respondents admit all the jurisdictional facts set forth in the draft of complaint.

3. Proposed respondents waive:  
(a) Any further procedural steps;  
(b) The requirement that the

Commission's decision contain a statement of findings of fact and conclusions of law;

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement; and

(d) Any claim under the Equal Access to Justice Act.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondents, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondents of facts, other than jurisdictional facts, or of violations of law as alleged in the draft of complaint.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondents: (1) issue its complaint corresponding in form and substance with the draft of complaint and its decision containing the following order to cease and desist in disposition of the proceeding; and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified, or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to proposed respondents' address as stated in this agreement shall constitute

service. Proposed respondents waive any right they may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondents have read the proposed complaint and order contemplated hereby. They understand that once the order has been issued, they will be required to file one or more compliance reports showing that they have fully complied with the order. Proposed respondents further understand that they may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

#### Order

#### Definitions

For the purposes of this Order:

1. "Competent and reliable scientific evidence" shall mean tests, analyses, research, studies, or other evidence based upon the expertise of professionals in the relevant area, that has been conducted and evaluated in an objective manner by persons qualified to do so, using procedures generally accepted in the profession to yield accurate and reliable results;

2. "Volatile organic compound" ("VOC") shall mean any compound of carbon which participates in atmospheric photochemical reactions as defined by the U.S. Environmental Protection Agency at 40 C.F.R. § 51.100(s), and as subsequently amended. When the final rule was promulgated, 57 Fed. Reg. 3941 (February 3, 1992), the EPA definition excluded carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, ammonium carbonate and certain listed compounds that EPA has determined are of negligible photochemical reactivity.

#### I

*It is ordered* that respondents, RBR Productions, Inc., a corporation, its successors and assigns, and its officers, and Richard Rosenberg, individually and as an officer and director of said corporation, and respondents' agents, representatives, and employees, directly or through any partnership, corporation, subsidiary, division, or other device, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of Let's Dance and Let's Touch disinfectants, in or affecting commerce, as "commerce" is defined in the Federal

Trade Commission Act, do forthwith cease and desist from misrepresenting, in any manner, directly or by implication, that:

A. Let's Dance concentrate is non-corrosive to skin or eyes, non-toxic, or does not pose a risk of adverse health effects;

B. Let's Touch concentrate is non-toxic or does not pose a risk of adverse health effects; or

C. Let's Dance and Let's Touch use dilutions are classified as non-toxic under the Federal Hazardous Substances Act regulations.

#### II

*It is further ordered* that respondents, RBR Productions, Inc., a corporation, its successors and assigns, and its officers, and Richard Rosenberg, individually and as an officer and director of said corporation, and respondents' agents, representatives, and employees, directly or through any partnership, corporation, subsidiary, division, or other device:

A. In connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of Let's Dance and Let's Touch disinfectants, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, in any manner, directly or by implication, that:

1. Let's Dance or Let's Touch use dilutions are non-toxic or do not pose a risk of adverse health effects;

2. Let's Dance or Let's Touch concentrates or use dilutions are less toxic than quaternary ammonium compound disinfectants or any other disinfectant or product;

3. Let's Dance is biodegradable;

4. Let's Dance is safe for the environment after ordinary use; and

B. In connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of Let's Go spray or any other product containing any volatile organic compound, through the use of such terms as "environmental formula," "environmental formula, freon free, ozone friendly," "environmental formula, will not harm the ozone, contains no freon, chlorofluorocarbons, methylene chloride, or 1,1,1-trichloroethane," or any other term or expression, that any such product will not harm the environment; and

C. In connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of any disinfectant or aerosol product in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do

forthwith cease and desist from representing, in any manner, directly or by implication, that such product will offer any absolute or comparative health, safety, or environmental benefit; unless, at the time of making such representation, respondents possess and rely upon competent and reliable evidence that substantiates the representation, which when appropriate must be competent and reliable scientific evidence.

#### III

A. *It is further ordered* that respondents, RBR Productions, Inc., a corporation, its successors and assigns, and its officers, and Richard Rosenberg, individually and as an officer and director of said corporation, and respondents' agents, representatives, and employees, directly or through any partnership, corporation, subsidiary, division, or other device, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of any product or package, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting, in any manner, directly or by implication, the extent to which:

(1) any such product or package is capable of being recycled; or,  
(2) recycling collection programs for such product or package are available.

B. *Provided*, however, respondents will not be in violation of Part III.A(2) of this Order, in connection with the advertising, labeling, offering for sale, sale or distribution of any aluminum aerosol can, if it truthfully represents that such package is recyclable, provided that:

(1) respondent discloses clearly, prominently, and in close proximity to such representation:

(a) that such packaging is recyclable in the few communities with recycling collection programs for aluminum aerosol cans; or

(b) the approximate number of U.S. communities with recycling collection programs for such aluminum aerosol cans; or

(c) the approximate percentage of U.S. communities or the U.S. population to which recycling collection programs for such aluminum aerosol cans are available.

For the purposes of this Order, a disclosure elsewhere on the product package shall be deemed to be "in close proximity" to such representation if there is a clear and conspicuous cross-reference to the disclosure. The use of an asterisk or other symbol shall not constitute a clear and conspicuous

cross-reference. A cross-reference shall be deemed clear and conspicuous if it is of sufficient prominence to be readily noticeable and readable by the prospective purchaser when examining the part of the package on which the representation appears.

#### IV

*It is further ordered* that for five (5) years after the last date of dissemination of any representation covered by this Order, respondents, or their successors or assigns, shall maintain and upon request make available to the Federal Trade Commission or its staff for inspection and copying:

A. All materials that were relied upon in disseminating such representation; and

B. All tests, reports, studies, surveys, demonstrations, or other evidence in their possession or control that contradict, qualify, or call into question such representation, or the basis relied upon for such representation, including complaints from consumers and complaints or inquiries from governmental organizations.

#### V

*It is further ordered* that respondent RBR Productions, Inc. shall distribute a copy of this Order to each of its operating divisions and to each of its officers, agents, representatives, or employees engaged in the preparation and placement of advertisements, promotional materials, product labels or other such sales materials covered by this order.

#### VI

*It is further ordered* that respondent RBR Productions, Inc., its successors and assigns, shall notify the Commission at least thirty (30) days prior to any proposed change in the corporation such as a dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations under this Order.

#### VII

*It is further ordered* that respondent Richard Rosenberg shall, for a period of five (5) years from the date of entry of this Order, notify the Commission within thirty (30) days of the discontinuance of his present business or employment and of his affiliation with any new business or employment. Each notice of affiliation with any new business or employment shall include respondent's new business address and

telephone number, and a statement describing the nature of the business or employment and his duties and responsibilities.

#### VIII

*It is further ordered* that this Order will terminate twenty years from the date of its issuance, or twenty years from the most recent date that the United States or the Federal Trade Commission files a complaint (with or without an accompanying consent decree) in federal court alleging any violation of the order, whichever comes later; provided, however, that the filing of such a complaint will not affect the duration of:

A. Any paragraph in this Order that terminates in less than twenty years;

B. This Order's application to any respondent that is not named as a defendant in such complaint; and

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.

#### IX

*It is further ordered* that respondents shall, within sixty (60) days after service of this Order upon them, and at such other times as the Commission may require, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this Order.

#### 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 respondents RBR Productions, Inc., ("RBR") a New Jersey corporation, and Richard Rosenberg, an officer of RBR.

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 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 Commission's complaint in this matter concerns representations for the following RBR products designed for use in beauty salons: Let's Dance, a concentrated tuberculocidal disinfectant containing o-phenylphenol, paratertiary amylphenol and phosphoric acid; and Let's Touch, a concentrated tuberculocidal disinfectant product containing o-phenylphenol. The complaint charges that respondents' advertising represented Let's Dance concentrate is non-corrosive to skin and eyes, non-toxic, and does not pose a risk of adverse health effects; that Let's Touch concentrate is non-toxic and does not pose a risk of adverse health effects; and that Let's Dance and Let's Touch, when diluted for use, are classified as non-toxic under the Federal Hazardous Substances Act regulations. The complaint alleges that these claims are false and unsubstantiated. The complaint also alleges that respondents' advertising represented without adequate substantiation that Let's Dance and Let's Touch, when diluted for use, are non-toxic and do not pose a risk of adverse health effects; that Let's Dance and Let's Touch are three to five times less toxic than quaternary aluminum compound disinfectants; that Let's Dance is safe for the environment after ordinary use; and that Let's Dance will completely break down and return to nature—i.e., decompose into elements found in nature—within a reasonably short period of time after customary disposal.

Additional charges in the Commission's complaint concern Let's Go, a nail glue drying spray containing volatile organic chemicals and packaged in an aluminum aerosol can. The complaint alleges that respondents' advertising represented that Let's Go's aluminum aerosol can is recyclable. The complaint charges that this claim is false and unsubstantiated because, while the Let's Go aluminum aerosol can is capable of being recycled, only a few collection facilities accept aluminum aerosol cans for recycling. Finally, the complaint alleges that respondents' advertising represented, without adequate substantiation, that Let's Go spray does not contain any ingredients that harm or damage the environment.

The proposed consent order contains provisions designed to remedy the violations charged and to prevent the respondents from engaging in similar acts in the future. Part I of the proposed order would prohibit respondents from misrepresenting that Let's Dance

concentrate is non-corrosive to skin or eyes, non-toxic, or does not pose a risk of adverse health effects; that Let's Touch concentrate is non-toxic or does not pose a risk of adverse health effects; or that Let's Dance and Let's Touch use dilutions are classified as non-toxic under the Federal Hazardous Substances Act regulations.

Part II.A of the proposed order would require competent and reliable evidence, which when appropriate must be competent and reliable scientific evidence, for any representation that Let's Dance or Let's Touch use dilutions are non-toxic or do not pose a risk of adverse health effects; that Let's Dance or Let's Touch concentrates or use dilutions are less toxic than quaternary ammonium compound disinfectants or any other disinfectant or product; that Let's Dance is biodegradable; or, that Let's Dance is safe for the environment after ordinary use. Part II.B of the proposed order would require competent and reliable evidence, which when appropriate must be competent and reliable scientific evidence, for any representation, through the use of such terms as "environmental formula," "environmental formula, freon free, ozone friendly," "environmental formula, will not harm the ozone, contains no freon, chlorofluorocarbons, methylene chloride, or 1,1,1-trichloroethane," or any other term of expression, that Let's Go spray or any other product containing any volatile organic compound will not harm the environment. Part II.C of the proposed order would require competent and reliable evidence, which when appropriate must be competent and reliable scientific evidence, for a representation that any disinfectant or aerosol product will offer any absolute or comparative health, safety, or environmental benefit.

Part III.A of the proposed order would prohibit misrepresentations of the extent to which any product or package is capable of being recycled; or the extent to which recycling collection programs for such product or package are available. Part III.B of the order gives examples of representations that would not violate part III.A.

Parts IV through IX are standard provisions requiring retention of certain records, distribution of the order to certain persons, notification to the Commission of changes in corporate structure or of employment of the individual respondent, termination of the order and filing of compliance reports.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not to

constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Benjamin I. Berman,

*Acting Secretary.*

[FR Doc. 96-20919 Filed 8-15-96; 8:45 am]

BILLING CODE 6750-01-M

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Agency for Health Care Policy and Research

#### Availability of Consumer Assessment of Health Plans Study Draft Questionnaires for Review

**AGENCY:** Agency for Health Care Policy and Research, HHS.

**ACTION:** Notice of availability.

**SUMMARY:** The Agency for Health Care Policy and Research (AHCPR) announces, for review, the availability of draft questionnaires on consumer assessments of health plans and services, which are being developed under cooperative agreements between Research Triangle Institute, Harvard University, and the RAND Corporation in cooperation with AHCPR. The Consumer Assessment of Health Plans Study is being conducted to assist consumers in selecting high-quality health plans and appropriate services. Comments will be considered in developing the final questionnaires, but they will not be responded to individually.

**DATES:** Comments must be postmarked by September 13, 1996.

**SUPPLEMENTARY INFORMATION:** The Consumer Assessment of Health Plans Study (CAHPS) is a 5-year project designed to: (1) Develop and test survey instruments with which to obtain assessments of health plans and services from consumers, (2) produce easily understandable reports for communicating survey information to consumers, and (3) evaluate the usefulness of these reports for consumers in selecting health care plans and services. The goal of CAHPS is to help consumers identify the best health care plans and services for their needs.

#### Request for Draft Questionnaires

The draft questionnaires and related materials can be obtained from the AHCPR Publications Clearinghouse (at 1-800-358-9295) by requesting publication number 96-R-114. Instructions for submitting comments are included in the package of draft questionnaires and related materials.

#### AHCPR Contact Person

Programmatic information is available from Diane Dwyer, Center for Quality Measurement and Improvement, AHCPR, at 301-594-1349 extension 1302.

Dated: August 9, 1996.

Clifton R. Gaus,

*Administrator.*

[FR Doc. 20967 Filed 8-15-96; 8:45 am]

BILLING CODE 4160-90-M

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### Centers for Disease Control and Prevention

[Announcement No. 704]

#### Draft Program Announcement and Availability of Funds for Fiscal Year 1997 Cooperative Agreements for Community-Based Human Immunodeficiency Virus (HIV) Prevention Projects

**AGENCY:** Centers for Disease Control and Prevention (CDC), Department of Health and Human Services.

**ACTION:** Request for comments.

**SUMMARY:** CDC is preparing to announce the availability of fiscal year (FY) 1997 funds to support HIV prevention projects for minority and other community-based organizations (CBOs). This program will assist the Nation's disease prevention efforts by providing assistance to CBOs in developing and implementing effective community-based HIV prevention programs and promoting collaboration and coordination of HIV prevention efforts among CBOs and local activities of HIV prevention service agencies, public agencies including local and State health departments (and HIV prevention community planning groups), substance abuse agencies, educational agencies, criminal justice systems, and affiliates of national and regional organizations. Because of the unique nature of this program, CDC invites comments from organizations and individuals on the draft of this announcement. Based on comments received, the final announcement is expected to be published in September 1996.

**DATES:** Written comments to this notice should be submitted to the Office of the Director, National Center for HIV, STD, and TB Prevention, Attention: Gary West, Centers for Disease Control and Prevention (CDC), Mailstop D-21, Atlanta, GA 30333. Comments must be received on or before September 16, 1996.

**FOR FURTHER INFORMATION CONTACT:** Gary West, Office of the Director, National