Board of Governors of the Federal Reserve System, April 24, 1997.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 97–11044 Filed 4–28–97; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 11:00 a.m., Monday, May 5, 1997.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: April 25, 1997.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 97–11235 Filed 4–25–97; 3:03 pm]

BILLING CODE 6210–01–P

FEDERAL TRADE COMMISSION

[File No. D09267]

Metagenics, Inc.; Jeffrey Katke; 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 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 June 30, 1997.

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: Lesley Ann Fair, Federal Trade Commission, S–4002, 6th St. and Pa. Ave., NW., Washington, DC 20580. (202) 326–3081.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 USC 46, and Section 3.25 of the Commission's Rules of Practice (16 CFR 3.25), 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 accompanying complaint. An electronic copy of the full text of the consent agreement package can be obtained from the Commission Actions section of the FTC Home Page (for April 22, 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 to Aid Public Comment

The Federal Trade Commission has accepted, subject to final approval, an agreement to a proposed consent order from Metagenices, Inc. and its officer and director, Jeffrey Katke.

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 or make final the agreement's proposed order.

On August 16, 1994, the Commission issued a complaint against respondents, alleging that they made deceptive claims in advertisements for Bone Builder, a calcium supplement. After an administrative trial, the Administrative Law Judge issued an Initial Decision on October 22, 1996, from which both complaint counsel and respondents filed notices of appeal. On January 7, 1997, the Commission granted a Joint Motion to Withdraw from Adjudication to consider the proposed consent agreement in this case.

The Commission has issued an amended complaint, clarifying some of the allegations in the August 16, 1994, complaint. The amended complaint alleges that respondents represented without substantiation that post-menopausal women who have already lost bone and who use Bone Builder will experience no additional bone loss and will achieve a growth of new bone greater than the amount of bone lost; that users of Bone Builder will not experience bone loss or osteoporosis; that Bone Builder restores bone strength; that Bone Builder reduces or eliminates pain associated with bone ailments; and that Bone Builder is more bioavailable, more absorbable, or more effectively utilized by the body than other forms of calcium or is more effective than other forms of calcium in the prevention or treatment of bone ailments. The amended complaint also states that respondents relied upon a reasonable basis to substantiate that adequate calcium intake has many benefits and is one of the essential factors in the body's ongoing process of removal of old bone and replacement by new bone; in conjunction with other factors, adequate calcium intake can play a significant role in reducing the rate of bone loss or bone thinning and in protecting bone strength; and individuals who do not consume adequate calcium are at greater risk of experiencing bone fractures than those who do.

The proposed consent order contains provisions designed to remedy the violations charged and to prevent respondents from engaging in similar acts and practices in the future. In advertising or selling any food, drug, or supplement, Part I of the order requires respondents to rely on competent and reliable scientific evidence to support any claim that post-menopausal women who have lost bone and who use the product will experience no additional bone loss or will achieve a growth of new bone greater than the amount of bone loss or that users of the product will not experience bone loss. Part I requires the same level of substantiation

for any claim that a food, drug, or supplement restores bone strength, reduces or eliminates pain associated with bone ailments, or is superior to any other form of calcium in bioavailability, absorbability, utilization by the body, or treatment or prevention of bone ailments.

In advertising or selling any food drug, or supplement, Part II forbids respondents from misrepresenting the existence, contents, validity, results, conclusions or interpretations of any test or study. In making claims regarding the relationship between calcium and osteoporosis, Part III requires respondents to limit themselves to the health claims authorized by the Food and Drug Administration, as set forth in 58 FR 2665 (1993), or to have competent and reliable scientific evidence to support the claims.

Part IV requires respondents to possess competent and reliable scientific evidence to support health-related claims for products containing calcium, and to have scientific substantiation for health-related superiority claims for any food, drug, or supplement.

Part V allow respondents to make representations that are specifically permitted by FDA regulations promulgated pursuant to the Nutrition Labeling and Education Act of 1990. Part VI allows respondents to make any claim for a drug that is permitted in labeling for that drug under any tentative or final FDA standard or under any FDA-approved new drug application.

Parts VII through X relate to respondents' obligations to make available to the Commission materials substantiating claims covered by the order; to notify the Commission of changes in Metagenics's corporate structure; to notify the Commission of changes in Mr. Katke's employment or business affiliations; and to provide copies of the orders to certain Metagenics personnel. Part XI provides that the order will terminate after twenty years under certain circumstances. Part XII requires respondents to file periodic compliance reports with the Commission.

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.

Donald S. Clark,

Secretary.

[FR Doc. 97–10971 Filed 4–28–97; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Findings of Scientific Misconduct

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Office of Research Integrity (ORI) has made a final finding of scientific misconduct in the following case.

Ann Marie Huelskamp, M.H.S., The Johns Hopkins University School of Medicine

Based upon a report forwarded to the Office of Research Integrity (ORI) by The Johns Hopkins University School of Medicine, information obtained by ORI during its oversight review, and Ms. Huelskamp's own admission, ORI found that Ms. Huelskamp, a research program coordinator in the Oncology Center, The Johns Hopkins University School of Medicine, engaged in scientific misconduct by fabricating patient interview data for a study of quality of life measures in cancer patients. The research was supported by a grant from the National Cancer Institute (NCI), National Institutes of Health (NIH).

ORI also found that Ms. Huelskamp engaged in scientific misconduct by falsifying patient status data by failing to update the status of treated breast cancer patients and misrepresenting data from previous contacts as the updated status for a study. These data were reported in a grant application to NCI and gave the appearance that some patients' outcomes were more favorable than they actually were.

Ms. Huelskamp cooperated fully with the Johns Hopkins investigation. The investigation report acknowledged her excessive workload, the difficulties associated with recruiting and following up on patients, and a lack of supervisory oversight.

Ms. Huelskamp has accepted the ORI finding and has entered into a Voluntary Exclusion Agreement with ORI in which she has voluntarily agreed, for the three (3) year period beginning April 17, 1997:

(1) To exclude herself from serving in any advisory capacity to the Public Health Service (PHS), including but not limited to service on any PHS advisory committee, board, and/or peer review committee, or as a consultant; and

(2) That any institution that submits an application for PHS support for a research project on which Ms. Huelskamp's participation is proposed or which uses her in any capacity on PHS-supported research must concurrently submit a plan for supervision of her duties. The supervisory plan must be designed to ensure the scientific integrity of Ms. Huelskamp's research contribution. The institution must submit a copy of the supervisory plan to ORI.

No scientific publications were required to be corrected as part of this Agreement.

FOR FURTHER INFORMATION CONTACT: Acting Director, Division of Research Investigations, Office of Research Integrity, 5515 Security Lane, Suite 700 Rockville, MD 20852 (301) 443–5330.

Chris B. Pascal,

Acting Director, Office of Research Integrity.

[FR Doc. 97–10977 Filed 4–28–97; 8:45 am]

BILLING CODE 4160–17–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Agency for Toxic Substances and Disease Registry

[Announcement 803]

Public Health Conference Support Grant Program

Introduction

The Centers for Disease Control and Prevention (CDC) and the Agency for Toxic Substances and Disease Registry (ATSDR) announce the expected availability of funds in fiscal year (FY) 1998 for the Public Health Conference Support Grant Program.

CDC and ATSDR are committed to achieving the health promotion and disease prevention objectives of ''Healthy People 2000,'' a national activity to reduce morbidity and mortality and improve the quality of life. This announcement is related to all of the Healthy People 2000 priority areas, except HIV Infection. (An announcement for HIV entitled, ''Public Health Conference Support Cooperative Agreement Program for Human Immunodeficiency Virus (HIV) Prevention'' will be published.) (For ordering a copy of ''Healthy People 2000,'' see the Section ''Where To Obtain Additional Information.'')

Authority

The CDC program is authorized under Section 301 [42 U.S.C. 241] of the Public Health Service Act. The ATSDR program is authorized under Sections 104(i)(14) and (15) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, [42 U.S.C. 9604 (i)(14) and (15)].