

LLC, New York, New York (Company), a *de novo* limited liability company. Other investors in Company would include national banks and state member banks. Company would serve as the rulemaking authority for a network of participating financial institutions (Network), which would include Notificant, future equity investors in Company, and other financial institutions that elect to participate in the Network (collectively, Participants). The Network is designed to allow Participants to certify electronically the identity of parties conducting business or communicating electronically through the internet or otherwise. Participants in the Network would, among other things, issue to customers "digital certificates" that authenticate messages electronically sent by the customer, and confirm the validity of digital certificates issued by Participants. Participants also may issue warranties to customers who request verification of digital certificates issued by Participants, and post collateral to secure claims under any warranty issued by the Participant.

Company would develop, maintain, and enforce the rules governing the operation of, and participation in, the Network, and provide other services designed to facilitate the certification activities of Participants and operation of the Network. These activities would include issuing digital certificates to Participants and maintaining a current database of digital certificates that have been issued. Company and Participants would engage in a wide range of data processing and data transmission activities in connection with their proposed activities. A more complete description of the proposed activities of Company, Notificant, and other Participants is contained in the notices.

Section 4(c)(8) of the BHC Act provides that a bank holding company may, with Board approval, engage in any activity that the Board has determined (by order or regulation) to be so closely related to banking or managing or controlling banks as to be a proper incident thereto. The Board previously has determined that certain data processing and data transmission services are closely related to banking for purposes of section 4(c)(8) of the BHC Act, pursuant to § 225.28(b)(14) of Regulation Y. Notificant contends that all of the proposed activities are so closely related to banking as to be a proper incident thereto, or are activities that are incidental to permissible activities, pursuant to § 225.21(a)(2) of Regulation Y.

In determining whether the proposal satisfies the proper incident to banking

standard of section 4(c)(8) of the BHC Act, the Board must consider whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." 12 U.S.C. 1843(c)(8). Notificant contends that consummation of the proposal will facilitate the development of electronic commerce and will have a beneficial effect on competition for identity certification and related services.

In publishing the proposal for comment, the Board does not take a position on the issues raised by the proposal. Notice of the proposal is published solely to seek the views of interested persons on the issues presented by the proposal and does not represent a determination by the Board that the proposal meets, or is likely to meet, the standards of the BHC Act. The notice is available for immediate inspection at the Federal Reserve Bank indicated above and at the offices of the Board of Governors. Any request for a hearing on the notices must be accompanied by a statement of reasons explaining why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Board of Governors of the Federal Reserve System, September 2, 1999.

**Robert deV. Frierson,**  
*Associate Secretary of the Board.*

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## FEDERAL RESERVE SYSTEM

### Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at

the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than September 22, 1999.

**A. Federal Reserve Bank of Atlanta**  
(Cynthia Goodwin, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303-2713:

*1. Morrison Family Partnership, L.P.*, Milledgeville, Georgia; to acquire voting shares of Exchange Bankshares, Inc., Milledgeville, Georgia, and thereby indirectly acquire voting shares of Exchange Bank, Milledgeville, Georgia.

Board of Governors of the Federal Reserve System, September 2, 1999.

**Robert deV. Frierson,**  
*Associate Secretary of the Board.*  
[FR Doc. 99-23362 Filed 9-8-99; 8:45 am]

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## FEDERAL TRADE COMMISSION

[File No. 972 3014]

### Prolong Super Lubricants, Inc.; 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 November 8, 1999.

**ADDRESSES:** Comments should be directed to: FTC/Office of the Secretary, Room 159, 600 Pennsylvania Ave., NW, Washington, D.C. 20580.

**FOR FURTHER INFORMATION CONTACT:** Gerald Wright, Federal Trade Commission, Western Regional Office, 901 Market St., Suite 570, San Francisco, CA 94103 (415) 356-5270.

**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 September 2, 1999), 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, 600 Pennsylvania Avenue, NW, Washington, D.C. 20580, either in person or by calling (202) 326-3627.

Public comment is invited. Comments should be directed to: FTC/Office of the Secretary, Room 159, 600 Pennsylvania Ave., NW, Washington, D.C. 20580. Two paper copies of each comment should be filed, and should be accompanied, if possible, by a 3½ inch diskette containing an electronic copy of the comment. 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 Prolong Super Lubricants, Inc. ("PSL"). The agreement would settle a proposed complaint by the Federal Trade Commission that PSL engaged in unfair or deceptive acts or practices in violation of Section 5(a) of the Federal Trade Commission Act.

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.

This matter concerns advertising practices related to the sale of Prolong-brand Engine Treatment Concentrate ("ETC"). Prolong ETC is marketed for use as a supplemental additive to the motor oil used in gasoline automobile engines. The proposed complaint charges that, through the use of statements contained in PSL's television infomercial and other promotional materials, PSL made the following unsubstantiated representations: (1) Compared to motor oil alone, ETC reduces engine wear at start up; (2)

compared to motor oil alone, ETC extends the duration of engine life; (3) ETC reduces corrosion in engines; and (4) ETC protects against engine breakdowns. In addition, the proposed complaint alleges that PSL made unsubstantiated claims that benefits that may be achieved through use of ETC in race cars or under racing conditions can be achieved by ordinary consumers in ordinary driving; and that consumer testimonials in PSL's infomercial reflected the typical and ordinary experience of consumers.

The proposed consent order contains provisions designed to prevent PSL from engaging in similar acts and practices in the future. Part I of the proposed order requires PSL to have scientific evidence substantiating claims that, compared to motor oil alone, ETC or any other product for use in an automobile, reduces engine wear at start up, or extends the duration of engine life, under any circumstances or conditions or by any quantitative amount. Similarly, Part I of the order requires PSL to have scientific evidence substantiating claims that ETC or any other product for use in an automobile reduces corrosion in engines, or protects against engine breakdowns, under any circumstances or conditions or by any quantitative amount.

Part I of the order also requires PSL to have scientific evidence substantiating claims that benefits achieved in race cars or under racing conditions will be achieved in ordinary automobiles in conventional use. Similarly, Part IV of the order requires PSL to have scientific evidence substantiating user testimonials or endorsements, or disclosing the limitations on the applicability of the speaker's experience to ordinary users.

Moreover, Part II of the proposed order requires PSL to have competent and reliable evidence, scientific where appropriate, substantiating any claim about the performance, benefits, efficacy, attributes or use of any product it sells. In addition, the proposed order prohibits PSL from misrepresenting the results of tests or studies relating to any product, or utilizing demonstrations to misrepresent a material quality, feature or merit of any product, or the superiority or comparability of a product.

The order also contains standard provisions regarding record-keeping, notification of changes in corporate status, distribution of the order, termination of the order, and the filing of a compliance report.

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 the proposed order or to modify their terms in any way.

By direction of the Commission  
**Benjamin I. Berman,**  
*Acting Secretary.*

#### **Statement of Commissioner Orson Swindle Concurring in Part and Dissenting in Part**

The Commission accepts for public comment a consent agreement settling allegations that Prolong Super Lubricants, Inc., et al. ("Prolong"), made unsubstantiated claims about the attributes and benefits of Prolong's motor oil additive. I support the provisions in the proposed order prohibiting Prolong from making such claims in the future without adequate substantiation.

The consent agreement, however, also contains provisions prohibiting Prolong, in connection with the sale of any product, from misrepresenting the existence or results of tests and from misrepresenting that a demonstration confirms the benefits of a product. While firms should not misrepresent the existence or results of tests or demonstrations, it is inappropriate to include specific establishment and demonstration requirements as remedies in an order without corresponding complaint allegations. In this case, and in others from the recent past, there is a troubling lack of symmetry between the complaint and the order.

Accordingly, I dissent as to Paragraphs III and V of the proposed order.

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## **DEPARTMENT OF HEALTH AND HUMAN SERVICES**

### **National Institutes of Health**

#### **Statement of Organization, Functions, and Delegations of Authority**

Part N, National Institutes of Health, of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (40 FR 22859, May 27, 1975, as amended most recently at 64 FR 24167, May 5, 1999, and redesignated from Part HN as Part N at 60 FR 56605, November 9, 1995), is amended as set forth below to reflect (1) the retitling of the National Institute of Dental Research as the National Institute of Dental and Craniofacial Research (NIDCR) within the NIH, pursuant to Section 212 of the Department of Health and Human Services Appropriation Act,