

President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Greater Metro Bank Holding Company*, Aurora, Colorado; to engage *de novo* through its subsidiary, Greater Metro Insurance and Consulting Services, Inc., Aurora, Colorado, in the activity of providing management consulting services to depository institutions, pursuant to § 225.25(b)(11) of the Board's Regulation Y.

2. *Labette County Bankshares, Inc.*, Altamont, Kansas; to engage *de novo* through its subsidiary, Kansas Credit, Inc., Altamont, Kansas, in establishing a consumer finance company, pursuant to § 225.25(b)(1) of the Board's Regulation Y.

C. Federal Reserve Bank of Dallas (Genie D. Short, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. *South Plains Financial, Inc.*, Lubbock, Texas, and South Plains Delaware Financial Corporation, Dover, Delaware; to engage *de novo* through their subsidiary, South Plains Financial Services, Inc., Lubbock, Texas, in providing to others, data processing and data transmission services, facilities (including data processing and data transmission hardware, software, documentation or operating personnel), data bases, or access to such services, facilities, or data bases by any technological means pursuant to written agreements describing and limiting the services to the processing or furnishing of financial, banking, or economic data within the scope allowed by applicable statutes and regulations, including, processing and transmitting banking, financial, and economic related data for others through; timesharing; electronic funds transfer; home banking; authentication; provision of packaged financial systems to depository or other institutions to perform traditional banking functions such as data capture and sorting, balancing and statement printing; and back office services such as statement rendering, proof operations, research, filming, NSF's, data input and return items; selling excess capacity on data processing and transmission facilities; providing by-products of permissible data processing and data transmission services for the internal operations of South Plains Financial, Inc., and its subsidiaries, pursuant to § 225.25(b)(7) of the Board's Regulation Y, and in performing appraisals of real estate and tangible and intangible personal property, including securities, pursuant to § 225.25(b)(13) of the Board's Regulation Y. The activities will be conducted throughout the state of Texas.

Board of Governors of the Federal Reserve System, February 23, 1996.

Jennifer J. Johnson,

*Deputy Secretary of the Board.*

[FR Doc. 96-4591 Filed 2-28-96; 8:45 am]

BILLING CODE 6210-01-F

## FEDERAL TRADE COMMISSION

[File No. 932-3011]

### Amoco Oil Company; Consent Agreement With Analysis to Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Consent Agreement.

**SUMMARY:** In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would bar the Chicago-based corporation from making any performance or environmental benefit claim for any of its gasoline without first having scientific evidence to back it up. The consent agreement settles allegations stemming from Amoco's "Crystal Clear Amoco Ultimate" advertising campaign.

**DATES:** Comments must be received on or before April 29, 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:**

Joel Winston, Federal Trade Commission, S-4002, 6th and Pennsylvania Avenue, NW, Washington, DC 20580. (202) 326-3153. Michael Dershowitz, Federal Trade Commission, S-4002, 6th and Pennsylvania Avenue, NW, Washington, DC 20580. (202) 326-3158.

**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)).

In the Matter of Amoco Oil Company, a corporation; File No. 932-3011.

Agreement Containing Consent Order to Cease and Desist

The Federal Trade Commission having initiated an investigation of certain acts and practices of Amoco Oil Company, a corporation, hereinafter sometimes referred to as proposed respondent, and it now appearing that proposed respondent is 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 Amoco Oil Company, by its duly authorized officer, and its attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent Amoco Oil Company is a Maryland corporation, with its offices and principal place of business located at 200 East Randolph Drive, Chicago, Illinois 60601.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft complaint here attached.

3. Proposed respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

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

4. This agreement shall not become part of the public record in 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 the 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 respondent, 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 respondent that the law has been violated as alleged in the draft of complaint here attached, or that the facts as alleged in the draft complaint, other than jurisdictional facts, are true.

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 the proposed respondent, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached 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 respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it 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 respondent has read the proposed complaint and order contemplated hereby. It understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order. Proposed respondent further understands that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

#### Order

##### I.

It is ordered that respondent Amoco Oil Company, a corporation, its successors and assigns, and its officers, representatives, agents and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, labeling, offering for sale, sale or distribution of Amoco Silver 89 octane gasoline, Amoco Ultimate 92 or 93 octane gasoline, or any other gasoline in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from making any representation in any manner, directly or by implication, that:

(A) Amoco Ultimate gasoline is superior to all other brands of premium gasoline with respect to engine performance or environmental benefits because it is refined more than all other such brands;

(B) The clear color of Amoco Ultimate gasoline demonstrates the superior engine performance or environmental benefits Amoco Ultimate provides compared to other brands of gasolines that are not clear in color;

(C) A single tankful of Amoco Silver or Ultimate gasoline will make dirty or clogged fuel injectors clean;

(D) Amoco Silver or Ultimate gasoline provides superior fuel injector cleaning compared to other brands of gasoline;

(E) Automobiles driven more than 15,000 miles with regular gasoline generally suffer from lost engine power or acceleration which will be restored by the higher octane of Amoco Silver gasoline; or

(F) Concerns the relative or absolute attributes of any gasoline with respect to environmental benefits or with respect to engine performance, power, acceleration, or engine cleaning ability, unless, at the time of making such representation, respondent possesses and relies upon competent and reliable scientific evidence that substantiates the representation. For purposes of this Order, "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.

For purposes of this Part, any representation, directly or by implication, that any gasoline will clean or clean up fuel injectors to a level that engine performance is not adversely affected will be deemed to be substantiated if respondent possesses and relies upon competent and reliable testing demonstrating that the flow rate of each fuel injector was returned to at least 95 percent of its original value.

*Provided* that, nothing in this Order shall prohibit respondent from truthfully representing the numerical octane rating of any gasoline.

##### II.

It is further ordered that respondent Amoco Oil Company, shall within thirty (30) days after service distribute a copy of this Order to all operating divisions, subsidiaries, officers, managerial employees, and all of its employees or agents engaged in the preparation and placement of advertisements or promotional sales materials covered by this Order and shall obtain from each such employee a signed statement acknowledging receipt of the order.

##### III.

It is further ordered that for three (3) years after the last date of dissemination of any representation covered by this Order, respondent Amoco Oil Company or its 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 to substantiate any representation covered by this Order; and

B. All tests, reports, studies or surveys, in respondent's possession or control that contradict any representation covered by this Order.

##### IV.

It is further ordered that respondent Amoco Oil Company shall notify the Commission at least thirty (30) days prior to the effective date of any proposed change in the corporation that may affect compliance obligations under this Order such as a dissolution, assignment or sale resulting in the emergence of a successor corporation(s), the creation or dissolution of subsidiaries or any other change in the corporation.

##### V.

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.

## VI.

It is further ordered that respondent Amoco Oil Company shall, within sixty (60) days after service of this Order upon it, 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 it has complied with this Order.

#### Analysis of Proposed Consent Order to Aid Public Comment

The Federal Trade Commission has accepted, subject to final approval, an agreement containing a consent order from Amoco Oil Company ("Amoco").

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 claims regarding the performance attributes of Amoco Silver midgrade and Amoco Ultimate premium gasolines. The Commission's proposed complaint alleges that Amoco's advertising has made unsubstantiated claims that Amoco Ultimate provides superior performance and environmental benefits compared to all other premium brands, because it is refined more than such brands, and that Ultimate's clear color demonstrates its superiority. The complaint also challenges as unsubstantiated the claim that automobiles driven more than 15,000 miles generally suffer from lost engine power and acceleration, which Amoco Silver's higher octane will restore. Finally, the complaint challenges as unsubstantiated the claims that Silver and Ultimate will clean dirty fuel injectors in one tankful, and are superior to other brands in cleaning fuel injectors.

The proposed consent order contains provisions designed to prevent respondent from engaging in similar acts and practices in the future.

Part I of the proposed order prohibits respondent from making any of the unsubstantiated representations alleged in the complaint, or any other representation concerning the attributes of any Amoco gasoline with respect to environmental benefits or engine performance, power, acceleration or engine cleaning ability, unless it has competent and reliable scientific evidence that substantiates the representation, at the time it is made.

Part I of the proposed order also states that any claim by respondent that a gasoline will clean or clean up fuel injectors to a level that engine performance is not adversely affected will be deemed to be substantiated by competent and reliable testing showing that the flow rate of each injector was restored to at least 95% of its original value. Part I of the proposed order also allows truthful representations regarding the numerical octane rating of any gasoline.

Part II of the order requires Amoco to distribute copies of the order to its operating divisions and to various officers, agents and employees of Amoco.

Part III of the order requires Amoco to maintain copies of all materials relied upon in making any representation covered by the order.

Part IV of the order requires Amoco 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.

Part VI of the order requires Amoco to file with the Commission one or more reports detailing compliance with the order.

The purpose of this analysis is to facilitate public comment on the proposed order. 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.*

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BILLING CODE 6750-01-M

[File No. 942-3202]

#### Nordic Track, Inc.; Consent Agreement With Analysis to Aid Public Comment

**AGENCY:** Federal Trade Commission.

**ACTION:** Consent Agreement.

**SUMMARY:** In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would bar the Chaska, Minnesota-based corporation from misrepresenting weight-loss study results and would require it to have competent and reliable evidence to back up weight loss, weight maintenance, and related claims for any exercise

equipment it sells. The Commission had alleged that Nordic Track made false and unsubstantiated weight loss and weight maintenance claims in advertising its cross-country ski exercise machine.

**DATES:** Comments must be received on or before April 29, 1996.

**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:** Jeffrey Klurfeld or Kerry O'Brien, Federal Trade Commission, San Francisco Regional Office, 901 Market Street, 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 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)).

In the matter of NordicTrack, Inc., a corporation. File No: 942-3202.

#### Agreement Containing Consent Order to Cease and Desist

The Federal Trade Commission having initiated an investigation of certain acts and practices of NordicTrack, Inc., a corporation, and it now appearing that NordicTrack, Inc., a corporation, hereinafter sometimes referred to as proposed respondent, is 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 NordicTrack, Inc., by its duly authorized officer, and its attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent NordicTrack, Inc. is a corporation organized, existing, and doing business under and by virtue of the laws of the State of Minnesota, with its office and principal place of business located at 104 Peavey Road, in the City of Chaska, State of Minnesota.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint here attached.