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 18, 1998), 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, 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 an agreement, subject to final approval, to a proposed consent order from respondent Care Technologies, Inc.

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.

Care Technologies, Inc. (''Care'') markets two products for the treatment of head lice infestations: ''Clear Lice Egg Remover'' and ''Clear Lice Killing Shampoo.'' The Commission's complaint alleges that Care's advertising for these products included false and unsubstantiated claims that: (1) Clear Lice Egg Remover loosens or unglues lice eggs from the hair; (2) Clear Lice Killing Shampoo kills one hundred percent of lice eggs; and (3) laboratory and field testing proves that Clear Lice Egg Remover loosens or unglues lice eggs from the hair.

The complaint alleges that Clear Lice Egg Remover does not loosen or unglue lice eggs from the hair. Additionally, the complaint explains that Clear Lice Killing Shampoo is based on a pesticide which is not one hundred percent effective against lice eggs. Consumers should be aware of this limitation and make every effort to physically remove lice eggs. In addition, when this type of pediculicide is used, consumers are instructed to apply a second treatment in seven to ten days to kill any newly hatched lice.

The proposed consent order contains provisions designed to remedy the violations charged and to prevent the respondent from engaging in similar acts and practices in the future. Part I of the proposed order would prohibit the company from representing that Clear Lice Egg Remover, or any substantially similar product, loosens, unglues, or otherwise detaches lice eggs from the hair, unless the representation is true and, at the time it is made, respondent possesses and relies upon competent and reliable scientific evidence that substantiates the representation.

Part II of the proposed order would prohibit the company from representing that Clear Lice Killing Shampoo, or any substantially similar product, kills one hundred percent of lice eggs, unless the representation is true and, at the time it is made, respondent possesses and relies upon competent and reliable scientific evidence that substantiates the representation.

Parts III and IV of the order require that, for a period of two years, the company make disclosures in its advertisement anytime it makes claims regarding the efficacy of Clear Lice Killing Shampoo or any substantially similar product. Pursuant to Part III, the following disclosure will be required in print ads and promotional materials: ''Reapplication and egg removal are required to ensure complete effectiveness. See label for important information.'' Part IV requires the disclosure, ''Two Treatments Required,'' be made in ads communicated through an electronic medium, such as television. When the ad makes any claims regarding directions for use of the product, this disclosure must be in the audio as well as the video portion of the advertisement.

Part V of the proposed order requires the company to have scientific support prior to making any claims regarding the efficacy of any drug or device for the treatment of lice in humans, or any pesticide for treatment of lice. Part VI of the order of the proposed order prohibits Care from misrepresenting the existence, contents, validity, results, conclusions, or interpretations of any test study or research, for any drug or device for the treatment of lice in humans, or any pesticide for treatment of lice. Because this matter involves drug regulated by the FDA, Part VII of the order includes a safe harbor allowing the respondent to make any claim permitted under a new drug application, or under a tentative final or final standard promulgated by the agency.

The proposed order also requires the respondent to maintain materials relied upon to substantiate claims covered by the order to provide copies of the order to certain personnel of the respondent; to notify the Commission of any changes in corporate structure that might affect compliance with the order; and to file 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.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 98–25844 Filed 9–25–98; 8:45 am]

BILLING CODE 6750–01–M

FEDERAL TRADE COMMISSION

[File No. 972–3084]

Del Pharmaceuticals, Inc., et al.; 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 allegation 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 27, 1998.

ADDRESSES: Comments should be directed to: FCC/Office of the Secretary, Room 159, 6th St. and Pa. Ave., NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Linda Badger or Kerry O'Brien, San Francisco Regional Office, Federal Trade Commission, 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 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 compliant. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for September 18, 1998), on the World Wide Web, at ''http://www.ftcgov/os/actions97.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 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 an agreement, subject to final approval, to a proposed consent order from respondents Del Pharmaceuticals, Inc. and its parent, Del Laboratories, Inc., Delaware corporations.

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.

Del Pharmaceuticals, Inc. (''Del'') markets a variety of over-the-counter pharmaceuticals. The Commission's complaint challenges claims made for two of Del's products: ''Pronto Lice Treatment'' and ''Baby Orajel Tooth & Gum Cleanser.'' Pronto is a shampoo (or ''pediculicide'') sold to treat people who suffer from head lice infestations. The Commission's complaint charges that Del's advertising for Pronto included false and unsubstantiated claims of efficacy in curing head lice infestations. Specifically, the complaint alleges that Del made false and unsubstantiated claims that: (1) Pronto kills one hundred percent of lice eggs; (2) Pronto is one hundred percent effective in killing lice and their eggs in a single treatment; and (3) Pronto helps prevent reinfestation. The Complaint also alleges that the claim that laboratory tests prove that Pronto is one hundred percent effective in killing lice and their eggs is false.

In fact, the complaint alleges that Pronto is based on a pesticide which is not one hundred percent effective against lice eggs. Consumers should be aware of this limitation and make every effort to physically remove lice eggs. In addition, when this type of pediculicide is used, consumers are instructed to apply a second treatment in seven to ten days to kill any newly hatched lice. Consumers also should also be aware that this type of pediculicide does not leave a lasting pesticidal residue that would help prevent reinfestation from post-treatment contacts with other lice-infested people or things.

The complaint also challenges ''pediatrician recommended'' claims made for Baby Orajel Tooth & Gum Cleanser. Del markets this product as a toothpaste for young children. According to the complaint, Del made false and unsubstantiated claims that: (1) competent and reliable surveys show that nine out of ten pediatricians would recommend Baby Orajel Tooth & Gum Cleanser; and (2) nine out of ten pediatricians recommend Baby Orajel Tooth & Gum Cleanser. The complaint alleges that the survey relied upon by the respondents was methodologically flawed, and, that the greatest number of pediatricians who responded to the survey said that they were only ''somewhat likely'' to recommend Baby Orajel Tooth & Gum Cleanser. In addition, the survey merely asked pediatricians how likely they would be to recommend such a product, and not whether they actually do recommend Baby Orajel Tooth & Gum Cleanser.

The proposed consent order contains provisions designed to remedy the violations charged and to prevent the respondents from engaging in similar acts and practices in the future. Part I of the proposed order would prohibit Del from making certain efficacy claims about Pronto, or any substantially similar product, unless at the time of making the claims, they are true and substantiated by competent and reliable scientific evidence. The specific claims covered by Part I include any representation that: (1) such product kills one hundred percent of lice eggs; (2) such product is one hundred percent effective in killing lice and their eggs in a single treatment; or (3) such product prevents reinfestation.

Parts II and III of the proposed order require that, for a period of two years, the respondents make disclosures in its disclosures in its advertisements anytime they make claims regarding the efficacy of Pronto or any substantially similar product. Pursuant to Part II, the following disclosure will be required in print ads and promotional materials: ''Reapplication and egg removal are required to ensure complete effectiveness. See label for important information.'' Part III requires the disclosure, ''Two Treatments Required,'' be made in ads communicated through an electronic medium, such as television. When the ad makes any claims regarding directions for use of the product, this disclosure must be in the audio as well as the video portion of the advertisement.

Part IV of the proposed order addresses claims made for Baby Orajel Tooth & Gum Cleanser. Under this provision, respondents are prohibited from making claims for this product or any other topically applied oral cleansing product about: (1) the extent to which doctors or other health, childcare, or medical professionals recommend or would recommend such product; or (2) the recommendation, approval, or endorsement of such product by any health, childcare, or medical professional, profession, group or other entity, unless, at the time the representation is made, respondents posses and rely upon competent and reliable evidence, which when appropriate must be competent and reliable scientific evidence, that substantiates the representation.

Part V of the proposed order prohibits Del from misrepresenting the existence, contents validity, results, conclusions, or interpretations of any test, study, or research, for any drug or device for the treatment of lice in humans, or any pesticide for treatment of lice, or any topically applied oral cleansing product. Part VI of the proposed order requires the respondents to have scientific support prior to making any claims regarding the efficacy of any drug or device for the treatment of lice in humans, or any pesticide for treatment of lice.

Part VII of the proposed order includes an inventory provision that allows the respondents to sell Pronto boxes with the labeling unchanged for approximately forty days after this order becomes final. Because this matter involves a drug regulated by the FDA, Part VIII of the order includes a safe harbor allowing the respondent to make any claim permitted under a new drug application, or under a tentative final or final standard promulgated by that agency.

The proposed order also requires the respondents to maintain materials relied upon to substantiate claims covered by the order; to provide copies of the order to certain personnel of the respondent; to notify the Commission of any changes in corporate structure that might affect compliance with the order; and to file 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.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 98–25845 Filed 9–25–98; 8:45 am]

BILLING CODE 6750–01–M

FEDERAL TRADE COMMISSION

[File No. 972–3159]

Pfizer 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 27, 1998.

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: Linda Badger or Kerry O'Brien, San Francisco Regional Office, Federal Trade Commission, 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 18, 1998), 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, 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 an agreement, subject to final approval, to a proposed consent order from respondent Pfizer Inc.

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.

Pfizer Inc. (''Pfizer'') markets a variety of over-the-counter pharmaceuticals, including ''RID Lice Killing Shampoo.'' RID is a shampoo (or ''pediculicide'') sold to treat people who suffer from head lice infestations. The RID package includes a comb for use in removing lice eggs. The Commission's complaint alleges the Pfizer's advertising for RID included false and unsubstantiated claims that: (1) RID Lice Killing Shampoo cures lice infestations in a single treatment; (2) the RID egg removal comb is one hundred percent effective; (3) clinical studies prove that RID Lice Killing Shampoo cures lice infections in a single treatment; and (4) clinical studies prove that the RID egg removal comb is one hundred percent effective.

In fact, the complaint alleges that RID is based on a pesticide which is not one hundred percent effective against lice eggs. Consumers should be aware of this limitation and make every effort to physically remove lice eggs. In addition, when this type of pediculicide is used, consumers are instructed to apply a second treatment in seven to ten days to kill any newly hatched lice. In addition, the complaint explains that the RID comb, included with the shampoo, is not necessarily one hundred percent effective. Lice eggs are difficult to see and to remove. The effectiveness of the comb is largely dependent on the skill and tenacity of the comber.

The complaint further explains why clinical studies do not prove that RID cures lice infestations in a single treatment. Specifically, the complaint alleges that the study Pfizer relied upon to make this claim included the application of a single treatment, along with a thorough combing that removed all lice eggs. Moreover, the studies relied upon the claim that the RID egg removal comb is one hundred percent effective employed individuals trained in egg removal to comb patients' hair. According to the complaint, there is no evidence that the same results are achievable by an average consumer.

The proposed consent order contains provisions designed to remedy the violations charged and to prevent the respondent from engaging in similar acts and practices in the future. Part I of the proposed order would prohibit the company from representing that RID Lice Killing Shampoo or any substantially similar product cures a lice infestation in a single application, unless the representation is true and, at the time it is made, respondent possesses and relies upon competent and reliable scientific evidence that substantiates the representation.

Parts II and III of the order require that, for a period of two years, the company make disclosures in its advertisements anytime it makes claims regarding the efficacy of RID or any substantially similar product. Pursuant to Part II, the following disclosure will be required in print ads and promotional materials: ''Reapplication and egg removal are required to ensure complete effectiveness. See label for important information.'' Part III requires the disclosure, ''Two Treatments Required,'' be made in ads communicated through an electronic medium, such as television. When the ad makes any claims regarding directions for use of the product, this disclosure must be in the audio as well as the video portion of the advertisement.

Part IV of the proposed order prohibits Pfizer from misrepresenting the existence, contents, validity, results, conclusions, or interpretations of any test, study, or research, for any drug or device for the treatment of lice in humans, or any pesticide for treatment of lice. Part V of the proposed order requires the company to have scientific support prior to making any claims regarding the efficacy of any drug or device for the treatment of lice in humans, or any pesticide for treatment of lice. Because this matter involves a drug regulated by the FDA, Part VI of the order includes a safe harbor allowing the respondent to make any claim permitted under a new drug application, or under a tentative final or final standard promulgated by that agency.

The proposed order also requires the respondent to maintain materials relied