

published in the **Federal Register** 60 FR 464, a proposed consent agreement with analysis in the Matter of Above, Inc., et al., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

No comments have been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45, 52)

**Donald S. Clark,**

*Secretary.*

[FR Doc. 95-8856 Filed 4-10-95; 8:45 am]

BILLING CODE 6750-01-M

[Dkt. C-3560]

**American Institute of Smoking Cessation, et al.; Prohibited Trade Practices, and Affirmative Corrective Actions**

**AGENCY:** Federal Trade Commission.

**ACTION:** Consent order.

**SUMMARY:** In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order prohibits, among other things, an Illinois-based company and its two officers from making any representation about the relative or absolute performance or efficacy of any smoking cessation or weight loss program, unless they possess and rely upon competent and reliable scientific evidence to substantiate the representation, and from representing, through any endorsement or testimonial, the achievements of participants who attend their smoking cessation or weight-loss seminars unless the representation reflects the typical or ordinary experience of participants of such programs. In addition, the consent order prohibits the respondents from misrepresenting the contents, results or validity of any study, test, survey or report.

**DATES:** Complaint and Order issued March 3, 1995.<sup>1</sup>

**FOR FURTHER INFORMATION CONTACT:**

<sup>1</sup> Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H-130, 6th Street & Pennsylvania Avenue, NW., Washington, DC 20580.

Matthew Daynard, FTC/H-200, Washington, DC 20580. (202) 326-3291.

**SUPPLEMENTARY INFORMATION:** On Friday, August 5, 1994, there was published in the **Federal Register**, 59 FR 40026, a proposed consent agreement with analysis In the Matter of American Institute of Smoking Cessation, et al., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

A comment was filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 450)

**Donald S. Clark,**

*Secretary.*

[FR Doc. 95-8857 Filed 4-10-95; 8:45 am]

BILLING CODE 6750-01-M

[File No. 932-3321]

**European Body Concepts, Inc.; 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 acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would prohibit, among other things, a suburban Washington, DC Based salon and its president from making false and unsubstantiated claims that their body wrap would cause weight-loss; would eliminate cellulite; and is completely safe for all users. In addition, it would require the respondents to convey prominent safety warnings to their customers in certain circumstances.

**DATES:** Comments must be received on or before June 12, 1995.

**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:**

Nancy S. Warder, FTC/S-4002, Washington, DC 20580. (202) 326-3048.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 6(f) of the Federal Trade

Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 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 § 4.9(b)(6)(ii) of the Commission's rules of practice (16 CFR 4.9(b)(6)(ii)).

In the Matter of European Body Concepts, Inc., Maryland corporation, European Body Concepts, Inc., a Virginia corporation, European Body Concepts, Inc., a North Carolina corporation, and James Marino, individually and as an officer of said corporations.

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

The Federal Trade Commission having initiated an investigation of European Body Concepts, Inc., a Maryland corporation, European Body Concepts, Inc., a Virginia corporation, European Body Concepts, Inc., a North Carolina corporation, and James Marino, individually and as an officer of said corporations ("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 European Body Concepts, Inc., a Maryland corporation, by its duly authorized officer, European Body Concepts, Inc., a Virginia corporation, by its duly authorized officer, European Body Concepts, Inc., a North Carolina corporation, by its duly authorized officer, and James Marino, individually and as an officer of said corporations, and their attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent European Body Concepts, Inc., a Maryland corporation, is organized, exists and does business under and by virtue of the laws of the State of Maryland, with its former office and principal place of business located at 1 Central Plaza, Suite 907, 11300 Rockville Pike, Rockville, Maryland 20852.

Proposed respondent European Body Concepts, Inc., a Virginia corporation, is organized, exists and does business under and by virtue of the laws of the State of Virginia, with its former office and principal place of business located at 6564 Loisdale Court, Suite 420, Springfield, Virginia 22150.

Proposed respondent European Body Concepts, Inc., a North Carolina corporation, is organized, exists and does business under and by virtue of the laws of the State of North Carolina, with its former office and principal place of business located at 1515 Mockingbird Lane, Suite 410, Charlotte, North Carolina 28209.

Proposed respondent James Marino is or was at relevant times herein an officer of said corporations. He formulated, directed and controlled the policies, acts and practices of said corporations and his address is 11940 Alpharetta Highway, Suite 907, Alpharetta, Georgia 30201.

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; 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 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 circumstances may require) and decision in disposition of this proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondents that the law has been violated as alleged in the draft of complaint, or that the facts as alleged in the draft of complaint, other than the 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 provision of § 2.34 of the Commission's rules, the Commission may, without further notice to the 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 with 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 Edward J. Carnot, counsel for proposed respondents, at 1370 Piccard Drive, Suite 290, Rockville, Maryland 20850, 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 in 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

For purposes of this Order:

1. "Clearly and prominently" means as follows:

A. In a television or videotape advertisement, the disclosure shall be presented simultaneously in both the audio and video portions of the advertisement. The audio disclosure shall be delivered in a volume and cadence sufficient for an ordinary consumer to hear and comprehend it. The video disclosure shall be of a size and shade, and shall appear on the screen for a duration, sufficient for an ordinary consumer to read and comprehend it.

B. In a radio advertisement, the disclosure shall be delivered in a volume and cadence sufficient for an ordinary consumer to hear and comprehend it.

C. In a print advertisement the disclosure shall be in at least twelve (12) point type, in print that contrasts with the background against which it appears, and in a location that is sufficiently noticeable that the ordinary consumer will see and read it.

2. "Competent and reliable scientific evidence" means tests, analyses, research, studies, or other evidence based on 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.

3. "European Body Wrap treatment" means the treatment used at European Body Concepts centers during which clients are wrapped in medical bandages and placed in vinyl body suits.

#### I

It is ordered that respondents European Body Concepts, Inc., a Maryland corporation, European Body Concepts, Inc., a Virginia corporation, European Body Concepts, Inc., a North Carolina corporation, their successors and assigns, and their officers, James Marino, individually and as an officer and director of said corporations; and respondents' agents, representatives and employees, directly or through any partnership, corporation, subsidiary, division or other device, in connection with the advertising, promotion, offering for sale, sale or distribution of the European Body Wrap treatment or any substantially similar treatment 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:

- A. Such treatment causes weight loss;
- B. Such treatment causes weight loss without diet or exercise;
- C. Such treatment causes fast or easy weight loss;
- D. Such treatment eliminates cellulite;
- E. Such treatment causes weight loss at specific areas of the body;
- F. Users of such treatment are successful in maintaining their weight loss;
- G. Users of such treatment are successful in maintaining their inch loss; or
- H. Such treatment is completely safe for all users.

#### II

It is further ordered that respondents European Body Concepts, Inc., a Maryland corporation, European Body Concepts, Inc., a Virginia corporation, European Body Concepts, Inc., a North Carolina corporation, their successors and assigns, and their officers, James Marino, individually and as an officer and director of said corporations; and respondents' agents, representatives and employees, directly or through any

partnership, corporation, subsidiary, division or other device, in connection with the advertising, promotion, offering for sale, sale or distribution of the European Body Wrap treatment 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:

A. Such treatment causes users to lose inches from their body measurements;

B. Such treatment causes inch loss without diet or exercise;

C. Such treatment causes fast or easy inch loss; or

D. Such treatment causes reduction in the size of specific areas of the body; unless, (1) such representation is true, and at the time of making such representation, respondents possess and rely upon competent and reliable scientific evidence that substantiates the representation; and (2) respondents disclose, clearly and prominently, that: (a) Any inch loss or reduction in body size will be temporary; *provided, however, that this disclosure shall not be required if respondents possess and rely upon competent and reliable scientific evidence demonstrating that any such inch loss or reduction in body size will not be temporary; and (b) such treatment does not cause weight loss; provided, however, that this disclosure shall not be required if respondent possess and rely upon competent and reliable scientific evidence demonstrating that such treatment causes weight loss.*

### III

It is Further Ordered that respondents European Body Concepts, Inc., a Maryland corporation, European Body Concepts, Inc., a Virginia corporation, European Body Concepts, Inc., a North Carolina corporation, their successors and assigns, and their officers; James Marino, individually and as an officer and director of said corporations; and respondents' agents, representatives and employees, directly or through any partnership, corporation, subsidiary, division or other device, in connection with the advertising, promotion, offering for sale, sale or distribution of any body wrap treatment or any substantially similar treatment in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act do forthwith cease and desist from:

A. Making any representation, directly or by implication, regarding the safety of any such treatment, unless respondents disclose, clearly and prominently, and in close proximity to such representation that the treatment

may be dangerous to the health of people with heart disease, high or low blood pressure, or diabetes and that any such person should consult a doctor before using the treatment;

B. Failing to disclose prior to purchase the warning set forth below to each prospective user of any such treatment

(i) By including the warning in the program description brochure delivered to each such person, with the warning printed in bold on the front panel in ten (10) point type surrounded by a bold two (2) point rule, in print that contrasts with the background against which it appears; or

(ii) If respondents cease to provide prospective users with a program description brochure, by delivering to each such person a five (5) by eight (8) inch card on which the warning and nothing else is printed in twelve (12) point type:

"CAUTION: If you suffer from heart disease, high or low blood pressure, or diabetes, you should consult your physician before using this treatment to determine whether it poses a risk to your health;" and

C. Failing to post in a conspicuous place where it is likely to be noticed by, and is legible to, prospective users, in the reception area of any location where any such treatment is offered for sale, sold, or used, a sign containing the warning in subpart B and nothing else printed in letters one inch high.

### IV

It is further ordered that respondents European Body Concepts, Inc., a Maryland corporation, European Body Concepts, Inc., a Virginia corporation, European Body Concepts, Inc., a North Carolina corporation, their successors and assigns, and their officers; James Marino, individually and as an officer and director of said corporations; and respondents' agents, representatives and employees, directly or through any partnership, corporation, subsidiary, division or other device, in connection with the advertising, promotion, offering for sale, sale or distribution of any weight control or weight reduction treatment, program, product, or service 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 any such treatment, program, product, or service has any effect on weight or body size, unless they disclose, clearly and prominently, and in close proximity to such representation that diet and/or increasing exercise is required to lose

weight; *provided however, that this disclosure shall not be required if respondents possess and rely upon competent and reliable scientific evidence demonstrating that the treatment, program, product, or service is effective without either dieting or increasing exercise.*

### V

It is further ordered that respondents European Body Concepts, Inc., a Maryland corporation, European Body Concepts, Inc., a Virginia corporation, European Body Concepts, Inc., a North Carolina corporation, their successors and assigns, and their officers; James Marino, individually and as the sole officer and director of said corporations; and respondents' agents, representatives and employees, directly or through any partnership, corporation, subsidiary, division or other device, in connection with the advertising, promotion, offering for sale, sale or distribution of any weight control or weight reduction treatment, program, product, or service 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 any endorsement (as "endorsement" is defined in 16 CFR 255.0(b)) represents the typical or ordinary experience of members of the public who use such treatment, program, product, or service.

### VI

It is further ordered that respondents European Body Concepts, Inc., a Maryland corporation, European Body Concepts, Inc., a Virginia corporation, European Body Concepts, Inc., a North Carolina corporation, their successors and assigns, and their officers; James Marino, individually and as an officer and director of said corporations; and respondents' agents, representatives and employees, directly or through any partnership, corporation, subsidiary, division or other device, in connection with the advertising, promotion, offering for sale, sale or distribution of any treatment, program, product, or service 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. Such treatment, program, product, or service has any weight control, weight loss or weight maintenance benefit;

B. Such treatment, program, product, or service has any effect on cellulite;

C. Such treatment, program, product, or service has any effect on users' body measurements; or

D. Using any such treatment, program, product, or service designed or used to prevent weight gain or produce weight loss, reduce or eliminate fat or cellulite, or reduce body measurements is safe or without risk;

unless, at the time of making such representation, respondents possess and rely upon competent and reliable scientific evidence that substantiates the representation.

## VII

Nothing in this Order shall prohibit respondents from making any representation that is specifically permitted in labeling for any product by regulations promulgated by the Food and Drug Administration pursuant to the Nutrition Labeling and Education Act of 1990.

## VIII

Nothing in this Order shall prohibit respondents from making any representation for any drug that is permitted in labeling for any such drug under any tentative final or final standard promulgated by the Food and Drug Administration, or under any new drug application approved by the Food and Drug Administration.

## IX

It is further ordered that respondents European Body Concepts, Inc., a Maryland corporation, European Body Concepts, Inc., a Virginia corporation, and European Body Concepts, Inc., a North Carolina corporation, shall:

A. Within thirty (30) days after service of the Order, provide a copy of this Order to each of respondents' current principals, officers, directors, and managers, and to all personnel, agents, and representatives having sales, advertising, or policy responsibility with respect to the subject matter of this Order; and

B. For a period of five (5) years from the date of issuance of this Order, provide a copy of this Order to each of respondents' future principals, officers, directors, and managers, and to all personnel, agents, and representatives having sales, advertising, or policy responsibility with respect to the subject matter of this Order, within three (3) days after the person assume his or her responsibilities.

## X

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

and assigns, shall maintain and upon request make available to the Federal Trade Commission or its staff for inspection and copying:

A. Copies of all advertisements which contain any such representation, including tape recordings of all broadcast advertisements;

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

C. 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 but not limited to, complaints from consumers and complaints or inquiries from government organizations.

## XI

It is further ordered that respondents European Body Concepts, Inc., a Maryland corporation, European Body Concepts, Inc., a Virginia corporation, European Body Concepts, Inc., a North Carolina corporation, shall notify the Federal Trade Commission at least thirty (30) days prior to any proposed change in their corporate structures, including but not limited to dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or affiliates, or any other corporate change that may affect compliance obligations arising out of this Order.

## XII

It is further ordered that respondent James Marino shall for a period of five (5) years from the date of issuance of the 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 affiliation with any new business or employment shall include respondent's new business address, and a statement describing the nature of the business or employment and his duties and responsibilities.

## XIII

It is further ordered that the respondents herein shall within sixty (60) days after service upon them of this Order, 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 to a proposed consent order from European Body Concepts, Inc., a Maryland corporation, European Body Concepts, Inc., a Virginia corporation, European Body Concepts, Inc., a North Carolina corporation, and James Marino (hereinafter sometimes referred to as "proposed respondents").

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 review again the agreement and comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The complaint charges that the proposed respondents deceptively advertised a weight loss treatment that involved wrapping bandages soaked in mineral solution around the bodies of users who then put on vinyl body suits ("European Body Wrap Treatment"). According to the complaint, the proposed respondents falsely claimed that the European Body Wrap treatment: (a) Caused users to lose significant numbers of inches and pounds quickly and easily and without diet or exercise; (b) eliminated cellulite; (c) reduced the size of specific areas of the body; (d) enabled users to maintain their weight and inch loss and (e) was completely safe for all users.

The compliant also alleges that the proposed respondents falsely represented that the results achieved by testimonialists, featured in their advertising were typical of those experienced by members of the public who use the European Body Wrap treatment. Finally, the proposed respondents are charged with representing that the European Body Wrap treatment was completely safe for all users, but deceptively failing to disclose that it may be dangerous to the health of people with certain medical conditions such as heart disease, high or low blood pressure, and diabetes.

The proposed order contains six substantive provisions, Parts I through VI.

Part I prohibits proposed respondents from making the deceptive weight loss, cellulite reduction, and safety claims alleged in the proposed complaint for the European Body Wrap treatment or any substantially similar treatment. In addition, Part I bans the claim that users of the European Body Wrap treatment or

any substantially similar treatment are successful in maintaining their inch or weight loss.

Part II prohibits the proposed respondents from representing that any body wrapping treatment causes inch loss, does so quickly and easily or without diet or exercise, or causes inch loss at any specific part of the body, unless the claim is true and substantiated by competent and reliable scientific evidence. In addition, Part II requires the proposed respondents to disclose in conjunction with any such representation that the inch loss is temporary and that there is no weight loss, unless they can substantiate otherwise.

Part III.A requires proposed respondents to disclose, in conjunction with any representation about the safety of their body wrap treatment that body wrapping may be dangerous to the health of people with heart disease, high or low blood pressure, or diabetes. Under the proposed order, this disclosure must be clear and prominent, which is defined as being understandable in both the audio and visual portions of a television ad, as being in an understandable cadence in a radio ad, and as being in at least twelve point type in a sufficiently noticeable location in a print ad.

Part III.B requires that, prior to purchase, proposed respondents give each prospective purchaser of its body wrapping treatment the following warning:

**CAUTION:** If you suffer from heart disease, high or low blood pressure, or diabetes, you should consult your physician before using this treatment to determine whether it is dangerous to your health.

The warning must be included in a brochure describing the treatment (in which case it must be printed in bold, ten point type within a two point rule), or, if the brochure is discontinued, on a five by eight inch card (in twelve point type). Under Part III.C the proposed respondents must also display in the reception area of its facilities a sign with the same warning printed in one-inch high letters.

Part IV requires proposed respondents to disclose that diet or exercise is required to lose weight in connection with any representation about the effect of a treatment, program, product, or service on weight or body size, unless they have competent and reliable evidence to the contrary. Like the safety disclosure, this disclosure must also be clear and prominent as defined in the order.

Part V addresses proposed respondents' deceptive use of consumer testimonials. It prohibits misrepresentations in advertising for weight control or reduction treatments, programs, products, and services to the effect that any endorsement constitutes the typical and ordinary experience of members of the public who use the advertised treatment, program, product, or service.

Part VI.A-C contains fencing-in provisions that require proposed respondents to have prior substantiation for claims that any treatment, program, product, or service provides any benefit in terms of weight loss or weight maintenance or has an effect on cellulite or body measurements. Under Part VI.D proposed respondents are required to have substantiation for claims about the safety of weight loss or body shaping treatments, programs, products, or services.

Parts VII and VIII contain safe harbors for claims that are permitted on the labeling of foods and drugs under the applicable regulations of the Food and Drug Administration. The remaining provisions of the order are standard compliance provisions. Part IX requires the corporate respondents to provide copies of the order to relevant personnel. Part X requires the proposed respondents to keep records about covered claims for five years. Under Part XI, the corporate respondents are required to notify the Commission of certain changes in structure, and Part XII requires the individual respondent to notify the Commission of changes in his employment for the next five years. Finally, Part XIII of the proposed order obligates the respondents to file appropriate compliance reports.

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. 95-8858 Filed 4-10-95; 8:45 am]

BILLING CODE 6750-01-M

[Dkt. C-3561]

**Gorayeb Seminars, Inc., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions**

**AGENCY:** Federal Trade Commission.

**ACTION:** Consent Order.

**SUMMARY:** In settlement of alleged violations of Federal law prohibiting unfair acts and practices and unfair

methods of competition, this consent order prohibits, among other things, two New Jersey-based companies and their officers from making any representation about the relative or absolute performance or efficacy of any smoking cessation or weight loss program, unless they possess and rely upon competent and reliable scientific evidence to substantiate the representation.

**DATES:** Complaint and Order issued March 3, 1995<sup>1</sup>.

**FOR FURTHER INFORMATION CONTACT:** Matthew Daynard, FTC/H-200, Washington, DC. 20580. (202) 326-3291.

**SUPPLEMENTARY INFORMATION:** On Friday, August 5, 1994, there was published in the **Federal Register**, 59 FR 40032, a proposed consent agreement with analysis In the Matter of Gorayeb Seminars, Inc., et al., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

Comments were filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

**Donald S. Clark,**

*Secretary.*

[FR Doc. 95-8859 Filed 4-10-95; 8:45 am]

BILLING CODE 6750-01-M

[Dkt. C-3565]

**IVAX Corp.; Prohibited Trade Practices, and Affirmative Corrective Actions**

**AGENCY:** Federal Trade Commission.

**ACTION:** Consent Order.

**SUMMARY:** In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order permits, among other things, IVAX, a Florida corporation, to acquire Zenith Laboratories, except for Zenith's rights to market or sell extended release generic verapamil under Zenith's exclusive distribution agreement with G.D. Searle & Co. Respondent is also

<sup>1</sup> Copies of the complaint and the Decision and Order are available from the Commission's Public Reference Branch, H-130, 6th Street & Pennsylvania Avenue, NW., Washington, DC 20580.