

comments may be made available to the committee for their consideration. Comments should be supplied to the appropriate DFO at the address/contact information noted above in the following formats: One hard copy with original signature, and one electronic copy via e-mail (acceptable file format: WordPerfect, Word, or Rich Text files (in IBM-PC/Windows 95/98 format). Those providing written comments and who attend the meeting are also asked to bring 25 copies of their comments for public distribution.

General Information—Additional information concerning the Science Advisory Board, its structure, function, and composition, may be found on the SAB Website (<http://www.epa.gov/sab>) and in The FY1999 Annual Report of the Staff Director which is available from the SAB Publications Staff at (202) 564-4533 or via fax at (202) 501-0256. Committee rosters, draft Agendas and meeting calendars are also located on our website.

Meeting Access—Individuals requiring special accommodation at this meeting, including wheelchair access to the conference room, should contact the appropriate DFO at least five business days prior to the meeting so that appropriate arrangements can be made.

Dated: July 10, 2000.

John R. Fowle, III,

Acting Staff Director, Science Advisory Board.

[FR Doc. 00-18028 Filed 7-14-00; 8:45 am]

BILLING CODE 6560-50-P

(voice) and (202) 663-4074 (TTD) at any time for information on these meetings.

CONTACT PERSON FOR MORE INFORMATION:

Frances M. Hart, Executive Officer on (202) 663-4070.

This Notice Issued: July 13, 2000.

Frances M. Hart,

Executive Officer, Executive Secretariat.

[FR Doc. 00-18084 Filed 7-13-00; 11:19 am]

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EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Equal Employment Opportunity Commission.

DATE AND TIME: Thursday, July 27, 2000 at 2 p.m. (Eastern Time).

PLACE: Conference Room on the Ninth Floor of the EEOC Office Building, 1801 "L" Street, NW, Washington, DC 20507.

STATUS: The meeting will be open to the public.

MATTERS TO BE CONSIDERED: Open Session

The 10th Anniversary of the Americans with Disabilities Act: EEOC's Past Accomplishments and Future Trends.

Note: Any matter not discussed or concluded may be carried over to a later meeting. (In addition to publishing notices on EEOC Commission meetings in the **Federal Register**, the Commission also provides a recorded announcement a full week in advance on future Commission sessions.) Please telephone (202) 663-7100

the rate is applicable only for state-to-state calls after 7 p.m. and on weekends. Even an otherwise prominent disclosure to that effect will likely not be sufficient considering that the disclosure directly contradicts the express, and false, representations in the headline.

B. Material Information That Should Be Disclosed in Advertisements for Long-Distance Calling Services

12. In situations where an advertisement makes claims that are not directly false but might be misleading in the absence of qualifying or limiting information, advertisers are responsible both for making any necessary disclosures and for ensuring that they are clear and conspicuous. The following are some of the types of disclosures that may be necessary to prevent price claims in long-distance telephone advertising from deceiving customers.

1. Minimum Per-Call Charges, Monthly Fees, and Other Cost-Related Information

13. The central characteristic touted in most long-distance advertising is price. As noted above, price representations are presumptively material to consumers. What matters to consumers is not just the per-minute rate, but rather how that rate, along with all additional fees and charges, will ultimately be reflected in the charges they see on their monthly phone bills.¹⁰ Therefore, advertisers should exercise the greatest care in ensuring the accuracy of their claims related to price, including the clear and conspicuous disclosure¹¹ of information such as minimum per-call charges, monthly fees, fees for additional minutes beyond the initial calling period, and other information that significantly affects the total charge of a particular call or calling plan or service.

Example #2—Minimum Charges: An advertisement conveys the message that long-distance calls cost 10¢ a minute. In fact, all calls are subject to a 50¢ minimum charge. Given that reasonable consumers would likely conclude from the “10¢ a minute” representation that a one-minute call would cost 10¢, and would not expect there to be a substantial additional charge, the advertiser’s failure to clearly and conspicuously disclose the minimum fee in the ad would likely be deceptive.

¹⁰ For example, if a consumer paying 10¢ a minute and a \$5.95 monthly fee places 100 minutes of calls per month, his or her total would be \$15.95 a month or almost 16¢ per minute. This figure would contrast sharply with the “10¢ a minute” rates prominently touted in typical ads for long-distance calling plans.

¹¹ See Section III for a discussion of the factors to consider in assessing whether a disclosure is “clear and conspicuous.”

Example #3—Monthly Fees: An advertisement says that long-distance calls cost 10¢ a minute. In fact, that rate is only available if customers pay a \$5.95 monthly fee. Because the imposition of the monthly fee would significantly increase the consumer’s per-minute charge, the advertiser’s failure to clearly and conspicuously disclose the monthly fee in the ad would likely be deceptive.

Example #4—Cost After Initial Promoted Calling Period: A company advertises “all calls up to 20 minutes for only \$1.00, \$5 per minute thereafter.”

The advertisement also states that the rate is only available if customers pay a \$5.95 monthly fee. Because the imposition of the monthly fee would significantly increase the consumer’s per-minute charge, the advertiser’s failure to clearly and conspicuously disclose the monthly fee in the ad would likely be deceptive.

Example #4—Cost After Initial Promoted Calling Period: A company advertises “all calls up to 20 minutes for only \$1.00, \$5 per minute thereafter.”

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23. Reference to an existing regulatory scheme provides considerable guidance. In 1992 Congress passed the Telephone Disclosure and Dispute Resolution Act ("TDDRA"), directing the FCC and the FTC to issue regulations governing, among other things, the advertising and marketing of pay-per-call services. TDDRA was enacted in response to a history of fraudulent or abusive practices. In adopting its Pay-Per-Call Rule (previously called the 900-Number Rule),¹⁷ the FTC provided very specific provisions on how to make effective disclosures of material cost information in the context of advertising telephone-based entertainment or information programs that are billed to consumers' telephone bills. The basic principles embodied in the advertising provisions of the Rule show how the FTC determines whether a particular disclosure of cost information is clear and conspicuous in the context of advertising for pay-per-call services. According to the Rule's provisions governing the advertising of those services, the provider must "clearly and conspicuously" disclose in the advertisement the total cost of the call. If there is a flat fee for the call, the ad must state the total cost. If the call is billed on a time-sensitive basis, the ad must state "the cost per minute and any minimum charges." If the call is billed on a variable rate basis, the ad must state the cost of the initial portion of the call, any minimum charges, and the range of rates that may be charged for the service including any other fees that will be charged for the service. Regardless of how the service is billed, the Rule requires that "the advertisement shall disclose any other fees that will be charged for the service."

24. To ensure that consumers understand the central factor in the transaction—the cost of the call—the Rule specifies that all necessary disclosures must be made clearly and conspicuously. Initially, the Rule specifies that these disclosures must be made in the same language as the advertisement; for print disclosures, "in a color or shade that readily contrasts with the background of the ad"; and for oral disclosures, "in a slow and deliberate manner and in a reasonably understandable volume." However, the Rule outlines with more specificity the requiree3disclosurrrp;mM5Tc 0 rwta I9parl7zpule9rstanda.f05 -1ps.vSiximspeciordingtrifcMe61a 9standaeisih222ingtri4pMe6/,unner and serv333."

understandable to a reasonable consumer"). See also *United States v. Mazda Motor of America, Inc.*, (C.D. Cal. Sept. 30, 1999) (consent decree) (\$5.25 million total civil penalty for violations of FTC and state orders related to disclosures in car leasing advertising).

¹⁷ 16 CFR part 308.

¹⁸ *Kraft, Inc.* 114 F.T.C. 40, 124 (1991), *aff'd*, 970 F.2d 311 (7th Cir. 1992), *cert. denied*, 479 U.S. 1086 (1987). See *Thompson Medical Co.*, 104 F.T.C. 648, 797-98 & n. 22 (1984), *aff'd*, 791 F.2d 189 (D.C. Cir. 1986), *cert. denied*, 479 U.S. 1086 (1987); *Deception Statement*, 103 F.T.C. at 180.

conspicuous. The effectiveness of disclosures is ordinarily enhanced by their proximity to the representation they qualify, because reasonable consumers do not necessarily read an ad in its entirety.¹⁹ The placement of qualifying information away from the triggering representation—for example, in footnotes, in margins, or on a separate page of a multi-page promotion—reduces the effectiveness of the disclosure.²⁰ Furthermore, when significant qualifying information about the cost of a long-distance plan or service is necessary to prevent the ad from misleading consumers, the use of an asterisk will generally be considered insufficient to draw a consumer's attention to a disclosure placed elsewhere in an ad.²¹

Example #15: A full-page newspaper advertisement for a company's long-distance calling plan features in 70-point type the statement, "7¢ a minute all the time" followed by an asterisk. A 12-point disclosure at the bottom of the page states, "*\$5.95 monthly fee applies." Given the disparity in prominence and location between the two lines of text, it is unlikely that the disclosure of the monthly fee is sufficiently clear and conspicuous.

Example #16: A dial-around company promotes its services via a three-page direct mail letter sent to consumers. The envelope includes a depiction of a nickel surrounded by the phrase "long-distance calls for just 5¢ a minute," a depiction repeated on the first page of the letter. In fact, the 5¢ a minute rate is good only for state-to-state calls 20 minutes or longer. That information is prominently disclosed only on the last page of the letter. The disclosure of these material conditions on the third page of the letter would likely be ineffective.

Example #17: In a 60-second television ad, a company wants to promote both its domestic and international dial-around service. In the first 50 seconds of the ad, the spokesperson refers to the company's rate as "7¢ a minute" three times with an accompanying graphic. In the last 10 seconds of the ad, the spokesperson says, "And call 878-555-0000 to find out about our low international rates." During the 10-second segment in which the spokesperson discusses the company's international rates, the superscript appears "7¢ a minute rate applies after 7:00 p.m. Monday-Friday and all day weekends." Given the lack of proximity between the "7¢ a minute" claim and the disclosure of the material time restriction, the superscript would likely not be considered clear and conspicuous.

Example #18: A company wants to

and/or point of sale or other sources make clear that significant costs apply at lease inception; order defining clear and conspicuous disclosure of terms in television and other ads for car leases as "readable [or audible] and understandable to a reasonable consumer"). See also *United States v. Mazda Motor of America, Inc.*, (C.D. Cal. Sept. 30, 1999) (consent decree) (\$5.25 million total civil penalty for violations of FTC and state orders related to disclosures in car leasing advertising); *Kraft, Inc.*, 114 F.T.C. 40, 124 (1991), *aff'd*, 970 F.2d 311 (7th Cir. 1992), *cert. denied*, 507 U.S. 909 (1993); *Thompson Medical Co.*, 104 F.T.C. 648, 797-98 (1984), *aff'd*, 791 F.2d 189 (D.C. Cir. 1986), *cert. denied*, 479 U.S. 1086 (1987).

²⁴ Maria Grubbs Hoy & Michael J. Stankey, *Structural Characteristics of Televised Advertising Disclosures: A Comparison with the FTC Clear and Conspicuous Standard*, *J. Advertising*, June 1993, at 47, 50; Todd Barlow & Michael S. Wogalter, *Alcoholic Beverage Warnings in Magazine and Television Advertisements*, 20 *J. Consumer Res.* 147, 151, 153 (1993); Noel M. Murray, *et al.*, *Public Policy Relating to Consumer Comprehension of Television Commercials: A Review and Some Empirical Results*, 16 *J. Consumer Pol'y* 145, 164 (1993).

¹⁹ Deception Statement, 103 F.T.C. at 180-81.

²⁰ See, e.g., *Dell Computer Corp.*, C-3888 (Aug. 6, 1999) (consent order); *Micron Electronics, Inc.*, C-3887 (Aug. 6, 1999) (consent order); *Haagen-Dazs Co.*, 119 F.T.C. 762 (1995) (consent order); *Stouffer Foods Corp.*, 118 F.T.C. 746, 802 n.10 (1994).

²¹ See, e.g., *Frank Bommartino Oldsmobile, Inc.*, C-3774 (Jan. 5, 1998) (consent order); *Archer Daniels Midland Co.*, 117 F.T.C. 403 (1994) (consent order).

²² Deception Statement, 103 F.T.C. at 180-81.

²³ See generally *General Motors Corp.*, 123 F.T.C. 241 (1997); *American Honda Motor Co.*, 123 F.T.C. 262 (1997); *American Isuzu Motor Co.*, 123 F.T.C. 275 (1997); *Mitsubishi Motor Sales of America, Inc.*, 123 F.T.C. 288 (1997); *Mazda Motor of America, Inc.*, 123 F.T.C. 312 (1997) (consent orders) (complaint alleging that ads touting "zero down" are deceptive even though fine print disclosures

Federal Communications Commission.

Magalie Roman Salas,
Secretary.

Federal Trade Commission.

Donald S. Clark,
Secretary.

[FR Doc. 00-17995 Filed 7-14-00; 8:45 am]

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GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090-0021]

Submission for OMB Review; Comment Request Entitled Profit and Loss Statement—Operating Statement

AGENCY: Regional Support Division
(PMR), GSA.

ACTION: Notice of request for public
comments regarding an extension to an
existing OMB clearance (3090-0021).

SUMMARY: Under the provisions of the
Paperwork Reduction Act of 1995 (44
U.S.C. chapter 35), the Office of
Acquisition Policy will be submitting to
the Office of Management and Budget
(OMB) a request to review and approve
an extension of a currently approved
information collection requirement
concerning Profit and Loss Statement—
Operating Statement. This information
collection was published in the **Federal
Register** on May 3, 2000 at 65 FR 25730
allowing for the standard 60-day public
comment period. No comments were
received.

DATES: *Comment Due Date:* August 16,
2000.

ADDRESSES: Comments regarding this
burden estimate or any other aspect of
this collection of information, including
suggestions for reducing this burden,
should be submitted to: Edward
Springer, GSA Desk Officer, Room 3235,
NEOB, Washington, DC 20503 and also
may be submitted to Marjorie Ashby,
General Services Administration (MVP),
Room 4011, 1800 F Street NW.,
Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT:
Deborah Purdie, (202) 501-4226.

SUPPLEMENTARY INFORMATION:

A. Purpose

The Profit and Loss Statement—
Operating Statement is the financial
planning document in an offeror's
proposal to perform a GSA cafeteria
service contract and its contents are one
factor considered by the contracting
officer in deciding to award a contract.
The GSA Form 2817 is also the non-
ADP financial reporting vehicle used by
cafeteria contractors.

B. Annual Reporting Burden

Respondents: 250; *annual responses:*
250; *average hours per response:* 1;
burden hours: 250.

Copy of Proposal: A copy of this
proposal may be obtained from the GSA
Acquisition Policy Division (MVP),
Room 4011, GSA Building, 1800 F
Street NW., Washington, DC 20405, or
by telephoning (202) 501-3822.

Dated: July 7, 2000.

David A. Drabkin,

*Deputy Associate Administrator for
Acquisition Policy.*

[FR Doc. 00-18035 Filed 7-14-00; 8:45 am]

BILLING CODE 2820-01-3783-z1.22.

DEPARTMENT OF HEALTH AND
HUMAN SERVICES

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration on Aging

Announcement on Tribal Consultation With American Indian/Alaskan Native Tribal Representatives

The Department of Health and Human
Services policy on consultation with
American Indian/Alaska Native (AI/AN)
Governments and Organizations calls
for each OPDIV to convene a meeting
with AI/AN Tribal Representatives.

In accordance with Departmental
policy on Tribal Consultation with AI/
AN Governments and Organizations, the
Administration on Aging will be hosting
a one day session to give AI/AN Tribal
Representatives and their Title VI
Director an opportunity to discuss
Indian elder issues related to (1) Policy
Directions; (2) Capacity Building; (3)
Long-Term Care; and (4) Health Care
and to develop recommendations to be
presented to the Assistant Secretary for
Aging.

This Tribal Listening Session will be
held from 9 am to 4 pm on August 8,
2000 at: Hubert Humphrey Building;
200 Independence Avenue, SW,
Washington, DC 20201.

A final agenda will be distributed at
the meeting when you sign in.

To register and for additional
information please contact: M. Yvonne
Jackson, Ph.D., Director, Office for
American Indian, Alaskan Native and
Native Hawaiian Programs,
Administration on Aging, 330
Independence Ave., SW, Washington,
DC 20201, (202) 619-2713, Email:
Yvonne.Jackson@aoa.gov.

Purpose: In accordance with
Departmental policy on consultation
with (AI/AN) Governments and
Organizations, AoA will host this
meeting to give AI/AN Tribal
Representatives an opportunity to

discuss the four above mentioned areas
and develop recommendations to
present to the Assistant Secretary on
Aging.

Date and Time: August 8, 2000, 9 am–
4 pm EST.

Matters to be Discussed: The agenda
will include opening remarks/break-out
sessions to discuss the four above
mentioned areas, a general session, open
comment time and closing remarks.

If you are unable to attend but wish
to provide comments or Tribal
Resolutions these may be faxed to M.
Yvonne Jacksons attention at (202) 260–
1012.

Dated: July 11, 2000.

Jeanette C. Takamura,

Assistant Secretary for Aging.

Resol9208:45 am]