scientific evidence that substantiates the representation. Under the order, any representation relating to the ability of any margarine or spread to reduce the risk of heart disease or to cause or contribute to any risk factor for a disease or any health-related condition that is specifically permitted in labeling by regulations promulgated by the Food and Drug Administration pursuant to the Nutrition Labeling and Education Act of 1990 will be deemed to have a reasonable basis.

Part II of the order prohibits Conopco from misrepresenting the existence or amount of fat, saturated fat, cholesterol or calories of any margarine or spread. Part II also provides that if any representation covered by this Part conveys any nutrient content claim defined (for purposes of labeling) by any regulation promulgated by the Food and Drug Administration, compliance with this Part shall be governed by the qualifying amount for such defined claim as set forth in that regulation.

Part IIIA of the order requires Conopco, in any advertisement or promotional material for any margarine or spread that contains the disclosure level of fat as set forth in final regulations concerning cholesterol content claims as promulgated by the Food and Drug Administration pursuant to the Nutrition Labeling and Education Act of 1990, that refers, directly or by implication, to the amount of cholesterol in such food, to disclose clearly and prominently the total number of grams of fat per serving. Part IIIB of the order requires that for three years Conopco also disclose, in any advertisement or promotional material for any margarine or spread sold under the Promise brand name that contains the aforementioned disclosure level of fat, the percentage of calories derived from fat or a statement that the margarine or spread is not a ''low fat'' food.

Part IV provides that the order shall not prohibit representations specifically permitted in labeling for any margarine or spread by regulations promulgated by the Food and Drug Administration pursuant to the Nutrition Labeling and Education Act of 1990.

Part V defines the terms used in the order. Part VI requires Conopco to maintain copies of all material relating to advertisements covered by the order and all documents relating to substantiation of advertising claims covered by the order. Part VII requires Conopco to notify the Commission of any changes in the corporate structure that might affect compliance with the order. Part VIII requires Conopco to distribute copies of the order to certain company officials and employees and certain other representatives and agents of the company. Part IX provides that the order will terminate after twenty years under certain circumstances. Part X requires Conopco 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, 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. 96–29266 Filed 11–14–96; 8:45 am]

BILLING CODE 6750–01–P

[File No. 932–3282]

Nutrition 21; Selene Systems, Inc.; Herbert H. Boynton; Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair or deceptive acts or practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would prohibit, among other things, the San Diego-based dietary supplement manufacturer and its president from making certain challenged claims for chromium picolinate dietary supplements, without competent and reliable scientific evidence to support them, and from misrepresenting the results of any test, study, or research. The settlement also requires Nutrition 21, which holds the exclusive U.S. license on the patent rights to chromium picolinate, to send its customers who resell the supplement to the public a notice of the Commission's allegations and a request to stop using sales materials making the challenged claims. The agreement settles allegations that Nutrition 21 made unsupported claims about weight loss and health benefits for chromium picolinate dietary supplements.

DATES: Comments must be received on or before January 14, 1997.

ADDRESSES: Comments should be directed to: FTC/Office of the Secretary, Room 159, 6th St. and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: Loren G. Thompson, Federal Trade Commission, S–4002, 6th St. and Pennsylvania Ave., NW, Washington, DC 20580. (202) 326–2049. Beth Grossman, Federal Trade Commission, S–4002, 6th St. and Pennsylvania Ave., NW, Washington, DC 20580. (202) 326–3019.

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 accompanying complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home page, on the World Wide Web, at ''http://www.ftc.gov/os/actions/htm.'' A paper copy can be obtained from the FTC Public Reference Room, Room H–130, Sixth Street and Pennsylvania Avenue, N.W., Washington, D.C. 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 to a consent order from Nutrition 21, a limited partnership, Selene Systems, Inc., a general partner of Nutrition 21, and Herbert H. Boynton, President of Selene Systems, Inc. (''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 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 chromium picolinate, a nutrient patented by the United States Department of Agriculture. Respondents hold the exclusive license to manufacture and sell chromium picolinate in the United States. The Commission's proposed complaint alleges that the respondents represented without a reasonable basis in their advertisements that chromium picolinate: (a) Significantly reduces body fat; (b) causes significant weight

loss; (c) causes significant weight loss without diet or exercise; (d) causes long-term or permanent weight loss; (e) increases lean body mass and builds muscle; (f) significantly increases human metabolism; (g) controls appetite and reduces cravings for sugar; (h) significantly reduces total and LDL serum cholesterol; (i) significantly lowers elevated blood sugar levels; and (j) is effective in the treatment and prevention of diabetes. The proposed complaint also alleges that respondents represented without a reasonable basis that ninety percent of adults in the United States do not consume diets with sufficient chromium to support normal insulin function, resulting in increased risk of overweight, heart disease, elevated blood fat, high blood pressure, and diabetes. Finally, the proposed complaint alleges that respondents falsely represented that a number of those claims were supported by scientific studies.

The proposed consent order contains provisions designed to prevent the respondents from engaging in similar acts and practices in the future. Part I of the proposed order prohibits respondents from making the challenged representations for chromium picolinate or any other food, dietary supplement, or drug unless they possess and rely upon competent and reliable scientific evidence that substantiates the representations.

Part II of the proposed order prohibits respondents from making any representation about the benefits, performance, efficacy, or safety of chromium picolinate or any other food, dietary supplement, or drug unless they possess and rely upon competent and reliable scientific evidence that substantiates the representation.

Part III of the proposed order prohibits respondents from misrepresenting the existence, contents, validity, results, conclusions, or interpretations of any test, study, or research.

Part IV of the proposed order requires respondents to send notification letters to past, current, and future purchasers for resale of chromium picolinate. The letter describes the Commission's allegations and the terms of the order, and advises recipients to stop using promotional materials making the challenged claims.

Parts V through IX of the proposed order relate to respondents' obligation to maintain records, distribute the order to current and future officers and employees, notify the Commission of changes in corporate structure or in the individual's employment, and file compliance reports with the Commission. Part X provides that the order will terminate after twenty years under certain circumstances.

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. 96–29264 Filed 11–14–96; 8:45 am]

BILLLING CODE: 6750–01–P

[File No. 952–3366]

Universal Merchants, Inc.; Steven Oscherowitz; Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair or deceptive acts or practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would prohibit, among other things, the Los Angeles, California-based dietary supplement manufacturer and its president from making certain challenged claims for chromium picolinate dietary supplements, without competent and reliable scientific evidence to support them; from misrepresenting the results of any test, study, or research; and from representing that any testimonial or endorsement is the typical or ordinary experience of users of the advertised product, unless the claim is substantiated or unless Universal Merchants discloses the generally expected results clearly and prominently. The agreement settles allegations that Universal Merchants made unsupported claims about weight loss and health benefits in infomercials for its Chromatrim and Chromatrim 100 chromium picolinate chewing gum products.

DATES: Comments must be received on or before January 14, 1997.

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

FOR FURTHER INFORMATION CONTACT: Richard L. Cleland, Federal Trade Commission, H–466, 6th and Pennsylvania Ave., NW, Washington, DC 20580. (202) 326–3088.

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 accompanying complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home page, on the World Wide Web, at ''http://www.ftc.gov/os/actions/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 for Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from Universal Merchants, Inc., the marketer of ChromaTrim, a chewing gum containing chromium picolinate sold as a weight loss aid, and its president, Steven Oscherowitz, hereinafter sometimes referred to as 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 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.

The Commission's complaint in this matter alleges that the respondents made unsubstantiated claims that ChromaTrim (1) reduces body fat, (2) causes significant weight loss, (3) significantly reduces body fat and causes weight loss without dieting or exercise, (4) increases lean body mass and builds muscle, and (5) controls appetite and craving for sugar. The complaint further alleges that respondents falsely represented that these effects have been demonstrated through scientific studies. In addition, the complaint alleges that respondents made unsubstantiated claims that (1) testimonials from consumers appearing