

or imprisoned not more than one year, or both.

Daniel S. Goldin,

Administrator.

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FEDERAL TRADE COMMISSION

16 CFR PART 256

Rescission of Guides for the Law Book Industry

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: On March 18, 1999, the Commission published a **Federal Register** document initiating the regulatory review of the Federal Trade Commission's ("Commission") Guides for the Law Book Industry ("Law Book Guides" or "Guides") and seeking public comment. The Commission has now completed its review, and this document announces its decision to rescind the Guides and removes the Guides from the Code of Federal Regulations.

EFFECTIVE DATE: January 19, 2000.

ADDRESSES: Requests for copies of this notice should be sent to the Consumer Response Center, Room 130, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580. The notice is available on the Internet at the Commission's website, <http://www.ftc.gov>.

FOR FURTHER INFORMATION CONTACT:

¹ Raymond M. Taylor, *Law Book Consumers Need Protection*, 55 A.B.A.J. 553 (1969).

² The Commission's request for public comment elicited comments from: (1) Linda DeVaun, Technical Services Librarian for Sonnenschein, Nath & Rosenthal, Chicago, IL ("DeVaun"), #00001; (2) Robert L. Oakley, Washington Affairs Representative, American Association of Law Libraries (Mr. Oakley is also director of the law library and professor of law at the Georgetown University Law Center) ("AALL"), #00002; (3) Carl C. Monk, Executive Director, Association of American Law Schools ("AALS"), #00003; (4) Lorna Tang, University of Chicago Law Library ("Tang"), #00004; and (5) Kenneth H. Ryesky, attorney and adjunct professor of law ("Ryesky"), #00005. These comments are on the public record in file number P994243 as document numbers B25345900001 through B25346100005. They are cited in this notice as #00001, #00002, etc. The comments are available for viewing in Room 130 at the Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580, from 8:30 am to 5 pm, Monday-Friday.

³ DeVaun, #00001; ALL, #00002; Tang, #00004; Ryesky, #00005.

⁴ DeVaun, #00001.

⁵ AALL, #00002, at 7.

⁶ Tang, #00004.

⁷ See Federal Trade Commission Policy Statement on Deception, *appended to Cliffdale Associates, Inc.*, 103 F.T.C. 110, 174-184 (1984); and Federal Trade Commission Policy Statement on Unfairness, *appended to International Harvester Co.*, 104 F.T.C. 949, 1070-76 (1984).

⁸ See 35 FR 14328 (1970). Under this law, sellers, other than charitable organizations soliciting contributions, may not ship unordered merchandise to consumers unless the recipient has expressly agreed to receive it or unless it is clearly identified as a gift, free sample, or the like. In addition, sellers cannot try to obtain payment for or the return of the unordered merchandise. Consumers who receive unordered merchandise are legally entitled to treat the merchandise as a gift. The Postal Reorganization Act refers to "mailing" of unordered merchandise. The Commission, however, has explained that the application of Section 5 of the FTC Act to such practices is not limited to unordered merchandise distributed through the U.S. mail, 43 FR 4113 (1978).

⁹ *E.g.*, *Hachette Book Group USA, Inc.*, No. 39CV00116 (D. Conn. 1994) (settlement in which FTC charged that defendants failed to notify consumers that they would receive yearbooks or supplements unless they returned a mail cancellation card, failed to obtain consumers' agreement to return cancellation cards if they did not want the merchandise, and mailed merchandise and bills to consumers who had not placed orders; settlement included a \$200,000 civil penalty); *Field Publications Ltd. Partnership*, No. H-90-932 PCD (D. Conn. 1990) (settlement in which FTC charged that Field shipped unordered books to subscribers who had agreed to receive another series of books as part of a continuity plan; settlement included a \$175,000 civil penalty); *Standard Reference Library, Inc.*