

Under Part IX, the order terminates 20 years from the date of issuance, except under certain specified conditions.

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.

Donald S. Clark,  
Secretary.

[FR Doc. 97-4145 Filed 2-19-97; 8:45 am]

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[File No. 962-3118]

### Zale Corporation; Analysis to Aid Public Comment

**AGENCY:** Federal Trade Commission.

**ACTION:** Proposed consent agreement.

**SUMMARY:** In settlement of alleged violation 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 require, among other things, the Irving, Texas-based jewelry retailer to disclose, clearly and prominently, the nature of the pearl jewelry it sells and would mandate that company stores display consumer information about the definition of natural, cultured, imitation pearls. The complaint accompanying the consent agreement alleges that Zale deceptively advertised its "Ocean Treasures" line of imitation pearl jewelry as composed of cultured pearls.

**DATES:** Comments must be received on or before April 21, 1997.

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

**FOR FURTHER INFORMATION CONTACT:** Jeffrey Klurfeld, Federal Trade Commission, San Francisco Regional Office, 901 Market Street, Suite 570, San Francisco, CA 94103. (415) 356-5275.

**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 Commission Actions section of the FTC Home Page (for February 10, 1997), 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, subject to final approval, to a proposed consent order from Zale Corporation, (hereinafter "Zale"). Zale is the largest retailer of fine jewelry products in the United States.

The proposed consent order has been placed on the public record for sixty (60) days for the 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 any comments received and will decide whether it should withdraw from the agreement and take other appropriate action or make final the agreement's proposed order.

The proposed complaint alleges violations of Section 5 of the Federal Trade Commission Act. This matter focused on Zale's advertisements for the "Ocean Treasures" line of imitation pearl jewelry. The advertisements depicted Ocean Treasures earrings, necklaces, rings and pendants, and described them as follows: "Ocean Treasures Fine Jewelry. Created by nature, enhanced by man." The advertisements also included the following statement: "Zales. The Diamond, semi-precious and pearl store." The proposed complaint alleges that, through these depictions and statements, Zale violated Section 5 of the Federal Trade Commission Act by falsely claiming that the Ocean Treasures line of jewelry is composed of cultured pearls.

The Federal Trade Commission recently revised its Guides for the Jewelry, Precious Metals, and Pewter Industries, 16 C.F.R. Part 23, 61 F.R. 27212 (May 30, 1996) (the "Jewelry Guides"). The previous version of the Guides as well as the revised Guides

address various advertising practices in the jewelry industry, including those employed by Zale. See, e.g., § 23.2 (*Misleading Illustrations*); § 23.20 (*Misuse of terms such as "cultured pearl," "seed pearl," "Oriental pearl," "natura," "kultured," "real," "gem," "synthetic," and regional designations*); § 23.19 (*Misuse of the word "pearl"*); and § 23.18 (*Definitions of various pearls*). These industry guides are administrative interpretations of laws administered by the Commission for the guidance of the public in conducting its affairs in conformity with legal requirements. While the Guides are referenced in the complaint, they do not create a separate cause of action.

Part I of the proposed order would require that Zale not represent that imitation pearls are cultured pearls. Part II would prevent Zale from representing that imitation pearl jewelry is or contains one or more pearls unless Zale designates the jewelry as "artificial," "imitation," "simulated," or by some other word or phrase of like meaning. Part III would prevent Zale from representing that cultured pearl jewelry is or contains one or more pearls unless Zale designates the jewelry as "cultured" or "cultivated," or by some other word or phrase of like meaning. Part IV would prohibit the company from misrepresenting the composition or origin of any jewelry product composed partially or entirely of natural pearls, cultured pearls, or imitation pearls.

Part V of the proposed order would require Zale, for a period of three years, to make available, at each of its stores that sells natural, cultured or imitation pearls, a brief fact sheet entitled "Your Guide to Pearls." This fact sheet briefly defines the differences among the three general categories of pearls.

The proposed order also would require Zale to maintain materials related to its advertising of pearl, cultured pearl, and imitation pearl jewelry. The proposed order would also require Zale to provide a copy of the consent agreement to all employees or representatives with duties affecting compliance with the terms of the order; 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, 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.

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Office of the Secretary; Findings of Scientific Misconduct

**AGENCY:** Office of the Secretary, HHS.  
**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the Office of Research Integrity (ORI) has made a final finding of scientific misconduct in the following case:

*James B. Boone, Jr., Ph.D., University of Missouri-Columbia:* Based upon an investigation conducted by the University of Missouri-Columbia, information obtained by the Office of Research Integrity (ORI) during its oversight review, and Dr. Boone's own admission, ORI found that Dr. Boone, former Research Assistant Professor, Department of Veterinary Biomedical Sciences at the University of Missouri-Columbia, engaged in scientific misconduct by fabricating and falsifying data in biomedical research supported by a grant from the National Heart, Lung, and Blood Institute (NHLBI), National Institutes of Health (NIH).

Specifically, Dr. Boone fabricated the weights of individual, isolated muscles that, in fact, had not been separated by dissection, and falsely presented unrelated gamma counter results as having been obtained from the same individual muscles. He presented these data to his laboratory director as the results from two experiments that Dr. Boone admitted he did not complete. Dr. Boone committed additional falsifications in conducting research, including presenting: (1) A computer spread sheet that used the above described sets of the fabricated primary data of muscle weights and the falsified gamma counter results to generate false computations of blood flow in separate muscles; (2) A computer spread sheet for the statistical computations of the data from the two sets of fabricated and falsified reduced data; and (3) A histogram derived from the falsified reduced data that showed significant differences in some of the fabricated experimental measurements on individual muscles.

Dr. Boone has accepted the ORI finding and has entered into a Voluntary Exclusion Agreement with ORI in which he has voluntarily agreed, for the three

(3) year period beginning February 10, 1997:

(1) To exclude himself from serving in any advisory capacity to the Public Health Service (PHS), including but not limited to service on any PHS advisory committee, board, and/or peer review committee, or as a consultant; and

(2) That any institution that submits an application for PHS support for a research project on which the respondent's participation is proposed or which uses the respondent in any capacity on PHS supported research must concurrently submit a plan for supervision of his duties. The supervisory plan must be designed to ensure the scientific integrity of the respondent's research contribution. The institution must submit a copy of the supervisory plan to ORI.

No scientific publications were required to be corrected as part of this Agreement.

#### FOR FURTHER INFORMATION CONTACT:

Acting Director, Division of Research Investigations Office of Research Integrity, 5515 Security Lane, Suite 700, Rockville, MD 20852, (301) 443-5330.  
Chris B. Pascal,

*Acting Director, Office of Research Integrity.*  
[FR Doc. 97-4081 Filed 2-19-97; 8:45 am]

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### Centers for Disease Control and Prevention

#### State Childhood Lead Poisoning Prevention Grantees Meeting

The National Center for Environmental Health (NCEH) of the Centers for Disease Control and Prevention (CDC) announces the following meeting.

**NAME:** Meeting of State Childhood Lead Poisoning Prevention Grantees.

**TIMES AND DATES:** 12 p.m.-4:10 p.m., February 24, 1997. 8:30 a.m.-5:30 p.m., February 25, 1997. 8 a.m.-5:10 p.m., February 26, 1997. 8:30 a.m.-11:40 a.m., February 27, 1997.

**PLACE:** Holiday Inn Select-Atlanta-Decatur Hotel and Conference Plaza, 130 Clairemont Avenue, Decatur, Georgia 30030, telephone 404/371-0204.

**STATUS:** Open to the public, limited only by space available. The meeting room accommodates approximately 80 people.

**PURPOSE:** This meeting will provide a forum for childhood lead poisoning prevention coordinators and data administrators to review program progress and discuss prevention issues and concerns. Persons wishing to make

written or oral comments at the meeting should notify the contact person listed below, in writing or by phone, no later than close of business February 21, 1997.

Requests to make oral comments should contain the name, address, telephone number, and organizational affiliation of the presenter. Depending on the time available and the number of requests to make oral comments, it may be necessary to limit the time of each presenter.

**MATTERS TO BE DISCUSSED:** Topics to be discussed at this meeting include CDC's proposed revised screening guidelines, establishment of a data system to implement screening guidance, and data recommendations. There will be information presented regarding computer programming and how it relates to data analysis and using data to make decisions. Agenda items are subject to change as priorities dictate.

#### CONTACT PERSON FOR MORE INFORMATION:

Claudette Grant, Lead Poisoning Prevention Branch, Division of Environmental Hazards and Health Effects, NCEH, CDC, 4770 Buford Highway, NE, M/S F42, Atlanta, Georgia 30341, telephone 770/488-7330, fax 770/488-7335.

Dated: February 13, 1997.

Joseph E. Salter,

*Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).*

[FR Doc. 97-4139 Filed 2-19-97; 8:45 am]

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### Administration for Children and Families

#### Office of Planning, Research and Evaluation; Statement of Organization, Functions, and Delegations of Authority

This Notice amends Part K, Chapter K of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (DHHS), Administration for Children and Families (ACF) as follows: Chapter KM, The Office of Planning, Research and Evaluation (OPRE) (60 FR 56606) as last amended, November 9, 1995. This reorganization will establish the Division of Data Collection and Analysis within the Office of Planning, Research and Evaluation.

Amend Chapter KM as follows:

1. Delete KM.00 Mission in its entirety and replace with the following: KM.00 Mission. The Office of Planning, Research and Evaluation (OPRE) is the principal advisor to the Deputy Assistant Secretary for Policy