

**STAFF SUMMARY OF FEDERAL TRADE COMMISSION  
ACTIVITIES AFFECTING OLDER AMERICANS  
SEPTEMBER 2001--AUGUST 2003**

The Federal Trade Commission is the federal government's principal consumer protection agency, with broad jurisdiction extending over nearly the entire economy, including business and consumer transactions on the telephone, the Internet, and elsewhere.<sup>1</sup> Under the Federal Trade Commission Act, Congress has directed the Commission to prohibit unfair or deceptive acts or practices (its consumer protection mission) and unfair methods of competition (its competition mission).<sup>2</sup>

Much of the Commission's work addresses practices or industries that are of particular significance to older consumers. This Report describes those aspects of the Commission's work from September 2001 through August 2003. Section One describes recent Commission law enforcement initiatives within its consumer protection mission which are of particular importance to older consumers, including health care initiatives, financial practices initiatives, sales and promotional practices initiatives, and enforcement initiatives against fraud. Section One also highlights the Commission's consumer education program, including amendments to the Telemarketing Sales Rule, initiatives regarding the nationwide Do Not Call Registry, and initiatives against identity theft. Section Two describes Commission law enforcement and other initiatives within its competition mission, with a particular focus on health care, energy, and technology-related markets, as well as retail markets including groceries, household goods

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<sup>1</sup>The FTC has limited or no jurisdiction over some specified types of entities and activities. These include banks, savings associations, and federal credit unions; regulated common carriers; air carriers; non-retail sales of livestock and meat products under the Packers and Stockyards Act; certain activities of nonprofit corporations; and the business of insurance. *See, e.g.*, 15 U.S.C. §§ 44-46 (FTC Act); 15 U.S.C. § 21 (Clayton Act); 7 U.S.C. § 227 (Packers and Stockyards Act); 15 U.S.C. § 1011-1015 (McCarran-Ferguson Act).

<sup>2</sup>15 U.S.C. § 45(a). The Commission also has responsibilities under 46 additional statutes, including, for example, the Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq.*, which establishes important privacy protections for consumers' sensitive financial information; the Truth in Lending Act, 15 U.S.C. §§ 1601 *et seq.*, which mandates disclosures of credit terms; and the Fair Credit Billing Act, 15 U.S.C. §§ 1666 *et seq.*, which provides for the correction of billing errors on credit accounts. The Commission also enforces more than 35 Rules governing specific industries and practices, including, for example, the Telemarketing Sales Rule, 16 C.F.R. Part 310, which defines and prohibits deceptive telemarketing practices and other abusive telemarketing practices, and which has now been amended to create a national Do Not Call Registry; the Used Car Rule, 16 C.F.R. Part 455, which requires used car dealers to disclose warranty terms via a window sticker; and the Franchise Rule, 16 C.F.R. Part 436, which requires the provision of information to prospective franchisees.

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<sup>3</sup>Consumer Sentinel is a web-based law enforcement network established by the FTC, the

elderly people use dietary supplements than any other age group in the United States.<sup>5</sup>

Under the FTC Act, the Commission strives to ensure that claims about the health benefits of over-the-counter drugs, devices, foods, and dietary supplements are truthful, not misleading, and substantiated by competent and reliable scientific evidence. In fulfilling its mission, the Commission monitors the marketing of health care products and services in both the traditional media and on the Internet. In some instances, the Commission works with individuals and corporations to voluntarily bring them into compliance. Efforts to achieve industry compliance are most effective, however, when they are backed up by traditional law enforcement.

This dual approach is best exemplified by the Commission's efforts in its on-going law enforcement project, *Operation Cure.All*. As more fully discussed in the Commission's last report to this Committee, *Operation Cure.All* is an on-going, coordinated law enforcement<sup>6</sup> and consumer/business education initiative targeting deceptive and misleading Internet promotion of products and services that promise to cure or treat serious diseases or conditions such as cancer, heart disease, arthritis, and diabetes. To identify appropriate law enforcement targets, *Operation Cure.All* partners periodically conduct Internet surfs.<sup>7</sup> Following each surf, the FTC sends e-mail alerts to those websites for which e-mail addresses can be obtained, warning them that any health claims they make must be substantiated by competent and reliable scientific evidence. The Commission urges the websites to review their claims to make sure that they comply with the law and provides them with a list of resources to consult for additional guidance. Those websites that fail to come into compliance with the law may find themselves the subject of an FTC lawsuit.

Offline, the Commission continues to fight deceptive advertising for health services. In December 2002, the Commission announced a joint enforcement initiative with FDA to attack false and unsubstantiated claims for dietary supplements. Since then, the Commission has enjoined deceptive claims for more than \$1 billion in health care products, most of which were dietary supplements. Among the products targeted by the Commission was the "HeartBar," which the marketers claimed decreased leg pain, prevented age-related vascular problems, reduced the risk of cardiovascular disease, and reduced or eliminated the need for surgery and medications among patients with cardiovascular disease; "Coral Calcium," a supplement widely

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<sup>5</sup>NATIONAL INSTITUTES OF HEALTH, DIETARY SUPPLEMENT USE IN THE ELDERLY: CONFERENCE SUMMARY 6 (2003)

<sup>6</sup>Participants in *Operation Cure.All* include the Food and Drug Administration, Canada, Mexico, several state Attorney General offices, and state health departments.

<sup>7</sup>In an Internet surf, participants use search engines to find relevant Internet sites based on a set of predetermined search terms, for example, "cancer cure." Once a site is identified, it is forwarded to a central collection center, where the site is reviewed again to ascertain that it satisfies the selection criteria.

promoted as a cure for diseases such as multiple sclerosis and cancer; and the “Q-Ray Bracelet,” a device marketed to older Americans as a cure for pain. Television infomercials and other advertisements for Q-Ray featured testimonials by older consumers, purportedly attesting to miraculous relief of pain.

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<sup>8</sup>*FTC v. Associates First Capital Corporation, et al.*, No. 1:01-CV-00606 JTC (N.D. Ga. filed Sept. 19, 2003), available at <<http://www.ftc.gov/opa/2002/09/associates.htm>>.

<sup>9</sup>*FTC v. First Alliance Mortgage Co., et al.*, SACV 00-964 DOC (C.D. Cal. filed Mar. 21, 2002), available at <<http://www.ftc.gov/opa/2002/03/famco.htm>>.

<sup>10</sup>*U.S. v. Mercantile Mortgage Co., Inc., et al.*, No. 02C5079 (N.D. Ill. filed July 18, 2002), available at <<http://www.ftc.gov/opa/2002/07/mercantilediamond.htm>>. In addition to monetary relief, the Mercantile settlement gives hundreds of consumers the opportunity to refinance loans at low or no cost.

<sup>11</sup>*FTC v. Stewart Fin. Co. Holdings, Inc., et al.*, 1:03-CV-2648-JTC (N.D. Ga. Sept. 4, 2003) <[www.ftc.gov/opa/2003/09/stewart.htm](http://www.ftc.gov/opa/2003/09/stewart.htm)>.

<sup>12</sup>15 U.S.C. §§ 1692-1692(o).

### ***Telemarketing Fraud***

Telemarketing fraud has a direct, if not disproportionate, impact on many older Americans. According to information in the Commission's Consumer Sentinel complaint database, 46% of consumers aged sixty and older who filed fraud complaints and identified the company's initial method of contact reported that they were called on the telephone.

In 2003, after receiving critical support from Congress, the Commission amended the Telemarketing Sales Rule ("TSR") to create a national Do Not Call list. Under the amended TSR, consumers can register their telephone numbers and, with certain exceptions, phone numbers on this list cannot be used by the telemarketers for calls relating to the sale of any product or service.<sup>13</sup> Telemarketers must update their lists every three months to allow for new numbers to be registered with the system. To date, 52 million phone numbers have been registered.<sup>14</sup>

To better ensure compliance with the Rule, the Commission enhanced the Consumer Sentinel to provide state law enforcement partners direct access to registration information and telephone numbers on the Do Not Call list. This state-of-the-art technology will assist the vigorous enforcement of Do Not Call and other consumer protection laws. The national Do Not Call Registry will be supplemented by continued aggressive enforcement against fraudulent telemarketing activity.

### ***Cross-Border Fraud***

Protecting American consumers increasingly requires the Commission to work cooperatively with law enforcement officials from other countries to attack fraudulent and deceptive practices originating outside U.S. borders. An increasing number of complaints to the FTC involve cross-border fraud and deception. For example, in 1995, less than 1% of Consumer Sentinel complaints involved cross-border fraud, a figure that increased to 14% by 2002. Seventy-nine percent of the cross-border complaints in 2002 involved U.S. consumers complaining about foreign businesses. These complaints concern entities operating in many countries, including Canada, Nigeria, United Kingdom, Romania, South Africa, Netherlands,

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<sup>13</sup>Exceptions are made for companies with pre-existing business relationships with the consumer. Also exempted from the rule are telephone surveys and calls from political organizations, charities, and insurance representatives to the extent regulated by state law.

<sup>14</sup>On October 7, 2003, the U.S. Court of Appeals for the 10<sup>th</sup> Circuit granted the FTC's motion to stay the order of the U.S. District Court for the District of Colorado that halted enforcement of the national Do Not Call Registry. Accordingly, the FTC has moved forward with implementing and enforcing the Registry.

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<sup>15</sup>FTC, CROSS-BORDER FRAUD TRENDS: JANUARY - DECEMBER 2002 (Feb. 19,

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<sup>20</sup>*FTC v. Carlton Press, Inc. et al.*, Civ. A. No. 03-CV-0226-RLC (S.D.N.Y., filed Jan. 10, 2003), available at <<http://www.ftc.gov/opa/2003/01/idpfinal.htm>>.

in their name.<sup>24</sup> Victims spent about \$5 billion a year to resolve the thefts and businesses lost \$50 billion.

Data from the FTC's Identity Theft Data Clearinghouse shows similar experiences between ID theft victims over 60 and those under 60. Some differences do exist. For example, credit card fraud – the leading form of identity theft – affected about 52% of victims over age 60 in comparison to approximately 45% of those under 60. On the other hand, telecommunications or utility fraud, which frequently involves the purchase of cellular phones and service, affected about 15% of the victims over age 60 as opposed to approximately 24% of those under age 60.

The Commission's response to identity theft will continue to focus on consumer education, support of criminal law enforcement and cooperation with the private sector in identifying ways to protect consumers from this serious crime. One result of this cooperative effort is the automated "one call" fraud alert process. A consumer who has been the victim of identity theft can call the toll-free fraud number of any one of the three major credit bureaus to place a fraud alert on his or her credit report. As soon as the credit bureau confirms the fraud alert, the other two credit bureaus are notified automatically to place fraud alerts, and all three credit reports are sent to the consumer free of charge. In addition, the Commission, in partnership with consumer advocates, banks, and credit grantors, developed the ID Theft Affidavit, a single form that can be used to dispute fraudulent accounts wherever they are opened.<sup>25</sup> The FTC, along with the U.S. Secret Service, the U.S. Postal Inspection Service, the FBI and the U.S. Department of Justice conducts training for law enforcement throughout the country.

These efforts are supplemented by separate law enforcement and consumer and business education efforts by the Commission to improve the security of online and offline information. By improving security, the risk of unauthorized access or inadvertent disclosure of sensitive personal information of all types that could be used to facilitate identify theft is reduced.

Where businesses and individuals make deceptive claims regarding the privacy and security features of products and services, or fail to maintain adequate security for personal information, the Commission will take action. In May 2002, for example, the FTC finalized an order settling charges that Eli Lilly & Company unintentionally disclosed e-mail addresses of users of its Prozac.com and Lilly.com sites as a result of failures to take reasonable steps to protect the confidentiality and security of that information. The settlement requires Lilly to establish a security program to protect consumers' personal information against reasonably

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<sup>24</sup>FTC, IDENTITY THEFT SURVEY REPORT (Sept. 2003), *available at* <http://www.ftc.gov/os/2003/09/synovatereport.pdf>.

<sup>25</sup>The affidavit is *available at* <http://www.ftc.gov/bcp/conline/pubs/credit/idtheft.pdf>.



anticipated threats or risks to its security, confidentiality, or integrity.<sup>26</sup> The following December, the FTC settled allegations that the Microsoft Corporation misrepresented the measures it used to maintain and protect the privacy and confidentiality of consumers' personal information collected through its Passport web services. Microsoft agreed to implement a comprehensive information security program for Passport and similar services.<sup>27</sup> Finally, in June 2003, the Commission settled charges that Guess?, Inc. exposed consumers' personal information, including credit card numbers, to commonly known attacks by hackers, contrary to the company's claims. The order prohibits misrepresentations about the security and confidentiality of any information collected from or about consumers online and, as in Microsoft and Lilly, requires Guess to implement a comprehensive information security program.<sup>28</sup>

In other areas, the Commission finalized its Safeguards Rule<sup>29</sup> in May 2002 to implement the security provisions of the Gramm-Leach-Bliley Act ("GLB"). The Safeguards Rule establishes standards for financial institutions to maintain the security of customers' financial information, and became effective in May 2003. To help businesses comply with the Rule, the agency issued a new business education publication, and will conduct other initiatives to inform businesses of the Rule and provide compliance guidance.<sup>30</sup> The Commission has also developed a consumer security web site which contains practical tips for staying secure online and features "Dewie the Turtle," a colorful cartoon mascot, to promote effective online security.<sup>31</sup> In addition, the FTC has worked with the White House Office of Cyberspace Security and the Department of Homeland Security to develop consumer awareness aspects of the National Strategy to Secure Cyberspace.

## CONSUMER AND BUSINESS OUTREACH AND EDUCATION

The FTC believes that education is the first line of defense consumers and businesses have against fraud and deception, and consumer education is integral to all the Commission's major law enforcement initiatives. The FTC's Office of Consumer and Business Education

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<sup>26</sup>*Eli Lilly*, C-4047 (FTC final order filed May 8, 2002), available at <<http://www.ftc.gov/opa/2002/01/elililly.htm>>.

<sup>27</sup>*Microsoft Corp.*, C-4069 (FTC final order filed Dec. 20, 2002), available at <<http://www.ftc.gov/opa/2002/08/microsoft.htm>>.

<sup>28</sup>*Guess?, Inc.*, C-4091 (FTC final order filed July 30, 2003), available at <<http://www.ftc.gov/opa/2003/06/guess.htm>>.

<sup>29</sup>16 C.F.R. § 314.

<sup>30</sup>See FTC, THE GRAMM-LEACH-BLILEY ACT: THE SAFEGUARDS RULE, available at <<http://www.ftc.gov/privacy/privacyinitiatives/safeguards.html>>.

<sup>31</sup><<http://www.ftc.gov/infosecurity>>.

(“OCBE”) takes an active role in educating older consumers about issues affecting their daily lives, including abusive lending practices, telemarketing fraud, bogus health claims, and identity theft.

Over the years, OCBE has developed a series of publications, launched dedicated web pages, and worked with numerous federal agencies and private sector partners to develop and disseminate plain-language consumer materials in both English and Spanish. Products include brochures, compliance guides, bookmarks, one-page “news you can use” alerts, feature stories for the media, radio public service announcements, transit posters, postcards, banner ads, special websites, puzzles, and newsletters. For example, OCBE developed and implemented an extensive public communications campaign for the roll-out of the national Do Not Call Registry, including information for the Registry and FTC websites, talking points, exhibits, public service messages, articles, and consumer publications.<sup>32</sup> In addition, some of OCBE’s most recent efforts affecting older consumers include a series of publications on identity theft for consumers and businesses, including the comprehensive consumer guide, *ID Theft: When Bad Things Happen to Your Good Name*.<sup>33</sup> OCBE also manages [www.consumer.gov/idtheft](http://www.consumer.gov/idtheft), which includes information for consumers, and the business and law enforcement communities.

OCBE collaborates with both private and public sector partners, including the states, AARP, and numerous Offices on Aging. This collaboration extends the Commission’s ability to reach more consumers. In FY 2003, for example, the Commission distributed over five million print publications and logged over twenty-two million accesses of our publications online. In addition, the Commission places its consumer information in every major newspaper, magazine, news website, and broadcast outlet, in addition to specialty magazines and newsletters, billing statements, transit systems, grocery stores, restaurants, and delis.

In January 2002, the Commission began a campaign to reach Spanish-speaking

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<sup>32</sup>See <<http://www.donotcall.gov>>.

<sup>33</sup>Available at <<http://www.ftc.gov/bcp/online/pubs/credit/idtheft.pdf>>.

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<sup>34</sup>*American Med. Ass'n*, 94 F.T.C. 701 (1979), *aff'd as modified*, 638 F.2d 443 (2d Cir. 1980), *aff'd by an equally divided court*, 455 U.S. 676 (1982) (order modified, 99 F.T.C. 440 (1982), 100 F.T.C. 572 (1982), and 114 F.T.C. 575 (1991)).

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<sup>35</sup>See CTRS. FOR MEDICARE AND MEDICAID SERV., HEALTH ACCOUNTS, *available at* <http://cms.hhs.gov/statistics/nhe/default.asp>.

<sup>36</sup>*Pfizer Inc.*, C-4075 (order filed May 27, 2003), *available at* <http://www.ftc.gov/os/caselist/c4075.htm>

- **Pharmaceutical Firm Efforts to Thwart Competition from Generic Drugs.** To address the issue of escalating drug expenditures, and to ensure that the benefits of pharmaceutical innovation would continue, in 1984 Congress enacted the Hatch-Waxman Amendments<sup>39</sup> (“Hatch-Waxman”) to the Food, Drug and Cosmetic Act (“FDC Act”).<sup>40</sup> Hatch-Waxman established a regulatory framework that sought to balance incentives for continued innovation by research-based pharmaceutical companies and opportunities for market entry by generic drug manufacturers.<sup>41</sup> Hatch-Waxman has increased generic drug entry, helping consumers save \$8 to \$10 billion on retail prescription drug purchases in 1994 alone, according to the Congressional Budget Office.<sup>42</sup> Hatch-Waxman has been subject to some abuse, however. Some drug manufacturers have allegedly attempted to “game” the system, securing greater profits for themselves without providing a corresponding benefit to consumers. Many of the FTC’s pharmaceutical industry investigations have focused on this problem.

(1) *First Generation Cases.* The Commission has challenged conduct by firms that allegedly have “gamed” the Hatch-Waxman framework to deter or delay generic competition. Our “first generation” of such matters involved agreements through which a brand-name drug manufacturer allegedly paid a generic drug manufacturer not to enter and compete. One aspect of a recent major settlement with Bristol-Myers Squibb (“BMS”) involved allegations of this type of conduct.<sup>43</sup> The FTC’s complaint charged that BMS engaged in a series of anticompetitive acts over the past decade to obstruct the entry of low-price generic competition for three of BMS’s widely-used pharmaceutical products: two anti-cancer drugs, Taxol and Platinol, and the anti-anxiety agent BuSpar. The alleged conduct included a \$72.5 million payment to a would-be generic rival to abandon its legal challenge to the validity of a BMS patent and to stay out of the market until the patent expired.

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<sup>39</sup>Drug Price Competition and Patent Restoration Act of 1984, Pub. L. No. 98-417, 98 Stat. 1585 (1984) (codified as amended 21 U.S.C. § 355 (1994)).

<sup>40</sup>21 U.S.C. § 301 *et seq.*

<sup>41</sup>*See* H.R. Rep. No. 98-857, pt. 1, at 14 (1984), reprinted in 1984 U.S.C.C.A.N. 2647, 2647.

<sup>42</sup>CONGRESSIONAL BUDGET OFFICE, HOW INCREASED COMPETITION FROM GENERIC DRUGS HAS AFFECTED PRICES AND RETURNS IN THE PHARMACEUTICAL INDUSTRY (July 1998), available at <<ftp://ftp.cbo.gov/6xx/doc655/pharm.pdf>>.

<sup>43</sup>*Bristol-Myers Squibb Co.*, C-4076 (order filed Apr. 14, 2003), available at <<http://www.ftc.gov/os/caselist/c4076.htm>>.

The Commission has settled additional cases of this type, including an April 2002 settlement resolving charges that American Home Products entered into an agreement with Schering-Plough Corporation to delay the introduction of a generic potassium chloride supplement in exchange for millions of dollars.<sup>44</sup> An action against Schering-Plough and Upsher-Smith, which remains in administrative litigation, raises similar issues.

(2) *Second Generation Cases.* Pursuant to the Hatch-Waxman Act, a branded drug manufacturer must list any patent claiming its branded drug in the FDA's "Orange Book" list of approved drugs and their related patents. Companies seeking FDA approval to market a generic equivalent of that drug before patent expiration must provide notice to the branded manufacturer, which then has an opportunity to file a patent infringement action. The filing of such an action within the statutory time frame triggers an automatic 30-month stay of FDA approval of the generic drug. Our "second generation" of enforcement activities has involved allegations that individual brand-name manufacturers have delayed generic competition through the use of improper Orange Book listings that trigger the FDA's automatic 30-month stay of approval of a generic drug.

One facet of the FTC's settlement with BMS involved allegedly improper Orange Book listings. The complaint alleged that BMS misled the FDA about the scope, validity, and enforceability of patents to secure listing in the FDA's "Orange Book"; breached its duty of good faith and candor with the U.S. Patent and Trademark Office, while pursuing new patents claiming these drugs; and filed baseless patent infringement suits against generic drug firms that sought FDA approval to market lower-priced drugs.<sup>45</sup> Because of BMS's alleged pattern of anticompetitive conduct and the extensive resulting consumer harm, the Commission's order necessarily contains strong – and in some respects unprecedented – relief. In particular, the consent order prohibits BMS from triggering a 30-month stay for any BMS product based on any patent BMS lists in the Orange Book after the filing of an application to market a generic drug.

Another recent FTC success in this area is an October 2002 settlement with Biovail Corporation, which resolved charges that Biovail illegally acquired a license to a patent and improperly listed the patent in the FDA's Orange Book for the purpose of blocking generic competition to its branded high blood pressure

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<sup>44</sup>*Schering-Plough Corp.*, No. 9297 (order as to Am. Home Prod. Corp. filed Apr. 3, 2002), available at <<http://www.ftc.gov/os/caselist/d9297.htm>>.

<sup>45</sup>*See Bristol-Myers Squibb Co.*, C-4076 (order filed Apr. 14, 2003), available at <<http://www.ftc.gov/os/caselist/c4076.htm>>.

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<sup>46</sup>*Biovail Corp.*, C-4060 (order filed Oct. 2, 2002), available at <http://www.ftc.gov/os/caselist/c4060.htm>.

<sup>47</sup>*Biovail Corp. and Elan Corp. plc.*, C-4057 (order filed Aug. 20, 2002), available at <http://www.ftc.gov/opa/2002/08/fyi0245.htm>.

<sup>48</sup>*FTC Seeks to Block Cytoc Corp.'s Acquisition of Digene Corp.*, FTC PRESS RELEASE, June 24, 2002, available at [http://www.ftc.gov/opa/2002/06/cytoc\\_digene.htm](http://www.ftc.gov/opa/2002/06/cytoc_digene.htm).

<sup>49</sup>*Quest Diagnostics Inc. and Unilab Corp.*, C-4074 (order filed Apr. 3, 2003), available at <http://www.ftc.gov/os/caselist/c4074.htm>.<sup>46</sup>

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<sup>50</sup>*FTC v. The Hearst Trust, et. al.*, No. 1:01-cv-00034 (D.D.C.) (final order filed Dec. 11, 2001), available at <<http://www.ftc.gov/opa/2001/12/hearst.htm>>.

<sup>51</sup>*The Maine Health Alliance*, C-4095 (order filed Aug. 27, 2003), available at <<http://www.ftc.gov/os/caselist/0210017.htm>>; *Physicians Consulting, L.L.C.*, C-4094 (order filed Aug. 27, 2003), available at <<http://www.ftc.gov/os/caselist/0210018.htm>>; *West Univ. Physician Network*, C-4093 (order filed Aug. 22, 2003), available at <<http://www.ftc.gov/os/caselist/0210188.htm>>; *SPA Health Org., dba Southwestern Health Care Assn. Assoc.*, C-4088 (order filed July 17, 2003), available at <<http://www.ftc.gov/os/caselist/0110197.htm>>; *Anesthesia Serv. Med. Group, Inc.*, C-4087 (order filed July 11, 2003), available at <<http://www.ftc.gov/os/caselist/c4087.htm>>; *Green Anesthesia Serv. Med. Group, Inc.*, C-4086 (order filed July 11, 2003), available at <<http://www.ftc.gov/opa/2003/07/fyi0344.htm>>; *Carlsbad Health Services, Inc.*, C-4081 (order filed June 13, 2003), available at <<http://www.ftc.gov/opa/2003/06/fyi0343.htm>>.



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<sup>53</sup>*In re Buspirone Patent Litigation/In re Buspirone Antitrust Litigation*, MDL Dkt. No. 1410 (JGK) (S.D.N.Y. memorandum of law of *amicus curiae* the FTC in opposition to

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<sup>56</sup>*President Takes Action to Lower Prescription Drug Prices by Improving Access to Generic Drugs*, WHITE HOUSE PRESS RELEASE, Oct. 21, 2002, available at <http://www.whitehouse.gov/news/releases/2002/10/20021021-2.html>

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<sup>60</sup>*See FTC Chairman Announces Public Hearings on Health Care and Competition Law and Policy to Begin in February 2003, FTC*

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<sup>63</sup>Letter from FTC Staff to the Ohio House of Representatives on Ohio House Bill 325 (October 16, 2002),

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<sup>65</sup>*Chevron Corp.*, C-4023 (order filed Jan. 2, 2002), available at <http://www.ftc.gov/os/caselist/c4023.htm>; *Valero Energy Corp.*, C-4031 (order filed Feb. 19, 2002), available at <http://www.ftc.gov/os/caselist/c4031.htm>; *Shell Oil Co.*, C-4059 (order

not disclose its pending patent claims and that it intentionally perpetuated the false and misleading impression that it would not enforce any proprietary interests in its emissions research results. The complaint further alleges that Unocal's conduct has allowed it to acquire monopoly power over the technology used to

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<sup>68</sup>*FTC to Hold Public Conference/Opportunity for Comment on U.S. Gasoline Industry in Early August*, FTC PRESS RELEASE, July 12, 2001, available at <http://www.ftc.gov/opa/2001/07/gasconf.htm>; *Factors That Affect Gasoline Prices To Be Discussed at FTC Conference*, FTC PRESS RELEASE, May 1, 2002, available at <http://www.ftc.gov/opa/2002/05/gasolineprices.htm>. Agendas, public comments, transcripts, and other materials related to the hearings are available on the FTC's website at <http://www.ftc.gov/bc/gasconf/index.htm>.

<sup>69</sup>*FTC Chairman Opens Public Conference Citing New Model To Identify and Track Gasoline Price Spikes, Upcoming Reports*, FTC PRESS RELEASE, May 8, 2002, available at <http://www.ftc.gov/opa/2002/05/gcr.htm>.

historical data. This model relies on current and historical price relationships across cities, as well as other variables.

As a complement to the analysis based on OPIS data, the FTC staff also regularly reviews reports from the Department of Energy's Consumer Gasoline Price Hotline, searching for prices significantly above the levels indicated by the FTC's econometric model or other indications of potential problems. Throughout most of the past two years, gasoline prices in U.S. markets have fallen within their predicted normal bounds. Of course, the major factor affecting U.S. gasoline prices is the substantial fluctuation in crude oil prices. Prices outside the normal bounds trigger further staff inquiry to determine what factors might be causing price anomalies in a given area. These factors could include supply disruptions such as refinery or pipeline outages, changes in taxes or fuel specifications, unusual changes in demand due to weather conditions and the like, and possible anticompetitive activity.

To enhance the Gasoline Price Monitoring Project, the FTC asked each state Attorney General to forward to the FTC's attention consumer complaints they receive about gasoline prices. The staff will incorporate these complaints into its ongoing analysis of gasoline prices around the country, using the complaints to help locate price anomalies outside the 360 cities for which the staff already receives daily pricing data.

The goal of the Monitoring Project is to alert the FTC to unusual changes in gasoline prices so that further inquiry can be undertaken expeditiously. When price increases do not appear to have market-driven causes, the FTC staff will consult with the Energy Information Agency of the Department of Energy. The FTC staff also will contact the offices of the appropriate state Attorneys General to discuss the anomaly and the appropriate course for any further inquiry, including the possible opening of a law enforcement investigation.

- **Supporting Efforts to Increase Competition in Electric Power Markets.** FTC staff regularly file Commission-authorized comments with the Federal Energy Regulatory Commission ("FERC") and various state utility commissions supporting efforts by FERC and the states to introduce increased competition in electric power markets where appropriate. Effective competition in electricity markets is likely to benefit consumers through lower prices, improved reliability, increased customer choice of products and services, and greater innovation. In addition to filing comments, the Commission issued a Staff Report in September 2001 on electric power market restructuring issues at the wholesale and retail levels. The Staff Report reviewed those features of state retail competition plans

that have provided benefits to consumers and those that have not. It also highlighted certain jurisdictional limitations on the states' authority to design successful retail competition plans, and discussed whether there is a need for federal legislative or regulatory action in this regard.<sup>70</sup>

- **Comments on Proposed State Laws Banning Sales of Motor Fuels Below Cost.** The Commission has authorized its staff to file comments on proposed state laws covering various aspects of gasoline sales, including proposed laws banning sales of motor fuels below cost. For example, proposed laws in Virginia, New York, and North Carolina were not enacted after Commission staff, in Commission-authorized filings, expressed concerns that they may invalidate more types of pricing behavior than federal antitrust laws do and may discourage or prevent competitive pricing of gasoline products.<sup>71</sup>

## C. Retail Sector

### 1. Food

**a. Law Enforcement Actions.** Many older Americans, especially those on fixed incomes, may be particularly vulnerable to excessively high prices for groceries. The Commission's antitrust enforcement activities during the September 2001-August 2003 period included challenges to several potentially anticompetitive mergers involving grocery products. The Commission issued or provisionally accepted consent orders requiring divestitures or other remedies to resolve allegations that proposed mergers involving dry cat food, super-premium ice

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<sup>70</sup>FTC STAFF REPORT, COMPETITION AND CONSUMER PROTECTION PERSPECTIVES ON ELECTRIC POWER REGULATORY REFORM, FOCUS ON RETAIL COMPETITION (Sept. 2001), available at <<http://www.ftc.gov/reports/elec/electricityreport.pdf>>.

<sup>71</sup>Letter from FTC Staff to N.C. Senator Daniel G. Clodfelter, Chairman, Judiciary I Committee, on Proposed Amendments to the N.C. Motor Fuel Mktg. Act (May 19, 2003), available at <<http://www.ftc.gov/os/2003/05/ncclsenatorclodfelter.pdf>>; Letter from FTC Staff to N.C. Attorney General Roy Cooper on Proposed Amendments to the N.C. Motor Fuel Mktg. Act (May 19, 2003), available at <<http://www.ftc.gov/os/2003/05/ncclattorneygeneralcooper.pdf>>; Letter from FTC Staff to N.Y. Attorney General, Eliot Spitzer on the Motor Fuel Marketing Practices Act, Bill Nos. A.8398 and S.4947 (July 24, 2003), available at <<http://www.ftc.gov/be/nymfmpa.pdf>>; Letter from FTC Staff to N.Y. Governor George E. Pataki on the Motor Fuel Marketing Practices Act, Bill Nos. A.8398 and S.4947 (Aug. 8, 2002), available at <<http://www.ftc.gov/be/v020019.pdf>>; Letter from FTC Staff to the Commonwealth of Virginia House of Delegates (Feb. 15, 2002), available at <<http://www.ftc.gov/be/V020011.htm>>.



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<sup>72</sup>*Nestle Holdings, Inc.*, C-4028 (order filed Feb. 4, 2002),

industry.<sup>76</sup> Congress formalized this request in the Conference Report accompanying H.R. 4577, Commerce, Justice and State Appropriations for FY2001. The report stated that “[o]f the funds recommended for the Bureau of Competition, the Committee expects the FTC to expend up to \$900,000 for the completion of its investigation into slotting allowances in order to ensure fair competition in the retail grocery business.”<sup>77</sup> The FTC expects to release the report on slotting allowances in the near future.

## 2. Intrastate Household Goods Moving Services

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<sup>76</sup>After a hearing in September 1999, the Committee had requested that the General Accounting Office (“GAO”) conduct a study of the use of slotting allowances and other related fees in the retail grocery industry. The GAO, however, was unable to obtain the necessary proprietary information from retailers and manufacturers to conduct such a study and reported this fact in testimony delivered on September 14, 2000.

<sup>77</sup>See <<http://thomas.loc.gov/cgi-bin/cpquery/T?&report=sr404&dbname=cp106&>>. See also <<http://thomas.loc.gov/cgi-bin/cpquery/T?&report=hr1005&dbname=cp106&>> (“The conference agreement adopts by reference the Senate report lotting on slotting allowances . . .”).

<sup>78</sup>*Kentucky Household Goods Carriers Association, Inc.*, Dkt. No. 9309 (complaint issued July 8, 2003), available at <<http://www.ftc.gov/os/adjpro/d9309/index.htm>>; *Alabama Trucking Association, Inc.*, Dkt. No. 9307 (consent order announced for public comment on Oct. 30, 2003), available at <<http://www.ftc.gov/os/caselist/d9307.htm>>; *Movers Conference of Mississippi, Inc.*, Dkt. No. 9308 (consent order announced for public comment on Oct. 30, 2003), available at <<http://www.ftc.gov/os/caselist/d9308.htm>>.

<sup>79</sup>*Ind. Household Movers and Warehousemen, Inc.*, C-4077 (order filed Apr. 25, 2003), available at <<http://www.ftc.gov/os/caselist/c4077.htm>>; *Minn. Transp. Serv. Assoc.*, C-4097 (order filed Sept. 15, 2003), available at <<http://www.ftc.gov/opa/2003/08/mtsa.htm>>; *Iowa Movers and Warehousemen’s Assoc.*, C-4096 (order filed Sept. 10, 2003), available at <<http://www.ftc.gov/opa/2003/08/mtsa.htm>>; *New Hampshire Motor Transport Association*, File No. 021-0115 (consent order announced for public comment on Oct. 30, 2003), available at <<http://www.ftc.gov/os/caselist/0210115.htm>>.

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<sup>80</sup>*Rambus Inc.*, Dkt. No. 9302 (complaint filed June 18, 2002), *available at* <http://www.ftc.gov/opa/2002/06/rambus.htm>.

<sup>81</sup>*Id.*

important area.<sup>82</sup>

## 2. Other Technology-related Initiatives

- **Internet Task Force.** The Internet boom, heralded by many as the next industrial revolution, has immense potential as an engine for commerce and offers senior citizens and other consumers enormous freedom; for example, the Internet provides important commercial avenues for those older Americans with limited mobility or transportation options. Contrary to the perception of the Internet as a virtually unfettered free market, however, the extension of pre-existing state regulations or potentially anticompetitive business practices to the Internet may limit the cost savings or convenience that the Internet produces, without offsetting benefits. The FTC's Internet Task Force has been analyzing state regulations that may have pro-consumer or pro-competition rationales, but that nevertheless may restrict the entry of new Internet competitors or otherwise constrain competition. The Task Force also is examining barriers that arise when private parties employ potentially anticompetitive tactics, such as when suppliers or dealers apply collective pressure to limit online sales.
- **Internet Competition Workshop.** In October 2002, the Commission hosted a three-day public workshop examining potential barriers to e-commerce in ten different industries.<sup>83</sup> The purposes of the workshop included (1) to enhance the Commission's understanding of the nature of competition in e-commerce; (2) to help educate policymakers about the effects of overly restrictive state regulations; and (3) to help educate private entities about the types of business practices that may or may not be viewed as problematic. The workshop included panel discussions addressing specific industries that have grown via the Internet, but in which competition may be constrained by state regulations or business practices. The workshop included panels on the following industries: (1) wine sales; (2) cyber-charter schools; (3) contact lenses; (4) automobiles; (5) caskets; (6) online

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<sup>82</sup>In 1996, the FTC issued a consent order settling similar allegations that Dell Computer had failed to disclose that it had an existing patent on a personal computer component that was adopted as the standard by a video electronics group. *Dell Computer Co.*, 121 F.T.C. 616 (1996).

<sup>83</sup>*FTC Releases Agenda for Public Workshop on Possible Anticompetitive Efforts to Restrict Competition on the Internet*, FTC PRESS RELEASE, Sept. 30, 2002, available at <<http://www.ftc.gov/opa/2002/09/ecomagenda.htm>>. Agendas, public comments, transcripts, and other materials related to the hearings are available on the FTC's Web site at <<http://www.ftc.gov/opp/ecommerce/anticompetitive/index.htm>>.

legal services; (7) health care (telemedicine and online pharmaceutical sales); (8) auctions; (9) real estate, mortgages, and financial services; and (10) retailing.

- **E-Commerce Advocacy.** Commission staff has filed a number of Commission-authorized advocacy pieces expressing concerns about the adoption or interpretation of state licensing regulations that could unnecessarily limit competition from other types of providers of goods and services, including e-commerce providers. A number of these filings have clearly helped decision-makers take consumers' interests into account: (1) the Connecticut Board of Examiners for Opticians decided in June 2003, consistent with a Commission staff comment, that out-of-state sellers who ship contact lenses to Connecticut residents need not have a Connecticut optician's license, provided that the lenses are sold pursuant to a lawful prescription;<sup>84</sup> (2) on January 24, 2003, the North Carolina State Bar released two opinions eliminating the requirement that an attorney be physically present at real estate closings, and allowing non-attorneys to obtain signatures and receive and disburse funds, as the Commission had recommended in joint comments with the U.S. Department of Justice (DOJ);<sup>85</sup> (3) in accordance with joint FTC/DOJ comments, the American Bar Association did not adopt what the agencies considered to be an overly broad and possibly anticompetitive proposed model definition of the practice of law; in the alternative, the ABA recommended to state decision makers in August 2003 that they weigh the costs and benefits to consumers in defining the unauthorized practice of law, including the impact on competition, and that they use studies and other evidence to make that determination;<sup>86</sup> and (4) consistent with the Commission's *amicus* brief in a lawsuit filed by an Internet-based casket seller

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<sup>84</sup>See *In re: Declaratory Ruling Proceeding on the Interpretation and Applicability of Various Statutes and Regulations Concerning the Sale of Contact Lenses*, Conn. Bd. of Exam'rs for Opticians (comments of FTC staff, intervenor, Mar. 27, 2002), available at <<http://www.ftc.gov/be/v020007.htm>>.

<sup>85</sup>See Letter from FTC and DOJ to N.C. State Bar (July 11, 2002), available at <<http://www.ftc.gov/os/2002/07/non-attorneyinvolvement.pdf>>.

<sup>86</sup>See Letter from FTC and DOJ to the American Bar Association (Dec. 20, 2002), available at <<http://www.ftc.gov/opa/2002/12/lettertoaba.htm>>.

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<sup>87</sup>*Powers v. Harris*, No. CIV-010445-F, 2002 WL 32026155 (W.D. Okla. Dec. 12, 2002).  
The Commission's *amicus*

## APPENDIX I

reduces the risk of cardiovascular disease, and reduces or eliminates the need for surgery and medications among patients with cardiovascular disease. The complaint also alleged that the respondents falsely claimed that scientific studies prove that HeartBar decreases angina pain by 70% and leg pain by 66%, and reverses the effects of high cholesterol, smoking, diabetes, and estrogen deficiency on the heart. The consent agreement prohibits the respondents from making the challenged unsubstantiated claims for HeartBar, or any other product containing L-Arginine, used in or marketed for the treatment, cure, or prevention of cardiovascular disease. The consent order further requires the respondents to



claimed that Biotape, which resembles electrical tape, provides significant or permanent relief from severe pain caused by conditions such as arthritis, sciatica, and migraines. *FTC v. Trudeau*, No. 98C0168 (N.D. Ill. filed June 9, 2003). The Court entered preliminary injunctions that prohibit the parties from making the challenged claims. <<http://www.ftc.gov/opa/2003/06/trudeau.htm>>.

- In the case against A. Glenn Braswell and four of his corporations, *FTC v. A. Glenn Braswell, et al.*, CV 03-3700 DT (PJWx)(C.D. Cal. complaint filed May 27, 2003) the Commission alleged that the defendants made false and unsubstantiated advertising claims for numerous dietary supplements marketed under the Gero Vita and Therapeutics brand names. The complaint challenges claims, aimed at older consumers and those with chronic illnesses, that five dietary supplements treat or cure respiratory disease, diabetes, Alzheimer's disease, obesity, and erectile dysfunction. This case is in litigation. <<http://www.ftc.gov/opa/2003/05/gerovita.htm>>.
- In *U.S. v. ValueVision Int'l, Inc.*, No. 03-2890 (D. Minn. complaint and consent decree entered Apr. 17, 2003), the Commission challenged claims that defendant's dietary supplement, "Physician's RX," reduced fatigue associated with certain illnesses, such as cancer, and certain prescription drugs. The consent decree entered against ValueVision requires payment of a \$215,000 civil penalty and prohibits future violations of the prior order. <<http://www.ftc.gov/opa/2003/04/valuevision.htm>>.
- Two Commission cases challenged purported snore-relief products. In *Snore Formula, Inc.*, C-4090 (FTC consent order July 29, 2003) and *Dr. Robert Currier*, C-4067 (FTC consent order Dec. 13, 2002), the Commission challenged as unsubstantiated claims that the products prevent sleep apnea and reduce snoring. Both consent agreements require the respondents to possess competent and reliable scientific evidence to substantiate these and other representations. <<http://www.ftc.gov/opa/2003/04/snore.htm>>.
- In *FTC v. Christopher Enter., Inc., et al.*, No. 2:01 CV-0505ST (D. Utah stipulated final order filed Nov. 29, 2001), the defendants allegedly claimed that its comfrey-based products were safe and could treat diseases such as cancer, stroke, and arthritis. The court order prohibits the defendants from marketing any comfrey product for ingestion, for use as a suppository, or for external use on open wounds, unless they have evidence that the product is safe. The defendants are also required to place a warning disclosure in any ad, promotional material or product label for any comfrey products intended for topical use. <<http://www.ftc.gov/opa/2001/12/chrisenterprises2.htm>>.

## Products and Treatments

- In *FTC v. QT, Inc., et al.*, No 03 C-3578 (N.D. Ill. complaint filed June 2, 2003), the Commission challenged claims that defendants' "Q-Ray Ionized Bracelet" relieves chronic pain such as arthritis and back pain. According to the FTC, a recent study conducted by the Mayo Clinic shows that the Q-Ray Bracelet is no more effective than a placebo bracelet at relieving muscular and joint pain. Under the preliminary injunction, the defendants are prohibited from making deceptive pain-relief claims. The case is in litigation.  
<<http://www.ftc.gov/opa/2003/06/qtinc.htm>>.
- In March, two of the largest providers of LASIK refractive eye surgery services settled charges that their advertisements were not substantiated by scientific evidence. The Commission challenged ads that claimed that LASIK surgery would eliminate the need for glasses or contacts for life, eliminate the need for reading glasses, and eliminate the need for bifocals. The proposed consent orders are designed to prevent the two companies from engaging in similar acts or practices in the future when advertising their LASIK services. *LCA-Vision, Inc. d/b/a LASIKPLUS*, C-4083 (FTC consent order July 8, 2003); *Laser Vision Institute, LLC*, C-4084 (FTC consent order July 8, 2003).  
<<http://www.ftc.gov/opa/2003/03/lasikads.htm>>.
- Two FTC cases challenged claims that certain foreign clinics could provide

## CONSUMER CREDIT

### *Predatory Lending Practices*

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products, a practice known as "packing."  
<<http://www.ftc.gov/opa/2002/09/associates.htm>>.



permanently bans defendant David Cohen from engaging in debt collection activity. <<http://www.ftc.gov/opa/2002/07/dccredsolv.htm>>.

***Advance Fee Credit and Credit Protection***

- *Operation No Credit*, a coordinated sweep of advance fee credit and credit card protection, produced forty-three cases brought by fifteen different law enforcement offices around the country in September 2002. <<http://www.ftc.gov/opa/2002/09/opnocredit.htm>>. In one of the FTC cases, *Star Credit Services, Inc* >6/a-1es, Inc07[edit Services, Inc

## FUNERAL RULE

- New York-based Morehead McKim Gallaher Funeral Home failed to provide information that the FTC had requested in order to process the funeral home into FROP. <http://www.ftc.gov/opa/2002/12/morehead.htm> The requested materials and information included financial information that would enable the FTC staff to determine the amount of the funeral home's voluntary payment and other information concerning the home's alleged Rule violations. The Commission obtained a federal court order citing Morehead for civil contempt and imposing fines and possible arrest if it failed to produce the information needed to administer the FROP program as to Morehead. Morehead ultimately complied with the request and participated fully in the FROP system. <http://www.ftc.gov/opa/2003/05/moreheadmckim.htm>.

## PUBLICATIONS

Although OCBE's publications are of interest to consumers of all ages, some have special relevance to older people:

- *Are You A Target of... Telephone Scams?*  
<<http://www.ftc.gov/bcp/online/pubs/tmarkg/target.htm>>.
- *Funerals: A Consumer Guide*  
<<http://www.ftc.gov/bcp/online/pubs/services/funeral.htm>>.
- *Getting Credit When You're Over 62*  
<<http://www.ftc.gov/bcp/online/pubs/credit/over62.htm>>.
- *Helping Older Consumers Avoid Charity Fraud*  
<<http://www.ftc.gov/bcp/online/pubs/tmarkg/oldercharity.htm>>.
- *High-Rate, High-Fee Loans (Section 32 Mortgages)*  
<<http://www.ftc.gov/bcp/online/pubs/homes/32mortgs.htm>>.
- *Hoax Targets Elderly African Americans*  
<<http://www.ftc.gov/bcp/online/pubs/alerts/hoaxalrt.htm>>.
- *Identity Theft: What's It All About?*  
<<http://www.ftc.gov/bcp/online/pubs/credit/idtheftmini.htm>>.
- *Living Trust Offers: How to Make Sure They're Trust-worthy*  
<<http://www.ftc.gov/bcp/online/pubs/services/livtrust.htm>>.
- *'Miracle' Health Claims: Add a Dose of Skepticism*

<<http://www.ftc.gov/bcp/online/pubs/health/frdheal.htm>>.

- *Need a Loan? Think Twice About Using Your Home as Collateral*  
<<http://www.ftc.gov/bcp/online/pubs/homes/hoepa.htm>>.
- Reverse Mortgages  
<<http://www.ftc.gov/bcp/online/pubs/homes/rms.htm>>.

**APPENDIX II**  
**COMMISSION TESTIMONY BEFORE CONGRESS**  
**SEPTEMBER 2001 - AUGUST 2003**  
*Available at <*



Cong. (Jul. 18, 2002) (prepared statement of the FTC).

*An Overview of FTC Antitrust Activities: Hearing Before the Senate Subcomm. on Antitrust, Competition Policy and Consumer Rights of the Senate Comm. on the Judiciary, 107<sup>th</sup> Cong.*(Sept. 19, 2002) (prepared statement of the FTC).

*Marketing of Dietary Supplements: Hearing Befo*

*Unsolicited Commercial Email: Hearing Before the House Subcomm. On Commerce, Trade and Consumer Protection and the House Subcomm. on Telecomm. and the Internet of the House Comm. on Energy and Commerce, 108<sup>th</sup> Cong. (July 9, 2003) (prepared statement of the FTC).*

*The Fair Credit Reporting Act: Hearing Before the House Comm. On Fin. Serv., 108<sup>th</sup> Cong. (July 9, 2003) (prepared statement of the FTC).*

*The Fair Credit Reporting Act: Hearing Before the Senate Comm. On Banking, 108<sup>th</sup> Cong. (July 10, 2003) (prepared statement of the FTC).*

*Issues Relating to Ephedra-Containing Dietary Supplements: Hearing Before the House Subcomm. on Oversight and Investigations and the House Subcomm. on Commerce, Trade and Consumer Protection of the House Comm. on Energy and Commerce, 108<sup>th</sup> Cong. (July 24, 2003) (prepared statement of the FTC).*

*An Overview of Federal Trade Commission Antitrust Activities: Hearing Before the Antitrust Task Force of the House Comm. on the Judiciary, 108<sup>th</sup> Cong. (July 24, 2003) (prepared statement of the FTC).*

**APPENDIX III**  
**COMMISSION PUBLIC HEARINGS, WORKSHOPS, AND CONFERENCES**  
**SEPTEMBER 2001-AUGUST 2003**  
**(Organized in Reverse Chronological Order)**

*Available at:*

<<http://www.ftc.gov/ftc/hearings.htm>>  
<<http://www.ftc.gov/ftc/workshops.htm>>

**2003**

*Health Care and Competition Law and Policy: Joint Hearings of the FTC and DOJ (June 25-26, 2003).*

*Costs and Benefits to Consumers and Businesses of the Collection and Use of Consumer Information: FTC Workshop (June 18, 2003).*

*Health Care and Competition Law and Policy: Joint Hearings of the FTC and DOJ (June 10-12, 2003).*

*Technologies for Protecting Personal Information: FTC Workshop (June 4, 2003).*

*Health Care and Competition Law and Policy: Joint Hearings of the FTC and DOJ (May 27-30, 2003).*

*Technologies for Protecting Personal Information: FTC Workshop (May 14, 2003).*

*Health Care and Competition Law and Policy: Joint Hearings of the FTC and DOJ (May 7-8, 2003).*

*Health Care and Competition Law and Policy: Joint Hearings of the FTC and DOJ (Apr. 23-25, 2003).*

*Health Care and Competition Law and Policy: Joint Hearings of the FTC and DOJ (Apr. 9-11, 2003).*

*Health Care and Competition Law and Policy: Joint Hearings of the FTC and DOJ (Mar. 26-28, 2003).*

*Health Care and Competition Law and Policy: Joint Hearings of the FTC and DOJ (Feb. 26-28, 2003).*

*Public/Private Partnerships to Combat Cross-border Fraud Against Consumers: FTC Workshop (Feb. 19-20, 2003).*

*Fifth Annual National Consumer Protection Week, Information Security: Putting the Pieces Together: Sponsored By the FTC, AARP, the Better Business Bureau, the Consumer Federation of America, the Federal Citizen Information Center, the National Association of Attorneys General, the National Association of Consumer Agency Administrators, the National Consumers League, the U.S. Postal Inspection Service, and the U.S. Postal Service (Feb. 2- 8, 2003).*

*Green Lights & Red Flags: FTC Rules of the Road for Advertisers: FTC Workshop (Jan. 14, 2003).*

## **2002**

*Economic Perspectives on the Home Mortgage Market: FTC Roundtable (Oct. 16, 2002).*

*Internet Security: Philadelphia Town Hall Meeting (Oct. 3, 2002) (Commissioner Orson Swindle, and Howard A. Schmidt, Vice Chair, President's Critical Infrastructure Protection Board participating).*

ORSON SWINDLE, CREATING A CULTURE OF SECURITY, REMARKS AT PRIVACY2002: INFORMATION, SECURITY AND NEW GLOBAL REALITIES (Sept. 26, 2002).

*Competition Law and Policy for Health Care Financing and Delivery: FTC Workshop (Sept. 9-10, 2002).*

*Proposed Amendments to the Telemarketing Sales Rule: FTC Workshop (June 5-7, 2002).*

*Consumer Information Security: FTC Workshop (May 20-21, 2002).*

*Green Lights & Red Flags: FTC/BBB Rules of the Road for Advertisers: FTC Workshop (Apr. 30, 2002).*

## **2001**

*Consumer Aspects of Hague Convention on Jurisdiction and Foreign Judgments: FTC Roundtable (Dec. 19, 2001).*

*Get Noticed: Effective Financial Privacy Notices: Interagency Workshop (Dec. 4, 2001).*