

the order; to provide a copy of the consent agreement to all employees or representatives involved in the preparation and placement of the company's advertisements; 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. 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. 96-9552 Filed 4-17-96; 8:45 am]

BILLING CODE 6750-01-M

[File No. 952-3336]

**Young & Rubicam, Inc.; Proposed Consent Agreement With 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 New York City-based advertising agency from making broad pollution-removal claims for Ford Motor Company's MicronAir Filtration System, and substantially similar cabin air filtration system, or any household air filtration system. The Consent Agreement settles allegations that Young & Rubicam, in their advertising campaigns for several 1995 models of Ford automobiles, made false claims about the extent to which the MicronAir Filtration System can remove air pollutants in automobile passenger cabins.

**DATES:** Comments must be received on or before June 17, 1996.

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

**FOR FURTHER INFORMATION CONTACT:**

Linda K. Badger, Federal Trade Commission, San Francisco Regional Office, 901 Market Street, Suite 570, San Francisco, CA 94103, (415) 356-5270;

Jeffrey Klurfeld, Federal Trade Commission, San Francisco Regional Office, 901 Market Street, Suite 570, San Francisco, CA 94103, (415) 356-5270.

**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 following 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. 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)).

In the Matter of: Young & Rubicam Inc., a corporation; File No. 952-3336.

**Agreement Containing Consent Order To Cease and Desist**

The Federal Trade Commission having initiated an investigation of certain acts and practices of Young & Rubicam Inc. ("Young & Rubicam"), a corporation, and it now appearing that the proposed respondent is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated,

It is hereby agreed by and between Young & Rubicam, a corporation, by its duly authorized officer, and its attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent Young & Rubicam is a corporation organized, existing and doing business under and by virtue of the laws of the State of New York, with its office and principal place of business located at 285 Madison Avenue, New York, New York 10017.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint.

3. Proposed respondent waives:

- a. Any further procedural steps;
- b. The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and
- c. All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly

released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondent, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by the proposed respondent that the law has been violated as alleged in the draft Complaint, or that the facts as alleged in the draft Complaint, other than jurisdictional facts, are true.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of Section 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondent, (a) Issue its complaint corresponding in form and substance with the draft of complaint and its decision containing the following order to cease and desist in disposition of the proceeding and (b) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to proposed respondent's address as stated in this agreement shall constitute service. The proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. The proposed respondent has read the proposed complaint and order contemplated hereby. The proposed respondent understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order. The proposed respondent further understands that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

## Order

*I*

It is ordered that respondent, Young & Rubicam, a corporation, its successors and assigns, and its officers, and respondent's agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising or promotion of the MicronAir Filtration System as configured in the 1995 Lincoln Continental and the 1995 Mercury Mystique or any substantially similar product in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from making any representation, directly or by implication, that such products remove virtually all pollutants. For the purposes of this Order, "substantially similar product" shall mean any automotive cabin air filter which is an electrostatic filter, consisting of layers of non-woven fabric, with at least one layer that has been electrically charged.

*II*

It is further ordered that respondent, Young & Rubicam, a corporation, its successors and assigns, and its officers, and respondent's agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising or promotion of any household or automotive cabin air filter, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from making any representation, in any manner, directly or by implication, about the efficacy of any such product in reducing or removing pollutants, unless such representation is true, and at the time of making such representation, respondent possesses and relies upon competent and reliable scientific evidence, that substantiates such representation. For purposes of this Order, "competent and reliable scientific evidence" shall mean tests, analyses, research, studies or other evidence based on the expertise of professionals in the relevant area, that has been conducted and evaluated in an objective manner by persons qualified to do so, using procedures generally accepted in the profession to yield accurate and reliable results.

Provided, however, that it shall be a defense hereunder that the respondent neither knew nor had reason to know of an inadequacy of substantiation for the representation.

*III*

It is further ordered that for three (3) years after the last date of dissemination of any representation covered by this Order, respondent, or its successors and assigns, shall maintain and upon request make available to the Federal Trade Commission for inspection and copying:

A. All materials that were relied upon in disseminating such representation; and

B. All tests, reports, studies, surveys, demonstrations or other evidence in its possession or control that contradict, qualify, or call into question such representation, or the basis relied upon for such representation, including written complaints from consumers.

*IV*

It is further ordered that respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the Order.

*V*

It is further ordered that respondent shall, within ten (10) days from the date of service of this Order upon it, distribute a copy of this Order to each of its officers, agents, representatives or employees engaged in the preparation or review of advertising or other materials covered by this Order.

*VI*

It is further ordered that this Order will terminate twenty years from the date of its issuance, or twenty years from the most recent date that the United States or the Federal Trade Commission files a complaint (with or without an accompanying consent decree) in federal court alleging any violation of the Order, whichever comes later; provided, however, that the filing of such a complaint will not affect the duration of:

A. Any paragraph in this Order that terminates in less than twenty years;

B. This Order's application to any respondent that is not named as a defendant in such complaint; and

C. This Order if such complaint is filed after the Order has terminated pursuant to this paragraph.

Provided further, that if such complaint is dismissed or a federal court rules that the respondent did not violate any provision of the Order, and the dismissal or ruling is either not

appealed or upheld on appeal, then the Order will terminate according to this paragraph as though the complaint was never filed, except that the Order will not terminate between the date such complaint is filed and the later of the deadline for appealing such dismissal or ruling and the date such dismissal or ruling is upheld on appeal.

*VII*

It is further ordered that respondent shall, within sixty (60) days from the date of service of this Order upon it, and at such other times as the Commission may require, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this Order.

## 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 respondent Young & Rubicam Inc. ("Young & Rubicam"), a New York corporation.

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 and take other appropriate action or make final the agreement's proposed order.

Young & Rubicam is an advertising agency which has prepared advertisements for Ford Motor Company ("Ford") and the Lincoln-Mercury Dealers Associations ("LMDAs"). Young & Rubicam has prepared and disseminated advertising materials to promote the sale of Ford's Mercury Mystique and Lincoln Continental automobiles. These advertisements have included claims regarding the efficacy of the "MicronAir Filtration System," a cabin air filter installed in Mercury Mystique and Lincoln Continental automobiles.

The Commission's complaint charges that Young & Rubicam has prepared advertisements for the MicronAir Filtration System which contain the false representation that this filter removes virtually all pollutants likely to be encountered by a driver. The complaint alleges that the MicronAir Filtration System does not, in fact, remove virtually all such pollutants. For example, the filter has no effect on gaseous pollutants, such as hydrocarbons, carbon monoxide, and nitrogen oxides. Furthermore, the

complaint alleges that Young & Rubicam knew or should have known that this claim was false.

The proposed consent order contains provisions designed to remedy the violations charged and to prevent the respondent from engaging in similar acts and practices in the future. Part I of the proposed order prohibits the respondent from claiming that the "MicronAir Filtration System" as configured in the 1995 Lincoln Continental or 1995 Mercury Mystique, or any substantially similar product, removes virtually all pollutants.

Part II of the proposed order prohibits the company from making any representation, in any manner, directly or by implication, about the efficacy of any household or cabin air filter in reducing or removing pollutants, unless such representation is true, and at the time of making such representation, respondent possesses and relies upon competent and reliable scientific evidence, that substantiates such representation. Part II provides Young & Rubicam a defense to liability if it neither knew or had reason to know of an inadequacy in the substantiation for the representation.

The proposed order also requires the respondent to maintain materials relied upon to substantiate claims covered by the order; to provide a copy of the consent agreement to all employees or representatives involved in the preparation and placement of the company's advertisements; 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. 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. 96-9553 Filed 4-17-96; 8:45 am]

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## GENERAL SERVICES ADMINISTRATION

### Notice of Availability FEIS

The General Services Administration (GSA) announces the release of the Final Environmental Impact Statement (FEIS), for the siting and proposed construction of a new Courthouse Annex in the Central Business Area (CBA) of Savannah, Georgia. The 30-day

comment period for the FEIS closes Monday, May 20, 1996.

The EIS has examined the impacts of constructing an Annex to the Courthouse in the Savannah CBA. This includes impacts to historic and cultural resources, traffic and parking, and socioeconomics (including the impacts on local businesses and neighborhoods). The EIS examined ways to mitigate unavoidable adverse impacts of the proposed action. Concurrent with implementation of the National Environmental Policy Act requirements, GSA has also implemented its consultation requirements under Section 106 of the National Historic Preservation Act, regarding the impacts to historic properties as a result of undertaking the proposed action. GSA is very much aware of the potential for adverse effects on the National Historic Landmark District as a result of the proposed action, and has made every effort to identify and take into account such effects while planning this project.

The New Courthouse will house approximately 250 employees in a 165,000 occupiable square feet structure that will meet the 10-year and 30-year space requirements of the U.S. Courts. The project will contain five courtrooms, and office space for Court-related agencies, as well as space for GSA. After an exhaustive process of site identification and site screening, three potential sites and four configurations were considered technically feasible and analyzed in the EIS as follows:

- 1. "No Action," that is, undertake no new construction.
- 2. Construction of a single building 80 feet tall on the sites of the current Juliet Gordon Low Buildings A&B including building over President Street. This is the GSA preferred alternative.
- 3. Construction two buildings 133 feet high on the sites of the current Juliet Gordon Low Buildings A&B and not building over President street.
- 4. Partial demolition and construction at the site of the Juliet Gordon Low Building currently housing the US Army Corps of Engineers.
- 5. Construction north of the existing Courthouse on a 1.4 acre parcel bounded by State, Bull, Broughton, and Whitaker Streets, leaving undisturbed the two buildings facing Bull Street, demolishing the remaining structures, and closing and building over Broughton Lane.

Dated: April 11, 1996.  
Phil Youngberg,  
*Regional Environmental Officer, 4PT.*

Public comments on the FEIS should be communicated to GSA by May 20 in

writing at the following address with you and comments to: Mr. Philip Youngberg, Regional Environmental Officer—4PT, 401 West Peachtree Street, NW, Suite 3010, Atlanta, GA 30365-3010 or fax your comments to Mr. Youngberg at 404-331-4540. Comments should be received no later than May 20, 1996. GSA anticipates issuing a Record of Decision after the close of the 30-day comment period.

[FR Doc. 96-9534. Filed 4-17-96; 8:45 am]

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### Medical Device Industry; Notice of Public Workshops

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice of public workshops.

**SUMMARY:** The Food and Drug Administration (FDA) (Office of External Affairs, Office of Regulatory Affairs, and Office of the Southeast Region, New Orleans District) is announcing two free public workshops to discuss current good manufacturing practices (CGMP's) for medical gas manufacturers and transfillers who repack medical gas. The purpose of this workshop, sponsored by the New Orleans District FDA office, is to provide an overview to CGMP requirements and to discuss significant problems observed during inspection of the industry.

**DATES:** The public workshops are scheduled as follows:

1. Tuesday, April 23, 1996, 10 a.m. to 5 p.m., Baton Rouge, LA.
2. Thursday, April 25, 1996, 9 a.m. to 4 p.m., Jackson, MS.

**ADDRESSES:** The public workshops will be held at the following locations:

1. Baton Rouge—Louisiana State University Agricultural Center Bldg. (also known as the I. Norman Efferson Hall) in the large classroom, Highland Rd. and East Parker, Baton Rouge, LA.
2. Jackson—Mississippi Department of Health, Underwood Bldg., 2423 NorthState St., Jackson, MS.

**FOR FURTHER INFORMATION CONTACT:** Patricia K. Schafer, New Orleans District Office, FDA New Orleans District Office, 4298 Elysian Fields, Ave., New Orleans, LA 70122, 504-589-7184, FAX 504-589-4666.

Those persons interested in attending a workshop should register by faxing their name(s), firm name/affiliation, address,