

any substantially similar treatment are successful in maintaining their inch or weight loss.

Part II prohibits the proposed respondents from representing that any body wrapping treatment causes inch loss, does so quickly and easily or without diet or exercise, or causes inch loss at any specific part of the body, unless the claim is true and substantiated by competent and reliable scientific evidence. In addition, Part II requires the proposed respondents to disclose in conjunction with any such representation that the inch loss is temporary and that there is no weight loss, unless they can substantiate otherwise.

Part III.A requires proposed respondents to disclose, in conjunction with any representation about the safety of their body wrap treatment that body wrapping may be dangerous to the health of people with heart disease, high or low blood pressure, or diabetes. Under the proposed order, this disclosure must be clear and prominent, which is defined as being understandable in both the audio and visual portions of a television ad, as being in an understandable cadence in a radio ad, and as being in at least twelve point type in a sufficiently noticeable location in a print ad.

Part III.B requires that, prior to purchase, proposed respondents give each prospective purchaser of its body wrapping treatment the following warning:

CAUTION: If you suffer from heart disease, high or low blood pressure, or diabetes, you should consult your physician before using this treatment to determine whether it is dangerous to your health.

The warning must be included in a brochure describing the treatment (in which case it must be printed in bold, ten point type within a two point rule), or, if the brochure is discontinued, on a five by eight inch card (in twelve point type). Under Part III.C the proposed respondents must also display in the reception area of its facilities a sign with the same warning printed in one-inch high letters.

Part IV requires proposed respondents to disclose that diet or exercise is required to lose weight in connection with any representation about the effect of a treatment, program, product, or service on weight or body size, unless they have competent and reliable evidence to the contrary. Like the safety disclosure, this disclosure must also be clear and prominent as defined in the order.

Part V addresses proposed respondents' deceptive use of consumer testimonials. It prohibits misrepresentations in advertising for weight control or reduction treatments, programs, products, and services to the effect that any endorsement constitutes the typical and ordinary experience of members of the public who use the advertised treatment, program, product, or service.

Part VI.A-C contains fencing-in provisions that require proposed respondents to have prior substantiation for claims that any treatment, program, product, or service provides any benefit in terms of weight loss or weight maintenance or has an effect on cellulite or body measurements. Under Part VI.D proposed respondents are required to have substantiation for claims about the safety of weight loss or body shaping treatments, programs, products, or services.

Parts VII and VIII contain safe harbors for claims that are permitted on the labeling of foods and drugs under the applicable regulations of the Food and Drug Administration. The remaining provisions of the order are standard compliance provisions. Part IX requires the corporate respondents to provide copies of the order to relevant personnel. Part X requires the proposed respondents to keep records about covered claims for five years. Under Part XI, the corporate respondents are required to notify the Commission of certain changes in structure, and Part XII requires the individual respondent to notify the Commission of changes in his employment for the next five years. Finally, Part XIII of the proposed order obligates the respondents to file appropriate compliance reports.

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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[Dkt. C-3561]

Gorayeb Seminars, Inc., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent Order.

SUMMARY: In settlement of alleged violations of Federal law prohibiting unfair acts and practices and unfair

methods of competition, this consent order prohibits, among other things, two New Jersey-based companies and their officers from making any representation about the relative or absolute performance or efficacy of any smoking cessation or weight loss program, unless they possess and rely upon competent and reliable scientific evidence to substantiate the representation.

DATES: Complaint and Order issued March 3, 1995¹.

FOR FURTHER INFORMATION CONTACT: Matthew Daynard, FTC/H-200, Washington, DC. 20580. (202) 326-3291.

SUPPLEMENTARY INFORMATION: On Friday, August 5, 1994, there was published in the **Federal Register**, 59 FR 40032, a proposed consent agreement with analysis In the Matter of Gorayeb Seminars, Inc., et al., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

Comments were filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Donald S. Clark,

Secretary.

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[Dkt. C-3565]

IVAX Corp.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent Order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order permits, among other things, IVAX, a Florida corporation, to acquire Zenith Laboratories, except for Zenith's rights to market or sell extended release generic verapamil under Zenith's exclusive distribution agreement with G.D. Searle & Co. Respondent is also

¹ Copies of the complaint and the Decision and Order are available from the Commission's Public Reference Branch, H-130, 6th Street & Pennsylvania Avenue, NW., Washington, DC 20580.