

prior approval for Healthtrust to transfer its hospitals to Columbia/HCA. In the Orlando area, Columbia/HCA must terminate Healthtrust's participation in the South Seminole Hospital within six months of the date the order becomes final.

If the required divestitures in the Pensacola area, the Okaloosa area, the Denton area, and the Ville Platte-Mamou-Opelousas area, are not completed within twelve months, Columbia/HCA would consent to the appointment of a trustee, who would have twelve additional months to effect the divestitures. If the required divestitures in the Salt Lake City-Ogden MSA are not completed within nine months, Columbia/HCA would consent to the appointment of a trustee, who would have twelve months to sell all the Utah assets of Healthtrust, including all the Healthtrust hospitals in Utah. If the joint venture in Orlando is not terminated within six months, Columbia/HCA would consent to the appointment of a trustee, who would have twelve months to sell Healthtrust's interest in the joint venture.

The two hold-separate agreements executed in conjunction with the consent agreement require Columbia/HCA, until the completion of the divestitures or as otherwise specified, to hold separate and preserve the assets and businesses necessary to insure the viability and marketability of the assets to be divested, including all of Healthtrust's assets in the state of Utah. The proposed order provides that approval by the Commission of the divestitures shall be conditioned upon the agreement by the acquirers that, for ten years from the date of the divestiture, it will not sell, without the prior approval of the Commission, to another person operating (or in the process of acquiring) any acute care hospital in the same relevant area.

The order would prohibit Columbia/HCA from acquiring any acute care hospital in any of the six relevant areas without the prior approval of the Federal Trade Commission. It would also prohibit Columbia/HCA from transferring, without prior Commission approval, any acute care hospital it operates in any relevant area to another person operating (or in the process of acquiring) an acute care hospital in the same relevant area. These provisions, in combination, would give the Commission authority to prohibit any substantial combination of the acute care hospital operations of Columbia/HCA with those of any other acute care hospital in the same relevant area, unless Columbia/HCA convinced the Commission that a particular transaction would not endanger competition in that relevant area. The provisions would not apply to acquisitions or sales where the value of the transferred assets is \$1 million or less, and the provisions would expire ten years after the order becomes final.

For ten years, the order would prohibit Columbia/HCA from transferring all or any substantial part of any acute care hospital in any relevant area to another party without first filing with the Commission an agreement by the transferee to be bound by the order.

The purpose of this analysis is to invite public comment concerning the proposed order, to assist the Commission in its determination whether to make the order

final. This analysis is not intended to constitute an official interpretation of the agreement and order or to modify their terms in any way.

The agreement is for settlement purposes only and does not constitute an admission by Columbia/HCA that its proposed acquisition would have violated the law, as alleged in the Commission's complaint.

Donald S. Clark,

Secretary.

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[Dkt. C-3569]

**Del Monte Foods Company, 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 requires, among other things, Del Monte Corporation and Pacific Coast Producers to terminate the purchase option agreement and the provisions of the supply agreement that relate to planning for the 1995 canning season within three days after this order becomes final, and to terminate the remaining provisions of the supply agreement by June 30, 1995. In addition, the order requires the California-based respondents to obtain, for ten years, Commission approval before acquiring any stock or assets of a United States canned fruit manufacturer and before entering into a variety of marketing, packing, or other agreements with competitors.

DATES: Complaint and Order issued April 11, 1995.¹

FOR FURTHER INFORMATION CONTACT: Ronald Rowe, FTC/S-2105, Washington, DC 20580. (202) 326-2610.

SUPPLEMENTARY INFORMATION: On Friday, January 27, 1995, there was published in the **Federal Register**, 60 FR 5397, a proposed consent agreement with analysis in the Matter of Del Monte Foods Company, 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.

No comments having been received, the Commission has ordered the issuance of the complaint in the form

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

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. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

Donald S. Clark,

Secretary.

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[Dkt. 9263]

**National Dietary Research, Inc., et al.;
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 acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would prohibit, among other things, a Florida-based corporation and its owner from making claims regarding weight loss, hunger reduction, calorie absorption, cholesterol reduction, effects on cellulite or body measurements, or any other health benefits of any product or program they advertise or sell, unless the respondents possess competent and reliable scientific evidence to substantiate the claims. Also, the consent agreement would prohibit the respondents from misrepresenting test results, from representing that any advertisement is something other than a paid advertisement, and from representing that an endorsement is typical of the experience of consumers who use the product, unless the claim is substantiated. In addition, the consent agreement would require National Dietary Research to pay \$100,000 to the Commission.

DATES: Comments must be received on or before July 24, 1995.

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

FOR FURTHER INFORMATION CONTACT: Joel Winston or Richard Cleland, FTC/S-4002, Washington, DC 20580. (202) 326-3153 or 326-3088.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 3.25(f) of the Commission's rules of practice (16 CFR 3.25(f)), notice is hereby given that the following