

## TRANSACTIONS GRANTED EARLY TERMINATION BETWEEN: 060595 AND 061695—Continued

Name of acquiring person, Name of acquired person, Name of acquired entity	PMN No.	Date terminated
Mobil Corporation, Enserch Corporation, Garden Banks 388 Unit .....	95-1816	06/12/95
Stewart A. Resnick and Lynda Rae Resnick, Unilever N.V., NEWCO, A California Limited Liability Company ...	95-1817	06/12/95
NationsBank Corporation, Japan Leasing (U.S.A.), Inc. NNW Utility Funding I, Inc./NNW Utility Funding II, Inc .	95-1818	06/12/95
John W. Kluge, Roadmaster Industries, Inc., Roadmaster Industries, Inc .....	95-1820	06/12/95
John W. Kluge, The Actava Group Inc., The Actava Group Inc .....	95-1821	06/12/95
Tri-State Generation and Transmission Association, Inc., Ronald W. Cantwell, Century Power Corporation .....	95-1824	06/12/95
Golder, Thoma, Cressey Fund III Limited Partnership, Cutler-Williams Incorporated, Cutler-Williams Incorporated .....	95-1825	06/12/95
Comdata Holdings Corporation, Wm. B Reilly & Company, Inc., Fleetman, Inc. d/b/a Fuelman .....	95-1826	06/12/95
Federal Express Corporation, AMR Corporation, American Airlines, Inc .....	95-1830	06/12/95
CGW Southeast Partners I, L.P., Gargour Holdings S.A., Monarch Tile, Inc .....	95-1831	06/12/95
Sanyo Electric Co., Ltd., Integrated Health Services, Inc., Integrated Health Services, Inc .....	95-1832	06/12/95
The Commerce Group, Inc., Atlantis Plastics, Inc., Western Pioneer Insurance Company .....	95-1833	06/12/95
Seacor Holdings, Inc., John E. Graham & Sons, John E. Graham & Sons .....	95-1836	06/12/95
Berkshire Hathaway, Inc., William H. Child, R.C. Willey Home Furnishings .....	95-1838	06/12/95
First Financial Management Corporation, Employee Benefit Plans, Inc., Employee Benefit Plans, Inc .....	95-1839	06/12/95
AEW Partners, L.P., Troy Hospitality Suite Corporation, Troy Hospitality Suite Corporation .....	95-1840	06/12/95
Host Marriott Corporation, National Property Investors, Inc., San Antonio Riverwalk Marriott Hotel .....	95-1845	06/12/95
HIG Investment Group, L.P., Mr. Louis Ligator, IPM Group, Ltd., Stock & Hybritex Automotive Assets .....	95-1846	06/12/95
Malik M. Hasan, M.D., Blue Cros of California, Blue Cross of California .....	95-1744	06/13/95
Blue Cross of California, Health Systems International, Inc., Health Systems International, Inc .....	95-1747	06/13/95
Mahendra Parekh, J.M. Huber Corporation, Engineered Carbons Division of J.M. Huber Corporation .....	95-1762	06/13/95
China Synthetic Rubber Corporation, Witco Corporation, Continental Carbon Company .....	95-1800	06/13/95
London Merchant Securities plc, Time Warner Inc., Six Flags Entertainment Corporation .....	95-1861	06/13/95
Consolidated Papers, Inc., Pentair, Inc., Niagara of Wisconsin Paper Corporation ("Niagara") .....	95-1691	06/14/95
Consolidated Papers, Inc., Minnesota Power & Light Company, Minnesota Paper, Incorporated ("Minnesota Paper") .....	95-1692	06/14/95
Marcus Cable Company, L.P., Estate of Charles A. Sammons, Sammons Communications, Inc .....	95-1716	06/14/95
Marmon Holdings, Inc., DATEQ Information Network, Inc., DATEQ Information Network, Inc .....	95-1822	06/14/95
H. Wayne Huizenga, Republic Waste Industries, Inc., Republic Waste Industries, Inc .....	95-1848	06/14/95
Republic Waste Industries, Inc., Harris W. and Bonnie J. Hudson, Hudson Management Corporation and Envirocycle, Inc .....	95-1849	06/14/95
Harris W. and Bonnie J. Hudson, Republic Waste Industries, Inc., Republic Waste Industries, Inc .....	95-1850	06/14/95
Scapa Group plc, Coating Sciences, Inc., Coating Sciences, Inc .....	95-1852	06/14/95
AT&T Corp., AT&T Corp., Colorado High Country Cellular L.P. ....	95-1815	06/15/95
Christiana Companies, Inc., Energy Ventures, Inc., Energy Ventures, Inc .....	95-1757	06/16/95
Energy Ventures, Inc., Christiana Companies, Inc., Prideco, Inc .....	95-1758	06/16/95
Four Rivers Transportation, Inc., EXOR Group SA, Rail Holdings, Inc .....	95-1875	06/16/95

**FOR FURTHER INFORMATION CONTACT:**

Sandra M. Peay or Renee A. Horton,  
Contact Representatives, Federal Trade  
Commission, Premerger Notification  
Office, Bureau of Competition, Room  
303, Washington, DC 20580, (202) 326-  
3100.

By direction of the Commission.

**Donald S. Clark,**  
*Secretary.*

[FR Doc. 95-16258 Filed 6-30-95; 8:45 am]

BILLING CODE 6750-01-M

[File No. 942-3134]

**Arizona Institute of Reproductive  
Medicine, Ltd., 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 Phoenix, Arizona  
based company and its president from  
misrepresenting the success rate of their  
in vitro fertilization program or any  
other infertility treatment services. In  
addition, it would require the institute  
and its president to possess competent  
and reliable scientific evidence for any  
future comparative success-rate claims  
for fertility services.

**DATES:** Comments must be received on  
or before September 1, 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:**  
Michael Katz or Matthew Daynard, FTC/  
H-200, Washington, DC 20580. (202)  
326-3123 or (202) 326-3291.

**SUPPLEMENTARY INFORMATION:** Pursuant  
to Section 6(f) of the Federal Trade  
Commission Act, 38 Stat. 721, 15 U.S.C.  
46 and § 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  
§ 4.9(b)(6)(ii) of the Commission's rules  
of practice (16 CFR 4.9(b)(6)(ii)).

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

In the Matter of: Arizona Institute of  
Reproductive Medicine, Ltd., a limited  
corporation, and Robert H. Tamis, M.D.,  
individually and as president of said  
corporation. [File No. 942-3134].

The Federal Trade Commission  
having initiated an investigation of  
certain acts and practices of Arizona  
Institute of Reproductive Medicine,  
Ltd., a limited corporation, and Robert

H. Tamis, M.D., individually and as president of said corporation, hereinafter sometimes referred to as proposed respondents or respondents, and it now appearing that proposed respondents are 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 proposed respondents and counsel for the Federal Trade Commission that:

1. Proposed respondent Arizona Institute of Reproductive Medicine, Ltd., is a limited corporation existing and doing business under and by virtue of the laws of the State of Arizona, with its office and principal place of business located at 2850 North 24th Street, Suite 500-A, Phoenix, Arizona 85008.

Proposed respondent Robert H. Tamis, M.D., is president of respondent Arizona Institute of Reproductive Medicine. His principal office or place of business is the same as that of the corporate respondent. Dr. Tamis formulates, directs and controls the acts and practices of said corporation.

2. Proposed respondents admit all the jurisdictional facts set forth in the draft complaint.

3. Proposed respondents waive:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law;

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement; and

(d) Any claim under the Equal Access to Justice Act, 5 U.S.C. 504.

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 complaint, 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 respondents, 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 proposed respondents of facts, other than the jurisdictional facts, or of violations of law as alleged in the draft of complaint.

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 § 2.34 of the Commission's rules, the Commission may, without further notice to proposed respondents: (a) issue its complaint corresponding in form and substance with the draft 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 respondents' address as stated in this agreement shall constitute service. Proposed respondents waive any right they 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. Proposed respondent have read the draft complaint and the following order. Proposed respondents understand that once the order has been issued, they will be required to file one or more compliance reports showing that they have fully complied with the order. Proposed respondents further understand that they may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

#### Order

#### Definitions

"Competent and reliable scientific evidence" shall mean those tests, analyses, research, studies or other evidence based on the expertise of professionals in the relevant area, that have 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.

#### I

*It is ordered* that respondents Arizona Institute of Reproductive Medicine, Ltd., a limited corporation, and Robert H. Tamis, M.D., individually and as president of said corporation, their successors and assigns, officers, agents, representatives, and employees, directly

or through any corporation, subsidiary, division, or other device, in connection with the advertising, promotion, sale or offering for sale of services relating to the treatment of infertility, do forthwith cease and desist from representing, directly or by implication, that respondents' success rates in terms of achieving deliveries is higher than or compares favorably with the success rates of any single provider or group of providers of these services, unless at the time of making such a representation, respondents possess and rely upon competent and reliable scientific evidence for making such a comparison which shall, at a minimum, consist of results for its own patients that are based upon the same criteria for determining the calculation of delivery rates that were used to produce the results with which the comparison is made, or otherwise misrepresenting the past or present success of respondents in achieving live births or pregnancies or the past or present success of any single provider or group of providers of these services in achieving live births or pregnancies.

#### II

*It is further ordered* that respondents, shall forthwith distribute a copy of this Order to each of their officers, agents, representatives, and employees, who are engaged in the preparation and placement of advertisements or promotional materials, who communicated with patients or prospective patients, or who have any responsibilities with respect to the subject matter of this Order; and for a period of ten (10) years from the date of entry of this Order, distribute same to all of respondents' future officers, agents, representatives, and employees having said responsibilities.

#### III

*It is further ordered* that for five (5) years after the last date of dissemination of any representation covered by this Order, respondents, or their 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 their possession or control that contradict, qualify, or call into question such representation, or the basis relied upon for such representation, including complaints from consumers.

## IV

*It is further ordered that:*

(1) Respondent Arizona Institute of Reproductive Medicine, Ltd. Shall notify the Commission at least thirty (30) days prior to any proposed change in 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 respondent which may affect compliance obligations arising out of this Order; and

(2) Respondent Robert H. Tamis, M.D. shall promptly notify the Commission of the discontinuance of his present business or of his affiliation with the corporate respondent. In addition, for a period of three (3) years from the date of service of this Order, the respondent shall promptly notify the Commission of each affiliation with a new business or employment that involves an infertility program. Each such notice shall include the respondent's new business address and a statement of the nature of the business or employment in which the respondent is newly engaged as well as a description of respondent's duties and responsibilities in connection with the business or employment.

The expiration of the notice provision of this paragraph shall not affect any other obligation arising under this Order.

## V

*It is further ordered that* respondents shall, within (60) days after service of this Order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with all requirements of this Order.

#### **Analysis of Proposed Consent Order To Aid Public Comment**

The Federal Trade Commission has accepted an agreement to a proposed consent order from the Arizona Institute of Reproductive Medicine, Ltd. and its President, Robert H. Tamis, M.D. The Arizona Institute of Reproductive Medicine offers infertility services to the public, including *in vitro* fertilization.

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 or make final the agreement's proposed order.

The Commission has alleged that proposed respondents failed to possess

a reasonable basis for claims they made regarding their comparative success in achieving live births for their patients. The Arizona Institute of Reproductive Medicine claimed a live birth per embryo transfer rate of 17 percent in 1991 and 16 percent for the first six months of 1992, as compared to a national average of 14 percent for 1991.

The Commission alleges that these claims were deceptive because the Arizona Institute of Reproductive Medicine calculated the success statistics in their promotional materials counting multiple births (*i.e.*, twins, triplets, etc.) as multiple deliveries. The national percentage was based on data published by The Society for Assisted Reproductive Technology ("SART"), a national organization whose members, including proposed respondents, are providers of assisted reproductive technologies. SART publishes annually national averages for live births achieved through its members' services. National averages for live births are based on a protocol which requires members to report multiple births as single deliveries. The published report counts a multiple birth as a single delivery. Had proposed respondents likewise counted multiple births as a single delivery, their success statistics for deliveries would have been significantly lower than both the true national average for deliveries per embryo transfer, which was 17 percent for 1991, and the 14 percent represented by respondents.

Part I of the proposed consent order seeks to address the alleged misrepresentation cited in the accompanying complaint by requiring proposed respondents to possess competent and reliable scientific evidence for any future success rate comparative claims for their infertility procedures. Any comparison with other success rates must consist of results that are based upon the same or essentially equivalent tests that were used as a basis for the other rates. Moreover, a fencing-in provision prohibits any misrepresentation of success in achieving pregnancies or live births by respondents as well as prohibiting respondents from misrepresenting the success rates of any single provider or group of providers of these services.

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.*

[FR Doc. 95-16255 Filed 6-30-95; 8:45 am]

BILLING CODE 6750-01-M

[File No. 941-0007]

#### **Council of Fashion Designers of America 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, two New York based corporations or their members from attempting to fix or reduce modeling fees, and would require them to take steps to educate fashion designers that price-fixing is illegal.

**DATES:** Comments must be received on or before September 1, 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:** Michael Antalics or Karen Mills, FTC/S-2627, Washington, DC 20580. (202) 326-2821 or (202) 326-2052.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 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 § 4.9(b)(6)(ii) of the Commission's rules of practice (16 CFR 4.9(b)(6)(ii)).

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

In the Matter of: The Council of Fashion Designers of America, a corporation; and 7th on Sixth, Inc., a corporation. File No. 941-0007.

The Federal Trade Commission ("Commission"), having initiated an investigation of certain acts and