

substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, System Management Branch, ANM-530, 1601 Lind Avenue SW., Renton, Washington 98055-4056. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to amend Class E airspace at Sheridan, Wyoming, to accommodate a new instrument approach procedure at Sheridan County Airport. The area would be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. This action also incorporates revised coordinates for the airport reference point (ARP) due to construction of a new runway. Class E airspace is published in Paragraph 6002 and 6005, respectively, of FAA Order 7400.9B dated July 18, 1994, and effective September 16, 1994, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR 1959-1963 Comp., p. 389; 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9B, Airspace Designations and Reporting Points, dated July 18, 1994, and effective September 16, 1994, is amended as follows:

Paragraph 6002 Class E Airspace areas designated as a surface area for an airport.

* * * * *

ANM WY E2 Sheridan, WY [Revised]

Sheridan County Airport, WY
(Lat. 44°46'26" N, long. 106°58'37" W)
Sheridan VORTAC
(Lat. 44°50'32" N, long. 107°03'40" W)

Within a 4.5-mile radius of the Sheridan County Airport, and within 4.5 miles each side of the 157° bearing from the airport, extending from the 4.5-mile radius to 17.6 miles southeast of the airport, and within 3.5 miles each side of the Sheridan VORTAC 312° and 327° radials extending from the 4.5-mile radius to 10.1 miles northwest of the VORTAC, and within 3.5 each side of the Sheridan VORTAC 140° radial extending from the 4.5-mile radius to 20.4 miles southeast of the VORTAC. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the airport/Facility Directory.

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Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth

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ANM WY E5 Sheridan, WY [Revised]

Sheridan County Airport, WY
(Lat. 44°46'26" N, long. 106°58'37" W)
Sheridan VORTAC
(Lat. 44°50'32" N, long. 107°03'40" W)

That airspace extending upward from 700 feet above the surface within a 6.1-mile radius of the Sheridan County Airport; that airspace extending upward from 1,200 feet above the surface within 6.1 miles southwest and 8.7 miles northeast of the Sheridan VORTAC 138° and 318° radials extending from 16.1 miles northwest to 29.6 miles southeast of the VORTAC, and that airspace southeast of Sheridan bounded on the north by a line located 4.3 miles south of and parallel to the Sheridan VORTAC 104° radial, on the east by a 30.5-mile radius of the

Sheridan VORTAC, and on the south by line located 8.7 miles north of and parallel to the Sheridan VORTAC 138° radial.

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Issued in Seattle, Washington, on July 5, 1995.

Richard E. Prang,

*Acting Manager, Air Traffic Division,
Northwest Mountain Region.*

[FR Doc. 95-18734 Filed 7-28-95; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR PART 260

Request for Comment Concerning Environmental Marketing Guides

AGENCY: Federal Trade Commission.

ACTION: Request for public comments.

SUMMARY: The Federal Trade Commission (the "FTC" or "Commission") is requesting public comments on its Guides for the Use of Environmental Marketing Claims ("guides"). The guides were issued on July 28, 1992, and included a provision for public comment and review three years after adoption for the purpose of determining how well they are working and the need for any modifications. The Commission is also requesting comments about the overall costs and benefits of the guides and their overall regulatory and economic impact as a part of its systematic review of all current Commission regulations and guides. All interested persons are hereby given notice of the opportunity to submit written data, views and arguments concerning this proposal. All comments submitted will be placed on the public record and will be made available to interested persons for inspection and copying at the Federal Trade Commission, 6th and Pennsylvania Avenue, N.W., Washington, D.C., Room 130. Following the period for written comments, Commission staff plans to conduct a Public Workshop-Conference to afford Commission staff and interested parties an opportunity to explore and discuss the issues raised during the comment period.

DATES: Comments must be submitted on or before September 29, 1995. Notification of interest in representing an affected, interested party at the Public Workshop-Conference must be submitted on or before August 30, 1995. A list of affected interests appears in Part 2 of this Notice.

The Public Workshop-Conference will be held in Washington, D.C. on

November 13 and 14, 1995, from 8:30 a.m. until 5 p.m.

ADDRESSES: Six paper copies of each written comment should be submitted to: Secretary, Federal Trade Commission, Room H-159, Sixth and Pennsylvania Ave., N.W., Washington, D.C. 20580. Comments about the guides should be identified as "16 CFR Part 260—Comment." To encourage prompt and efficient review and dissemination of the comments to the public, all comments also should be submitted, if possible, in electronic form, on either a 5-1/4 or a 3-1/2 inch computer disk, with a label on the disk stating the name of the commenter and the name and version of the word processing program used to create the document. (Programs based on DOS are preferred. Files from other operating systems should be submitted in ASCII text format to be accepted.) Individuals filing comments need not submit multiple copies or comments in electronic form.

The FTC will make this notice and, to the extent technically possible, all comments received in response to this notice available to the public through the Internet. To access this notice and the comments filed in response to this notice, access the World Wide Web at the following address: <http://www.ftc.gov>

At this time, the FTC cannot receive comments made in response to this notice over the Internet.

Notification of interest in the Public Workshop-Conference should be submitted in writing to Kevin Bank, Division of Advertising Practices, Federal Trade Commission, Washington, D.C. 20580. The Public Workshop-Conference will be held in Washington, D.C. on November 13 and 14, 1995.

FOR FURTHER INFORMATION CONTACT: Kevin Bank, (202) 326-2675, Division of Advertising Practices, Bureau of Consumer Protection, Federal Trade Commission, 6th and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

SUPPLEMENTARY INFORMATION: The Commission has determined, as part of its oversight responsibilities, to review FTC rules and guides periodically. These reviews seek information about the costs and benefits of the Commission's rules and guides and their regulatory and economic impact. The information obtained will assist the Commission in identifying rules and guides that warrant modification or rescission.

1. Background

A. Scope of Guides

The Guides for the Use of Environmental Marketing Claims or "guides" were adopted by the Commission on July 28, 1992, and published in the **Federal Register** on August 13, 1992 (57 FR 36,363 (1992)). Like other industry guides issued by the Commission, the Environmental Marketing Guides "are administrative interpretations of laws administered by the Commission for the guidance of the public in conducting its affairs in conformity with legal requirements. They provide the basis for voluntary and simultaneous abandonment of unlawful practices by members of industry." 16 CFR 1.5. Conduct inconsistent with the guides may result in corrective action by the Commission if this conduct is found to be in violation of applicable statutory provisions. The Commission promulgates industry guides "when it appears to the Commission that guidance as to the legal requirements applicable to particular practices would be beneficial in the public interest and would serve to bring about more widespread and equitable observance of laws administered by the Commission." 16 CFR 1.6.

The Environmental Marketing Guides indicate how the FTC will apply Section 5 of the Federal Trade Commission Act ("FTC Act") in the area of environmental marketing claims.¹ Section 5 of the FTC Act prohibits unfair or deceptive advertising claims. The guides apply to all forms of marketing of products to the public, whether through labels, package inserts, or promotional materials.

The guides reiterate Commission policy regarding how Section 5 applies to advertising claims generally, as enunciated in the Commission's Policy Statement on Deception,² and its Policy Statement on the Advertising Substantiation Doctrine.³ They outline four general principles that apply to all environmental marketing claims: *i.e.*, that qualifications and disclosures should be sufficiently clear and prominent to prevent deception; that claims should make clear whether they apply to the product, the package or a component of either; that claims should not overstate an environmental attribute or benefit, expressly or by implication;

¹ 15 U.S.C. 45.

² Federal Trade Commission Policy Statement on Deception, *appended to Clifdale Assocs., Inc.*, 103 F.T.C. 110 (1984).

³ Federal Trade Commission Policy Statement Regarding Advertising Substantiation, *appended to Thompson Medical Co.*, 104 F.T.C. 648 (1984).

and that comparative claims should be presented in a manner that makes the basis for the comparison sufficiently clear to avoid consumer deception.

In addition, the guides address eight specific categories of environmental claims: general environmental benefit claims, such as "environmentally friendly"; "degradable" claims; "compostable" claims; "recyclable" claims; "recycled content" claims; "source reduction" claims; "refillable" claims; and "ozone safe"/"ozone friendly" claims. Each guide describes the basic elements necessary to substantiate the claim, including suggested qualifications that may be used to avoid deception. In addition, each guide is followed by several examples that illustrate different uses of the particular term that do and do not comport with the guides. In many of the examples, one or more options are presented for qualifying a claim. The guides state that these options are intended to provide a "safe harbor" for marketers who want certainty about how to make environmental claims, but that they do not represent the only permissible approaches to qualifying a claim.

B. General Areas of Interest for FTC Review

The guides provide that three years after adoption, the Commission "will seek public comment on whether and how the guides need to be modified in light of ensuing developments."

As part of this three-year review of the guides, the Commission is seeking comment on a number of general issues relating to the guides' efficacy and the need, if any, to revise or update the guides. The Commission is also seeking comment on a number of specific issues related to particular environmental claims addressed by the guides.

The first issue of general interest to the Commission is whether and to what extent any changes in consumer perceptions related to environmental marketing may warrant revisions to the guides. The Commission believes that this three-year review is important to ensure that the guides are responsive to any changes over time, both in consumer knowledge and awareness of environmental issues and consumer perception of specific claims. On this question, the Commission is seeking to obtain specific consumer survey evidence and consumer perception data addressing consumer understanding of environmental claims as well as the efficacy of various approaches suggested in the current guides for qualifying such claims.

Second, the Commission is generally interested in whether and to what extent new developments in environmental technology may need to be taken into account. The Commission recognized in originally issuing its guides that the science and technology in the environmental area was constantly changing, and that new developments, for example, in the areas of recycling capabilities and composting, might affect the accuracy of environmental claims. This concern about evolving technology was one of the principal reasons the Commission chose to reexamine the guides three years after their issuance.

Third, the Commission seeks to evaluate the impact of the guides on environmental marketing and is seeking to obtain information about what effect the guides have had on the prevalence and accuracy of various environmental claims and whether new environmental claims have emerged that should be addressed by the guides. As it indicated in its original notice on environmental marketing claims, the Commission is concerned both that its guides not inadvertently encourage misleading claims and that they do not chill truthful, non-misleading claims.⁴ The Commission has some data to suggest that certain types of claims, such as recycled content claims, are being more frequently qualified and that other claims that would likely be found deceptive under the guides, such as degradable claims for products that are typically disposed in landfills, have become extremely rare. These data also suggest that the total number of environmental claims, at least as measured on a wide range of supermarket products, has not diminished.⁵

A fourth question of general interest to the Commission is the interaction of its guides with other regulation of environmental marketing at the federal, state and local level. The Commission is seeking comment on how federal, state and local laws and regulations governing environmental marketing relate to the guidance provided by the Commission.

The Commission has posed below a number of questions intended to focus comments on these areas of general interest in evaluating the guides. There are, in addition, a few specific issues that have come to the Commission's attention relating to particular environmental claims. For example, the

Commission has, on occasion, received informal input on the efficacy of its guidance on specific claims as well as requests for clarification through additional examples to the guides. The questions included in this notice, therefore, also address a number of claim-specific issues. The inclusion of such issues in this notice is to facilitate comment and the inclusion or exclusion of any issue should not be interpreted as an indication of the Commission's intent to make any specific modifications to the guides.

The Commission requests that commenters address any or all of these questions, focusing on the areas in which the commenter has particular expertise. The Commission also requests that responses to its questions be as specific as possible, include a reference to the question being answered, and refer to empirical data wherever available and appropriate.

C. Empirical Evidence on Consumer Perception and Marketing Trends

Since the guides were issued, the Commission has received some empirical evidence both on marketing trends in the environmental area and on consumer perception of certain marketing claims. The Commission believes that this evidence may provide valuable information on the impact of its guides on the prevalence and accuracy of environmental marketing claims, as well as suggesting certain specific areas where further clarification of the guides may be appropriate to prevent deception.

To aid the comment process, therefore, the Commission is placing on the public record several surveys. The first is an "audit" tracking environmental marketing claims in the marketplace since the issuance of the guides, conducted by Robert N. Mayer, Jason Gray-Lee and Debra L. Scammon of the University of Utah and Brenda J. Cude of the University of Illinois ("Utah Tracking Study"). The audit was performed on brands in sixteen supermarket product categories every six months, beginning in September 1992, with the most recent occurring in September 1994.

Auditors gathered data from supermarkets in five geographically dispersed locations throughout the country. The claim categories tracked in the study are recycled content, recyclability, source reduction, degradability, toxicity, effect on ozone, general environmental benefit claims, third party certification claims, and "green" brand names containing words like "enviro," "eco" and "natural."

In addition, the Commission is placing on the public record consumer surveys examining consumers' perceptions of various environmental claims. The first survey was conducted for the Commission in January 1993 ("FTC survey"). This mall intercept survey of 480 consumers tested their perception of several environmental claims on aerosol products including claims that the products are: "Environmentally Friendly," "Environmentally Friendly—Will Not Harm the Ozone Layer," "Ozone Friendly," and "No CFCs." The second series of surveys was conducted by the Council on Packaging in the Environment (COPE) in March 1993, September 1993, and December 1994 ("COPE surveys"). These omnibus, nationwide telephone surveys have included questions testing consumer perception of various kinds of "recyclable" claims, consumers' beliefs regarding the availability of recycling programs in their community, and consumer understanding of the term "non-toxic." Finally, the Commission is placing on the public record a survey conducted by the Paper Recycling Coalition testing consumer understanding and perception of recycled content claims and the chasing arrows symbol, as well as consumer understanding of the term "post consumer." ("PRC Survey"). The PRC survey was conducted at three geographically dispersed malls in March 1995.

The Commission is seeking comment on these surveys and also requests that commenters provide any additional empirical evidence available to them bearing on the issues raised by these surveys. The surveys are available for inspection and copying at the Federal Trade Commission, 6th and Pennsylvania Avenue, N.W., Washington, D.C., Room 130.

D. Commission Enforcement Actions

Since the adoption of the guides, the Commission has continued to enforce its statutory mandate to prohibit false and misleading claims through a case-by-case approach to environmental claims. In the past three years, the Commission has entered into twenty-two consent orders with a variety of companies and individuals, settling charges that they made false and/or unsubstantiated environmental claims about their products. The advertising claims challenged in these cases include "environmentally safe," "recyclable," "recycled," "ozone friendly," "degradable," "recyclable via municipal composting," "practically non-toxic," and "chlorine-free process." The

⁴Petitions for Environmental Marketing and Advertising Guides; Public Hearings, 56 FR 24,968 (May 31, 1991).

⁵See discussion of Utah Tracking Study, *infra*.

Commission is seeking comment on whether there are principles in these cases which are appropriate for incorporation into the guides. These consent agreements are available for inspection and copying at the Federal Trade Commission, 6th and Pennsylvania Avenue, N.W., Washington, D.C., Room 130.

2. Public Workshop-Conference

The FTC staff will conduct a Public Workshop-Conference to discuss written comments received in response to this Notice of Request for Public Comment. The purpose of the conference is to afford Commission staff and interested parties a further opportunity to openly discuss and explore issues raised in the guideline review process, and, in particular, to examine publicly areas of significant controversy or divergent opinions that are raised in the written comments. The conference is not intended to achieve a consensus of opinion among participants or between participants and Commission staff with respect to any issue raised in the guide review process. Commission staff will consider and review the comments made during the conference, in conjunction with the written comments, in formulating its final recommendation to the Commission concerning the guide review.

Commission staff will select a limited number of parties, to represent the significant interests affected by the guideline review. These parties will participate in an open discussion of the issues.

In addition, the conference will be open to the general public. Members of the general public who attend the conference may have an opportunity to make a brief oral statement presenting their views on issues raised in the guide review process. Oral statements of views by members of the general public will be limited to a few minutes in length. The time allotted for these statements will be determined on the basis of the time allotted for discussion of the issues by the selected parties, as well as the number of persons who wish to make statements.

Written submissions of views, or any other written or visual materials, will not be accepted during the conference. The discussion will be transcribed and the transcription placed on the public record.

To the extent possible, Commission staff will select parties to represent the following affected interests: individual manufacturers and trade associations whose members are involved with environmental marketing issues; consumer and environmental

organizations; federal, state and local governmental authorities with experience in environmental issues; and academics or polling firms involved in the area of environmental claims.

Parties to represent the above-referenced interests will be selected on the basis of the following criteria:

1. The party submits a written comment on or before September 29, 1995.
2. The party notifies Commission staff of its interest and authorization to represent an affected interest on or before August 30, 1995.
3. The party's participation would promote a balance of interests being represented at the conference.
4. The party's participation would promote the consideration and discussion of a variety of issues raised in the guide review process.
5. The party has expertise in activities possibly affected by the review of the existing guides.
6. The number of parties selected will not be so large as to inhibit effective discussion among them.

Parties interested in participating and authorized to represent an affected interest at the conference must notify Commission staff on or before August 30, 1995. Prior to the conference, parties selected to represent an affected interest will be provided with computer disks containing copies of comments received in response to this notice by the close of the comment period. The Public Workshop-Conference will be held on November 13 and 14, 1995.

3. Issues for Comment

The Commission solicits written public comment on the following questions:

A. General Issues

1. Is there a continuing need for the guides?
 - (a) What benefits have the guides provided to consumers?
 - (b) Have the guides imposed costs on consumers?
2. What changes, if any, should be made to the guides to increase the benefits of the guides to consumers?
 - (a) How would these changes affect the costs the guides impose on firms subject to their provisions?
3. What significant burdens or costs, including the cost of adherence, have the guides imposed on firms subject to their provisions?
 - (a) Have the guides provided benefits to such firms?
4. What changes, if any, should be made to the guides to reduce the burdens or costs imposed on firms subject to their provisions?

(a) How would these changes affect the benefits provided by the guides?

5. Since the guides were issued, what effects, if any, have changes in relevant technology or economic conditions had on the guides?

(a) What impact, if any, have the guides had on the development of environmentally beneficial innovations in technology and products?

(b) Is there other information concerning science or technology that the Commission should consider in determining whether the guides should be modified?

6. Do the guides overlap or conflict with other federal, state, or local laws and regulations? Is there evidence concerning whether the guides have assisted in promoting national consistency with respect to the regulation of environmental claims?

7. Are there international developments with respect to environmental marketing claims that the Commission should consider as it reviews the guides? Do these developments indicate that the guides should be modified?

8. What new evidence is available concerning consumer perception of environmental claims? Please provide any empirical data that are available on all categories of environmental claims, including claims not currently covered by the guides. Does this new information indicate that the guides should be modified?

9. What new evidence is available concerning consumer awareness of and knowledge about environmental issues? Please provide any available empirical data. Does this new information indicate that the guides should be modified?

10. What impact have the guides had on the flow of truthful information to consumers and on the flow of deceptive information to consumers?

11. To what extent have the guides reduced consumer skepticism or confusion about environmental claims?

12. What evidence is available concerning the degree of industry compliance with the guides?

(a) To what extent has there been a reduction in deceptive environmental claims since the guides were issued?

(b) To what extent has there been an increase in the degree and accuracy of qualifications of environmental claims?

Please provide any available empirical data, including any data relevant to the findings of the Utah Tracking Study cited above. Does this evidence indicate that the guides should be modified?

13. To what extent have the guides reduced manufacturers' uncertainty

about which claims might lead to FTC law enforcement actions?

14. Is there a need for guidance on environmental claims not currently addressed in the guides? If so, what specific claims should be addressed and what form should this guidance take?

15. Are there claims addressed in the guides on which guidance is no longer needed?

B. Specific Issues

A number of specific issues concerning the guides have arisen since their adoption. The Commission is seeking comment on these issues but the questions listed below should not be construed as an indication of the Commission's intent to make any specific modifications to the guides.

16. The Commission is seeking comment on the following specific issues relating to the "ozone friendly/ozone safe" guide.

(a) To what extent do phrases like "ozone friendly" or "No CFCs," by themselves, convey broad claims of environmental benefit to consumers, including claims about the harmlessness of the product to the atmosphere as a whole (*i.e.*, both the upper ozone layer and ground-level air pollution)? How important is the context in which the claim appears? Please provide any empirical data, including any data relevant to the findings of the FTC survey.⁶ Are there methodological issues concerning the survey that are relevant to the survey's findings? Does the survey evidence suggest that the guides should be modified? If so, what form should the modification take? How would these modifications affect the benefits the guides provide to consumers and the costs they impose on firms subject to their provisions?

17. The Commission is seeking comment on the following specific issues relating to the "recyclable" and "compostable" guides:

(a) The September 1993 COPE survey (cited above) may be interpreted to suggest that the presence of a

"recyclable" claim may not increase the percentage of consumers who think that recycling facilities for a product or package are available in their community. Please provide any empirical data regarding whether an unqualified recyclable or an unqualified compostable claim conveys a deceptive claim concerning local availability. Are there methodological issues concerning the COPE survey that are relevant to its findings? Does the COPE survey and any other new evidence provided indicate that the recyclable and/or compostable sections of the guides should be modified, and if so, in what manner? What effect would the proposed changes have on the benefits the guides provide to consumers and the costs that the guides impose on firms?

(b) The COPE surveys (cited above) suggest that certain of the qualifying disclosures suggested in the recyclable and compostable guides may be more effective than others in conveying to consumers that facilities may not be available in their community to recycle or compost the product. Please provide any empirical data relevant to the findings of the COPE surveys. Are there methodological issues concerning the COPE surveys that are relevant to the surveys' findings? Does the COPE evidence (or any other evidence provided) indicate that these disclosures should be modified, and if so, in what manner? How would such modifications affect the benefits the guides provide to consumers and the costs they impose on firms?

(c) Please provide any relevant empirical data regarding consumer perception of phrases such as "Please Recycle" and "Coded for Recycling" and of the "three chasing arrows" logo. To what extent do such claims suggest to consumers that a product or package is recyclable? What, if any, modifications should be made to the guides in light of such consumer perceptions? How would such modifications affect the benefits the guides provide to consumers and the costs they impose on firms?

(d) The Society of the Plastics Industry (SPI) code, a logo introduced in 1988 for voluntary use by SPI, has since been mandated for use on certain plastic packages by thirty-nine states to facilitate identification of different types of plastic resins. In its guides, the Commission states that the use of the code, without more, on the bottom of a package, or in a similarly inconspicuous location, does not constitute a claim of recyclability. What consumer perception data are available concerning how consumers interpret the SPI code? What, if any, modifications should be

made to the guides in light of such data? How would such modifications affect the benefits the guides provide to consumers and the costs they impose on firms?

18. Please provide any empirical data relevant to whether consumers perceive that products made from reconditioned parts that would otherwise have been thrown away should qualify as "recycled" products. What modifications, if any, should be made to the guides to address these consumer perceptions? How would such modifications affect the benefits the guides provide to consumers and the costs they impose on firms?

19. Are there other specific issues concerning the guides that the Commission should review? What empirical data are available to assist the Commission in its review of these issues? What, if any modifications should be made in light of these issues? How would such modifications affect the benefits the guides provide to consumers and the costs they impose on firms?

List of Subjects in 16 CFR Part 260:

Environmental marketing claims: Advertising.

Authority: 15 U.S.C. 41-58.

By direction of the Commission.

Donald S. Clark,

Secretary

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BILLING CODE 6750-01-P

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 102

RIN 1515-AB19; RIN 1515-AB34

Rules for Determining the Country of Origin of a Good for Purposes of Annex 311 of the North American Free Trade Agreement; Rules of Origin Applicable to Imported Merchandise

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Notice of proposed rulemaking; correction.

SUMMARY: This document corrects a document, published in the **Federal Register** on July 12, 1995, which set forth additional proposed amendments to the interim Customs Regulations establishing rules for determining the country of origin of a good for purposes of Annex 311 of the North American Free Trade Agreement. The correction involves an erroneous citation to a

⁶The FTC survey (cited above) suggests that when consumers see claims like "No CFCs" and "Ozone Friendly" on aerosol products, they may interpret the claim to mean that the product is not only harmless to the upper ozone layer, but to the atmosphere as a whole. In *Creative Aerosol Corp.*, No. C-3548 (January 13, 1995) (final consent order), the Commission required the company to cease and desist from representing, through the use of terms such as "No Fluorocarbons," that any product containing Volatile Organic Compounds (VOCs), will not harm the atmosphere, unless the claim is substantiated. The Order defines VOCs as "any compound of carbon which participates in atmospheric photochemical reactions as defined by the Environmental Protection Agency," that is, compounds of carbon that EPA has determined are potential contributors to smog.