

promotional materials for franchise shows.

The Commission's complaint in this matter charges Blenheim with engaging in unfair or deceptive practices in connection with the advertising of its franchise shows. According to the complaint, Blenheim falsely represented that it had a reasonable basis for claims that franchise owners earn an average income and/or average pre-tax income of more than \$124,000, and that franchise owners earn an average pre-tax income and/or average pre-tax profit of \$124,290.

The complaint also alleges that Blenheim falsely represented that it had a reasonable basis for claims that a prospective franchise owner's chances of success are 94%, and that franchise owners enjoy a 94% success rate.

Finally, the complaint alleges that Blenheim falsely represented that the above representations were proved by a Gallup poll of franchise owners conducted in 1991.

The consent order contains provisions designed to remedy the violations charged and to prevent Blenheim from engaging in similar deceptive and unfair acts and practices in the future.

Part I of the order prohibits Blenheim from misrepresenting the existence, purpose, sample, contents, validity, results, conclusions or interpretations of any survey, poll, test, report or study.

Part II of the order prohibits Blenheim from making any claims about the sales, income, or profits that current or prospective franchise owners have earned or can or will earn, or the chances of success or success rates that franchise owners have enjoyed or can or will enjoy, unless, prior to making such claims, Blenheim has competent and reliable evidence to substantiate the claims, which when appropriate must be competent and reliable scientific evidence.

Part III of the order requires Blenheim, for a period of five years after the date of entry of the order, to distribute at each franchise show it promotes, a brochure entitled, "A Consumer Guide to Buying A Franchise," provided to Blenheim by the Commission. Under this requirement, Blenheim must reproduce the brochure in a format substantially similar to the original format as provided by the Commission; is responsible for the printing costs of the brochure; and must distribute copies of the brochure to at least 500 persons attending each such show, or to each person attending such show if the total number of such persons is fewer than 500. Blenheim may revise the text of the brochure or substitute a similar

document only after submitting said revision or substitution to staff of the Commission and receiving written approval thereof.

Part IV of the order requires Blenheim to maintain copies of all advertisements setting forth any representation covered by the order; all materials relied upon in making any representation covered by the order; all materials in Blenheim's possession or control that contradict such representation or the basis upon which Blenheim relied for it; and any other materials that demonstrate full compliance with the order.

Part V of the order requires Blenheim to distribute copies of the order to each of its operating divisions and to each of its various officers, agents and representatives.

Part VI of the order requires Blenheim to notify the Commission of any changes in corporate structure that might affect compliance with the order.

Part VII of the order terminates the order twenty years from the date of its issuance, or twenty years from the date a complaint is filed in federal court alleging any violation of the order, whichever comes later.

Part VIII of the order requires Blenheim to file with the Commission one or more reports detailing compliance with the order.

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 any of their terms.

Donald S. Clark,
Secretary.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Community Services

Reallotment of Funds for FY 1994 Low Income Home Energy Assistance Program (LIHEAP)

AGENCY: Office of Community Services, Administration for Children and Families, (ACF), DHHS.

ACTION: Notice of determination concerning funds available for reallotment.

SUMMARY: In accordance with section 2607(b)(1) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 8621 et seq.), as amended, a notice was published in the Federal Register on August 9, 1995 announcing the Secretary's preliminary determination

that \$81,829 in FY 1994 Low Income Home Energy Assistance Program (LIHEAP) funds may be available for reallotment to other LIHEAP grantees. After further evaluation, the Secretary has determined that no funds from FY 1994 will be reallotted because it was not administratively feasible to do so.

FOR FURTHER INFORMATION CONTACT:

Janet M. Fox, Director, Division of Energy Assistance, Office of Community Services, 370 L'Enfant Promenade, SW., Washington, DC 20447; telephone (202) 401-9351.

Dated: October 4, 1995.

Donald Sykes,

Director, Office of Community Services.

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Public Health Service

Food and Drug Administration; Privacy Act of 1974; New System of Records

AGENCY: Public Health Service, HHS.

ACTION: Notification of a new system of records.

SUMMARY: In accordance with the requirements of the Privacy Act, the Public Health Service (PHS) is publishing a notice of a proposal to establish a new system of records, 09-10-0019, "Mammography Quality Standards Act (MQSA) Training Records, HHS/FDA/CDRH." The purpose of the system is to provide the Food and Drug Administration (FDA) with information about the training and certification of inspectors of mammography facilities. We are also proposing routine uses for this new system.

DATES: PHS invites interested parties to submit comments on the proposed internal and routine uses on or before November 21, 1995. PHS has sent a report of a New System to the Congress and to the Office of Management and Budget (OMB) on August 31, 1995. This system of records will be effective 40 days from the date submitted to OMB unless PHS receives comments on the routine uses which would result in a contrary determination.

ADDRESSES: Please submit comments to: FDA Privacy Act Coordinator (HFI-30), Food and Drug Administration, 5600 Fishers Lane, Room 12A-30, Rockville, MD 20857, (301) 443-1813.

Comments received will be available for inspection at this same address from 9 a.m. to 4 p.m., Monday through Friday.