

neither offered any specific examples of deception observed in this industry.

The third comment was submitted by the Adhesives and Sealant Council, Inc. ("ASC"), an industry trade association. ASC expressed concern that the Guides, as presently written, have little practical use due to significant technological changes since their adoption. It noted that:

Since the early 1970's a wide range of adhesives and sealants, designed for specific applications, have entered the commercial market and it would be beneficial to today's more sophisticated consumers if the Guidelines offered descriptions [of] the various types of adhesives, i.e., silicones, urethanes, acrylics or epoxy adhesives.

ASC also suggested that the Guides, if retained, might require a statement of the type and percentage of any solvent content within a product. In addition, ASC suggested that the Guides have better definitions, in light of the new types of materials being used today. It noted, for example, that "the term 'rubber' normally means natural rubber unless there is some type of prefix included such as 'silicone rubber,'" and suggested that the term be defined more broadly to include "elastomeric materials not necessarily based on natural rubber." The association recommended that the Guides be discontinued unless they can be modified substantially.

Industry compliance with the Guides appears to be satisfactory. In the 31 years since the Guides were issued, the Commission has not received any complaints or initiated any enforcement actions relating in any way to these Guides. If, in the future, deceptive practices prove to be a problem in this industry, however, the Commission may pursue enforcement actions, under section 5 of the Federal Trade Commission Act, 15 U.S.C. 45, as needed on a case-by-case basis.

For the reasons explained in this notice, the Commission has determined to rescind the Guides because they are no longer necessary.

#### List of Subjects in 16 CFR Part 235

Adhesives, Advertising, Labeling, Trade practices.

#### PART 235—[REMOVED]

The Commission, under authority of sections 5(a)(1) and 6(g) of the Federal Trade Commission Act, 15 U.S.C. 45(a)(1) and 46(g), amends Chapter I of Title 16 of the Code of Federal Regulations by removing Part 235.

By direction of the Commission.

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

[FR Doc. 98-33704 Filed 12-18-98; 8:45 am]

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## FEDERAL TRADE COMMISSION

### 16 CFR PART 243

#### Guides for the Decorative Wall Paneling Industry

**AGENCY:** Federal Trade Commission.

**ACTION:** Rescission of the Guides for the Decorative Wall Paneling Industry.

**SUMMARY:** On March 27, 1998, the Commission published a **Federal Register** notice initiating a regulatory review of the Federal Trade Commission's ("Commission") Guides for the Decorative Wall Paneling Industry ("Decorative Wall Paneling Guides" or "the Guides"), 16 CFR Part 243, under the Commission's program to review all rules and guides. The Commission has now completed its review and determined to rescind the Guides.

**EFFECTIVE DATE:** December 21, 1998.

**ADDRESS:** Requests for copies of the **Federal Register** notice should be sent to the Consumer Response Center, Room 130, Federal Trade Commission, 600 Pennsylvania Ave., N.W., Washington, DC 20580. The notice and news release announcing the rescission of the Guides are available on the Internet at the Commission's website, "<http://www.ftc.gov>".

**FOR FURTHER INFORMATION CONTACT:** Eric Nickerson, Investigator, Federal Trade Commission, Denver Regional Office, 1961 Stout Street, Suite 1523, Denver, CO 80294, telephone number (303) 844-3584, E-mail "[enickerson@ftc.gov](mailto:enickerson@ftc.gov)".

**SUPPLEMENTARY INFORMATION:** The Decorative Wall Paneling Guides, promulgated by the Commission on December 15, 1971, provide guidance to manufacturers, retail distributors, and other suppliers ("sellers") of decorative wall panels with regard to labeling, advertising, and promoting their products in a manner consistent with Section 5 of the Federal Trade Commission Act, 15 U.S.C. 45. The Guides are designed to protect purchasers from being misled by the appearance of a product, or by deceptive descriptions, depictions, designations, or representations in advertisements, labels, or other promotional materials.

The Guides provide examples of deceptive and non-deceptive descriptions for wood and wood imitations to ensure that prospective

purchasers are not misled by a product's appearance. For example, Section 243.2(a)(5) provides that "[d]escribing a nonlumber product, such as particleboard, hardboard, fiberboard, flakeboard, and products of similar composition, as 'wood'" is a false representation. The Guides also suggest that sellers affirmatively disclose the composition and other attributes of the products being offered. Additionally, the Guides provide for disclosure of material facts that would be helpful to consumers in making purchase decisions. The Guides suggest that affirmative disclosures be provided in advertising and labeling when: (1) A wall panel's appearance could mislead purchasers as to its true composition; or (2) a representation is made that is susceptible of at least one misleading interpretation.

The Commission has determined, as part of its oversight responsibilities, to review rules and industry 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 assists the Commission in identifying rules and guides that warrant modification or rescission. The Commission solicited comments on the Decorative Wall Paneling Guides in the **Federal Register** on March 27, 1998, 63 FR 14865. The Commission's staff also mailed copies of the notice to approximately 100 industry representatives to ensure that all interested parties would have an opportunity to comment. The comment period ended May 26, 1998.

The Commission received one comment, from the Hardwood, Plywood & Veneer Association ("HPVA"). The comment supported retaining the Guides because "[d]ecorative paneling still represents a significant sector of the interior finish products market."<sup>1</sup> The commenter stated that the Guides benefit sellers by "establishing a common basis of understanding and fair competition." The commenter also noted, however, the existence of at least one recognized standard for decorative wall panels. This voluntary industry standard, the "American National Standard For Hardwood And Decorative Plywood" or "ANSI/HPVA HP-1-1994" (hereafter referred to as the "ANSI standard"), became effective in 1994, superseding earlier versions published in 1983 and 1993. Both the 1983 and 1994 versions of the standard were the result of joint efforts of the American National Standards Institute, Inc., and

<sup>1</sup> HPVA, #1.

the Hardwood, Plywood & Veneer Association.<sup>2</sup> The "ANSI Canvass Method," in which industry members with an interest in hardwood and decorative plywood were contacted, was used to achieve consensus for the standard.<sup>3</sup>

The ANSI standard sets forth detailed product quality, labeling, and testing requirements for a variety of wood- and veneer-finished products. Specifically, the ANSI/HPVA publication's abstract states, in part, that the ANSI Standard for Hardwood and Decorative Plywood:

[E]stablishes nationally recognized classifications, quality criteria, test methods, definitions, and product marking and designation practices for plywood produced primarily from hardwoods. It is intended for voluntary use for reference in trade literature, catalogs, sales contracts, building codes \* \* \* to describe the quality aspects of the product and the means to determine conformance.

While, unlike the Guides, the ANSI standard does not expressly prohibit sellers from misrepresenting the composition of a particular wood or simulated wood product, it provides detailed classifications and criteria for product advertising and labeling. The Commission believes that the ANSI voluntary industry standard indeed provides an adequate basis for a common understanding among industry members through its highly specific descriptions of the qualities and characteristics of hardwood and decorative plywood products.

Industry compliance with both the Guides and the ANSI standard appears to be exemplary. In the 27 years since the Guides were issued, the Commission has not received any complaints or initiated any enforcement actions relating to these Guides. The existence of a strong industry standard and the level of compliance it commands, viewed in conjunction with the Commission's unfettered ability to pursue actions against members of this industry for engaging in unfair and deceptive acts and practices under section 5 of the FTC Act, 15 U.S.C. 45, sufficiently ensures that sellers will not mislead consumers in the future in the labeling, advertising, or sale of decorative wall paneling. If, in the future, deceptive practices prove to be a problem in this industry, however, the Commission may pursue enforcement actions as needed on a case-by-case basis.

For the reasons explained in this notice, the Commission has determined

<sup>2</sup> Prior to January 1, 1993, HPVA was known as the Hardwood & Plywood Manufacturers Association.

<sup>3</sup> ANSI/HPVA HP-1-1994, at iv.

to rescind the Guides because they are no longer necessary.

#### List of Subjects in 16 CFR Part 243

Advertising, Forests and forest products, Labeling, Trade practices, Wall paneling industry.

#### PART 243—[REMOVED]

The Commission, under authority of sections 5(a)(1) and 6(g) of the Federal Trade Commission Act, 15 U.S.C. 45(a)(1) and 46(g), amends Chapter I of Title 16 of the Code of Federal Regulations by removing part 243.

By direction of the Commission.

**Donald S. Clark,**  
Secretary.

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## DEPARTMENT OF HEALTH AND HUMAN RESOURCES

### Food and Drug Administration

#### 21 CFR Part 520

#### Oral Dosage Form New Animal Drugs; Oxytetracycline Tablet/Bolus

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Boehringer Ingelheim Vetmedica, Inc. The NADA provides for use of oxytetracycline boluses for control and treatment of bacterial enteritis and bacterial pneumonia in beef and dairy calves.

**EFFECTIVE DATE:** December 21, 1998.

**FOR FURTHER INFORMATION CONTACT:** Dianne T. McRae, Center for Veterinary Medicine (HFV-102), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-827-0212.

**SUPPLEMENTARY INFORMATION:** Boehringer Ingelheim Vetmedica, Inc., 2621 North Belt Highway, St. Joseph, MO 64506-2002, filed NADA 141-002 that provides for use of Oxy 500 and 1,000 Calf Boluses (oxytetracycline hydrochloride boluses) for control and treatment of bacterial diseases of beef and dairy calves caused by organisms sensitive to oxytetracycline, bacterial enteritis caused by *Salmonella typhimurium* and *Escherichia coli* and bacterial pneumonia caused by *Pasteurella multocida*. The NADA is approved as of October 26, 1998. The regulations are amended in 21 CFR

520.1660c by revising the section heading, paragraphs (a) and (b), by removing an outdated paragraph (c), by redesignating paragraphs (d) and (e) as paragraphs (c) and (d), and by amending paragraph (d)(3) to reflect the approval. The basis for approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of 21 CFR part 20 and 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday.

The agency has determined under 21 CFR 25.33(a)(1) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

#### List of Subjects in 21 CFR Part 520

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 520 is amended as follows:

#### PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 520 continues to read as follows:

**Authority:** 21 U.S.C. 360b.

2. Section 520.1660c is amended by revising the section heading, by removing paragraphs (a) and (b), by removing paragraph (c), by redesignating paragraphs (d) and (e) as paragraphs (c) and (d), and by revising the 4th sentence in newly redesignated paragraph (d)(3) to read as follows:

#### § 520.1660c Oxytetracycline hydrochloride tablets/boluses.

(a) *Specifications.* Each tablet or bolus contains 250, 500, or 1,000 milligrams of oxytetracycline hydrochloride.

(b) *Sponsors.* For sponsors in § 510.600(c) of this chapter: See 000010 for use of 500 and 1,000 milligram boluses. See 000069 for use of 250 and 500 milligram tablets.

\* \* \* \* \*

(d) \* \* \*

(3) \* \* \* For sponsor 000069:

Discontinue treatment 7 days prior to slaughter. \* \* \*