

cemetery services to direct disposal cremations to make the price increase unprofitable.

According to the draft complaint, entry into the provision of cemetery services in each of these eight markets is difficult, and would not be timely, likely or sufficient to prevent anticompetitive effects from the acquisition.

The proposed Consent Order, if issued by the Commission, would remedy all of the Commission's competitive concerns about the proposed acquisition. Under the terms of the proposed Consent Order, SCI must divest one or more funeral homes in each of the funeral services markets and one or more cemeteries in each of the services markets, as follows:

1. In the Phenix City, Alabama/Columbus, Georgia, funeral service market, (a) Vance Memorial Chapel, 3738 Highway 431 North, Phenix City, Alabama 36867; and (b) Vance Memorial Chapel, 2919 Hamilton Road, Columbus, Georgia 31904;

2. In the Evansville, Indiana, funeral service market, Miller & Miller Colonial Chapel, 219 East Franklin Street, Evansville, Indiana 47711;

3. In the Jacksonville Beach, Florida, funeral service market, Beaches Funeral Home, 3600 South 3rd Street, Jacksonville Beach, Florida 32250;

4. In the Roseville, California, funeral service market, Cochrane's Chapel of the Roses, 103 Lincoln Street, Roseville, California 95678;

5. In the Ruskin/Sun City Center, Florida, funeral service market, Family Funeral Care Funeral Home, 1851 Rickenbacker Road, Sun City Center, Florida 33573;

6. In the West Pasco County, Florida, and Tarpon Springs, Florida, funeral service market, Michels & Lundquist Funeral Home, 130 State Road 54, New Port Richey, Florida 34652;

7. In the Broward County, Florida, cemetery service market, (a) Evergreen Cemetery, 1300 S.E. 10th Avenue, Fort Lauderdale, Florida 33316; (b) Lauderdale Memorial Park, 2001 S.W. 4th Avenue, Fort Lauderdale, Florida 33315; and (c) Sunset Memorial Gardens, 3201 19th Street, Fort Lauderdale, Florida 33311,

8. In the Chattanooga, Tennessee, and the neighboring north Georgia suburbs of Chattanooga cemetery service market, (a) Lakewood Memory Gardens East Cemetery, 4621 Shallowford Road, Chattanooga, Tennessee 37411; (b) Lakewood Memory Gardens West Cemetery, 3509 Cummings Road, Chattanooga, Tennessee 37419; and (c) Lakewood Memory Gardens South

Cemetery, 627 Greens Lake Road, Rossville, Georgia 30741;

9. In the Citrus County, Florida, cemetery service market, Fountains Memorial Park, 4890 South Suncoast Boulevard, Homosassa Springs, Florida 34447;

10. In the Corpus Christi, Texas, funeral service market, Rose Hill Memorial Park, 2731 Comanche, Corpus Christi, Texas 78408;

11. In the Eugene/Springfield, Oregon, cemetery service market, Sunset Hills Memorial Gardens, 4810 South Willamette Street, Eugene, Oregon 97405;

12. In the North Richmond, Virginia, and the northern, eastern, and western suburbs of Richmond cemetery service market, Forest Lawn Cemetery, 4000 Pilots Land, Richmond, Virginia 23222;

13. In the South Bay area of San Diego, California, cemetery service market, LaVista Memorial Park, 3191 Orange Street, National City, California 91951; and

14. In the Summit County, Ohio, cemetery service market, Greenlawn Memorial Park, 2580 Romig Road, Akron, Ohio 44320.

SCI must complete the required divestitures to Carriage within seven days from the date the Consent Order becomes final, or 120 days from the date of the signing of the Agreement Containing Consent Order, whichever is earlier. In the event SCI does not divest the assets to an acquirer or acquirers acceptable to the Commission in the required time, the Consent Order establishes procedures for the appointment of a trustee to sell the assets. Also, for a period of ten years, SCI must give prior notice to the Commission of any proposed acquisition of a funeral home or cemetery, as applicable, in each of the 14 local markets. The Consent Order also requires SCI to deliver a copy of the required notice to the office of the attorney general in each state where any to-be-acquired assets are found.

An Asset Maintenance Agreement accompanies the proposed Consent Order. Under its terms, SCI must preserve and maintain the assets that it must divest. The procedures enumerated in the Asset Maintenance Agreement will ensure the continued competitive viability of these assets after they are divested.

The proposed Consent Order also requires SCI to provide the Commission a report of compliance with the terms of the order within thirty days following the date on which the order becomes final, every thirty days thereafter until the divestitures are completed, and annually for a period of ten years.

The proposed Consent Order has been placed on the public record for sixty days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After sixty days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make the proposed Consent Order final.

By accepting the proposed Consent Order subject to final approval, the Commission anticipates that the competitive problems alleged in the complaint will be resolved. The purpose of this analysis is to invite and facilitate public comment concerning the proposed Consent Order in order to aid the Commission in its determination of whether to make the proposed Consent Order final. It is not intended to constitute an official interpretation of the proposed Consent Order, nor is it intended to modify the terms in any way.

By direction of the Commission.

**Donald S. Clark,**

*Secretary.*

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## FEDERAL TRADE COMMISSION

[File No. 9823570]

### Stanley Works; Analysis To Aid Public Comment

**AGENCY:** Federal Trade Commission.

**ACTION:** Proposed consent agreement.

**SUMMARY:** The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices or unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the draft complaint that accompanies the consent agreement and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

**DATES:** Comments must be received on or before March 29, 1999.

**ADDRESSES:** Comments should be directed to: FTC/Office of the Secretary, Room 159, 600 Pa. Ave., N.W., Washington, D.C. 20580.

**FOR FURTHER INFORMATION CONTACT:** Elaine Kolish or Laura Koss, FTC/S-4302, 601 Pa. Ave., N.W., Washington, D.C. 20580, (202) 326-3042 or 326-2890.

**SUPPLEMENTARY INFORMATION:** Pursuant to Section 6(f) of the Federal Trade

Commission Act, 38 Stat. 721, 15 U.S.C. 46 and Section 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the above-captioned 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. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for January 19, 1999), on the World Wide Web, at "http://www.ftc.gov/os/actions97.htm." A paper copy can be obtained from the FTC Public Reference Room, Room H-130, 600 Pennsylvania Avenue, N.W., Washington, D.C. 20580, either in person or by calling (202) 326-3627. 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 Section 4.9(b)(6)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii)).

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

The Federal Trade Commission has accepted an agreement, subject to final approval, to a proposed consent order from respondent The Stanley Works.

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 and take other appropriate action or make final the agreement's proposed order.

This matter concerns advertising, marking, packaging, labeling, and promotional practices related to the sale of mechanics tools. The Commission's complaint charges that respondent misrepresented that certain of its mechanics tools were all or virtually all made in the United States when, in truth and in fact, a significant proportion of their content was of foreign origin.

The proposed consent order contains a provision that is designed to remedy the charges and to prevent the respondent from engaging in similar acts and practices in the future. Part I of the proposed order prohibits the respondent from misrepresenting the extent to which its mechanics tools are

made in the United States. The order defines mechanics tools as professional grade hand tools (other than carpentry tools) used by consumers or professionals in the assembly, repairs, or maintenance of machinery or vehicles, or for other purposes. Such tools include, but are not limited to, wrenches, ratchets, sockets, and chisels. The proposed order would allow respondent to represent that such mechanics tools are made in the United States as long as all, or virtually all, of the components of the mechanics tools are of U.S. origin and all, or virtually all, of the labor in manufacturing them is performed in the United States.

The proposed consent order additionally provides that the order shall not apply to the marking of mechanics tools or components of mechanics tools forged, machined, or cast before the date that the complaint and order became final.

Part II of the proposed order requires the respondent to maintain materials relied upon in disseminating any representation covered by the order. Part III of the proposed order requires the respondent to distribute copies of the order to certain company officials and employees. Part IV of the proposed order requires the respondent to notify the Commission of any change in the corporation that may affect compliance obligations under the order. Part V of the proposed order requires the respondent to file one or more compliance reports. Part VI of the proposed order is a provision whereby the order, absent certain circumstances, terminates twenty years from the date of issuance.

The purpose of this analysis is to facilitate public comment on the proposed consent order. It is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

By direction of the Commission.

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

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#### **FEDERAL TRADE COMMISSION**

[File No. 9823587]

#### **USDrives Corporation; Analysis To Aid Public Comment**

**AGENCY:** Federal Trade Commission.

**ACTION:** Proposed consent agreement.

**SUMMARY:** The consent agreement in this matter settles alleged violations of

federal law prohibiting unfair or deceptive acts or practices or unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the draft complaint that accompanies the consent agreement and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

**DATES:** Comments must be received on or before March 29, 1999.

**ADDRESSES:** Comments should be directed to: FTC/Office of the Secretary, Room 159, 600 Pa. Ave., NW, Washington, DC 20580.

**FOR FURTHER INFORMATION CONTACT:** Elaine Kolish or Laura Koss, FTC/S-4302, 601 Pa. Ave., NW, Washington, DC 20580, (202) 326-3042 or 326-2890.

**SUPPLEMENTARY INFORMATION:** Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and Section 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the above-captioned 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. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for January 19, 1999), on the World Wide Web, at "http://www.ftc.gov/os/actions97.htm." A paper copy can be obtained from the FTC Public Reference Room, Room H-130, 600 Pennsylvania Avenue, NW, Washington, DC 20580, either in person or by calling (202) 326-3627. 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 Section 4.9(b)(6)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii)).

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

The Federal Trade Commission has accepted an agreement, subject to final approval, to a proposed consent order from respondent USDrives Corporation.

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