

communication with customers or prospective customers, or who has any responsibilities with respect to the subject matter of this Order; and for a period of five (5) years, from the date of issuance of this Order, distribute a copy of this Order to all of respondent's future such officers, agents, representatives, independent contractors, and employees.

VI.

It is further ordered that this Order will terminate twenty years from the date of its issuance, or twenty years from the most recent date that the United States or the Federal Trade Commission files a complaint (with or without an accompanying consent decree) in federal court alleging any violation of the Order, whichever comes later; provided, however, that the filing of such a complaint will not affect the duration of:

A. Any paragraph in this Order that terminates in less than twenty years;

B. This Order's application to any respondent that is not named as a defendant in such complaint; and

C. This Order if such complaint is filed after the Order has terminated pursuant to this paragraph. Provided further, that if such complaint is dismissed or a federal court rules that the respondent did not violate any provision of the Order, and the dismissal or ruling is either not appealed or upheld on appeal, then the Order will terminate according to this paragraph as though the complaint was never filed, except that the Order will not terminate between the date such complaint is filed and the later of the deadline for appealing such dismissal or ruling and the date such dismissal or ruling is upheld on appeal.

VII.

It is further ordered that respondent shall, within sixty (60) days from the date of service of this Order upon it, and at such other times as the Commission may require, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this Order.

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 NordicTrack, Inc., ("NordicTrack") a Minnesota 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 and will decide whether it should withdraw from the agreement and take other appropriate action or make final the agreement's proposed order.

NordicTrack manufacturers and distributes various exercise equipment to consumers, including its cross-country ski exercisers. The Commission's complaint charges that respondent's advertising contained false or unsubstantiated representations relating to the weight loss and weight maintenance experience of NordicTrack owners. Specifically, the complaint alleges that the respondent did not possess adequate substantiation for claims that: (1) seventy or eighty percent of those who purchased a NordicTrack cross-country ski exerciser to lose weight lost an average of seventeen pounds; (2) eighty percent of those who purchased a NordicTrack cross-country ski exerciser to lose weight and lost weight using it maintained all of their weight loss for at least a year; (3) eighty percent of those who purchased a NordicTrack cross-country ski exerciser to lose weight maintained all of their weight loss at least a year; and (4) consumers who use NordicTrack cross-country ski exercisers for twenty minutes a day, three times per week, lose an average of eighteen pounds in twelve weeks. In addition, the complaint alleges that the respondent falsely represented that it had competent and reliable research or studies which prove these claims.

The complaint alleges that respondent based its success rate claims on studies which suffered from various methodological flaws. For example, the results of the studies reflect the experiences of only a highly selected population of purchasers who were able to integrate the NordicTrack cross-country ski exerciser into their regular, weekly, exercise regime. One such study involved putting thirty-eight participants through a rigorous twelve-week exercise program. Respondent based weight-loss claims on the average weight loss experienced by the twenty participants (53 percent) able to complete the program. The studies also failed to take into account changes in the dietary habits of purchasers. Furthermore, the studies were based on self-reported body weights, unadjusted for bias, which may yield inaccurate results.

The proposed consent order contains provisions designed to remedy the violations charged and to prevent the respondent from engaging in similar

acts and practices in the future. Part I of the proposed order would prohibit the company from making any claim for any exercise equipment regarding: (1) the percentage of its customers who have successfully lost weight; (2) the percentage of its customers who have successfully maintained weight loss; (3) the number of pounds lost by its customers; (4) the percentage of weight loss maintained by its customers; (5) the rate or speed at which its customers have experienced weight loss; (6) the length of time its customers must use such product to achieve weight loss; (7) the comparative efficacy of any other weight loss method or methods; or (8) the benefits, efficacy, or performance of such product in promoting weight loss or weight loss maintenance, unless at the time of making them, they possess and rely upon competent and reliable evidence.

Part II of the proposed order prohibits the company from misrepresenting in any manner, directly or by implication, the existence, contents, validity, results, conclusions, or interpretations of any test, study or survey relating to weight loss, weight loss maintenance or comparisons with the efficacy of other weight loss methods.

The proposed order also requires the respondent to maintain materials relied upon to substantiate claims covered by the order; to provide a copy of the consent agreement to all employees or representatives involved in the preparation and placement of the company's advertisements, as well as to all company executives and marketing and sales managers; to notify the Commission of any changes in corporate structure that might affect compliance with the order; and to file one or more reports detailing compliance with the order.

The purpose of this analysis is to facilitate public comment on the proposed order. 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. 96-4693 Filed 2-28-96; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[ORD-085-N]

New and Pending Demonstration Project Proposals Submitted Pursuant to Section 1115(a) of the Social Security Act: January 1996

AGENCY: Health Care Financing Administration (HCFA).

ACTION: Notice.

SUMMARY: This notice identifies proposals submitted during the month of January 1996 under the authority of section 1115 of the Social Security Act and those that were approved, disapproved, pending, or withdrawn during this time period. (This notice can be accessed on the Internet at [HTTP://WWW.SSA.GOV/HCFA/HCAHP2.HTML](http://WWW.SSA.GOV/HCFA/HCAHP2.HTML).)

FOR FURTHER INFORMATION CONTACT:

Susan Anderson, Office of Research and Demonstrations, Health Care Financing Administration, Mail Stop C3-11-07, 7500 Security Boulevard, Baltimore, MD 21244-1850. (410) 786-3996.

SUPPLEMENTARY INFORMATION:

I. Background

Under section 1115 of the Social Security Act (the Act), the Department of Health and Human Services (HHS) may consider and approve research and demonstration proposals with a broad range of policy objectives. These demonstrations can lead to improvements in achieving the purposes of the Act.

As part of our established procedures, we normally publish a monthly notice in the Federal Register with a listing of all new submissions, pending proposals, approvals, disapprovals, and withdrawn proposals. Proposals submitted in response to a grant solicitation or other competitive process are reported as received during the month that such grant or bid is awarded, so as to prevent interference with the awards process. In the month of December we received no new proposals and no changes to pending proposals.

II. New, Pending, Approved, and Withdrawn Proposals for the Month of January 1996

During the month of January 1996 we received no new Comprehensive Health Reform Programs or Other Section 1115 Demonstration Proposals. We did not approve or disapprove any proposals during January 1996 nor were any proposals withdrawn during that

month. Pending proposals for the month of November, 1995 published in the Federal Register on January 23, 1996, 61 FR 1769, remain unchanged for the month of January.

III. Requests for Copies of a Proposal

Requests for copies of a specific Medicaid proposal should be made to the State contact listed for the specific proposal in the notice published on January 23, 1996. If further help or information is needed, inquiries should be directed to HCFA at the address above.

(Catalog of Federal Domestic Assistance Program, No. 93.779; Health Financing Research, Demonstrations, and Experiments.)

Dated: February 21, 1996.

Bruce C. Vladeck,

Administrator, Health Care Financing Administration.

[FR Doc. 96-4573 Filed 2-28-96; 8:45 am]

BILLING CODE 4120-01-P

National Institutes of Health

National Institute of Dental Research; Notice of Closed Meeting of the National Advisory Dental Research Council

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting:

Name of Committee: National Advisory Dental Research Council.

Date: March 5, 1996.

Time: 1:00 p.m. to Adjournment.

Place: National Institutes of Health, 45 Center Drive, Natcher 4AS-10, Bethesda, Maryland 20892, (teleconference).

Contact Person: Dr. Dushanka V. Kleinman, Executive Secretary, National Advisory Dental Research Council, Building 31, Room 2C39, Bethesda, MD 20892, (301) 496-9469.

Purpose/Agenda: For the review, discussion and evaluation of individual grant application.

The meeting will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

This notice is being published less than fifteen days prior to the meeting due to the partial shutdown of the Federal Government and the urgent

need to meet timing limitations imposed by the review and funding cycle.

(Catalog of Federal Domestic Assistance Program No. 93.121, Dental Research Institute; National Institutes of Health, HHS)

Dated: February 26, 1996.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 96-4728 Filed 2-27-96; 10:29 am]

BILLING CODE 4140-01-M

National Institutes of Health

Division of Research Grants; Notice of Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following Division of Research Grants Special Emphasis Panel (SEP) meetings:

Purpose/Agenda: To review individual grant applications.

Name of SEP: Biological and Physiological Sciences.

Date: March 2, 1996.

Time: 8:00 a.m.

Place: American Inn of Bethesda, Bethesda, Maryland.

Contact Person: Dr. Nicholas Mazarella, Scientific Review Administrator, 6701 Rockledge Drive, Room 5128, Bethesda, Maryland 20892, (301) 435-1018.

Name of SEP: Biological and Physiological Sciences.

Date: March 7, 1996.

Time: 1:00 p.m.

Place: NIH, Rockledge 2, Room 5112, Telephone Conference.

Contact Person: Dr. Harish Chopra, Scientific Review Administrator, 6701 Rockledge Drive, Room 5112, Bethesda, Maryland 20892, (301) 435-1169.

Name of SEP: Biological and Physiological Sciences.

Date: March 14, 1996.

Time: 1:00 p.m.

Place: NIH, Rockledge 2, Room 5146, Telephone Conference.

Contact Person: Dr. Ramesh Nayak, Scientific Review Administrator, 6701 Rockledge Drive, Room 5146, Bethesda, Maryland 20892, (301) 435-1026.

This notice is being published less than 15 days prior to the above meetings due to the partial shutdown of the Federal Government and the urgent need to meet timing limitations imposed by the grant review and funding cycle.

The meetings will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the