

TRANSACTION GRANTED EARLY TERMINATION—Continued

ET date	Trans. No.	ET req status	Party name
		G	Medical & Technical Research Associates, Inc.
	19991611	G	Adecco SA.
		G	Delphi Group plc.
	19991611	G	Delphi Group plc.
	19991619	G	Charterhouse Equity Partners III, L.P.
		G	Healthcare Solutions, Inc.
		G	Healthcare Solutions, Inc.
	19991635	G	Gerald M. Jacobs.
		G	Metal Management, Inc.
		G	Superior Forge, Inc.
	19991646	G	Erivan Karl Haub.
		G	KSGS Management Company, L.P.
		G	SGSM Acquisition Company, LLC.
	19991651	G	Paul G. Allen.
		G	Softbank Corp.
		G	Ziff-Davis, Inc.
	19991653	G	Daniel Industries, Inc.
		G	Paul F. Zeck.
		G	Ryzek, Ltd.
		G	YZ Industries Sales, Inc.
	19991660	G	Code, Hennessey & Simmons III, L.P.
		G	Gary W. Schreiner.
		G	Products Unlimited Corporation.
	19991661	G	Code, Hennessey & Simmons III, L.P.
		G	Edward A. Chernoff.
		G	Products Unlimited Corporation.

FOR FURTHER INFORMATION CONTACT:

Sandra M. Peay or Parcellena P. Fielding Contact Representatives, Federal Trade Commission, Premerger Notification Office, Bureau of Competition, Room 303, Washington, D.C. 20580, (202) 326-3100.

By Direction of the Commission.

Donald S. Clark,
Secretary.

[FR Doc. 99-6124 Filed 3-11-99; 8:45 am]

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FEDERAL TRADE COMMISSION

[File No. 9623147]

American College for Advancement in Medicine; Reopening the Public Record to Extend the Period for Filing Public Comments on the Proposed Consent Agreement

AGENCY: Federal Trade Commission.

ACTION: Reopening the public record for filing comments.

SUMMARY: On December 16, 1998, the Federal Trade Commission ("the Commission") published a notice of a proposed consent agreement with the American College for Advancement in Medicine. The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices. The comment period expired on February 16, 1999. In light of significant interest

by the public, the Commission has reopened the public record in this matter and extended the comment period through March 31, 1999.

DATES: Comments must be received on or before March 31, 1999.

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

FOR FURTHER INFORMATION CONTACT:

Richard Cleland, FTC/S-4110, 601 Pennsylvania Avenue NW, Washington, DC 20580. (202) 326-3088.

SUPPLEMENTARY INFORMATION: On December 16, 1999, the Commission published its proposed consent agreement with the American College for Advancement in Medicine ("ACAM") and invited the public to submit comments on the agreement during a sixty day comment period that ended on February 16, 1999. The agreement addressed alleged violations of Section 5 and 12 of the Federal Trade Commission Act in connection with ACAM-produced advertising and promotional materials that promoted the use of EDTA chelation therapy for the treatment of atherosclerosis. The Commission alleged in its accompanying complaint that some of the claims contained in ACAM's materials were false and misleading. The Commission received approximately seven hundred and fifty comments during the public comment period. In light of the significant public

interest demonstrated by the large volume of comments received, the Commission is reopening the public record for reception of comments to be filed on or before March 31, 1999.

By the direction of the Commission, Commissioner Anthony dissenting.

Donald S. Clark,
Secretary.

Dissenting Statement of Commissioner Sheila F. Anthony; American College for Advancement of Medicine, F. 962-3147

This matter involves public health and safety, and the advertising at issue potentially poses grave risk to individuals who may rely on it. Therefore, I cannot agree to reopen and extend the public comment period through the end of March, 1999, on the matter *American College for the Advancement of Medicine*, File No. 962-3147. The sixty-day public comment period closed on February 16, 1999, after proper notice in the **Federal Register**, published by the Commission on December 16, 1998, and the Commission received over 600 comments within the prescribed period.

The consent agreement between the Commission and American College for the Advancement of Medicine ("ACAM"), a California corporation, settles alleged violations of federal law prohibiting unfair or deceptive acts or practices. ACAM has the burden of substantiating its advertising claims that

chelation therapy is proven effective in treating diseases of the human circulatory system, such as atherosclerosis, and it has not done so. Under the terms of the consent agreement, ACAM is prohibited from advertising that chelation therapy is an effective treatment for atherosclerosis without possessing and relying upon competent and reliable scientific evidence to support the representation. Should ACAM possess such evidence, it would be allowed to make the challenged claims.

The risk posed to individuals who rely on advertised medical misrepresentations may be literally a matter of life or death, particularly if the advertisements cause those individuals who need urgent medical care to forego proven treatments. Although I value public comment, I do not believe we should delay further the timely issuance of the Commission's final order accepting the consent agreement, especially on this public health and safety matter.¹

For these reasons, I must vote against reopening and extending the public comment period.

Separate Statement of Commissioner Orson Swindle in American College for Advancement of Medicine, File No. 962-3147

I want to emphasize one of my reasons for voting to extend the public comment period in this matter until March 31, 1999. Commissioner Anthony describes this extension as implicating health and safety issues that may be a matter of "life or death," but I do not share her dire assessment of the prospect for consumer injury. The respondent has not disseminated materials with the allegedly deceptive claims for several months, including during the sixty-day public comment period that ended on February 16, 1999. The respondent also have revised its materials to eliminate the allegedly deceptive claims. Given that the respondent did not disseminate the allegedly deceptive claims during the sixty-day public comment period and has revised its materials, the respondent is unlikely to make its allegedly deceptive claims during the extended public comment period. In light of this, the suggested "life or death" consequences seem unlikely results of an extension.

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¹ I recognize that the Commission, in the past, extended comment periods. I am unaware of such an extension being granted in a matter involving public health or safety.

FEDERAL TRADE COMMISSION

[Dkt. 9290]

Monier Lifetile LLC, et al.; 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 administrative complaint issued in September 1998 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 May 11, 1999.

ADDRESSES: Comments should be directed to: FTC/Office of the Secretary, Room 159, 6th St. and Pa. Ave., NW, Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: William Baer or Nicholas Koberstein, FTC/H-374, Washington, DC 20580. (202) 326-2932 or 326-2743.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and Section 3.25(f) of the Commission's Rules of Practice (16 CFR 3.25(f)), 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 March 2, 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, Sixth Street and 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 ("Commission") has accepted for public comment, from Monier Lifetile LLC ("Monier Lifetile"), Boral Ltd. ("Boral") and Lafarge S.A. ("Lafarge"), an agreement containing consent Order ("Agreement") designed to remedy the anticompetitive effects resulting from the formation of Monier Lifetile, a joint venture that combined the United States concrete roofing tile manufacturing and marketing operations of Boral and Redland PLC, a wholly-owned subsidiary of Lafarge. Under the terms of the agreement, Monier Lifetile, Boral and Lafarge ("Respondents") will be required to divest certain concrete roofing tile manufacturing assets to CRH PLC ("CRH"), an Irish corporation that manufactures materials and products for use in the construction industry. The Agreement has been placed on the public record for sixty (60) days for receipt of comments from 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 or make final the Agreement's Order ("Order").

The Commission issued an administrative Complaint on September 22, 1998, charging Boral and Lafarge with acquiring shares in and contributing assets to a joint venture limited liability corporation, Monier Lifetile, in violation of Section 7 of the Clayton Act, as amended, 15 U.S.C. 18, and Section 5 of the Federal Trade Commission Act, as amended, 15 U.S.C. 45, in the markets for standard-weight concrete roofing tile in Southern California, Nevada, Arizona and Southern Florida.

In September of 1997, Boral and Redland PLC combined their United States concrete roofing tile operations, Boral Lifetile, Inc. and Monier, Inc., to form Monier Lifetile. Monier Lifetile was formed as a limited liability company (LLC) under Delaware state law. The transaction was not reportable under the Hart-Scott-Rodino (HSR) Act because the joint venture was formed as an LLC. If this transaction had been consummated after March 1, 1999, it would have been reportable under Formal Interpretation 15 of the HSR rules. See 64 FR 5808 (February 5, 1999). Under Formal Interpretation 15, the formation of an LLC will be reportable if two or more pre-existing, separately controlled businesses will be