

the use of words, terms, depictions, or devices that may indicate that a product is made of any material when it is not. According to the Guides, industry members should not represent that a product is wholly of a particular composition when it is not, or that a product is leather when it contains ground, pulverized or shredded leather. Additionally, representations should not be made that a product is colored, finished, or dyed with aniline dye or otherwise dyed, embossed, grained, processed, finished or stitched in a certain manner when it is not. The Guides also discuss representations about the hardware, box, or frame of covered products. Use of the terms "waterproof," "dustproof," "warpproof," "scuffproof," and "scratchproof" is also covered by the Luggage Guides.

2. Shoe Content Guides

The Shoe Content Guides contain guidance for labeling and advertising shoe content. The Guides address use of the term "leather" on labels and labeling disclosures for simulated or imitation leather, concealed innersoles, split leather, embossed or processed leather, and ground or shredded leather. With regard to advertising, the Guides state that disclosures should be made in advertisements which depict non-leather parts of shoes or slippers which appear to be made of leather. The Guides contain guidance for use of the term "leather" in advertisements and for disclosures to be used with terms suggestive of leather. The Guides state that words or terms should not be used which would convey the impression that shoes or slippers are made of a certain material when they are not.

3. Handbag Guides

The Handbag Guides concern the potential misrepresentation of any feature of ladies' handbags and similar articles. The Guides provide guidance with respect to the disclosures which should be made regarding product composition and address the use of representations that a product is colored, finished, or dyed with aniline dye or otherwise dyed, embossed, grained, processed, finished or stitched in a certain manner when the claims are not true. Use of the terms "scuffproof," "scratchproof," "scuff resistant," and "scratch resistant" is also covered by the Ladies' Handbag Guides. The Guides also state that members of the industry should not make deceptive representations about the price of their products.

In addition, the Handbag Guides discuss the issues of price

discrimination, and discrimination in promotional allowances and services. The Guides state that industry members should neither grant nor knowingly induce or receive terms of trade in these respects that are improperly discriminatory. The Commission is concerned, however, that these interpretive statements in large part may be needlessly duplicative of sections (a) and (f) of the Robinson-Patman Act with respect to price discrimination, and duplicative of the so-called Fred Meyer Guides, which interpret sections (d) and (e) of the Robinson-Patman Act and section 5 of the Federal Trade Commission Act, with respect to discriminatory promotional allowances and services. See Guides for Advertising Allowances and Other Merchandising Payments and Services, 16 CFR part 240. Moreover, it is possible that general issues of price discrimination are best clarified through statements of general policy, such as that contained in the Fred Meyer Guides, rather than through industry-specific statements such as the Handbag Guides.

B. Questions for Comment

The Commission solicits comments on the following questions with respect to the Luggage Guides, the Shoe Content Guides, and the Handbag Guides:

- (1) Is there a continuing need for the Guides?
 - (a) What benefits have the Guides provided to purchasers of the products or services affected by the Guides?
 - (b) Have the Guides imposed costs on purchasers?
 - (2) What changes, if any, should be made to the Guides to increase the benefits of the Guides to purchasers?
 - (a) How would these changes affect the costs the Guides impose on firms subject to their requirements?
 - (b) Would it be useful to the affected industries if the Luggage Guides, the Shoe Content Guides, and the Handbag Guides were combined into one set of industry guides that address all of these products or leather products in general?
 - (3) What significant burdens or costs, including costs of adherence, have the Guides imposed on firms subject to their requirements?
 - (a) Have the Guides provided benefits to such firms?
 - (4) What changes, if any, should be made to the Guides to reduce the burdens of costs imposed on firms subject to their requirements?
 - (a) How would these changes affect the benefits provided by the Guides?
 - (5) Do the Guides overlap or conflict with other federal, state, or local laws or regulations?

(6) Since the Guides were issued, what effects, if any, have changes in relevant technology or economic conditions had on the Guides?

(7) Do members of the ladies' handbag industry require these industry-specific Guides for information about the standards applicable to price discrimination and discriminatory promotional allowances, or could equally helpful guidance be obtained from more general sources such as the Fred Meyer Guides?

Authority: 15 U.S.C. 41-58.

List of Subjects in 16 CFR Parts 24, 231, and 247

Advertising, Distribution, Labeling, Ladies' handbags, Luggage and related products, Price discrimination, Promotional allowances, Shoes, Trade practice.

By direction of the Commission.

Donald S. Clark,
Secretary.

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16 CFR Part 405

Request for Comments Concerning Rule on Misbranding and Deception as to Leather Content of Waist Belts

AGENCY: Federal Trade Commission.

ACTION: Request for public comments.

SUMMARY: The Federal Trade Commission (the "Commission") is requesting public comments on its Rule on Misbranding and Deception as to Leather Content of Waist Belts ("the Leather Belt Rule" or "the Rule"). The Commission is also requesting comments about the overall costs and benefits of the Rule and its overall regulatory and economic impact as a part of its systematic review of all current Commission regulations and guides. All interested persons are hereby given notice of the opportunity to submit written comments.

DATES: Written comments will be accepted until May 26, 1995.

ADDRESSES: Comments should be directed to: Secretary, Federal Trade Commission, Room H-159, Sixth and Pennsylvania Ave., NW., Washington, DC 20580. Comments about the Leather Belt Rule should be identified as "16 CFR Part 405—Comment."

FOR FURTHER INFORMATION CONTACT: Russell Deitch, Attorney, Federal Trade Commission, Los Angeles Regional Office, 11000 Wilshire Boulevard, Suite 13209, Los Angeles, CA 90024, (310) 235-7890.

SUPPLEMENTARY INFORMATION: The Commission has determined, as part of its oversight responsibilities, to review rules and guides periodically. These reviews will seek information about the costs and benefits of the Commission's rules and guides and their regulatory and economic impact. The information obtained will assist the Commission in identifying rules and guides that warrant modification or rescission.

If the Commission elects to retain the Leather Belt Rule after conducting this review, it intends to update certain terms to reflect statutory and policy changes that have occurred since the Leather Belt Rule was originally promulgated. The term "in commerce" in 16 CFR 405.1(a) and 405.4 will be changed to "in or affecting commerce" in conformance with the amended language of section 5 of the Federal Trade Commission Act (15 U.S.C. 45). The phrase "capacity and tendency to mislead and deceive" in 16 CFR 405.2(b) will be changed to conform with the language regarding deception that is set forth in *Cliffdale Associates, Inc.*, 103 F.T.C. 110 (1984) and subsequent cases. Finally, the language that "it constitutes an unfair method of competition and an unfair and deceptive act or practice" in 16 CFR 405.4 will also be revised to conform with the standard language for consumer protection rules.

A. Background

The Leather Belt Rule was promulgated by the Commission on June 27, 1964. It applies to the sale or offering for sale of men's and boy's belts, and women's and children's belts when not offered for sale as part of a garment. The Rule makes it an unfair method of competition and an unfair and deceptive act or practice to misrepresent a belt's leather content or the type of animal hide or skin from which the belt is made. For example, it is a violation of the Rule to label a belt as leather when it is not made from the hide or skin of an animal.

The Leather Belt Rule also prohibits the sale or distribution of belts without adequate disclosures as to their leather content or type of animal hide or skin if the appearance of the product would deceive consumers. For example, it is a violation of the Rule to sell a belt which has the appearance of leather, but which is made of synthetic materials, unless a disclosure is made on the product or on a tag or label affixed to the product which states that the belt is not leather.

B. Issues for Comment

At this time, the Commission solicits written public comments on the following questions:

(1) Is there a continuing need for the Rule?

(a) What benefits has the Rule provided to purchasers of the products or services affected by the Rule?

(b) Has the Rule imposed costs on purchasers?

(2) What changes, if any, should be made to the rule to increase the benefits of the Rule to purchasers?

(a) How would these changes affect the costs the Rule imposes on firms subject to its requirements?

(3) What significant burdens or costs, including costs of compliance, has the Rule imposed on firms subject to its requirements?

(a) Has the Rule provided benefits to such firms?

(4) What changes, if any, should be made to the Rule to reduce the burdens or costs imposed on firms subject to its requirements?

(a) How would these changes effect the benefits provided by the Rule?

(5) Does the Rule overlap or conflict with other federal, state, or local laws or regulations?

(6) Since the Rule was issued, what effects, if any, have changes in relevant technology or economic conditions had on the Rule?

List of Subjects in 16 CFR Part 405

Leather content of belts; Trade practices.

Authority: 15 U.S.C. 41-58.

By direction of the Commission.

Donald S. Clark,

Secretary.

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DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 913

[IL-090]

Illinois Regulatory Program

AGENCY: Office of Surface Mining Reclamation Enforcement (OSM), Interior.

ACTION: Proposed rule; public comment period and opportunity for public hearing.

SUMMARY: OSM is announcing receipt of a proposed amendment to the Illinois regulatory program (hereinafter referred

to as the Illinois program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment pertains to the merger of the Illinois Department of Mines and Minerals into the newly created Illinois Department of Natural Resources. The amendment is intended to provide formal notification to OSM of this pending reorganization.

DATES: Written comments must be received by 4:00 p.m., [C.S.T.], April 26, 1995. If requested, a public hearing on the proposed amendment will be held on April 21, 1995. Requests to speak at the hearing must be received by 4:00 p.m., [C.S.T.], on April 11, 1995.

ADDRESSES: Written comments and requests to speak at the hearing should be mailed or hand delivered to Mr. James F. Fulton, Director, Springfield Field Office, at the address listed below.

Copies of the Illinois program, the proposed amendment, a listing of any scheduled public hearings, and all written comments received in response to this document will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive one free copy of the proposed amendment by contacting OSM's Springfield Field Office.

James F. Fulton, Director, Springfield Field Office, Office of Surface Mining Reclamation and Enforcement, 511 West Capitol, Suite 202, Springfield, Illinois 62704, Telephone: (217) 492-4495.

Illinois Department of Mines and Minerals, 300 West Jefferson Street, Suite 300, Springfield Illinois 62791, Telephone: (217) 782-4970.

FOR FURTHER INFORMATION CONTACT: James F. Fulton, Director, Springfield Field Office, Telephone: (217) 492-4495.

SUPPLEMENTARY INFORMATION:

I. Background on the Illinois Program

On June 1, 1982, the Secretary of the Interior conditionally approved the Illinois program. Background information on the Illinois program, including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the June 1, 1982, **Federal Register** (47 FR 23883). Subsequent actions concerning the conditions of approval and program amendments can be found at 30 CFR 913.15, 913.16, and 913.17.

II. Description of the Proposed Amendment

By letter dated March 3, 1995 (Administrative Record No. IL-1700),