

## TRANSACTIONS GRANTED EARLY TERMINATION BETWEEN: 010395 AND 011395—Continued

Name of acquiring person, name of acquired person, name of acquired entity	PMN No.	Date terminated
Gemina S.p.A, Marco Rivetti/Giovanna Rivetti, Gruppo Finanziario Tessile, S.p.A .....	95-0774	01/13/95
Vestar Equity Partners, L.P., Astrum International Corporation, Anvil Knitwear division .....	95-0778	01/13/95
Code, Hennessy & Simmons II, L.P., Harold Kay, Whitney Corr-Pak International .....	95-0791	01/13/95
Code, Hennessy & Simmons II, L.P., J. Anton Schiffenhaus, Whitney Corr-Pak International .....	95-0792	01/13/95
Code, Hennessy & Simmons II, L.P., Laurence C. Schiffenhaus, Whitney Corr-Pak International .....	95-0793	01/13/95
CRH plc, Arizona Block Manufacturing, Inc., Superlite Block .....	95-0794	01/13/95
CRH plc, CRH plc, Superlite Block .....	95-0799	01/13/95
Sodexo S.A., Gardner Merchant Services Group Limited, Gardner Merchant Services Group Limited .....	95-0800	01/13/95
Apache Corporation, Texaco Inc., Texaco Exploration and Production Inc .....	95-0803	01/13/95
United Parcel Service of America, Inc., Ray R. Thurston, Sonic Couriers of Arizona, Inc., and Sonic Telex .....	95-0813	01/13/95
Ray R. Thurston, United Parcel Service of America, Inc., United Parcel Service of America, Inc .....	95-0814	01/13/95
Champion Enterprises, Inc., Chandeaur Homes, Inc., Chandeaur Homes, Inc .....	95-0815	01/13/95
Champion Enterprises, Inc., Crest Ridge Homes, Inc., Crest Ridge Homes, Inc .....	95-0816	01/13/95
Southern New England Telecommunications Corporation, Bell Atlantic Corporation, Bell Atlantic Corporation ...	95-0818	01/13/95
The Ho Family Trust, Gus A. Paloian (Trustee in Bankruptcy), LeMeridien Chicago Hotel .....	95-0819	01/13/95
AmeriChoice Corporation, Beatrice Welters, Atlantic Systems, Inc .....	95-0825	01/13/95
Beatrice Welters, AmeriChoice Corporation, AmeriChoice Corporation .....	95-0826	01/13/95
Edgar Rios, AmeriChoice Corporation, AmeriChoice Corporation .....	95-0827	01/13/95

**FOR FURTHER INFORMATION CONTACT:**

Sandra M. Peay or Renee A. Horton,  
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. 95-2303 Filed 1-30-95; 8:45 am]

BILLING CODE 6750-01-M

[Dkt. C-3547]

**The American Tobacco Company;  
Prohibited Trade Practices, and  
Affirmative Corrective Actions**

**AGENCY:** Federal Trade Commission.

**ACTION:** Consent order.

**SUMMARY:** In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order prohibits, among other things, a Connecticut-based company from disseminating advertising, for Carlton or any other cigarettes, that represents that consumers will get less tar or nicotine by smoking any number of cigarettes of any of its brands than by smoking one or more cigarettes of any other brand, unless such representations are both true and substantiated by competent and reliable scientific evidence.

**DATES:** Complaint and Order issued January 3, 1995.<sup>1</sup>

**FOR FURTHER INFORMATION CONTACT:**

<sup>1</sup> Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H-130, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

C. Lee Peeler or Shira Modell, FTC/S-4002 Washington, D.C. 20580. (202) 326-3090 or 326-3116.

**SUPPLEMENTARY INFORMATION:** On Thursday, October 13, 1994, there was published in the **Federal Register**, 59 FR 51980, a proposed consent agreement with analysis In the Matter of The American Tobacco Company, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

**Donald S. Clark,**

*Secretary.*

[FR Doc. 95-2304 Filed 1-30-95; 8:45 am]

BILLING CODE 6750-01-M

[Dkt. C-1010]

**Armstrong Cork Company; Prohibited  
Trade Practices and Affirmative  
Corrective Actions**

**AGENCY:** Federal Trade Commission.

**ACTION:** Set aside order.

**SUMMARY:** This order reopens a 1965 consent order that settled allegations that the respondent engaged in resale price-maintenance, and sets aside the consent order pursuant to the Commission's Sunset Policy Statement,

under which the Commission presumes that the public interest requires terminating competition orders that are more than 20 years old.

**DATES:** Consent order issued November 3, 1965. Set aside order issued December 23, 1994.

**FOR FURTHER INFORMATION CONTACT:** Daniel Ducore, FTC/S-2115, Washington, D.C. 20580. (202) 326-2526.

**SUPPLEMENTARY INFORMATION:** In the Matter of Armstrong Cork Company. The prohibited trade practices and/or corrective actions are removed as indicated.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; Sec. 2, 49 Stat. 1526; 15 U.S.C. 45, 13)

In the Matter of: Armstrong Cork Company, a corporation, Docket No. C-1010.

**Order Reopening Proceeding and  
Setting Aside Order**

On September 6, 1994, Armstrong World Industries, Inc. ("Armstrong"), the successor to Armstrong Cork Company, filed a Petition to Reopen Proceedings and Set Aside Order ("Petition") in this matter. Armstrong requests that the Commission set aside the 1965 consent order in this matter pursuant to Rule 2.51 of the Commission's Rules of Practice, 16 CFR 2.51, and the Statement of Policy With Respect to Duration of Competition Orders and Statement of Intention to Solicit Public Comment With Respect to Duration of Consumer Protection Orders, issued July 22, 1994, published at 59 Fed. Reg. 45,286-92 (Sept. 1, 1994) ("Sunset Policy Statement"). In the Petition, Armstrong affirmatively states that it has not engaged in any conduct violating the terms of the order. The

Request was placed on the public record, and the thirty-day comment period expired on October 14, 1994. No comments were received.

The Commission in its July 22, 1994, Sunset Policy Statement said, in relevant part, that "effective immediately, the Commission will presume, in the context of petitions to reopen and modify existing orders, that the public interest requires setting aside orders in effect for more than twenty years."<sup>1</sup> The Commission's order in Docket No. C-1010 was issued on November 3, 1965, and has been in effect for more than twenty-nine years. Consistent with the Commission's July 22, 1994, Sunset Policy Statement, the presumption is that the order should be terminated. Nothing to overcome the presumption having been presented, the Commission has determined to reopen the proceeding and set aside the order in Docket No. C-1010.

Accordingly, it is ordered that this matter be, and it hereby is, reopened;

It is further ordered that the Commission's order in Docket No. C-1010 be, and it hereby is, set aside, as of the effective date of this order.

By the Commission.

**Donald S. Clark,**

*Secretary.*

[FR Doc. 95-2305 Filed 1-30-95; 8:45 am]

BILLING CODE 6750-01-M

[File No. 922 3212]

**Formu-3 International, Inc., et al.;  
Proposed Consent Agreement With  
Analysis To Aid Public Comment**

**AGENCY:** Federal Trade Commission.

**ACTION:** Proposed consent agreement.

**SUMMARY:** In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would prohibit, among other things, the Ohio weight-loss centers from making false and unsubstantiated weight-loss and weight-loss maintenance claims, and from misrepresenting the price of the program in any way, and would require the respondents to make certain disclosures in conjunction with weight-loss and safety maintenance claims in the future.

**DATES:** Comments must be received on or before April 3, 1995.

**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:**

Brenda Doubrava, Cleveland Regional Office, Federal Trade Commission, 520-A Atrium Office Plaza, 668 Euclid Ave., Cleveland, Ohio 44114-3006. (216) 522-4210.

**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 following 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. 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)).

In the Matter of: Formu-3 International, Inc., a corporation, Formu-3 of Northern Ohio, Inc., a corporation, and Formu-3 of Southern Ohio, Inc., a corporation, File No. 922 3212.

**Agreement Containing Consent Order  
To Cease and Desist**

The Federal Trade Commission having initiated an investigation of certain acts and practices of Formu-3 International, Inc., a corporation, Formu-3 of Northern Ohio, Inc., a corporation, and Formu-3 of Southern Ohio, Inc., a corporation ("proposed respondents"), and it now appearing that proposed respondents are willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated,

It is hereby agreed by and between Formu-3 International, Inc., a Formu-3 of Northern Ohio, Inc., and Formu-3 of Southern Ohio, Inc., by their duly authorized officers, and their attorneys, and counsel for the Federal Trade Commission that:

1. Proposed respondents Formu-3 International, Inc., Formu-3 of Northern Ohio, Inc., and Formu-3 of Southern Ohio, Inc., are corporations organized, existing, and doing business under and by virtue of the laws of the State of Ohio. The principal place of business of all three corporations is located at 4790 Douglas Circle NW., Canton, Ohio 44718.

2. Proposed respondents admit all the jurisdictional facts set forth in the draft complaint.

3. Proposed respondents waive:

- (a) Any further procedural steps;
- (b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law;
- (c) All rights to seek judicial review or otherwise to challenge or contest the validity of the Order entered pursuant to this agreement; and
- (d) Any claim under the Equal Access to Justice Act, 5 U.S.C. 504.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the draft complaint, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondents, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondents of facts, other than jurisdictional facts, or of violations of law as alleged in the draft of complaint.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondents: (a) issue its complaint corresponding in form and substance with the draft complaint and its decision containing the following Order to cease and desist in disposition of the proceeding; and (b) make information public in respect thereto. When so entered, the Order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The Order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to Order to proposed respondents' addresses as stated in this agreement shall constitute service. Proposed respondents waive any right they may have to any other manner of service. The complaint may be used in construing the terms of the Order, and no agreement, understanding, representation, or interpretation not contained in the

<sup>1</sup> See Sunset Policy Statement, 59 Fed. Reg. at 45,289.