

prohibits it from displaying the name of any GM car division on any engine or visible attachment to the engine unless that engine is manufactured by that division. GM filed a petition on July 7, 1995, requesting the Commission to reopen and modify the order to allow GM to display a passenger car's nameplate on the engine or visible attachment to the engine if the engine is materially different from other engines in GM cars under other nameplates. This document announces the public comment period on this petition.

**DATES:** The deadline for filing comments in this matter is August 25, 1995.

**ADDRESSES:** Comments should be sent to the Office of the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580. Requests for copies of the petition should be sent to the Public Reference Branch, Room 130.

**FOR FURTHER INFORMATION CONTACT:**

Thomas D. Massie, Attorney, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, (202) 326-2982.

**SUPPLEMENTARY INFORMATION:** The order in Docket No. C-2966 was issued on May 18, 1979, and reported at 93 F.T.C. 860. GM argues that changed conditions of fact require modifying the order. In 1979, GM passenger car divisions manufactured engines. Passenger car divisions ceased manufacturing engines in 1984. Through a series of organizational changes, the manufacture of passenger car engines is now under the Power Train Group. The Power Train Group produces engines and transmissions for all GM passenger cars except Saturn. As a consequence, the order provision prohibiting the placement of a car divisions's name on the engine unless it was manufactured by that division has prevented GM from placing the name of car division, such as Cadillac, on the engine of any passenger car produced by GM. GM seeks to place the nameplate of a passenger car on the engine only if it is unique to that nameplate because of material differences such as horsepower or displacement from similar engines used in different nameplates.

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

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[Dkt. C-3591]

**Mattel, Inc.; 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 California-based corporation from representing that any aerosol product it sells offers any environmental benefit, unless it can substantiate the claim.

**DATES:** Complaint and Order issued June 23, 1995.<sup>1</sup>

**FOR FURTHER INFORMATION CONTACT:** Michael Dershowitz, FTC/S-4002, Washington, D.C. 20580, (202) 326-3158.

**SUPPLEMENTARY INFORMATION:** On Friday, April 14, 1995, there was published in the **Federal Register**, 60 FR 19068, a proposed consent agreement with analysis In the Matter of Mattel, Inc., 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. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

**Benjamin I. Berman,**  
*Acting Secretary.*

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[File No. 941-0107]

**Santa Clara County Motor Car Dealers Association; 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

<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 and Pennsylvania Avenue, N.W., Washington, D.C. 20580

unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would prohibit, among other things, a California association from carrying out, participating in, inducing or assisting any boycott or concerted refusal to deal with any newspaper, periodical, television or radio station, and would require the association to amend its by-laws to incorporate the stipulated prohibition, and to distribute the amended by-laws and the final Commission order to each of its members.

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

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

**FOR FURTHER INFORMATION CONTACT:** Ralph Stone, San Francisco Regional Office, Federal Trade Commission, 901 Market St., Suite 570, San Francisco, CA 94103. (415) 744-7920.

**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 and 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 Rule of Practice (16 CFR 4.9(b)(6)(ii)).

In the Matter of: Santa Clara County Motor Car Dealers Association, an unincorporated association; File No. 941-0107.

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

The Federal Trade Commission, having initiated an investigation of certain acts and practices of the Santa Clara County Motor Car Dealers Association, an unincorporated association, and it now appearing that the Santa Clara County Motor Car Dealers Association, hereinafter sometimes referred to as the "Association" or "proposed respondent," is willing to enter into an agreement containing an order to cease and desist from the acts and practices being investigated,

It is Hereby Agreed by and between the Association, by its duly authorized

officers, and its attorney, and counsel for the Federal Trade Commission that:

1. The Association is an unincorporated association organized, existing, and doing business under and by virtue of the laws of the State of California, with its office and principal place of business at 336 East Hamilton Avenue, Campbell, California 95008.

2. The Association admits all the jurisdictional facts set forth in the draft of Complaint.

3. The Association waives:

(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) All claims 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 of Complaint contemplated thereby, 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 respondent, 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 respondent that the law has been violated as alleged in the draft of Complaint, or that the facts as alleged in the draft of Complaint, other than the jurisdictional facts, are true.

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 Section 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondent, (a) issue its Complaint corresponding in form and substance with the draft of 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 respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it 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 Order or the agreement may be used to vary or contradict the terms of the Order.

7. Proposed respondent has read the proposed Complaint and Order contemplated hereby. Proposed respondent understands that once the Order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the Order. Proposed respondent further understands that it may be liable for civil penalties in the amount provided by law for each violation of the Order after it becomes final.

#### **Order**

##### *I*

It Is Ordered that, for the purposes of this Order, "respondent" or "Association" shall mean the Santa Clara County Motor Car Dealers Association, its predecessors, successors and assigns, and its directors, committees, officers, delegates, representatives, agents, and employees.

##### *II*

It Is Further Ordered that the Association, directly or indirectly, or through any person or any corporate or other device, in or in connection with its activities as a trade association, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, shall forthwith cease and desist from carrying out, participating in, inducing, suggesting, urging, encouraging, or assisting any boycott of, or concerted refusal to deal with, any newspaper, periodical, television station, or radio station; provided, however, that nothing in this Order shall prohibit the Association or any of its members from establishing, participating in, or maintaining joint advertising programs, so long as such joint advertising programs are not a part of any boycott or concerted refusal to deal and do not otherwise violate this Order.

##### *III*

It Is Further Ordered that the Association shall:

A. Within sixty (60) days after the date this Order becomes final, amend its by-laws to incorporate by reference Paragraph II of this Order, and distribute by first-class mail a copy of the amended by-laws to each of its members;

B. Within thirty (30) days after the date this Order becomes final, distribute by first-class mail a copy of this Order and the Complaint to each of its members;

C. For a period of five (5) years after the date this Order become final, provide each new member with a copy of this Order, the complaint, and the amended by-laws within thirty (30) days of the new member's admission to the Association; and

D. Within seventy-five (75) days after the date this Order becomes final, and annually thereafter for a period of five (5) years on the anniversary of the date this Order became final, file with the Secretary of the Commission a verified written report setting forth in detail the manner and form in which the Association has complied with and is complying with this Order.

##### *IV*

It Is Further Ordered that the Association shall notify the Commission at least thirty (30) days prior to any change in the Association, such as dissolution or reorganization resulting in the emergence of a successor corporation or association, or any other change in the corporation or association which may affect compliance obligations arising out of this Order.

##### *V*

It Is Further Ordered that, for the purpose of determining or securing compliance with this Order, respondent shall permit any duly authorized representative of the Commission:

A. Upon seven (7) days' notice to respondent, to have access, during office hours and in the presence of counsel, to inspect and copy all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of respondent relating to any matters contained in this Order; and

B. Upon seven (7) days' notice to respondent and without restraint or interference from it, to interview officers, directors, or employees of respondent.

VI

It Is Further Ordered that this Order shall terminate twenty (20) years from the date this Order becomes final.

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

The Federal Trade Commission has accepted, subject to final approval, an agreement to a proposed consent order from the Santa Clara County Motor Car Dealers Association ("Association").

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 or make final the agreement's proposed order.

**Description of the Complaint**

A complaint prepared for issuance by the Commission along with the proposed order alleges that the Association and at least some of its members agreed that members would cancel advertising in, and thereafter collectively withhold advertising from, the San Jose Mercury News newspaper in retaliation for a Mercury News article that was intended to educate consumers on how to analyze the manufacturer's factory invoice as part of the automobile-buying process. Armed with this information, the consumer may be better equipped to negotiate a lower price.

The complaint alleges that the purposes or effects of the agreement were to restrain competition among new

automobile and truck dealers in Santa Clara County, California, and to deprive consumers of truthful information pertinent to the purchase of new automobiles and trucks. Agreements not to disseminate information through advertising can make it more difficult for consumers to choose among automobile dealers by preventing direct interbrand and intrabrand comparisons of dealers' automobiles and their prices and services, and thus may increase consumer search costs. Moreover, the use of the combined economic power of the automobile dealers to affect a newspaper's editorial content may chill the publication of information that would lower search costs and make readers more effective consumers.

**Description of the Proposed Consent Order**

The proposed order would prohibit the Association from carrying out, participating in, inducing, suggesting, urging, encouraging, or assisting any boycott of, or concerted refusal to deal with, any newspaper, periodical, television station, or radio station.

The proposed order would permit the Association to establish, participate in, and maintain joint advertising programs, so long as such joint advertising programs are not part of any boycott or concerted refusal to deal.

The proposed order would require the Association to amend its by-laws to incorporate by reference the order. It would also require the Association to distribute a copy of the amended by-laws, the order, and the complaint to each of its members, file compliance reports, and notify the Commission of certain changes in its structure.

Finally, the proposed order contains a twenty year "sunset" provision. Under this provision, the terms of the order shall terminate twenty years after the date the order becomes final.

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

The proposed consent order has been entered into for settlement purposes only and does not constitute an admission by the Association that the law has been violated as alleged in the complaint.

**Benjamin I. Berman,**  
*Acting Secretary.*

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**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Administration for Children and Families**

**Agency Information Collection Under OMB Review**

*Title:* Uniform Reporting Requirements for IV-A and IV-F Funded Child Care for Non-JOBS Participants, Tribal JOBS Participants, Transitional Child Care and At-Risk Child Care.

*OMB No.:* 0970-0115.

*Description:* Title IV-A and IV-F funded child care data collection form ACF-115. States are required to report child care data on a quarterly basis.

*Respondents:* State governments.

Title	Number of respondents	Number of responses per respondent	Average burden per response	Burden
ACF-115 .....	54	4	35	7560

*Estimated Total Annual Burden Hours:* 7,560.

*Additional Information:* Copies of the proposed collection may be obtained by writing to The Administration for Children and Families, Office of Information Systems, 370 L'Enfant Promenade, S.W., Washington, D.C. 20447, Attn: ACF Reports Clearance Officer.

*OMB Comment:* Consideration will be given to comments and suggestions received within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent

directly to the following: Office of Management and Budget, Paperwork Reduction Project, 725 17th Street, NW., Washington, D.C. 20503, Attn: Ms. Wendy Taylor.

Dated: August 1, 1995.

**Roberta Katson,**

*Acting Director, Office of Information Resource Management.*

[FR Doc. 95-19277 Filed 8-3-95; 8:45 am]

BILLING CODE 4184-01-M

**Office of Child Support Enforcement; Statement of Organization, Functions, and Delegations of Authority**

This notice amends Part K of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (DHHS), Administration for Children and Families (ACF) as follows: Chapter KF, The Office of Child Support Enforcement (OCSE) (56 FR 42341), as last amended, August 27, 1991. This reorganization will establish a new office within the OCSE.