

Warren L. Dean, Jr., Thompson Coburn LLP., 1909 K Street, NW., Suite 600, Washington, DC 20006-1167. It is also requested that a copy of the comment be submitted in electronic form (WordPerfect, Word or ASCII) on diskette or e-mailed to [secretary@fmc.gov](mailto:secretary@fmc.gov).

The Petition will be posted on the Commission's homepage at <http://www.fmc.gov/Docket%20Log/Docket%20Log%20Index.htm>. All comments on the Petition will also be posted on the Commission's homepage at this location. Copies of the Petition also may be obtained by sending a request to the Office of the Secretary by regular mail, e-mail, or by calling (202) 523-5725.

Interested parties may also make oral presentations in this proceeding. At the discretion of individual Commissioners, interested persons may request one-on-one meetings at which they may make presentations describing their views on the Petition. All meetings shall be completed before the close of the comment period. A summary or transcript of each oral presentation will be included in the record and must be submitted to the Secretary of the Commission within 5 days of the meeting. Persons wishing to make oral presentations should contact the Office of the Secretary to secure contact names and numbers for individual Commissioners.

Comments submitted in response to this Notice shall be limited to the merits of this Petition. Commenters shall not use this as an opportunity to submit further comments or replies to Petition Nos. P3-03, P5-03, P7-03, P8-03, P9-03, P1-04 and P2-04 or any replies thereto. The comment period in these petitions is closed and the Commission's rules at 46 CFR 502.74 prohibit replies to replies.

Parties participating in this proceeding may elect to receive service of the Commission's issuances in this proceeding through e-mail in lieu of service by U.S. mail. A party opting for electronic service shall advise the Office of the Secretary in writing and provide an e-mail address where service can be made. Such request should be directed to [secretary@fmc.gov](mailto:secretary@fmc.gov).

**Bryant L. VanBrakle,**  
*Secretary.*

[FR Doc. 04-6394 Filed 3-22-04; 8:45 am]

BILLING CODE 6730-01-P

## FEDERAL MARITIME COMMISSION

### Sunshine Act Meeting

**TIME AND DATE:** 10 a.m.—March 31, 2004.

**PLACE:** 800 North Capitol Street, NW., First Floor Hearing Room, Washington, DC.

**STATUS:** A portion of the meeting will be open to the public and the remainder of the meeting will be closed.

**MATTERS TO BE CONSIDERED:** The open portion of the meeting:

1. *Docket No. 04-02*—Optional rider for proof of additional NVOCC financial responsibility.

The closed portion of the meeting:

1. *Petition No. P3-99*—Petition of China Ocean Shipping (Group) Company for a partial exemption from the Controlled Carrier Act.

2. *Petition No. P4-03*—Petition of China Shipping Container Lines Co., Ltd. for permanent full exemption from the first sentence of section 9(C) of the Shipping Act of 1984.

3. *Petition No. P6-03*—Petition of SINOTRANS Container Lines Co., Ltd. (SINOLINES) for a full exemption from the first sentence of section 9(c) of the Shipping Act of 1984, as amended.

4. *Docket No. 98-14*—Shipping restrictions, requirements and practices of the People's Republic of China.

**CONTACT PERSON FOR MORE INFORMATION:** Bryant L. VanBrakle, Secretary, (202) 523-5725.

**Bryant L. VanBrakle,**  
*Secretary.*

[FR Doc. 04-6634 Filed 3-19-04; 3:13 pm]

BILLING CODE 6730-01-M

## FEDERAL RESERVE SYSTEM

### Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments

must be received not later than April 6, 2004.

**A. Federal Reserve Bank of Chicago** (Patrick Wilder, Managing Examiner) 230 South LaSalle Street, Chicago, Illinois 60690-1414:

1. *Mark Bradley Richardson*, Thetford Center, Vermont, and Kimberly Ann Richardson, Atlanta, Georgia, as trustees of the 1988 Irrevocable Trust of Coyn V. Richardson; to acquire additional voting shares of Cowden Bancorp, Inc., Springfield, Illinois, and thereby indirectly acquire Community Banks of Shelby County, Cowden, Illinois.

**B. Federal Reserve Bank of Kansas City** (James Hunter, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

1. *Gary D. and Donna L. Bunch*, both of Edmond, Oklahoma; to retain control of Exchange Bancshares of Moore, Inc., Moore, Oklahoma, and thereby indirectly retain voting shares of Exchange National Bank, Moore, Oklahoma.

Board of Governors of the Federal Reserve System, March 17, 2004.

**Robert deV. Frierson,**

*Deputy Secretary of the Board.*

[FR Doc. 04-6411 Filed 3-22-04; 8:45 am]

BILLING CODE 6210-01-S

## FEDERAL RESERVE SYSTEM

### Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise

noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at [www.ffiec.gov/nic/](http://www.ffiec.gov/nic/).

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 16, 2004.

**A. Federal Reserve Bank of Chicago** (Patrick Wilder, Managing Examiner)  
230 South LaSalle Street, Chicago, Illinois 60690-1414:

1. *Community State Bank Employee Stock Ownership Plan and Trust*, Union Grove, Wisconsin; to increase its ownership to at least 31.90 percent of the voting shares of Union Bancorporation, Inc., Union Grove, Wisconsin, and thereby indirectly acquire Community State Bank, Union Grove, Wisconsin.

Board of Governors of the Federal Reserve System, March 17, 2004.

**Robert deV. Frierson,**

*Deputy Secretary of the Board.*

[FR Doc. 04-6412 Filed 3-22-04; 8:45 am]

BILLING CODE 6210-01-S

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## FEDERAL TRADE COMMISSION

[File No. 012 3248]

### **Creative Health Institute, Inc., 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 draft complaint that accompanies the consent agreement 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 April 16, 2004.

**ADDRESSES:** Comments filed in paper form should be directed to: FTC/Office of the Secretary, Room 159-H, 600 Pennsylvania Avenue, NW., Washington, DC 20580. Comments filed in electronic form should be directed to: [consentagreement@ftc.gov](mailto:consentagreement@ftc.gov), as prescribed in the Supplementary Information section.

**FOR FURTHER INFORMATION CONTACT:** Heather Hipsley or Shira Modell, FTC, Bureau of Consumer Protection, 600

Pennsylvania Avenue, NW., Washington, DC 20580, (202) 326-3285 or 326-3116.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46(f), and § 2.34 of the Commission's Rules of Practice, 16 CFR 2.34, 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 thirty (30) 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 17, 2004), on the World Wide Web, at <http://www.ftc.gov/os/2004/03/index.htm>. A paper copy can be obtained from the FTC Public Reference Room, Room 130-H, 600 Pennsylvania Avenue, NW., Washington, DC 20580, either in person or by calling (202) 326-2222.

Public comments are invited, and may be filed with the Commission in either paper or electronic form. Comments filed in paper form should be directed to: FTC/Office of the Secretary, Room 159-H, 600 Pennsylvania Avenue, NW., Washington, DC 20580. If a comment contains nonpublic information, it must be filed in paper form, and the first page of the document must be clearly labeled "confidential." Comments that do not contain any nonpublic information may instead be filed in electronic form (in ASCII format, WordPerfect, or Microsoft Word) as part of or as an attachment to email messages directed to the following e-mail box: [consentagreement@ftc.gov](mailto:consentagreement@ftc.gov). Such comments 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 has accepted, subject to final approval, an agreement containing a consent order from Creative Health Institute, Inc., and Kyl L. Smith, individually and as an officer of the corporation.

The proposed consent order has been placed on the public record for thirty (30) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) 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.

This matter involves practices relating to the advertising and promotion of Focus Factor, a dietary supplement containing, among other things, vitamins, minerals, botanicals, and amino acids. Marketing materials for Focus Factor claimed that the product enhanced brain function and improved the focus, memory, mood, concentration, and energy of children, adults, and seniors.

According to the FTC complaint, the respondents failed to have substantiation for their claims that Focus Factor: (a) Improves the focus, memory, and concentration of healthy adults; (b) alleviates stress and combats the fatigue, irritability and mood swings that healthy adults experience; (c) makes children and teenagers feel more alert, focused, and mentally sharp; (d) improves students' ability to concentrate and their academic performance; (e) improves senior citizens' memory, mental clarity, and energy; (f) improves adults' ability to absorb information in books and to recall facts, figures and names; and (g) works in as little as one to ten days.

The complaint also alleges that the respondents failed to disclose that certain of the endorsers who appeared in advertising for Focus Factor had material connections with the product.

The proposed consent order contains provisions designed to prevent the respondents from engaging in similar acts and practices in the future.

Part I of the order prohibits claims that Focus Factor or any substantially similar product (defined as any ingestible dietary supplement containing one or more specified ingredients): (a) Improves the focus, memory, and concentration of healthy adults; (b) alleviates stress, fatigue, irritability and mood swings in healthy adults; (c) makes children and teenagers feel more alert, focused, and mentally sharp; (d) improves students' ability to concentrate and their academic performance; (e) improves senior citizens' memory, mental clarity, and energy; (f) improves adults' ability to absorb information in books and to recall facts, figures and names; or (g) works in as little as one to ten days, unless the claims are substantiated by competent and reliable scientific evidence.

Part II requires that the respondents possess competent and reliable scientific evidence to support any future claims about the benefits, performance, or efficacy of any food, drug, or dietary supplement for: (a) The brain or any