

Reserve System, Washington, DC 20551, not later than January 29, 1996.

Board of Governors of the Federal Reserve System, December 27, 1995.

Jennifer J. Johnson,

*Deputy Secretary of the Board.*

[FR Doc. 96-00010 Filed 1-2-96; 8:45 am]

BILLING CODE 6210-01-F

**Ohio Valley Banc Corp., et al.; Notice of Applications to Engage de novo in Permissible Nonbanking Activities**

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than January 19, 1996.

A. Federal Reserve Bank of Cleveland (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Ohio Valley Banc Corp.*, Gallipolis, Ohio; to engage *de novo* through its

subsidiary, Loan Central, Inc., in secured and unsecured consumer and commercial lending activities pursuant to § 225.25(b)(1)(iii) of the Board's Regulation Y. These activities are to be performed in Gallipolis, Ohio and South Point, Ohio.

B. Federal Reserve Bank of San Francisco (Kenneth R. Binning, Director, Bank Holding Company) 101 Market Street, San Francisco, California 94105:

1. *Wells Fargo & Company*, San Francisco, California; to engage *de novo* in data processing and data transmission services through the ownership, installation, operation, and maintenance of automatic teller machines in the State of Oregon, pursuant to § 225.25(b)(7) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, December 27, 1995.

Jennifer J. Johnson,

*Deputy Secretary of the Board.*

[FR Doc. 96-00009 Filed 1-2-96; 8:45 am]

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**Royal Bank of Canada, Montreal, Quebec, Canada; Notice to Engage in Certain Nonbanking Activities**

Royal Bank of Canada, Montreal, Quebec, Canada (Applicant), has given notice pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) (BHC Act) and section 225.23 of the Board's Regulation Y (12 CFR 225.23), to acquire 20 percent of the voting shares of MECA Software, L.L.C., Fairfield, Connecticut (Company), a joint venture, and thereby engage in the development, production, and provision of home banking and financial management software, pursuant to section 225.25(b)(7) of Regulation Y (12 CFR 225.25(b)(7)). Company is currently owned by national banking subsidiaries of BankAmerica Corporation, San Francisco, California (BankAmerica), and NationsBank Corporation, Charlotte, North Carolina (NationsBank). Upon consummation of this proposal, national banking subsidiaries of Fleet Financial Group, Inc., Providence, Rhode Island, First Bank Systems, Inc., Minneapolis, Minnesota, BankAmerica, and NationsBank, would also each own 20 percent of Company. Company proposes to conduct these activities throughout the United States and Canada.

Section 4(c)(8) of the BHC Act provides that a bank holding company may, with Board approval, engage in any activity "which the Board after due notice and opportunity for hearing has

determined (by order or regulation) to be so closely related to banking or managing or controlling banks as to be a proper incident thereto." 12 U.S.C. 1843(c)(8). In publishing the proposal for comment, the Board does not take a position on issues raised by the proposal. Notice of the proposal is published solely in order to seek the views of interested persons on the issues presented by the notice, and does not represent a determination by the Board that the proposal meets or is likely to meet the standards of the BHC Act.

Any comments or requests for hearing should be submitted in writing and received by William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than January 19, 1996. Any request for a hearing on this proposal must, as required by section 262.3(e) of the Board's Rules of Procedure (12 CFR 262.3(e)), be accompanied by a statement of the reasons why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal. The notice may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of New York.

Board of Governors of the Federal Reserve System, December 27, 1995.

Jennifer J. Johnson,

*Deputy Secretary of the Board.*

[FR Doc. 96-00011 Filed 1-2-96; 8:45 am]

BILLING CODE 6210-01-F

**FEDERAL TRADE COMMISSION**

[File No. 942-3344]

**Mama Tish's Italian Specialties, Inc.; Consent Agreement with Analysis to Aid Public Comment**

**AGENCY:** Federal Trade Commission.

**ACTION:** Comment 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 the Chicago-based flavored ice cup dessert manufacturer from misrepresenting the amount of calories or other nutrients in any of their frozen dessert products in the future. The consent agreement settles allegations stemming from nutritional claims made

in advertisements for Mama Tish's line of ice cups.

**DATES:** Comments must be received on or before March 4, 1996.

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

**FOR FURTHER INFORMATION CONTACT:**

C. Steven Baker, Chicago Regional Office, Federal Trade Commission, 55 East Monroe Street, Suite 1437, Chicago, IL 60603, (312) 353-8156, Barbara Di Giulio, Chicago Regional Office, Federal Trade Commission, 55 East Monroe Street, Suite 1437, Chicago, IL 60603, (312) 353-8156.

**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)).

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

The Federal Trade Commission having initiated an investigation of certain acts and practices of Mama Tish's Italian Specialties, Inc., a corporation, and it now appearing that Mama Tish's Italian Specialties, Inc., hereinafter sometimes referred to as proposed respondent, is 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* that by and between Mama Tish's Italian Specialties, Inc., by its duly authorized officer and its attorneys, and counsel for the Federal Trade Commission that:

1. Proposed respondent Mama Tish's Italian Specialties, Inc. is an Illinois corporation, with its office and principal place of business located at 4800 Central Avenue, Chicago, Illinois 60638.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondent waives:
- Any further procedural steps;
  - The requirement that the Commission's decision contain a

statement of findings of fact and conclusions of law; and

c. All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

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 here attached, or that the facts as alleged in the draft of complaint, other than jurisdictional facts, are true.

6. The 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 respondents, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding, and (2) make the 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' 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. It 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 respondent Mama Tish's Italian Specialties, Inc., a corporation, its successors and assigns, and its officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of any frozen dessert product in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting, in any manner, directly or by implication, through numerical or descriptive terms or any other means, the existence or amount of calories or any other nutrient or ingredient in any such product. If any representation covered by this part either directly or by implication conveys any nutrient content claim defined (for purposes of labeling) by any regulation promulgated by the Food and Drug Administration, compliance with this part shall be governed by the qualifying amount for such defined claim as set forth in that regulation.

**II**

Nothing in this Order shall prohibit respondent from making any representation that is specifically permitted in labeling for any product by regulations promulgated by the Food and Drug Administration pursuant to the Nutrition Labeling and Education Act of 1990.

**III**

*It is further ordered* that for five (5) years after the last date of dissemination of any representation covered by this Order, respondent, or its successors and assigns, shall maintain and upon request make available to the Federal Trade Commission for inspection and copying:

- All materials that were relied upon in disseminating such representation; and
- All test reports, studies, surveys, demonstrations, or other evidence in its

possession or control that contradict, qualify, or call into question such representation, including complaints from consumers.

#### IV

*It is further ordered* that respondent shall notify the Commission at least thirty (30) days prior to any proposed change in the respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the respondent which may affect compliance obligations arising out of this Order.

#### V

*It is further ordered* that respondent shall, within thirty (30) days after service of this Order, distribute a copy of this Order to each of its operating divisions and to each of its officers, agents, representatives, employees, and licensees engaged in the preparation or placement of advertisements or other materials covered by this Order.

#### VI

*It is further ordered* that respondent, or its successors and assigns, shall, for three (3) years after the date of the last dissemination of the representation to which they pertain, maintain and upon request make available to the Federal Trade Commission for inspection and copying all advertisements containing any representation covered by this Order.

#### VII

*It is further ordered* that respondent shall, within sixty (60) days after service of this Order, and at such other times as the Commission may require, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this Order.

#### VIII

This order will terminate twenty years from the date of its issuance, or twenty years from the most recent date that the United States or the Federal Trade Commission files a complaint (with or without an accompanying consent decree) in federal court alleging any violation of the order, whichever comes later; provided, however, that the filing of such a complaint will not affect the duration of:

A. Any paragraph in this order that terminates in less than twenty years;

B. This order's application to any respondent that is not named as a defendant in such complaint; and

C. This order if such complaint is filed after the order has terminated pursuant to this paragraph.

Provided further, that if such complaint is dismissed or a federal court rules that the respondent did not violate any provision of the order, and the dismissal or ruling is either not appealed or upheld on appeal, then the order will terminate according to this paragraph as though the complaint was never filed, except that the order will not terminate between the date such complaint is filed and the later of the deadline for appealing such dismissal or ruling and the date such dismissal or ruling is upheld on appeal.

Benjamin I. Berman,  
*Acting Secretary.*

#### Analysis of Proposed Consent Order to Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from Mama Tish's Italian Specialities, Inc. (Mama Tish's).

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.

This matter concerns claims made by Mama Tish's in its advertising for its ice cups.

The Commission's complaint in this matter charges Mama Tish's with engaging in unfair or deceptive practices in connection with its advertising of its ice cups. According to the complaint Mama Tish's falsely represented that its ice cups are low in calories.

The consent order contains provisions designed to remedy the violations charged and to prevent Mama Tish's from engaging in similar deceptive and unfair acts and practices in the future.

Part I of the order prohibits Mama Tish's from misrepresenting the existence or amount of calories or any other nutrient or ingredient in any frozen dessert product. This part also requires any representation covered by this part that conveys a nutrient content claim defined by any regulation promulgated by the FDA pursuant to the Nutrient Labeling and Education Act of 1990 to meet the qualifying amount for that claim as set forth in that definition.

Part II of the order provides that representations that would be specifically permitted in food labeling, under regulations issued by FDA pursuant to the Nutrient Labeling and

Education Act of 1990, are not prohibited by the order.

Part III of the order requires Mama Tish's to maintain copies of all materials relied upon in making any representation covered by the order.

Part IV of the order requires Mama Tish's to notify the Commission of any changes in corporate structure that might affect compliance with the order.

Part V of the order requires Mama Tish's to distribute copies of the order to its operating divisions and to various officers, agents and representatives of Mama Tish's.

Part VI of the order requires Mama Tish's to maintain copies of all advertisements containing representations covered by the order.

Part VII of the order requires Mama Tish's to file with the Commission one or more reports detailing compliance with the order.

Part VIII of the order is a "sunset" provision, dictating that the order will terminate twenty years from the date it is issued or twenty years after a complaint is filed in federal court, by either the United States or the FTC, alleging any violation of the order.

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 any of their terms.

[FR Doc. 96-00072 Filed 1-2-96; 8:45 am]

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Public Health Service

### Food and Drug Administration

### Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter HF (Food and Drug Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (35 FR 3685, February 25, 1970, and 56 FR 29484, June 27, 1991, as amended most recently in pertinent part at 58 FR 14214, March 16, 1993 and 57 FR 54243, November 17, 1992) is amended to reflect an organization change in the Food and Drug Administration (FDA).

The Office of Communication, Training, and Manufacturers Assistance, Center for Biologics Evaluation and Research (CBER) is being established to increase the visibility and accessibility of training and consumer and