

loss; (c) causes significant weight loss without diet or exercise; (d) causes long-term or permanent weight loss; (e) increases lean body mass and builds muscle; (f) significantly increases human metabolism; (g) controls appetite and reduces cravings for sugar; (h) significantly reduces total and LDL serum cholesterol; (i) significantly lowers elevated blood sugar levels; and (j) is effective in the treatment and prevention of diabetes. The proposed complaint also alleges that respondents represented without a reasonable basis that ninety percent of adults in the United States do not consume diets with sufficient chromium to support normal insulin function, resulting in increased risk of overweight, heart disease, elevated blood fat, high blood pressure, and diabetes. Finally, the proposed complaint alleges that respondents falsely represented that a number of those claims were supported by scientific studies.

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 proposed order prohibits respondents from making the challenged representations for chromium picolinate or any other food, dietary supplement, or drug unless they possess and rely upon competent and reliable scientific evidence that substantiates the representations.

Part II of the proposed order prohibits respondents from making any representation about the benefits, performance, efficacy, or safety of chromium picolinate or any other food, dietary supplement, or drug unless they possess and rely upon competent and reliable scientific evidence that substantiates the representation.

Part III of the proposed order prohibits respondents from misrepresenting the existence, contents, validity, results, conclusions, or interpretations of any test, study, or research.

Part IV of the proposed order requires respondents to send notification letters to past, current, and future purchasers for resale of chromium picolinate. The letter describes the Commission's allegations and the terms of the order, and advises recipients to stop using promotional materials making the challenged claims.

Parts V through IX of the proposed order relate to respondents' obligation to maintain records, distribute the order to current and future officers and employees, notify the Commission of changes in corporate structure or in the individual's employment, and file compliance reports with the

Commission. Part X provides that the order will terminate after twenty years under certain circumstances.

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.

Donald S. Clark,

*Secretary.*

[FR Doc. 96-29264 Filed 11-14-96; 8:45 am]

BILLING CODE: 6750-01-P

[File No. 952-3366]

**Universal Merchants, Inc.; Steven Oscherowitz; Analysis To Aid Public Comment**

**AGENCY:** Federal Trade Commission.

**ACTION:** Proposed consent agreement.

**SUMMARY:** In settlement of alleged violations of federal law prohibiting unfair or deceptive acts or practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would prohibit, among other things, the Los Angeles, California-based dietary supplement manufacturer and its president from making certain challenged claims for chromium picolinate dietary supplements, without competent and reliable scientific evidence to support them; from misrepresenting the results of any test, study, or research; and from representing that any testimonial or endorsement is the typical or ordinary experience of users of the advertised product, unless the claim is substantiated or unless Universal Merchants discloses the generally expected results clearly and prominently. The agreement settles allegations that Universal Merchants made unsupported claims about weight loss and health benefits in infomercials for its Chromatrim and Chromatrim 100 chromium picolinate chewing gum products.

**DATES:** Comments must be received on or before January 14, 1997.

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

**FOR FURTHER INFORMATION CONTACT:** Richard L. Cleland, Federal Trade Commission, H-466, 6th and Pennsylvania Ave., NW., Washington, DC 20580. (202) 326-3088.

**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 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 sixty (60) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the accompanying complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home page, on the World Wide Web, at "<http://www.ftc.gov/os/actions/htm>." A paper copy can be obtained from the FTC Public Reference Room, Room H-130, Sixth Street and Pennsylvania Avenue, NW., Washington, DC 20580, either in person or by calling (202) 326-3627. 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)).

**Analysis of Proposed Consent for Public Comment**

The Federal Trade Commission has accepted an agreement to a proposed consent order from Universal Merchants, Inc., the marketer of ChromaTrim, a chewing gum containing chromium picolinate sold as a weight loss aid, and its president, Steven Oscherowitz, hereinafter sometimes referred to as respondents.

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.

The Commission's complaint in this matter alleges that the respondents made unsubstantiated claims that ChromaTrim (1) reduces body fat, (2) causes significant weight loss, (3) significantly reduces body fat and causes weight loss without dieting or exercise, (4) increases lean body mass and builds muscle, and (5) controls appetite and craving for sugar. The complaint further alleges that respondents falsely represented that these effects have been demonstrated through scientific studies. In addition, the complaint alleges that respondents made unsubstantiated claims that (1) testimonials from consumers appearing

in ChromaTrim advertisements reflect the typical or ordinary experience of users and (2) that nine out of ten people suffer decreased ability to burn fat, preserve muscle, and control hunger and cravings because of a chromium deficiency.

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

Part I of the order requires substantiation for claims that ChromaTrim (1) significantly reduces body fat, (2) causes significant weight loss, (3) significantly reduces body fat or causes weight loss without dieting or exercise, (4) increases lean body mass or builds muscle, and (5) controls appetite or craving for sugar. Similarly, Part I prohibits the claim that nine out of ten people do not consume enough chromium to support normal insulin function, resulting in decreased ability to burn fat, preserve muscle, and control hunger and cravings, unless, such claim is substantiated by competent and reliable scientific evidence at the time it is made.

Part II of the proposed order requires substantiation for any health benefits, performance, efficacy or safety claim for any food, dietary supplement, or drug. Part III prohibits the misrepresentation of any test, study, or research. Part IV prohibits proposed respondents from representing that any testimonial is the typical or ordinary experience of users unless such claim is substantiated or respondents disclose, clearly and prominently, what the generally expected results would be or that consumers should not expect similar results. Parts V and VI allow representations permitted for drugs by the Food and Drug Administration or for foods under the Nutrition Labeling and Education Act. Part VII requires proposed respondents to maintain certain records for five years, and Part VIII requires proposed respondents to distribute a copy of the order to certain persons who have responsibilities subject to the order. Part IX requires the corporate respondent to notify the Commission of any changes in the corporation that may affect compliance with the order and Part X requires that Steven Oscherowitz notify the Commission of changes in employment or of his affiliation with any new employment. This provision is effective for five years. Part XI requires that the proposed respondents file a compliance report and Part XII sunsets the proposed order at twenty years under certain circumstances.

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.

Donald S. Clark,

*Secretary.*

[FR Doc. 96-29267 Filed 11-14-96; 8:45 am]

BILLING CODE 6750-01-P

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## GENERAL SERVICES ADMINISTRATION

### Federal Acquisition Policy Division, FAR Secretariat; Stocking Change of an Optional Form

**AGENCY:** General Services Administration.

**ACTION:** Notice.

**SUMMARY:** The General Services Administration/FAR Secretariat is changing the stocking of the following Standard form because of low user demand: OF 1419, Abstract of Offers—Construction.

Since this form is now authorized for local reproduction, you can obtain the updated camera copy in two ways:

On the internet. Address: <http://www.gsa.gov/forms>, or:

From CARM, Attn.: Barbara Williams,

(202) 501-0581.

**FOR FURTHER INFORMATION CONTACT:** FAR Secretariat, (202) 501-4755.

**DATES:** Effective November 15, 1996.

Dated: November 6, 1996.

Theodore D. Freed,

*Standard and Optional Forms Management Officer.*

[FR Doc. 96-29291 Filed 11-14-96; 8:45 am]

BILLING CODE 6820-34-M

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Office of Public Health and Science; Administration of National Awards Programs

**AGENCY:** The President's Council on Physical Fitness and Sports, OPHS, DHHS.

**ACTION:** Notice of opportunity to administer awards program.

**SUMMARY:** The President's Council on Physical Fitness and Sports ("PCPFS") seeks an organization capable of administering a series of financially self-sustaining PCPFS activities involving awards and recognitions.

**DATES:** To receive consideration, all proposals must be received by 4:00

p.m., December 9, 1996, by Christine Spain, Director of Research, Planning, and Special Projects, PCPFS at the address set out below. Proposals will meet the deadline if they are either (1) received on or before the deadline date; or (2) postmarked on or before the deadline date. Private metered postmarks will not be acceptable as proof of timely mailing. Hand delivered requests must be received by 4:00 p.m., December 9, 1996. Proposals that are received after the deadline date will be returned to the sender.

#### FOR FURTHER INFORMATION CONTACT:

Christine Spain, Director of Research, Planning, and Special Projects, President's Council on Physical Fitness and Sports, Suite 250, 701 Pennsylvania Avenue, NW., Washington, DC 20004 (202) 272-3425.

**SUPPLEMENTARY INFORMATION:** The PCPFS seeks an organization capable of administering a series of financially self-sustaining PCPFS awards which presently include the "President's Challenge Physical Fitness Awards Program", the "State Champion Award" and the "National Physical Fitness Demonstration Center Award."

#### 1. The President's Challenge Physical Fitness Awards Program

This program recognizes students' physical fitness achievement, ages 6-17, on five fitness test items.

(a) Students scoring at the 85th percentile or above (based on national norms) on all test items are eligible for the Presidential Physical Fitness Award and receive a Presidential certificate and emblem.

(b) The National Physical Fitness Award is available for boys and girls who score at the 50th percentile or above on the five test items and consists of an emblem and/or a certificate of recognition.

(c) The Participant Physical Fitness Award recognizes boys and girls who attempt all five test items on the "President's Challenge" but whose scores fall below the 50th percentile on one or more of them. Students earn an embroidered Participant emblem and/or a certificate of recognition for their accomplishments.

(d) The Health Fitness Award can be earned by youngsters whose test scores meet or exceed the specified health criteria on each of the five items comprising the President's Challenge Health Fitness Test. Award standards are based upon health-related criteria. Students earn an embroidered emblem and/or a certificate of recognition.