

Analysis of Proposed Consent Order To Aid Public Comment (AAF-McQuay, Inc.)

The Federal Trade Commission has accepted, subject to final approval, an agreement to a proposed consent order from AAF-McQuay, Inc., d/b/a AAF International (AAF). AAF manufactures and sells air filters for use in residential heating systems, under the brand names ElectroKlean and Dirt Demon, among others. The proposed consent order has been placed on the public record for sixty (60) days to receive the comments of 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 will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The Commission's complaint charges that AAF deceptively advertised that (1) use of the Dirt Demon or ElectroKlean filter will substantially reduce the incidence of allergies caused by indoor allergens under household living conditions; (2) the ElectroKlean and Dirt Demon remove 95% of the airborne contaminants from the air people breathe under household conditions; (3) the Dirt Demon traps 95% of the lint, dust and pollen from the household air passing through it; and (4) the Dirt Demon is six times as efficient at removing pollutants as a standard air filter. The complaint charges that AAF lacked substantiation for these claims.

The complaint also charges that AAF lacked substantiation for claims that (1) the addition of Intersept antimicrobial to the ElectroKlean makes air cleaner and healthier than it otherwise would be under household living conditions; (2) the addition of Intersept antimicrobial to the ElectroKlean inhibits the growth of microbes in household heating and cooling systems; and (3) the addition of Intersept antimicrobial to the Dirt Demon removes the filter as a potential source of contamination of household air.

The complaint also charges that AAF represented the Dirt Demon to be a HEPA (High Efficiency Particulate Air) filter when, according to industry standards, it is not.

The proposed order contains provisions designed to prevent misrepresentations related to these specific matters and others. Paragraph I of the proposed order prohibits AAF from making any representation regarding the performance, health of other benefits, or efficacy of any air cleaning product (which is defined) unless it can substantiate the claims

with competent and reliable evidence. If the representation states or implies a level of performance under household conditions, then the evidence that substantiates the representation must either be related to such conditions or must have been extrapolated to household conditions by generally accepted procedures.

Paragraph II prohibits AAF from misrepresenting that any air filter for insertion into household central heating systems is a HEPA (High Efficiency Particulate Air) filter.

Paragraph III, IV, V, and VI are compliance and reporting provisions that require AAF to maintain for five (5) years the records on which it relies to substantiate any representation covered by the order, to provide copies of the order to certain employees, to notify the Commission in the event of changes in the corporation that may affect compliance obligations arising out of the order, and to file a compliance report with the Commission within sixty (60) days after the order becomes final.

Paragraph VII provides that the order will terminate automatically twenty years from the date it becomes final unless the Commission has brought an action in federal court alleging a violation of the order. In that case, the order will terminate twenty years from the date that the federal court action is filed.

The purpose of this analysis is to facilitate public comment on the proposed order. 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.*

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[File No. 942-3036]

**Filtration Manufacturing, Inc.; Gary L. Sewell; Horace R. Allen; Brandon R. Clausen; 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 require, among other things, the Mobile, Alabama-based manufacturer of filters for forced-air heating systems and other respondents to possess substantiation

for all performance claims, health or other benefits claims, and efficacy claims made for any air cleaning product in the future. The agreement settles allegations that the respondents made misleading claims regarding allergy relief, airborne particle removal, and cost benefits when their filters are used in place of standard forced air system filters, in advertisements for Filtration Manufacturing's Allergy 2000 electrostatic air filter.

**DATES:** Comments must be received on or before December 27, 1996.

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

**FOR FURTHER INFORMATION CONTACT:**

John Mendenhall, Federal Trade Commission, Cleveland Regional Office, 668 Euclid Avenue, Suite 520-A, Cleveland, OH 44114-3006. (216) 522-4210

Michael Milgrom, Federal Trade Commission, Cleveland Regional Office, 668 Euclid Avenue, Suite 520-A, Cleveland, OH 44114-3006. (216) 522-4210

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**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, N.W., Washington, D.C. 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 Order To Aid Public Comment (Filtration Manufacturing, Inc.)

The Federal Trade Commission has accepted, subject to final approval, an agreement to a proposed consent order from Filtration Manufacturing, Inc., a corporation (FMI), and Gary L. Savell (Savell), Horace R. Allen (Allen) and Brandon R. Clausen (Clausen). FMI manufactures and sells air filters for use in residential heating systems, under the brand name Allergy 2000, among others. The proposed consent order has been placed on the public record for sixty (60) days to receive the comments of 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 will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The Commission's complaint charges that FMI, deceptively advertised that (1) use of the Allergy 2000 filter will substantially reduce the incidence of allergies caused by indoor allergens under household living conditions; (2) use of the Allergy 2000 will substantially reduce the amount of disease-causing germs in the air people breathe under household living conditions; (3) use of the Allergy 2000 will substantially reduce the incidence of disease caused by germs in the air people breathe under household living conditions; (4) people who use the Allergy 2000 in their homes will be healthier and have fewer illnesses than they would if they used a conventional filter; and, (5) the Allergy 2000 removes substantially all of the airborne contaminants, including allergens, from the air people breathe under the household living conditions. The complaint charges that FMI lacked substantiation for these claims. The complaint charges that these claims were made through advertisements and promotional materials and through use of the trade name "Allergy 2000."

In addition to the health-related claims listed above, the complaint also charges that FMI deceptively advertised that consumers would have lower utility bills if they replaced conventional filters with the Allergy 2000. The complaint charges that FMI lacked substantiation for this claim, too.

The complaint charges that Savell, Allen and Clausen formulated and controlled the affairs of FMI, including the acts and practices charged in the complaint.

The proposed order contains provisions designed to prevent

misrepresentations related to these specific matters and others. Paragraph I of the proposed order prohibits FMI, Savell, Allen and Clausen (the respondents) from making any representation regarding the performance, health or other benefits, or efficacy of any air cleaning product (which is defined) unless they can substantiate the claims with competent and reliable evidence. If the representation states or implies a level of performance under household conditions, then the evidence that substantiates the representation must either be related to such conditions or must have been extrapolated to household conditions by generally accepted procedures.

Paragraph II prohibits the respondents from using the trade name Allergy 2000 or any other name that represents that the product will relieve allergy symptoms unless they can substantiate the representation.

Paragraphs III, IV, VI, and VII are compliance and reporting provisions that require the respondents to maintain for five (5) years the records on which they rely to substantiate any representation covered by the order, to provide copies of the order to certain employees of FMI, to notify the Commission in the event of changes in FMI that may affect compliance obligations arising out of the order, and to file a compliance report with the Commission within sixty (60) days after the order becomes final. Paragraph V requires Savell, Allen and Clausen to notify the Commission of any change in their business affiliation.

Paragraph VIII provides that the order will terminate automatically twenty years from the date it becomes final unless the Commission has brought an action in federal court alleging a violation of the order. In that case, the order will terminate twenty years from the date that the federal court action is filed.

The purpose of this analysis is to facilitate public comment on the proposed order. 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.*

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

#### Citizens Advisory Committee on Public Health Service Activities and Research at Department of Energy (DOE) Sites: Fernald Health Effects Subcommittee

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Agency for Toxic Substances and Disease Registry (ATSDR) and the Centers for Disease Control and Prevention (CDC) announce the following meeting.

*Name:* Citizens Advisory Committee on Public Health Service Activities and Research at DOE Sites: Fernald Health Effects Subcommittee.

*Times and Dates:*

9 a.m.-5 p.m., November 13, 1996

9 a.m.-5:05 p.m., November 14, 1996

*Place:* Eagle Conference Center, 2844 Mack Road, Fairfield, Ohio 45014, telephone 513/874-8850, FAX 513/874-8581.

*Status:* Open to the public, limited only by the space available. The meeting room accommodates approximately 50 people.

*Background:* Under a Memorandum of Understanding (MOU) signed in December 1990 with DOE, the Department of Health and Human Services (HHS) has been given the responsibility and resources for conducting analytic epidemiologic investigations of residents of communities in the vicinity of DOE facilities, workers at DOE facilities, and other persons potentially exposed to radiation or to potential hazards from non-nuclear energy production use. HHS delegated program responsibility to CDC.

In addition, an MOU was signed in October 1990 and renewed in November 1992 between ATSDR and DOE. The MOU delineates the responsibilities and procedures for ATSDR's public health activities at DOE sites required under sections 104, 105, 107, and 120 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or "Superfund"). These activities include health consultations and public health assessments at DOE sites listed on, or proposed for, the Superfund National Priorities List and at sites that are the subject of petitions from the public; and other health-related activities such as epidemiologic studies, health surveillance, exposure and disease registries, health education, substance-specific applied research, emergency response, and preparation of toxicological profiles.

*Purpose:* This subcommittee is charged with providing advice and recommendations to the Director, CDC, and the Administrator, ATSDR, regarding community, American Indian Tribes, and labor concerns pertaining to CDC's and ATSDR's public health activities and research at respective DOE sites. The purpose of this meeting is to provide a forum for community and labor interaction and serve as a vehicle for