

[Dkt. 9266]

**Red Apple Companies, Inc., et al.; 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 requires, among other things, three New York-based companies and their officer to divest six supermarkets, within 12 months, to a Commission-approved acquirer or acquirers. If the respondents fail to satisfy the divestiture requirements, the consent order permits the Commission to appoint a trustee to divest supermarkets to satisfy the terms of the order. The consent order also prohibits the respondents, for ten years, from acquiring, without prior Commission approval, any supermarket or any interest in an entity that owns or operates a supermarket in New York County south of 116th Street. In addition, the respondents, for ten years, are prohibited from entering into or enforcing any restrictions that would prevent any person acquiring any supermarket owned or operated by any respondent in New York County south of 116th Street from operating the stores as supermarkets.

**DATES:** Complaint issued May 27, 1994. Order issued February 28, 1995.<sup>1</sup>

**FOR FURTHER INFORMATION CONTACT:** Ronald Rowe, FTC/S-2105, Washington, DC 20580. (202) 326-2610.

**SUPPLEMENTARY INFORMATION:** On Monday, December 19, 1994, there was published in the **Federal Register**, 59 FR 65364, a proposed consent agreement with analysis in the Matter of Red Apple Companies, Inc., et al., 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 divest, as set forth in the proposed consent agreement, in disposition of this proceeding.

<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 & Pennsylvania Avenue, NW., Washington, DC 20580.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18).

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

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[Docket No. C-3559]

**Sulzer Limited; 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 requires, among other things, Sulzer, a Swiss firm to divest, within six months, a copy of all the information necessary to purchase ingredients for, to manufacture and to sell aluminum polyester powder—equivalent to Sulzer's Amdry 2010—to a Commission-approved acquirer. If the divestiture is not completed on time, the consent order permits the Commission to appoint a trustee to divest copies of both the Amdry 2010 information and all product information relating to the acquired firms aluminum polyester powder. In addition, the consent order requires the respondent, for ten years, to obtain Commission approval before acquiring any assets in the aluminum polyester powder market.

**DATES:** Compalint and Order issued February 23, 1995.<sup>1</sup>

**FOR FURTHER INFORMATION CONTACT:** Ann Malester, FTC/S-2224, Washington, DC 20580. (202) 326-2682.

**SUPPLEMENTARY INFORMATION:** On Thursday, October 13, 1994, there was published in the **Federal Register**, 59 FR 51983, a proposed consent agreement with analysis in the Matter of Sulzer Limited, 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.

A comment was filed and considered by the Commission. 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 divest, as set forth in the proposed consent

<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 & Pennsylvania Avenue, NW., Washington, DC 20580.

agreement, in disposition of this proceeding.

(Sec. 6, 38, Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18).

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

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[File No. 912 3232]

**Taleigh Corporation, et al.; 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 unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would prohibit, among other things, two marketing corporations and the owner from misrepresenting that any product is new or unique, the existence or conclusions of any test or study, or that an endorsement for any product represents the typical experience of people who use it. The consent agreement would require the respondents to possess scientific evidence to substantiate any representation regarding the performance, benefits, efficacy or safety of any weight-loss or stop-smoking product, or of any food, dietary supplement, drug, or device. In addition, the consent agreement would require the owner to post a \$300,000 performance bond, or to establish an escrow account in the amount of \$300,000, as a condition of advertising, promoting, selling or distributing any weight-loss or smoking deterrent or cessation product.

**DATES:** Comments must be received on or before May 30, 1995.

**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:** Joel Winston or Richard Cleland, FTC/S-4002, Washington, D.C. 20580. (202) 326-3153 or 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 following consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final