

Order Reopening Proceeding and Setting Aside Order

On February 8, 1995, Harley-Davidson Motor Company ("Harley-Davidson"), the respondent subject to the order issued by the Commission on June 29, 1954, in Docket No. 5698, *In the Matter of Harley-Davidson Co.*, 50 F.T.C. 1047 (1954) ("Order"), filed a Petition to Reopen Proceedings and Set Aside Cease and Desist Order ("Petition"). Among other things, Harley-Davidson requests that the Commission set aside the order in this matter pursuant to Section 2.51 of the Commission's Rules of Practice, 16 C.F.R. § 2.51, and the Statement of Policy With Respect to Duration of Competition Orders and Statement of Intention to Solicit Public Comment With Respect to Duration of Consumer Protection Orders, issued on July 22, 1994, and published at 59 Fed. Reg. 45,286-92 (Sept. 1, 1994) ("Sunset Policy Statement"). In the Petition, Harley-Davidson affirmatively states that it has not engaged in any conduct violating the terms of the order. The Petition was placed on the public record, and close to 200 comments were received.¹

The Commission in its July 22, 1994, Sunset Policy Statement said, in relevant part, that "effective immediately, the Commission will presume, in the context of petitions to reopen and modify existing orders, that the public interest requires setting aside orders in effect for more than twenty years."² The Commission's order in Docket No. 5698 was issued on June 29, 1954, and has been in effect for over twenty years. Consistent with the Sunset Policy Statement, the presumption is that the order should be terminated. Nothing to overcome the presumption having been presented, the Commission has determined to reopen the proceeding and set aside the order in Docket 5698.

In light of some of the commenters' belief that granting Harley-Davidson's Petition would be commensurate with allowing it to engage in conduct that may violate the antitrust laws, and their concern that Harley-Davidson may use certain marketing practices to engage in unlawful conduct in the event the Commission sets aside the order in Docket No. 5698, the Commission notes that Harley-Davidson's conduct would continue to be subject to a case-by-case, rule of reason analysis under the

antitrust laws. Harley-Davidson's conduct would also continue be subject to state motor vehicle dealer protection laws.

Accordingly, *it is ordered* that this matter be, and it hereby is, reopened; *It is further ordered* that the Commission's order in Docket No. 5698 be, and it hereby is, set aside, as of the effective date of this order.

By the Commission.
Donald S. Clark,
Secretary.
[FR Doc. 96-15489 Filed 6-18-96; 8:45 am]
BILLING CODE 6750-01-M

[Docket No. C-3640]

Frank A. Latronica, Jr., 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 or deceptive acts or practices and unfair methods of competition, this consent order requires, among other things, the distributor and the manufacturer of the Duram Emergency Escape Mask to possess competent and reliable scientific evidence to substantiate claims that their mask will absorb, filter out, or otherwise protect the user from any hazardous gas or fumes associated with fires, and for claims that the mask is appropriate for use in mines. In addition, the consent order requires the respondents to provide a disclosure statement on all package labels and inserts for the mask, or any substantially similar product.

DATES: Complaint and Order issued February 12, 1996.¹

FOR FURTHER INFORMATION CONTACT: Alan E. Krause, Chicago Regional Office, Federal Trade Commission, 55 East Monroe Street, Suite 1437, Chicago, Illinois 60603. (312) 353-4441.

SUPPLEMENTARY INFORMATION: On Tuesday, June 6, 1995, there was published in the Federal Register, 60 FR 29850, a proposed consent agreement with analysis In the Matter of Frank A. Latronica, Jr., 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.

Comments were 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 cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Donald S. Clark,
Secretary.
[FR Doc. 96-15490 Filed 6-18-96; 8:45 am]
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[Docket No. C-3618]

Local Health System, 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 or deceptive acts or practices and unfair methods of competition, this consent order, among other things, prohibits the merger of the two largest hospitals in St. Clair County, Michigan, and requires the respondents, for three years, to notify the Commission or obtain Commission approval before acquiring certain hospital assets in the Port of Huron area.

DATES: Complaint and Order issued October 3, 1995.¹

FOR FURTHER INFORMATION CONTACT: Phillip Broyles, Cleveland Regional Office, Federal Trade Commission, 668 Euclid Ave., Suite 520-A, Cleveland, OH 44114. (216) 522-4207.

SUPPLEMENTARY INFORMATION: On Thursday, August 3, 1995, there was published in the Federal Register, 60 FR 39747, a proposed consent agreement with analysis In the Matter of Local Health System, 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 cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

¹ To accommodate numerous requests to provide additional time to prepare and submit written comments concerning Harley-Davidson's Petition, the Commission extended the initial public comment period in this matter by thirty days.

² Sunset Policy Statement, (59 FR 45289).

¹ Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H-130, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

¹ Copies of the Complaint, the Decision and Order, and Commissioner Azcuenaga's statement are available from the Commission's Public Reference Branch, H-130, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18)

Donald S. Clark,
Secretary.

[FR Doc. 96-15491 Filed 6-18-96; 8:45 am]

BILLING CODE 6750-01-M

[Docket No. C-828]

Papermakers Felt Association, et al.; Prohibited Trade Practices and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Set aside order.

SUMMARY: This order reopens a 1964 consent order—which prohibited Papermakers Felt Association and its members from combining or conspiring to fix prices or terms of sale, or to enter into specific other agreements to restrain competition in the papermakers felt industry—and sets aside the consent order pursuant to the Commission's Sunset Policy Statement, under which the Commission presumes that the public interest requires terminating competition orders that are more than 20 years old.

DATES: Consent order issued September 9, 1964. Set aside order issued November 22, 1995.¹

FOR FURTHER INFORMATION CONTACT: Daniel Ducore, FTC/S-2115, Washington, D.C. 20580. (202) 326-2526.

SUPPLEMENTARY INFORMATION: In the Matter of Papermakers Felt Association, et al. The prohibited trade practices and/or corrective actions are removed as indicated.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Donald S. Clark,
Secretary.

[FR Doc. 96-15492 Filed 6-18-96; 8:45 am]

BILLING CODE 6750-01-M

[Docket No. C-3630]

Santa Clara County Motor Car Dealers Association; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting

¹ Copies of the Consent Order and Set Aside Order are available from the Commission's Public Reference Branch, H-130, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

unfair or deceptive acts or practices and unfair methods of competition, this consent order prohibits, among other things, a California association from carrying out, participating in, inducing or assisting any boycott or concerted refusal to deal with any newspaper, periodical, television or radio station, and requires the association to amend its by-laws to incorporate the stipulated prohibition, and to distribute the amended by-laws and the final Commission order to each of its members.

DATES: Complaint and Order issued December 13, 1995.¹

FOR FURTHER INFORMATION CONTACT: Ralph Stone, San Francisco Regional Office, Federal Trade Commission, 901 Market St., Suite 570, San Francisco, CA. 94103. (415) 356-5270.

SUPPLEMENTARY INFORMATION: On Friday, August 4, 1995, there was published in the Federal Register, 60 FR 39959, a proposed consent agreement with analysis In the Matter of Santa Clara County Motor Car Dealers Association, 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 cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Donald S. Clark,
Secretary.

[FR Doc. 96-15493 Filed 6-18-96; 8:45 am]

BILLING CODE 6750-01-M

[Docket No. C-3224]

Supermarket Development Corporation, et. al.; Prohibited Trade Practices and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modifying order.

SUMMARY: This order reopens a 1988 consent order that settled allegations that the acquisition of the El Paso Division of Safeway Stores, Inc., by Supermarket Development Corporation

¹ Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H-130, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

and Furr's, Inc. would reduce supermarket competition in 12 towns in New Mexico and western Texas, and required prior Commission approval, for ten years, before acquiring supermarket assets. This order modifies the consent order by substituting for the prior-approval requirement a provision requiring Furr's Supermarket to notify the Commission at least 30 days before acquiring certain supermarkets in those areas.

DATES: Consent order issued March 17, 1988. Modifying order issued September 5, 1995.¹

FOR FURTHER INFORMATION CONTACT: Elizabeth Piotrowski, FTC/S-2115, Washington, D.C. 20580. (202) 326-2623.

SUPPLEMENTARY INFORMATION: In the Matter of Supermarket Development Corporation, et al. The prohibited trade practices and/or corrective actions as set forth at 53 FR 11247, are changed, in part, as indicated in the summary.

(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.

[FR Doc. 96-15494 Filed 6-18-96; 8:45 am]

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[Docket No. C-3638]

The Upjohn Company, 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 or deceptive acts or practices and unfair methods of competition, this consent order requires, among other things, the respondents to divest, within 12 months, Pharmacia Aktiebolag's 9-AC assets, an inhibitor drug for the treatment of colorectal cancer, to a Commission-approved acquirer. If the transaction is not completed in the prescribed time, the Commission will be allowed to appoint a trustee.

DATES: Complaint and Order issued February 8, 1996.²

FOR FURTHER INFORMATION CONTACT:

¹ Copies of the Modifying Order are available from the Commission's Public Reference Branch, H-130, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

² Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H-130, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.