

Cities market for five years. National has shown that the prior approval requirements of the order impose substantial compliance costs on National and put it at a disadvantage with respect to its competitors who are not under similar restraints. These costs were foreseeable at the time National agreed to the order and would not provide a sufficient basis to justify termination of the order if it were serving a procompetitive purpose. However, in light of National's exit from the Twin Cities market, any need for the order in the Twin Cities market that was the focus of the Commission's complaint is outweighed by the costs of the prior approval provision.

The Commission has also concluded that it is in the public interest to set aside the prior approval requirements of the order with respect to any other geographic areas designated in the order. The allegations of the complaint relate primarily to the Twin Cities market and with the setting aside of the primary relief, the ancillary relief should also be set aside.

Accordingly, *It Is Ordered* that this matter be, and it hereby is reopened and that the Commission's order issued on July 23, 1980, shall be set aside as of the effective date of this order.

By the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 88-29941 Filed 12-28-88; 8:45 am]

BILLING CODE 6750-01-M

## 16 CFR Part 13

[Dkt. 9209]

### North American Philips Corporation; Prohibited Trade Practices and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

**SUMMARY:** This Final Order prohibits, among other things, the North American Philips Corp., Norelco's parent company, from misrepresenting the performance of the Clean Water Machine or any other product that treats water, and from also misrepresenting any test or study of its products. The order requires respondent to have substantiation for any performance claims it makes for any electric-powered consumer appliance, including hair dryers, makeup mirrors, coffee makers, and razors.

**DATES:** Complaint issued August 3, 1987. Final Order issued October 24, 1988.<sup>1</sup>

**FOR FURTHER INFORMATION CONTACT:** Joel C. Winston, FTC/S-4002, Washington, DC 20580. (202) 326-3153.

**SUPPLEMENTARY INFORMATION:** In the Matter of North American Philips Corporation, a corporation. The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Advertising Falsely Or Misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.170 Qualities or properties of product or service; § 13.170-16 Cleansing, purifying; § 13.170-70 Preventive or protective; § 13.190 Results; § 13.205 Scientific or other relevant facts; § 13.210 Scientific tests. Subpart—Corrective Actions And/Or Requirements: § 13.533 Corrective actions and/or requirements; § 13.533-45 Maintain records; § 13.533-45(a) Advertising substantiation. Subpart—Misrepresenting Oneself And Goods—Goods: § 13.1590-20 Federal Trade Commission Act; § 13.1730 Results; § 13.1740 Scientific or other relevant facts; § 13.1762 Tests, purported. Subpart—Neglecting, Unfairly Or Deceptively, To Make Material Disclosure: § 13.1895 Scientific or other relevant facts.

#### List of Subjects in 16 CFR Part 13

Water cleaners, Water filters, Trade practices.

(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)

Commissioners: Daniel Oliver, Chairman, Terry Calvani, Mary L. Azcuenaga, Andrew J. Strenio, Jr.

#### Final Order

The Administrative Law Judge filed his Initial Decision in this matter on August 29, 1988, finding that the respondent engaged in unfair and deceptive acts or practices in or affecting commerce in violation of section 5(a) of the Federal Trade Commission Act, 5 U.S.C. 45. An appropriate Order to remedy the violations was appended to the Initial Decision.

Service of the Initial Decision was completed on September 22, 1988. Neither respondent nor complaint counsel filed an appeal.

The Commission having determined that this matter should not be placed on its docket for review, and that the Initial Decision and the Order therein shall become effective as provided in § 3.51(a) of the Commission's Rules of Practice, 16 CFR 3.51(a).

the Commission's Public Reference Branch, H-130, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

It is ordered that the Initial Decision and the Order therein shall become the Final Order and Opinion of the Commission on the date of issuance of this order.

By the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 88-29940 Filed 12-28-88; 8:45 am]

BILLING CODE 6750-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Part 184

[Docket Nos. 82G-0207, 86P-0506, and 87P-0199]

### Rapeseed Oil; Revision of Common or Usual Name

AGENCY: Food and Drug Administration.

ACTION: Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is revising its regulations (21 CFR 184.1555(c)) to recognize "canola oil" as the alternate common or usual name of low erucic acid rapeseed oil. This action responds to a citizen petition submitted by the Canola Council of Canada (CCC) requesting approval of the alternate name. This action renders moot a request for an advisory opinion submitted by the Canadian government. In addition, FDA is denying a citizen petition from the American Soybean Association (ASA) that objected to use of the term "canola oil."

**EFFECTIVE DATE:** December 29, 1988.

**FOR FURTHER INFORMATION CONTACT:** Kennon M. Smith, Center for Food Safety and Applied Nutrition (HFF-302), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-485-0162.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

In the Federal Register of September 16, 1988 (53 FR 36067), FDA proposed to adopt "canola oil" as an alternate common or usual name for low erucic acid rapeseed oil. The proposal was issued in response to a citizen petition submitted by CCC and a request for an advisory opinion from Agriculture Canada. At that time, FDA tentatively concluded that a petition submitted by ASA that opposed the use of the term "canola oil" on any food labels should be denied.

<sup>1</sup> Copies of the Complaint, Initial Decision, Opinion of the Commission, etc. are available from

## II. Discussion of Comments

All comments received by the agency supported the proposed action as favorable to industry and consumers alike. Most notable among the comments in support of the agency's proposal was that submitted by ASA, which stated that because the erucic acid specification for canola oil was officially lowered to 2 percent by Canada, ASA has no objection to the proposed rule.

## III. Conclusion

The agency received no comments opposed to its proposed rule. Thus, the agency concludes that, for the reasons set forth in its proposal, it is appropriate to adopt "canola oil" as an alternate common or usual name for low erucic acid rapeseed oil. The agency also concludes that there has been sufficient exposure to the term "canola oil" to allow the American consumer to recognize and understand the term. FDA believes that the term "canola oil" is acceptable and favorable to both industry and the consumer and, therefore, should be allowed to be used interchangeably with the term "low erucic acid rapeseed oil." The agency also believes that consistency in nomenclature will promote free trade in products containing this ingredient between the neighboring markets of Canada and the United States.

Agriculture Canada's request for advisory opinion is, in effect, rendered moot by this action and, therefore, will be deemed to have been withdrawn.

Finally, because ASA supports this action, its citizen petition is hereby denied.

## IV. Environmental Impact

The agency has determined under 21 CFR 25.24(a)(11) that this action is of a type that does not result in the production or distribution of any substance and, thus, will not result in the introduction of any substance into the environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

## V. Economic Impact

In accordance with Executive Order 12291, FDA has analyzed the economic effects of this final rule and has determined that it will not be a major rule under the order. In accordance with the Regulatory Flexibility Act (Pub. L. 96-354), FDA has determined that this final rule will not have a significant economic impact on a substantial number of small entities. FDA has not

received any additional information that would cause the agency to alter these determinations.

### List of Subjects in 21 CFR Part 184

Food ingredients, Generally recognized as safe (GRAS) food ingredients.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, Part 184 is amended as follows:

### PART 184—DIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

1. The authority citation for 21 CFR Part 184 continues to read as follows:

Authority: Secs. 201(s), 402, 409, 701, 52 Stat. 1046-1047 as amended, 1055-1056 as amended, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 342, 348, 371); 21 CFR 5.10, 5.61.

2. Section 184.1555 is amended by revising the first sentence in paragraph (c)(1) to read as follows:

#### § 184.1555 Rapeseed Oil.

(c) *Low erucic acid rapeseed oil.* (1) Low erucic acid rapeseed oil, also known as canola oil, is the fully refined, bleached, and deodorized edible oil obtained from certain varieties of *Brassica Napus* or *B. Campestris* of the family *Cruciferae*. \* \* \*

Dated: December 23, 1988.

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 88-29888 Filed 12-28-88; 8:45 am]

BILLING CODE 4160-01-M

### 21 CFR Parts 510 and 544

#### Animal Drugs, Feeds, and Related Products; Change of Sponsor

AGENCY: Food and Drug Administration.  
ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect a change of sponsor for a new animal drug application (NADA) from Merck Sharp & Dohme Research Laboratories to Veterinary Service, Inc.

EFFECTIVE DATE: December 29, 1988.

FOR FURTHER INFORMATION CONTACT: Benjamin A. Puyot, Center for Veterinary Medicine (HFV-130), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1415.

### SUPPLEMENTARY INFORMATION:

Veterinary Service, Inc., 416 North Jefferson St., P.O. Box 2467, Modesto, CA 95354, has informed FDA that it is now the sponsor of NADA 65-252 (Vetstrep 25 percent—Streptomycin sulfate oral solution, veterinary) formerly held by Merck Sharp & Dohme Research Laboratories. Merck Sharp & Dohme Research Laboratories has informed FDA of the change of sponsor. The agency is amending 21 CFR 510.600(c) (1) and (2) and 21 CFR 544.170b(c) (2) to reflect the change in sponsor.

### List of Subjects

#### 21 CFR Part 510

Administrative practice and procedure, animal drugs, labeling, reporting and recordkeeping requirements.

#### 21 CFR Part 544

Animal drugs, antibiotics.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, Parts 510 and 544 are amended as follows:

### PART 510—NEW ANIMAL DRUGS

1. The authority citation for 21 CFR Part 510 continues to read as follows:

Authority: Secs. 512, 701(a) (21 U.S.C. 360b, 371(a)); 21 CFR 5.10 and 5.83.

2. Section 510.600 is amended in the table in paragraph (c)(1) by alphabetically adding an entry for "Veterinary Service, Inc.," and in paragraph (c)(2) by numerically adding an entry in the table for "033008" to read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

(c) \* \* \*

(1) \* \* \*

| Firm name and address                                                               | Drug labeler code |
|-------------------------------------------------------------------------------------|-------------------|
| Veterinary Service, Inc., 416 North Jefferson St., P.O. Box 2467, Modesto, CA 95354 | 033008            |

(2) \* \* \*

| Drug<br>labeler<br>code | Firm name and address                                                                |
|-------------------------|--------------------------------------------------------------------------------------|
| 033008 ....             | Veterinary Service, Inc., 416 North Jefferson St., P.O. Box 2467, Modesto, CA 95354. |

#### PART 544—OLIGOSACCHARIDE CERTIFIABLE ANTIBIOTIC DRUGS FOR ANIMAL USE

3. The authority citation for 21 CFR Part 544 continues to read as follows:

Authority: Secs. 512, 82 Stat. 343-351 (21 U.S.C. 360b); 21 CFR 5.10, 5.83.

##### § 544.170b [Amended]

4. Section 544.170b *Streptomycin hydrochloride/streptomycin sulfate oral solution* is amended in paragraph (c)(2) by removing "[Reserved]" and replacing it with "See 033008 in § 510.600(c) of this chapter."

Dated: December 19, 1988.

Robert C. Livingston,

Deputy Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 88-29889 Filed 12-28-88; 8:45 am]

BILLING CODE 4160-01-M

#### 21 CFR Part 1010

[Docket No. 86N-0211]

#### Performance Standards for Electronic Products: General; Variances From Performance Standards

AGENCY: Food and Drug Administration.

ACTION: Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is making minor clarifying changes in its variance regulations. FDA is also discontinuing its procedure of publishing in the *Federal Register* notices of the availability of approved variances from performance standards for electronic products. FDA believes there is minimal public interest in the variance procedure, as evidenced by the fact that no one has ever responded to published notices of availability of approved variances. Issuance of this final rule will help conserve FDA's resources.

**EFFECTIVE DATE:** This final rule will become effective January 30, 1989.

**FOR FURTHER INFORMATION CONTACT:** Arlene Underdonk, Center for Devices and Radiological Health (HFZ-83), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3426.

**SUPPLEMENTARY INFORMATION:** In the *Federal Register* of July 14, 1981 (46 FR 36333), FDA announced the agency's plan for conducting a systematic review of its rules and asked the public to comment on those FDA regulations that are perceived to be the most burdensome. The purpose of the review was to identify regulations that impose unnecessary burdens on the public generally or on specific segments of the public such as small business and, for such regulations, to explore alternative measures for protecting the public health. Subsequently, as a result of the assessment of public comments received in response to FDA's notice and of other available information, the agency published a notice in the *Federal Register* of July 2, 1982 (47 FR 29004), that identified the rules initially selected for highest priority review. The July 2, 1982, notice also advised that FDA intended to select other rules for review.

Although the July 2, 1982, notice did not identify the regulation concerning the procedure used to grant variances from performance standards for electronic products, FDA's experience in implementing the regulation since 1974 indicated a need for its review.

Therefore, FDA conducted a comprehensive review of this regulation in light of the Regulatory Flexibility Act (Pub. L. 96-354), Executive Order 12291, and FDA's experience in implementing the regulation for the past 14 years.

On June 2, 1988 (53 FR 20137), FDA proposed to revise its variance regulations. Based upon review of correspondence and applications for variances received from manufacturers of electronic products, FDA proposed to make minor clarifying changes to help applicants more readily understand FDA's requirements and thus to expend fewer resources in the submission of applications. Also, the agency proposed to remove the requirement in the variance procedure (21 CFR 1010.4(c)(2)) that a notice of availability of the approved variance be published in the *Federal Register*. The agency believes that publication of the notice of approval is not necessary because there is a lack of public interest in the variance procedure as evidenced by a complete absence of responses to published notices of availability of approved variances.

Interested persons were given until August 1, 1988, to submit comments, but no comments were received. Accordingly, FDA is adopting the amendments as proposed.

FDA will continue to maintain the administrative record of each variance action, which record will include the applications for variances and for any

amendments and extensions of variances as well as all correspondence on the applications. The administrative record will be on file at FDA's Dockets Management Branch, and all nonconfidential documents in it will be available under the Freedom of Information Act (5 U.S.C. 552). Removing the requirement for announcement of the approval of a variance in the *Federal Register* will not speed up approval of a variance, because approval of a variance takes place before FDA's publication of a notice of availability of a variance. Issuance of this final rule will, however, help conserve FDA's resources by eliminating unnecessary *Federal Register* documents.

#### Environmental Impact

The agency has determined under 21 CFR 25.24(a)(8) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

#### Economic Impact

FDA has carefully analyzed the economic effects of this final rule and has determined that the rule would not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act. In accordance with section 3(g)(1) of Executive Order 12291, the impact of this final rule has been carefully analyzed, and it has been determined that the final rule does not constitute a major rule as defined in section 1(b) of the Order.

#### List of Subjects in 21 CFR Part 1010

Administrative practice and procedure, Electronic products, Exports, Radiation protection.

Therefore, under the Public Health Service Act, as amended by the Radiation Control for Health and Safety Act, and under authority delegated to the Commissioner of Food and Drugs, Part 1010 is amended as follows:

#### PART 1010—PERFORMANCE STANDARDS FOR ELECTRONIC PRODUCTS: GENERAL

1. The authority citation for 21 CFR Part 1010 is revised to read as follows:

Authority: Sec. 358, 82 Stat. 1177; 42 U.S.C. 263f; 21 CFR 5.10.

2. Section 1010.4 is amended by revising paragraph (a), by removing paragraph (c)(2), and by redesignating paragraphs (c) (3) and (4) as paragraphs