(10) Special situations in which the Associate Administrator for Center Operations, after consultation with the General Counsel, determines in advance in writing that the interest of the Government will be served by an employee's participation, in his official capacity and as a designated NASA representative, in a public ceremony or other event at the expense of a private company.

(11) Acceptance of transportation or other services provided by a private company in special situations in which the Administrator or the Deputy Administrator determines in advance in writing that acceptance of such transportation or other services will facilitate the conduct of official business and be in the best interest of the Government.

(e) A gift or gratuity, the receipt of which is prohibited under paragraph (b) of this section, will be returned to the donor. If return is not possible, the gift or gratuity will be turned over to a public or charitable institution and a report of such action, and the reasons why return was not feasible, will be made to the employee's supervisor. When possible, the donor should also be informed of such action.

(f) An employee will not solicit a contribution from another employee for a gift to an official superior, make a donation as a gift to an official superior, or accept a gift presented as a contribution from an employee receiving less salary than himself (5 U.S.C. 7351). However, this paragraph does not prohibit a voluntary gift of nominal value or a donation in a nominal amount made on a special occasion such as marriage, illness or death, or retirement.

(g) An employee will not accept a gift, present, decoration, or other thing from a foreign government unless authorized by Congress as provided by the Constitution and in 5 U.S.C. 7342 (see NASA instruction NMI 1030.1A).

§ 1207.735–202 Statutory prohibitions.

The prohibitions set forth in § 1207.735–201 are to be construed as being in addition to and not in limitation of:

(a) The prohibitions of 18 U.S.C. 201, as amended, relating to the corrupt solicitation or receipt of, or agreement to receive, anything of value in connection with an employee's performance of his official duty; and

(b) The prohibitions of 18 U.S.C. 203, as amended, relating to the unlawful solicitation or receipt of, or agreement to receive, compensation for services rendered by an employee in connection with matters affecting the Government.

4. Section 1207.735–305 is revised to read as follows:

§ 1207.735–305 Compensation, honorariums, travel expenses.

(a) An employee may accept compensation or an honorarium for permissible outside employment or other outside activity which is nonofficial in character unless otherwise prohibited by this subpart.

(b) (1) Except as provided in § 1207.735–201(d)(9) and in paragraph (b)(2) of this section, travel expenses will be borne by the Government when official employment activities of NASA employees are involved, including attendance at meetings of nongovernmental organizations. Conversely, when nonofficial outside employment activities are involved, appropriated funds will not be utilized for travel or subsistence.

(2) Contributions and awards incident to training in non-Government facilities and travel, subsistence, and other expenses incident to attendance at meetings may be accepted by NASA employees, provided that such contributions, awards, and payments are made by non-profit organizations pursuant to 5 U.S.C. 4111 (formerly the Government Employees Training Act), and that the employee has obtained specific written authorization to accept the contribution or award.

(c) No employee shall accept (1) any honorarium of more than $1,000 (excluding amounts accepted for actual travel and subsistence expenses) for any appearance, speech, or article, or (2) honorariums aggregating more than $15,000 in any calendar year (18 U.S.C. 616). The provisions of this paragraph apply whether the appearance, speech or article is approved as permissible outside employment under Subpart C of this part, or pertains to the private interests of the employee.

5. Section 1207.735–309 is amended by adding paragraph (d) reading as follows:

§ 1207.735–309 Related statutory provisions.

* * * * *

(d) 18 U.S.C. 616 provides:

Whoever, while an elected or appointed officer or employee of any branch of the Federal Government—

(1) accepts any honorarium of more than $1,000 (excluding amounts accepted for actual travel and subsistence expenses) for any appearance, speech, or article; or

(2) accepts honorariums (not prohibited by paragraph (1) of this section) aggregating more than $15,000 in any calendar year;

shall be fined not less than $1,000 nor more than $5,000.

Effective date. This amendment takes effect on January 19, 1976.

JAMES C. FLETCHER,
Administrator.

[FR Doc.76–1476 Filed 1–16–76;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket C–2768]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Colwell & Co., et al.

Subpart—Advertising falsely or misleadingly: § 13.73 Formal regulatory and statutory requirements; 13.73–92 Truth in Lending Act; § 13.155 Prices; 13.155–95 Terms and conditions; 13.155–95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Prices: § 13.1823 Terms and conditions; 13.1823–20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 Formal regulatory and statutory requirements; 13.1852–75 Truth in Lending Act; § 13.1905 Terms and conditions; 13.1905–60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; 15 U.S.C. 45, 1601, et seq.)

In the Matter of Colwell & Co., a Corporation, and Thomas F. Colwell and Phillip F. Foster, Individually and as Directors of Said Corporation

Consent order requiring a Denver, Colo., real estate company, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

ORDER

It is ordered, That respondents Colwell & Co., a corporation, its successors and assigns, its officers, and Thomas F. Colwell and Phillip F. Foster, individually and as directors of said corporation, and respondents' agents, representatives, salesmen and employees, directly or through any corporation, subsidiary, division or other device, in connection with any advertisement to aid, promote or assist, directly or indirectly, any arrangement or extension of consumer credit as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Pub. L. 90–321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Representing in any such advertisement, directly or by implication, that no downpayment is required, the amount of the downpayment or the amount of any instalment payment, either in dollars or as a percentage, the dollar amount of any finance charge, the number of instalments or the period of repayment, or that there is no charge for credit, unless all of the following items are clearly and conspicuously stated, in terminology prescribed under § 226.8 of Regulation Z, as required by § 226.10(d)(2) of Regulation Z:

(a) The cash price; [the amount of the loan;]

(b) The amount of the downpayment required or that no downpayment is required, as applicable;

(c) The number, amount and due dates or period of payments scheduled to repay the indebtedness if the credit is extended; and

(d) The amount of the finance charge expressed as an annual percentage rate.

2. Stating in any advertisement the rate of a finance charge unless said rate

[1] Copies of the Complaint, Decision and Order, filed with the original document.

is expressed as an annual percentage rate, using the term "annual percentage rate", as "finance charge" and "annual percentage rated" are defined in § 226.2 and as required by § 226.10(d)(1) of Regulation Z.

3. Failing, in any advertisement, to make all disclosures as required by § 226.10 in the manner prescribed by §§ 226.6, 226.8 and 226.10 of Regulation Z.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in any corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the individual respondents named herein promptly notify the Commission of the discontinuance of their present business or employment and of their affiliation with a new business or employment. Such notice shall include respondents' current business address and a statement as to the nature of the business or employment in which they are engaged as well as a description of their duties and responsibilities.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

The Decision and Order was issued by the Commission Dec. 15, 1975.

VIRGINIA M. HARDING,
Acting Secretary.

[FR Doc.76-1436 Filed 1-16-76;8:45 am]

[Docket C-2767]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Magnetic Video Corporation et al.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.42 Connection of others with goods; § 13.95 Identity of product; § 13.135 Nature of product or service; § 13.160 Promotional sales plans; § 13.205 Scientific or other relevant facts; § 13.235 Source or origin; 13.235–40 In general. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533–20 Disclosures. Subpart—Misbranding or mislabeling: § 13.1170 Advertising and promotion; § 13.1230 Identity; § 13.1260 Nature; § 13.1320 Scientific or other relevant facts. Subpart—Misrepresenting oneself and goods—Goods: § 13.1655 Identity; § 13.1685 Nature; § 13.1740 Scientific or other relevant facts. —Promotional sales plans: § 13.1830 Promotional sales plans. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1855 Identity; § 13.1870 Nature; § 13.1895 Scientific or other relevant facts. Subpart—offering unfair, improper and deceptive inducements to purchase or deal: § 13.2063 Scientific or other relevant facts. Subpart—Securing orders by deception: § 13.2170 Securing orders by deception. Subpart—Using deceptive techniques in advertising: § 13.2275 Using deceptive techniques in advertising; 13.2275–65 Labeling depictions.

(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)

In the Matter of Magnetic Video Corporation, a Corporation, and Andre Blay, Individually and as an Officer of Said Corporation

Consent order requiring a Farmington Hills, Mich., manufacturer and distributor of various tape products, including compilations of hits and sound alike recordings, among other things to cease using any advertisement or promotional material which misrepresents that any tape product has been recorded by the original artist(s). Further, respondents must either disclose the name of the actual recording artist or print a warning advising prospective purchasers that the product "is not an original artist recording."

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:[1]

It is ordered, That respondents Magnetic Video Corporation, a corporation, its successors and assigns, and its officers, and Andre Blay, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any other corporation, subsidiary, division, or other device in connection with the sale of tape products recorded by a person or persons other than the original artist(s), in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using any label, package, catalogue, or any form of advertising, promotional material or point of sale material which:

(a) Contains any likeness of an original artist(s);

(b) Contains any illustration similar to that on the album cover or tape label used in the original artist(s) recording;

(c) Implies, in any manner, that the tape product has been recorded by an original artist(s).

2. Offering for sale, selling, or distributing any tape product recorded by one other than the original artist(s), unless the tape product's package or label contains either the name(s) of the actual artist(s) or a clear and conspicuous disclosure which reads:

"THIS IS NOT AN ORIGINAL ARTIST RECORDING"

(a) If the legend "THIS IS NOT AN ORIGINAL ARTIST RECORDING" is employed, that legend shall appear on the front and spine of the tape product's label in capital letters and in bold-face type set in type of at least the following sizes:

Front of the package___ 12-point type.
Spine of the package___ 8-point type.

(b) If the name(s) of the actual artist(s) is(are) used in conjunction with the name(s) of the original artist(s), the name(s) of the actual artist(s) shall appear in capital letters and in bold-face type on the same surface of the tape product as the name(s) of the original artist(s) appear(s). The name(s) of the actual artist(s) shall be printed in type which is at least the same size as the type size employed for the name(s) of the original artist(s).

(c) If the name(s) of the actual artist(s) is(are) not used in conjunction with the name(s) of the original artist(s), the disclosure shall comply with the requirements of Paragraph 2(a).

(d) The disclosure employed shall be a separate element of the label set in contrasting type on a solid-color background and shall not include any part of any picture design, illustration or other text, *Provided,* That if the name(s) of the original artist(s) is(are) used, the name of the actual artist(s) may be placed directly under or adjacent to the name(s) of the original artist(s).

3. Offering for sale, selling, or distributing any sound alike tape product, the title of which does not either name the actual artist or clearly disclose that the tape product is a sound alike recording, by incorporating the words, "Sounds like" or "Sound alike," or words of similar import and meaning.

4. Advertising any tape product not recorded by the original artist(s), unless respondents, in all advertisements of such tape products, either disclose clearly and conspicuously the name(s) of the actual artist(s) for each such recording, or make one clear and conspicuous disclosure which reads:

"THIS IS NOT AN ORIGINAL ARTIST RECORDING"

For the purposes of this section of the order, the term "advertisement" shall mean all advertising in newspapers, magazines, and other printed periodicals; advertisements appearing on television and radio, and catalogues.

(a) If the name of each actual artist is not clearly and conspicuously disclosed, respondents shall set forth the disclosure, "This Is Not An Original Artist Recording," in all printed advertisements, in capital letters and in bold-face type, set in type of at least the following sizes:

Advertisements of a trim size larger than 144 square inches. 24-point type.

[1] Copies of the Complaint, Decision and Order, filed with the original document.