Del Rio, TX—Del Rio Intl., NDB Rwy 13, Original
Del Rio, TX—Del Rio Intl., NDB Rwy 13, Original, cancelled

* * * *Effective September 6, 1979*

Arcata-Eureka, CA—Arcata, NDB–A, Amdt. 4
Champaign-Urbana, IL—University of Illinois-Willard, NDB Rwy 31, Amdt. 7
McAlester, OK—McAlester Muni, NDB Rwy 1, Original
Eagle Lake, TX—Eagle Lake, NDB Rwy 17, Original, cancelled

4. By amending § 97.29 ILS–MLS SIAPs identified as follows:

* * * *Effective October 4, 1979*

Minneapolis, MN—Minneapolis-St. Paul Intl./Wold-Chamberlain/, ILS Rwy 4, Amdt. 17
Minneapolis, MN—Minneapolis-St. Paul Intl./Wold-Chamberlain/, ILS Rwy 11R, Amdt. 1
Minneapolis, MN—Minneapolis-St. Paul Intl./Wold-Chamberlain/, ILS BC Rwy 22, Amdt. 6
Minneapolis, MN—Minneapolis-St. Paul Intl./Wold-Chamberlain/, ILS Rwy 29L, Amdt. 36
Minneapolis, MN—Minneapolis-St. Paul Intl./Wold-Chamberlain/, ILS Rwy 29R, Amdt. 3
Latrobe, PA—Westmoreland County, ILS Rwy 23, Amdt. 9
Appleton, WI—Outagamie County, ILS Rwy 3, Amdt. 9
Cheyenne, WY—Cheyenne Muni, ILS Rwy 26, Amdt. 30

* * * *Effective September 20, 1979*

Topeka, KS—Forbes Field, ILS Rwy 31, Amdt. 3
Detroit, MI—Detroit Metropolitan Wayne Co., ILS Rwy 21L, Amdt. 1
Detroit, MI—Detroit Metropolitan Wayne Co., ILS Rwy 21R, Amdt. 14
St. Louis, MO—Spirit of St. Louis, ILS Rwy 7, Amdt. 6
New York, NY—LaGuardia, ILS Rwy 13, Amdt. 11

* * * *Effective September 6, 1979*

Arcata-Eureka, CA—Arcata, ILS Rwy 31, Amdt. 23
Denver, CO—Stapleton Intl., ILS Rwy 35L, Amdt. 22
Denver, CO—Stapleton Intl., ILS Rwy 35R, Amdt. 4
Champaign-Urbana, IL—University of Illinois-Willard, ILS Rwy 31, Amdt. 8
Sioux Falls, SD—Joe Foss Field, ILS Rwy 21, Original

5. By amending § 97.31 RADAR SIAPs identified as follows:

* * * *Effective October 4, 1979*

Minneapolis, MN—Minneapolis-St. Paul Intl./Wold-Chamberlain/, RADAR–1, Amdt. 28

* * * *Effective September 6, 1979*

Champaign-Urbana, IL—University of Illinois-Willard, RADAR–1, Amdt. 2

6. By amending § 97.33 RNAV SIAPs identified as follows:

* * * *Effective October 4, 1979*

Sparta, MI—Sparta, RNAV Rwy 24, Original
Minneapolis, MN—Minneapolis-St. Paul Intl./Wold-Chamberlain/, RNAV Rwy 29R, Amdt. 5
Appleton, WI—Outagamie County, RNAV Rwy 29, Original

* * * *Effective September 20, 1979*

Topeka, KS—Forbes Field, RNAV Rwy 13, Amdt. 1
Humboldt, NE—Humboldt Muni, RNAV–B, Amdt. 1
Lone Rock, WI—Tri-County, RNAV Rwy 27, Amdt. 3

(Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 (49 U.S.C. §§ 1348, 1354(a), 1421, and 1510); Sec. 6(c), Department of Transportation Act (49 U.S.C. § 1655(c)); and 14 CFR 11.49(b)(3).)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Washington, D.C. on August 3, 1979.

Note.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on May 12, 1979.

John S. Kern,
Acting Chief, Aircraft Programs Division.

[FR Doc. 79-24753 Filed 8-10-79; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 14

Comparative Advertising; Issuance of a Policy Statement

AGENCY: Federal Trade Commission.

ACTION: Issuance of a Policy Statement.

SUMMARY: This Policy Statement articulates the Commission's position on comparative advertising. It is based on an investigation which the Commission's staff conducted of industry trade associations and the advertising media regarding their comparative advertising policies.

In essence, the Commission's Statement makes three points. First, the Commission encourages comparative advertising which names, or makes reference to, competitors. However, the Commission requires clarity and, if necessary, disclosure to avoid deception of the consumer. Second, industry codes and interpretations which prohibit certain advertising practices, such as "disparagement" or "disparagement of competitors" may operate as a restriction on comparative advertising and are subject to challenge by the Commission. Third, industry codes and interpretations which impose a higher standard of substantiation for comparative claims than for unilateral claims are inappropriate and should be revised.

The Commission issued the Policy Statement because it believed that the industry would benefit from a restatement of the agency's views on the matter.

DATES: The Policy Statement is effective on August 13, 1979.

FOR FURTHER INFORMATION CONTACT: Mitchell Paul, Staff Attorney, Division of Advertising Practices, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580. (202) 724–1471.

Accordingly, § 14.15 of title 16 is added to the Code of Federal Regulations and reads as follows.

§ 14.15 In regard to comparative advertising.

(a) *Introduction.* The Commission's staff has conducted an investigation of industry trade associations and the advertising media regarding their comparative advertising policies. In the course of this investigation, numerous industry codes, statements of policy, interpretations and standards were examined. Many of the industry codes and standards contain language that could be interpreted as discouraging the use of comparative advertising. This Policy Statement enunciates the Commission's position that industry self-regulation should not restrain the use by advertisers of truthful comparative advertising.

(b) *Policy Statement.* The Federal Trade Commission has determined that it would be of benefit to advertisers, advertising agencies, broadcasters, and self-regulation entities to restate its current policy concerning comparative advertising.[1] Commission policy in the area of comparative advertising encourages the naming of, or reference to competitiors, but requires clarity, and, if necessary, disclosure to avoid deception of the consumer. Additionally, the use of truthful comparative advertising should not be restrained by broadcasters or self-regulation entities.

(c) The Commission has supported the use of brand comparisions where the

[1] For purposes of this Policy Statement, comparative advertising is defined as advertising that compares alternative brands on objectively measurable attributes or price, and identifies the alternative brand by name, illustration or other distinctive information.

bases of comparision are clearly identified. Comparative advertising, when truthful and nondeceptive, is a source of important information to consumers and assists them in making rational purchase decisions. Comparative advertising encourages product improvement and innovation, and can lead to lower prices in the marketplace. For these reasons, the Commission will continue to scrutinize carefully restraints upon its use.

(1) *Disparagement.* Some industry codes which prohibit practices such as "disparagement," "disparagement of competitors," "improper disparagement," "unfairly attaching," "discrediting," may operate as a restriction on comparative advertising. The Commission has previously held that disparaging advertising is permissible so long as it is truthful and not deceptive. In *Carter Products, Inc.*, 60 F.T.C. 782, *modified*, 323 F.2d 523 (5th Cir. 1963), the Commission narrowed an order recommended by the hearing examiner which would have prohibited respondents from disparaging competing products through the use of false or misleading pictures, depictions, or demonstrations, "or otherwise" disparaging such products. In explaining why it eliminated "or otherwise" from the final order, the Commission observed that the phrase would have prevented

> respondents from making truthful and non-deceptive statements that a product has certain desirable properties or qualities which a competing product or products do not possess. Such a comparison may have the effect of disparaging the competing product, but we know of no rule of law which prevents a seller from honestly informing the public of the advantages of its products as opposed to those of competing products. 60 F.T.C. at 796.

Industry codes which restrain comparative advertising in this manner are subject to challenge by the Federal Trade Commission.

(2) *Substantiation.* On occasion, a higher standard of substantiation by advertisers using comparative advertising has been required by self-regulation entities. The Commission evaluates comparative advertising in the same manner as it evaluates all other advertising techniques. The ultimate question is whether or not the advertising has a tendency or capacity to be false or deceptive. This is a factual issue to be determined on a case-by-case basis. However, industry codes and interpretations that impose a higher standard of substantiation for comparative claims than for unilateral claims are inappropriate and should be revised.

(Sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 79-24876 Filed 8-10-79; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 153

Navajo-Hopi Joint Use Area Grazing; Revision of Regulations to Allow for Grazing Permits Pending Relocation

August 8, 1979.

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Final rule.

SUMMARY: Revision of grazing regulations so as to issue permits to person awaiting relocation for the grazing of a limited number of livestock.

DATE: August 13, 1979.

FOR FURTHER INFORMATION CONTACT: Lynn Montgomery, Acting Project Officer, Bureau of Indian Affairs, P.O. Box 1889, Flagstaff, AZ. 86001; 602/774-5261.

The principal author of these regulations is David E. Jones, Indian Affairs Division, Office of the Solicitor, Washington, D.C. 20240; 202/343-9331.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was published on August 18, 1978, 43 FR 36647, to allow for the issuance of permits to persons awaiting relocation for the grazing of a limited number of livestock.

In response to the notice, one comment was made by the Navajo Tribe, the proponents of the revision, and numerous comments were offered by the Hopi Tribe challenging the authority to promulgate such a proposal. The question of the authority of the Secretary of the Interior with respect to grazing matters in the former Joint Use Area had also been raised by the Hopi Tribe before the District Court in the supplemental proceeding, *Sekaquaptewa v. MacDonald*, Civ. No. 579 Pct (JAW), D. Az. Comparable comments made by the Hopi Tribe in the rulemaking had also been submitted to the Court in several memoranda. On November 30, 1978, the District Court handed down a decision. The decision affirmed the Secretary's authority to regulate grazing in the former Joint Use Area. Because the decision addressed points raised by the Hopi Tribe concerning the Secretary's authority, it thus dealt with the comments submitted by the Tribe within the initial comment period which challenged the exercise of such authority. Specific consideration of the Tribe's initial comments in promulgation of the revision has been foreclosed.

The Navajo Tribe's comment that the revision should not be limited to only one-half the grazing capacity being issued to persons awaiting relocation was also dealt with in the Court's decision. The Court stated that the issuance of permits to members of one tribe must be limited to one-half the grazing capacity.

Revision of the rulemaking in light of views expressed by the Court in its decision of November 30, 1978, is also required. Changes are necessitated in § 153.1(h), "persons awaiting relocation," to add another criterion that such a person shall have been grazing livestock on the date of entry of the Judgment of Partition, February 10, 1977; in § 153.20(b), to add a sentence after the second sentence to establish a limitation on the number of permitted livestock so as not to exceed the number the person was grazing on the date of the entry of the Partition Judgment; and in § 153.20(e), to add several provisions for the expiration of a permit—if and when the person discontinues grazing livestock—and reduction of the number of permitted livestock. The language added to the last subsection is taken verbatim from the decision of the Court. Because these additions are required as a matter of law, comment on them is unnecessary for publication to become effective.

Three changes were also informally proposed to the revision so as to further limit permits. Several revisions were proposed to be added to § 153.20(b): (1) to limit the number of permitted livestock to a subsistence level, (2) to clarify that the permit applicant must furnish information concerning the need for livestock and (3) that dietary and household needs are the factors, along with the previously indicated criteria, for the decision on numbers of livestock to be permitted to a person. And rather than for a five year term as initially proposed, the provisions in §§ 153.9 and 153.20(e) were proposed to be revised to limit permits to a one year term, subject to renewal. These changes were considered minor so that general public comment was unnecessry to publication to become effective. Instead of such public comment, the comments of the chairmen of the two affected tribes were sought before proceeding to final