

IN THE MATTER OF

DETROIT AUTO DEALERS ASSOCIATION, INC., ET AL.

Docket 9189. Interlocutory Order, Aug. 6, 1986.

NOTICE OF INTENT TO RELEASE CONFIDENTIAL INFORMATION

This is to advise the parties to this proceeding that the Commission intends to order placement on the public record of Complaint Counsel's Motion to Dismiss the Complaint with Respect to Certain Respondents and Request for Certification of Motion to the Commission.

In making a determination to release *in camera* material in the course of an adjudicative proceeding, the Commission must balance the potential harm of such release to the protected party against the substantial interest in the public having available the factual background of a Commission decision. Public knowledge of such information permits both improved evaluation of the fairness and wisdom of a given Commission decision, and provides clearer guidance to affected parties. *See, RSR Corp.*, 88 F.T.C. 734 (1976).

Here we have concluded that no competitive or other harm would result from release of this information. Accordingly, release of this information will occur no sooner than ten (10) calendar days following service of this notice.

Modifying Order

108 F.T.C.

IN THE MATTER OF

THE J.B. WILLIAMS COMPANY, INC., ET AL.

MODIFYING ORDER IN REGARD TO ALLEGED VIOLATION OF
THE FEDERAL TRADE COMMISSION ACT*Docket C-2037. Consent Order, Sept. 9, 1971—Modifying Order, Aug. 20, 1986*

The Federal Trade Commission has modified a 1971 order with respondents (79 F.T.C. 410) by terminating a perpetual obligation that the company submit advertising and labeling to the FTC at six month intervals to demonstrate compliance with the order. The FTC concluded that it was in the public interest to relieve respondents of the costs of compliance with this provision.

ORDER REOPENING AND MODIFYING CEASE AND DESIST ORDER
ISSUED ON SEPTEMBER 9, 1971

On February 19, 1986, Beecham, Inc., on behalf of itself and its wholly-owned subsidiary, J.B. Williams Company, Inc., petitioned the Commission to reopen the proceeding in Docket No. C-2037 and modify the order against J.B. Williams issued by the Commission on September 9, 1971. Pursuant to Section 2.51 of the Commission's Rules of Practice, Beecham's petition was placed on the public record for comment. No comments were received.

Summary of Order

The order prohibits certain product effectiveness representations in advertising the product, "Proslim", or "any other purported weight reducing or weight control product".

In addition, the order prohibits the dissemination of any advertising which, in any manner, makes reference to scientific or medical tests or studies as substantiating any representation or claim as to the effectiveness or performance of any consumer product, unless such scientific tests or studies do, in fact, substantiate such representation or claim. The order further imposes the continuing obligation on the respondent to submit to the Commission samples of all advertising and labeling every six months to show continued compliance.

*Request That Provision Requiring Substantiation
For Product Claims Be Set Aside*

Beecham first requests that Part II of the order, which requires substantiation for product claims, be deleted from the order on the basis of changed conditions of fact and public interest considerations.

Beecham bases its request that Part II be deleted from the order